CITY OF STONECREST, GEORGIA

CITY COUNCIL MEETING – AGENDA

3120 Stonecrest Blvd., Stonecrest, GA 30038

Wednesday, June 29, 2022 at 6:00 PM

Mayor Jazzmin Cobble

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

District 3 - Vacant ***Mayor Pro Tem George Turner - District 4***

Council Member Tammy Grimes - District 5

Citizen Access: Stonecrest YouTube Live Channel

I. CALL TO ORDER: George Turner, Mayor Pro-Tem

II. ROLL CALL: Sonya Isom, City Clerk

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. APPROVAL OF THE AGENDA

VI. REVIEW AND APPROVAL OF MINUTES

a. Approval - of the May 23, 2022 Meeting Minutes

b. Approval - of the June 6, 2022 Special Called Meeting Minutes

VII. PUBLIC COMMENTS

(This meeting will be conducted in person. Public comments received via email by 2 pm on the day of the meeting will be read into the minutes by the City Clerk)

There is a two (2) minute time limit for each speaker during public comment.

VIII. PUBLIC HEARINGS

Citizens wishing to participate and comment during the public hearing portion of the meeting may comment in person. You may also submit your request including your full name, address, position on the agenda item you are commenting on (for or against) via email to

cityclerk@stonecrestga.gov by 2 pm the day of the Hearing. A zoom link for the meeting will be sent to you.

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

As an alternative, you can submit comments and questions to the same email address by the same deadline to be read into the record at the meeting.

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

a. TMOD-22-001 - Definitions and Uses Text Amendment - *Keedra Jackson*

b. **For Decision** - TMOD-22-001 Definitions and Uses Text Amendment - *Keedra Jackson*

c. TMOD-22-005 - Towing & Wreckage Text Amendment - *Keedra Jackson*

d. **For Decision** - TMOD-22-005 Towing & Wreckage Text Amendment - *Keedra Jackson*

e. TMOD-22-006 - Distillery Text Amendment - *Keedra Jackson*

f. **For Decision** - TMOD-22-006 Distillery Text Amendment - *Keedra Jackson*

IX. ANNOUNCEMENTS

X. CONSENT AGENDA

XI. REPORTS & PRESENTATIONS

a. ARPA Survey Results, Berry Dunn - *Markes Wilson*

b. Former Board Appreciation - *Mayor Pro Tem George Turner*

XII. OLD BUSINESS

a. **For Decision** - Request of the South River Watershed Alliance Regarding Everette Park - *Mayor Pro Tem George Turner*

XIII. NEW BUSINESS

a. **For Decision -** Rezoning of RZ-22-002 - To provide a decision to defer back to Planning Commission- Rezoning of 2376 2300, 2330, 2368 and 2376 South Stone Mountain Lithonia Rd and 1801 Coffee Road - *Keedra Jackson*

b. **For Decision** - SDP22-000002 - Flat Rock Hills Subdivision Final Plat Phase 4A - *Keedra Jackson*

c. **For Decision** - SDP22-000001 - Flat Rock Hills Preliminary Plat - *Keedra Jackson*

d. **For Decision -** SDP22-000007 - Preliminary Plat for the Merritt Crest at Stonecrest Subdivision - *Keedra Jackson*

e. **For Decision -** SDP22-000010 - Preliminary Plat for Crestwind Subdivision - *Keedra Jackson*

f. **For Discussion** - Regulation of Build to Rent Subdivisions and Other Rental Housing - *Attorney Winston Denmark*

g. **For Decision -** 2022 Street Resurfacing - *Gia Scruggs*

h. **For Decision** - American Facilities Services Contract Amendment - *Gia Scruggs*

i. **For Decision** - Transportation Committee Resolution Update - *Mayor Pro Tem George Turner*

j. **For Decision** - Authorized Bank Signers Resolution - *Janice Allen Jackson*

k. **For Discussion** - City Hall Security Discussion - *Mayor Jazzmin Cobble*

XIV. CITY MANAGER UPDATE

XV. MAYOR AND COUNCIL COMMENTS

XVI. EXECUTIVE SESSION

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

XVII. ADJOURNMENT

Americans with Disabilities Act

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

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

CITY OF STONECREST, GEORGIA

CITY COUNCIL MEETING – MINUTES

3120 Stonecrest Blvd., Stonecrest, GA 30038

Monday, May 23, 2022 at 7:00 PM

Mayor - Vacant

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

District 3 - Vacant ***Mayor Pro Tem George Turner - District 4***

Council Member Tammy Grimes - District 5

Citizen Access: Stonecrest YouTube Live Channel

I. CALL TO ORDER: George Turner, Mayor Pro-Tem

Meeting called to order at 7:02 PM

II. ROLL CALL: Sonya Isom, City Clerk

All members present.

III. INVOCATION

Invocation by Councilmember Rob Turner

IV. PLEDGE OF ALLEGIANCE

V. APPROVAL OF THE AGENDA

Councilmember Tammy Grimes requested to move Presentation Item A and Presentation Item B after Review and Approval of Minutes.

Mayor Pro Tem George Turner requested to add the following under Appointments: Lemuel Hawkins for Planning Commission, Lance Watson for CID Advisory Committee and Revonda Cosby for Economic Development Steering Committee.

Motion - made by Councilmember Rob Turner to approve the agenda with stated changes. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

VI. REVIEW AND APPROVAL OF MINUTES

a. Approval - of the April 25, 2022 Meeting Minutes

Motion - made by Councilmember Tammy Grimes to approve the April 25, 2022 Meeting Minutes. Seconded by Councilmember Rob Turner.

Motion passed unanimously.

VII. PUBLIC COMMENTS

Citizens are welcome to make public comments in person. Citizens may also submit public comments via email to cityclerk@stonecrestga.gov by 2 pm on the day of the meeting to be read aloud by the City Clerk.

There is a two (2) minute time limit for each speaker submitting or reading a public comment.

City Manager Janice Allen Jackson clarified Public Comment and Public Hearing rules.

Mayor Pro Tem George Turner stated the Council will respond to comments anytime after this evenings meeting and before the next meeting.

Terry Fye - Decriminalizing marijuana

Malaika Wells - Adopting an Ethics Resolution modeling after GMA sample

Faye Cofield - Street lights are out at I-20 and Lithonia Industrial Boulevard. Would like someone to contact Mr. Pascal regarding his startup business and program in Africa.

Mayor Pro Tem George Turner responded to public commenter Terry Fye, stating his inquiry has been forwarded to the City's legal Counsel and the City Council will review. Attorney Denmark stated there is a 60 day window to prepare draft.

VIII. PUBLIC HEARINGS

Citizens wishing to participate can comment in person during the Public Hearing portion of the meeting or submit your comments including your full name, address, position on the agenda of the item you are commenting on (for or against) via email to cityclerk@stonecrestga.gov by 2 pm the day of the Hearing. A zoom link for the meeting will be sent to you.

When it is your turn to speak, please state your name, address and relationship to the case. As an alternative, you can submit comments and questions to the same email address by the same deadline to be read into the record at the meeting.

There is a ten (10) minute time limit for each item per side during all public hearings. There is a two (2) minute time limit for each speaker. Only the applicant may reserve time for rebuttal. Supporting speakers may not request rebuttal or speak a second time unless called upon by the applicant during the reserved time.

a. TMOD 22-008 - Adult Day Center - *Keedra Jackson*

Acting Planning & Zoning Director Keedra Jackson gave a brief overview.

Motion - made by Councilmember Rob Turner to open the Public Hearing for TMOD 22-008. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

In favor - none

In opposition - Bernard Knight

Motion - made by Councilmember Tammy Grimes to close the Public Hearing for TMOD 22-008. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

Keedra Jackson clarified what an Adult Day Center is versus a Personal Care Home or Medical Care Facility.

Motion - made by Councilmember Rob Turner to approve TMOD 22-008 with the stated changes. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

b. TMOD 22-005 - Towing & Wreckage Services - *Keedra Jackson*

Acting Planning & Zoning Director Keedra Jackson gave a brief overview.

Motion - made by Councilmember Tammy Grimes to open the Public Hearing for TMOD 22-005. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

In favor - none

In opposition - none

Motion - made by Councilmember Tammy Grimes to close the Public Hearing for TMOD 22-005. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

Motion - made by Councilmember Tara Graves to defer TMOD 22-005. Seconded by Councilmember Tammy Grimes.

Substitute motion - made by Councilmember Tara Graves to defer TMOD 22-005 for decision only, for 30 days, to be heard at the next City Council Meeting. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

c. RZ-22-001 - Hunter's Ridge Rezoning - *Keedra Jackson*

Mayor Pro Tem George Turner read a letter recusing himself from participation in any action on this agenda item.

Motion - made by Mayor Pro Tem George Turner to select Councilmember Rob Turner as Temporary Presiding Officer. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

Acting Planning & Zoning Director Keedra Jackson gave a brief overview.

Motion - made by Councilmember Tammy Grimes to open the Public Hearing for RZ-22-001. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

In favor:

Devon Alexander

Major Saddler

May Austin

Gwen Daugett

Iris Buchanan-Perry

Vivian Hudson

Dwight and Victoria Shelton

Jewel Johnson

The last two comments stated opposition but read in favor of.

Motion - made by Councilmember Tara Graves to extend the Public Hearing by five minutes. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

In opposition - none

Motion - made by Councilmember Tara Graves to close the Public Hearing for RZ-22-001. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

Motion - made by Councilmember Tammy Grimes to approve RZ-22-001 Hunters Ridge Rezoning back to its original R100. Seconded by Councilmember Tara Graves.

Motion withdrawn to approve RZ-22-001 Hunters Ridge.

Motion - made by Councilmember Tammy Grimes to move the reading of the Ordinance from New Business to Public Hearing. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

Motion - made by Councilmember Tammy Grimes to approve the Ordinance for RZ-22-001 Hunters Ridge Rezoning. Seconded by Councilmember Tara Graves.

Preamble of Ordinance read by City Clerk.

Motion passed unanimously.

IX. CONSENT AGENDA

X. ANNOUNCEMENTS

XI. APPOINTMENTS

EnterTextHere

a. Appointment to Planning Commission - *Mayor Pro Tem George Turner*

Motion - made by Mayor Pro Tem George Turner to accept Lemuel Hawkins as a member of the Planning Commission to represent District 5. Seconded by Councilmember Rob Turner.

Per Mayor Pro Tem George Turner, Mr. Hawkins cannot be sworn in until he is trained.

Motion passed unanimously.

Motion - made by Councilmember Rob Turner to accept Lance Watson as a member of the CID Advisory Committee. Seconded by Mayor Pro Tem George Turner.

Motion passed unanimously.

Motion - made by Mayor Pro Tem George Turner to accept Revonda Cosby as a member of the Economic Development Steering Committee. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

XII. REPORTS & PRESENTATIONS

a. Proclamation for Malik Melson - *Councilwoman Tammy Grimes*

Councilmember Tammy Grimes gave an introduction of Malik Melson and presented him with a Proclamation. Councilmember Grimes shared how 10 year old Malik wanted to feed the homeless for his birthday, is always eager to help with his community and is a great example for others his age.

b. Proclamation for Salem Middle School Lions - *Councilwoman Tammy Grimes*

Mayor Pro Tem George Turner congratulated the Salem Middle School Boys Baseball Team and presented two members of the team with a Proclamation. The Salem Middle School Lions are the Dekalb County School District Middle School Boy's Baseball Champions, ending their baseball season with 14 wins and 2 losses.

c. Proclamation for Willie Hinton - *Mayor Pro Tem George Turner*

Mayor Pro Tem George Turner shared how Mr. Willie Lee Hinton Jr., who passed away on March 20, 2022 was a pillar in the community. He shared some highlights of his life, his accomplishments and read the Proclamation from the City that will be presented to Mrs. Hinton.

d. Former Board Appreciation - *Mayor Pro Tem George Turner*

Mayor Pro Tem George Turner wanted to acknowledge each former Board Member of the City for their service. Although conditions do not permit the opportunity to present as envisioned, the Presentation was delivered virtually. The City Council will plan to invite all former members to join in the Chambers at a later date for an additional show of appreciation.

The Presentation honoring some of the City's Former Board and Committee members was presented by Deputy City Clerk Aisha Harris.

XIII. OLD BUSINESS

a. For Decision - Financial Management Policy Revision - 2nd Read - *Gia Scruggs*

Finance Director Gia Scruggs brought the 2nd Read of the Financial Management Policy Revision with the proposed changes that were discussed April 25, 2022. The preamble of the Ordinance was read by the City Clerk.

Motion - made by Councilmember Rob Turner to approve the Financial Management Policy Revision. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

b. For Decision - Final Cooperation Agreement with the East Metro DeKalb CID - *Jonathan Bartlett*

Economic Development Director Jonathan Bartlett provided a brief overview. During the December 20, 2021 City Council Meeting the City Manager was authorized to enter into a Cooperation Agreement with the East Metro CID and a draft of the agreement was approved. East Metro CID identified a couple of minor changes requested of the City and Mr. Bartlett is bringing the agreement back to Council for review.

The substantive change that has been made requests the City accept notice of one week instead of two weeks. The Committee recommends copies of this Resolution be sent by US Mail to members of the East Metro CID that has property in the City of Stonecrest. This amounts to 112 property owners.

Motion - made by Councilmember Rob Turner to approve the Final Cooperation Agreement with the East Metro Dekalb CID. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

XIV. NEW BUSINESS

a. For Decision - TMOD 22-008 - Adult Day Center - *Keedra Jackson*

This item was approved in the Public Hearing.

b. For Decision - TMOD 22-005 - Towing & Wreckage Services - *Keedra Jackson*

This item was addressed in the Public Hearing and deferred to the next City Council Meeting.

c. For Decision - RZ-22-001 - Hunter's Ridge Rezoning - *Keedra Jackson*

This item was approved in the Public Hearing.

d. Update - Announcement of Municipal Court Fee Schedule - *Mallory Minor*

Announcement of Municipal Court Fee Schedule presented by Municipal Court Clerk Mallory Minor. Court Clerk Minor shared the Public Announcement and reviewed the Schedule of Fees for services provided by the Municipal Court.

No action required. Court Clerk Minor will come back to Council in 45 days to request approval. A Resolution will be presented at that time.

The Fee Schedule will be posted on the City's website and objections must be submitted within 30 days of posting. The fees must be in writing by electronic communication and forwarded to the City Attorney, Mayor and City Council.

e. For Decision - Establishment of Charter Commission - *Mayor Pro Tem George Turner*

Mayor Pro Tem George Turner stated it is the Council's intent to call for the Charter Commission officially by adopting a Resolution. Mayor Pro Tem read the draft Ordinance's preamble.

Motion - made by Councilmember Rob Turner to adopt the Resolution for creation of a Charter Commission for the City of Stonecrest. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

There are eight members, one from each Council member, one from the Mayor and one from each branch of the Georgia General Assembly. The City Attorney will serve as an ex-officio member.

f. Update - Metro Green Update - *Attorney Winston Denmark*

Attorney Denmark gave an update on the Metro Green litigation. Attorney Denmark confirmed there was an order issued by Judge Tangela Barrie of Superior Court to cease concrete crushing and all other activities. These are preliminary orders and determinations. As long as the litigation is ongoing, this order is in effect.

XV. CITY MANAGER UPDATE

a. COVID Update

City Manager Janice Allen Jackson gave a COVID update. There is a rise in the number of cases in DeKalb County. City Manager Jackson is encouraging everyone to remain cautious and practice social distancing.

b. City Hall Reopening

City Manager Janice Allen Jackson confirmed City Hall is open for business. If you would like to meet with someone specific, staff requests you make an appointment at this time to confirm the needed staff is available.

c. Survey

City Manager Janice Allen Jackson confirmed the ARPA survey is on the City's website and will be available thru June 18, 2022. All residents and business owners in the community, as well as stakeholders are invited to complete the survey. The City is interested in what citizens and business owners consider are the greatest needs of the City of Stonecrest.

XVI. MAYOR AND COUNCIL COMMENTS

District 1/Councilmember Tara Graves - Congratulations to all City of Stonecrest Class of 2022 Graduates. If you have not taken advantage of early voting, please vote and let your voice be heard. Samson Health and Fitness located at New Birth has extended hours for the summer beginning June 1, 2022 for the youth. Visit the Parks and Recreation website for pop up summer camps in the City.

District 2/Councilmember Rob Turner - Congratulations to the Class of 2022 future leaders. It has been beautiful to see the graduations and celebrations of the young people. Please vote if you have not. Our City depends on it.

District 5/Councilmember Tammy Grimes - She is a very proud educator as a student she met in 1995, Shanice Kelly, has traveled the world, taught and received her PhD. Also, another student, Dr. Kristine Hadler, received her Doctorate degree from Morehouse School of Medicine. Please go vote. Please take care of and secure your weapons so there are no unnecessary funerals. If you are in need of mental health assistance, please reach out to someone.

District 4/Mayor Pro Tem George Turner - Invited Mr.Terry Fye to the podium and thanked him for attending and staying for the meeting. Don't forget to vote. Congratulations to all graduates.

XVII. EXECUTIVE SESSION

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

XVIII. ADJOURNMENT

Motion - made by Councilmember Tammy Grimes to adjourn the City Council Meeting at 9:49pm. Seconded by Councilmember Rob Turner.

Motion passed unanimously.

Americans with Disabilities Act

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

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

CITY OF STONECREST, GEORGIA

CITY COUNCIL SPECIAL CALLED MEETING – AGENDA

3120 Stonecrest Blvd., Stonecrest, GA 30038

Monday, June 06, 2022 at 7:00 PM

Mayor - Vacant

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

District 3 - Vacant ***Mayor Pro Tem George Turner - District 4***

Council Member Tammy Grimes - District 5

Citizen Access: Stonecrest YouTube Live Channel

I. CALL TO ORDER: George Turner, Mayor Pro-Tem

The meeting began at 7:05 pm.

II. ROLL CALL: Sonya Isom, City Clerk

All members were present.

III. AGENDA ITEMS

a. **For Decision** - City Hall Usage Review and Assessment Vendor Recommendation - *Gia Scruggs*

Finance Director, Gia Scruggs is recommending Sizemore Group to perform the City Hall Usage Review and Assessment. The cost for this assessment is for an amount not to exceed $72,156.00. The funding for this is SPLOST – Facilities/City Hall – Professional Services. The Finance Director explained the assessment would evaluate the current City Hall location, the Sam's Club building, and other potential City Hall locations within the City of Stonecrest. She also stated the study will take three (3) to six (6) months to complete and will include the city's current needs as well as projections for future needs, including a Public Works Department.

Motion – made by Councilmember Rob Turner to defer the decision on the City Hall Review and Assessment Vendor Recommendation for 30 days. Seconded by Councilmember Tammy Grimes.

The motion passed unanimously.

b. **For Decision** – Film, Music and Entertainment Consultant Recommendation - *Gia Scruggs*

Finance Director, Gia Scruggs is recommending Sound Diplomacy as the vendor to perform the Film, Music, and Entertainment Strategic Plan for the City of Stonecrest. The cost for this service will be for an amount not to exceed $88,500. The funding for this will be General Fund – Economic Development – Professional Services.

Motion – made by Councilmember Rob Turner to approve the Film, Music and Entertainment recommendation as given by the Finance Director. Seconded by Councilmember Tammy Grimes.

The motion passed unanimously.

c. **For Discussion/Decision** - June Council Meeting Adjustment - *Mayor Pro Tem George Turner*

Mayor Pro Tem George Turner explained the GMA Conference will be held June 23rd thru June 28th in Savannah, GA. All elected officials are invited for training. All Council Members are attending GMA and some will not return in time for the Monday evening City Council meeting. It is recommended the Council move the June 27, 2022 City Council meeting to June 29, 2022 at 6pm.

Motion – made by Councilmember Tammy Grimes to move the scheduled City Council meeting from June 27th to June 29th at 6 pm instead of 7 pm. Seconded by Councilwoman Tara Graves.

The motion passed unanimously.

d. **For Discussion/Decision** - Public Works Services - *Hari Karikaran*

A brief introduction was given by City Manager Janice Allen Jackson as an attempt to bring a Public Works discussion before council. Engineer Hari Karikaran presented council with an update on Public Works provided to the residents of the City of Stonecrest and a recommendation on how to proceed with transitioning the Public Works services to the City of Stonecrest. Mr. Karikaran reviewed services that would be included and stated the next step would be a CVIOG Study. City Manager Janice Allen Jackson stated the earliest possible date to start providing services would be July 1, 2023.

Hari Karikaran stated if council approved the Carl Vinson Institute of Government Study, he would like to bring this item back before council in September with more information.

e. **For Decision** - Carl Vinson Institute of Government Study - *Hari Karikaran*

Motion – made by Councilmember Rob Turner to defer the Carl Vinson Institute of Government Study for a minimum of thirty (30) days. Seconded by Councilmember Tara Graves.

Councilmember Tammy Grimes stated her unreadiness and asked if the initial thirty (30) days has passed, can another thirty (30) days be requested. Mayor Pro Tem confirmed the answer was yes.

The motion passed unanimously.

IV. EXECUTIVE SESSION

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

V. ADJOURNMENT

Motion – made by Councilmember Tammy Grimes to adjourn the Special Called Meeting at 8:19pm. Seconded by Councilmember Rob Turner.

The motion passed unanimously.

Americans with Disabilities Act

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THE CITY OF STONECREST GEORGIA

CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD-22-001 Definitions and Uses Text Amendment

AGENDA SECTION: (*check all that apply*)

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

CATEGORY: (*check all that apply*)

☒ **ORDINANCE** ☐ **RESOLUTION** ☐ **CONTRACT** ☐ **POLICY** ☐ **STATUS REPORT**

☐ **OTHER, PLEASE STATE:** Click or tap here to enter text.

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

Previously Heard Date(s): 01/24/22 & Click or tap to enter a date.

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

Current Council Meeting: Wednesday, June 29, 2022

SUBMITTED BY: Keedra T. Jackson, Acting Director of Planning & Zoning

PRESENTER: Keedra T. Jackson

PURPOSE: Amendment to Stonecrest Zoning Ordinance, Chapter 27, standardizing land use definitions and terms and to clarify and update the uses allowed in each zoning district.

FACTS: Click or tap here to enter text.

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

RECOMMENDED ACTION: Approval

ATTACHMENTS:

(1) Attachment 1 - Cover Letter
(2) Attachment 2 - Staff Report
(3) Attachment 3 - Chapter 27 Zoning Ordinance
(4) Attachment 4 - Click or tap here to enter text.
(5) Attachment 5 - Click or tap here to enter text.

TMOD-22-001

PLANNING & ZONING STAFF REPORT

MEETING DATE: June 29, 2022

GENERAL INFORMATION

Petition Number: TMOD 22-001

Applicant: Stonecrest Planning and Zoning Department

Project Location: City-Wide

Proposed amendment: Amendment to Stonecrest Zoning Ordinance, Chapter 27, standardizing land use definitions and terms and to clarify and update the uses allowed in each zoning district.

Facts and Issues:

- So many amendments have been made to the Zoning Ordinance since its original adoption in 2017, that questions often arise as to how the ordinance actually reads, let alone how to interpret it. Even Municode, a service that the city uses to codify the code is not up to date as of the writing of this report. Twelve text amendments alone were adopted in 2021 and none are included on the codified version of the Zoning Ordinance found online.
- To address this problem, staff has prepared two versions of the code in Adobe PDF digital format: (1) A version that includes all known adopted text amendments as of January 24, 2022, and (2) a June 14, 2022 draft version of the Zoning Ordinance that includes this text amendment TMOD-22-001 with all changes denoted by strikethrough and underline.
- For the sake of brevity only the June 14, 2022 version the code is included in the Planning Commission packet. The February 28, 2022 version can be found online on the city website.
- Throughout the adopted zoning ordinance numerous terms are used to describe the same land use, this text modification is an attempt to standardize those terms for the sake of consistency and readability.
- Many terms used in the current Zoning Ordinance are not defined, so additional definitions were added to help with document clarity.

- In preparing any updated version of the ordinance, several inconsistency and Scribner's errors were discovered which are corrected in this draft text. In short, this text amendment is primarily a much needed housekeeping exercise that should help citizens, developers and city officials all gain a better understanding of what is included in the City's adopted Zoning Ordinance.

Proposal:

- Staff is recommending that TMOD-22-001 be APPROVED as presented in the track changes version of the entire Zoning Ordinance dated February 27, 2022, and as summarized in Attachment 1, TMOD-22-001 Summary of Changes Table
- All of the proposed changes included in TMOD-22-001 are summarized in a 16-page table included in your packet, Attachment 1.
- Note that the table of contents included in PDF of the zoning ordinance is hyperlinked for ease of navigation.

Staff Recommendation: Approval of TMOD-22-001

Planning Commission Recommendation:

City Council recommended **a full cycle Deferal** back to the Planning Commission to allow more time to review the proposal.

Planning Commission heard the case on February 1, 2022, and recommended approval

Planning Commission recommended approval on June 7, 2022 to the updated document presented by staff

ATTACHMENTS:

1. TMOD-22-001 Summary of Changes

2. February 27, 2022 Draft Zoning Ordinance – with TMOD-22-001 changes shown in strikethrough and underline.

Track Changes Summary of Proposed Amendments to the Zoning Ordinance related to TMOD-21-017 - Standardization of Definitions

Article	Section	Change
2	2.3.2- RE District	Inserted lists of permitted and special uses
2	2.4.2 – RLG District	Inserted lists of permitted and special uses
2	2.5.2 – R-100 District	Inserted lists of permitted and special uses
2	2.6.2 – R-85 District	Inserted lists of permitted and special uses
2	2.7.2 – R-75 District	Inserted lists of permitted and special uses
2	2.8.2 – R-60 District	Inserted lists of permitted and special uses
2	2.9.2 – MHP District	Inserted lists of permitted and special uses
2	2.10.2 – RNC District	Inserted lists of permitted and special uses
2	2.10.7 – RNC Minimum lot width; minimum lot size; building setback; street width; and private drive width requirements	Removed redundancy between subsections – deleted subsections C and D.
2	2.10.11 RND Off Street Parking Requirements	Updated land use terms for Child care institution, group
2	2.12.2 – RSM District	Inserted lists of permitted and special uses
2	2.12.5 – RSM, density bonus example	Deleted outdated graphic of density bonus example
2	2.13.2 – MR-1 District	Inserted lists of permitted and special uses
2	2.14.2 – MR-2 District	Inserted lists of permitted and special uses
2	2.15.2 – HR-1 District	Inserted lists of permitted and special uses
2	2.16.2 – HR-2 District	Inserted lists of permitted and special uses
2	2.17.2 – HR-3 District	Inserted lists of permitted and special uses
2	2.19.3 – MU-1 District	Inserted lists of permitted and special uses
2	2.19.6 – MU-1, density bonus example	Deleted outdated graphic of density bonus example
2	2.20.2 – MU-2 District	Inserted new section that lists permitted and special uses
2	2.21.2 – MU-3 District	Inserted new section that lists permitted and special uses

Article	Section	Change
2	2.22.2 – MU-4 District	Inserted lists of permitted and special uses
2	2.23.2 – MU-5 District	Inserted lists of permitted and special uses
2	2.25.3 – NS District	Inserted lists of permitted and special uses
2	2.26.2 – C-1 District	Inserted lists of permitted and special uses
2	2.27.2 – C-2 District	Inserted lists of permitted and special uses
2	2.28.2 – OD District	Inserted lists of permitted and special uses
2	2.29.2 – OI District	Inserted lists of permitted and special uses
2	2.30.2 – OIT District	Inserted lists of permitted and special uses
2	2.31.2 – M District	Inserted lists of permitted and special uses
2	2.32.2 – M-2 District	Inserted lists of permitted and special uses
2	2.32.5 – M-2 Solid waste facility/landfill provisions	Deleted outdated section. Landfills are a prohibited use, per TMOD-21-010.
3	3.1.6 – Overlay Use Table	Updated table with new land use terms
3	3.33.5 – Principal uses and structures	Removed Utility structure necessary for the transmission or distribution of services. This was replaced Telecommunications text amendment in 2019, TMOD-19-004.
3	3.4.5 – Arabia Mtn Conservation Overlay	Updated land use terms in the list of prohibited uses, and added clarification of the term net lot area and lot coverage (Sections 3.4.7, 3.4.8, and 3.4.9).
3	3.5.15.2 Stonecrest Area Overlay	Updated land use terms.
3	3.33.5 and 3.33.6 - I-20 Overlay	Updated land use terms.
4	4.1.3.D. Prohibited Uses	Clarified language regarding the disposal or storage of hazardous/toxic solid waste approved as part of TMOD-21-010.
Agricultural		
Agriculture and Forestry		
4	Table 4.1 Use Table	Change “Agricultural” to “Agricultural activities”.
4	Table 4.1 Use Table	Remove “Commercial greenhouse or plant nursery” as it is identified in the Commercial Use list.

Article	Section	Change
4	Table 4.1 Use Table	Change “Temporary or Portable Sawmill” to “Sawmill, Temporary or Portable”.
Residential		
Dwellings		
4	Table 4.1 Use Table	Change “Dwelling, multi-family” to “Dwelling, multifamily”.
4	Table 4.1 Use Table	Change “High Rise Apartment” to “Dwelling, Apartment”.
4	Table 4.1 Use Table	Remove “live/work unit” from light industrial and heavy industrial
Housing and Lodging		
4	Table 4.1 Use Table	Change “Bed and Breakfast, home stay” to “Bed and Breakfast Establishment”.
4	Table 4.1 Use Table	Change “Child caring home” to “Child care home”.
4	Table 4.1 Use Table	Change “Child caring facility” to “Child care facility”.
4	Table 4.1 Use Table	Change “Extended stay hotel/motel” to “Hotel/motel, extended stay”.
4	Table 4.1 Use Table	Change “Short term vacation rental” to “Short-term vacation rental”.
Institutional/Public		
Education		
4	Table 4.1 Use Table	Remove “club, order or lodge, fraternal, non-commercial” from light industrial
4	Table 4.1 Use Table	Remove “colleges, universities, research and training facilities” from light industrial
4	Table 4.1 Use Table	Remove “places of worship” from light industrial and heavy industrial
4	Table 4.1 Use Table	Change “Private educational services, home occupation” to “Educational use, private”
4	Table 4.1 Use Table	Add “School, public kindergarten, elementary, middle or high schools” under Office Institutional and OIT

Article	Section	Change
4	Table 4.1 Use Table	Change “Specialized School” to “School, Specialty” to match the definition.
4	Table 4.1 Use Table	Change “Vocational School” to “School, Vocational”.
Commercial		
Automobile, boat and trailer sales and service		
4	Table 4.1 Use Table	Change “Auto recovery, storage” to “Automobile recovery and storage”.
4	Table 4.1 Use Table	Remove “Automobile recovery and storage” from heavy industrial
4	Table 4.1 Use Table	Change “Boat sales” to “Recreational vehicle, boat and trailer sales and service”.
4	Table 4.1 Use Table	Change “Automobile repair or maintenance, minor” to “Automobile repair, minor”
4	Table 4.1 Use Table	Remove “Automobile repair, minor” from heavy industrial
4	Table 4.1 Use Table	Remove “Automobile sales or trucks sales” from heavy industrial
4	Table 4.1 Use Table	Remove “Automobile service stations” from heavy industrial
4	Table 4.1 Use Table	Remove “Retail automobile parts or tire store” as it will be included under “Retail, 5,000 sf or less” or “Retail, over 5,000 sf.”
4	Table 4.1 Use Table	Remove “Trailer or RV salesroom and lots”.
Office		
4	Table 4.1 Use Table	Remove “Accounting office” from list as it will be included under “Office, professional”
4	Table 4.1 Use Table	Add “Automobile Brokerage” to Office Institutional” and “Office Institutional Transitional”
4	Table 4.1 Use Table	Separate “Building, landscape, heavy construction contractor office” into “Contractor, Landscape business” and “Contractor office, heavy construction”. Remove from light and

Article	Section	Change
		heavy industrial as office only. It will be included as “office, professional”. May be a permitted use if incidental business/building
4	Table 4.1 Use Table	Remove “Engineering or architecture office” as it will be included under “Office, professional”.
4	Table 4.1 Use Table	Remove “Finance office or banking” as it will be included under “Office, professional”.
4	Table 4.1 Use Table	Change “General business office” to “Office, professional”.
4	Table 4.1 Use Table	Remove “Insurance office” as it will be included under “Office, professional”.
4	Table 4.1 Use Table	Remove “Legal office” as it will be included under “Office, professional”.
4	Table 4.1 Use Table	Change “Medical office” to “Office, medical”.
4	Table 4.1 Use Table	Remove “Real estate office” as it will be included under “Office, professional”.
Recreation and Entertainment		
4	Table 4.1 Use Table	Change “Indoor recreation” to “Recreation, indoor”. Remove from Light and Heavy Industrial
4	Table 4.1 Use Table	Change “Outdoor recreation” to “Recreation, outdoor”. Remove from Light and Heavy Industrial
4	Table 4.1 Use Table	Remove “Fairground Amusement Park” from Heavy Industrial
4	Table 4.1 Use Table	Remove “Night Club” or “Late Night Establishments” from Light and Heavy Industrial
Retail		
4	Table 4.1 Use Table	Remove “Apparel or accessories store” as it will be included under “Retail, 5,000 sf or less” or “Retail, over 5,000 sf.”
4	Table 4.1 Use Table	Remove “Book, greeting card or stationary story” as it will be included under “Retail, 5,000 sf or less” or “Retail, over 5,000 sf.”
4	Table 4.1 Use Table	Remove “Camera or photography” as it will be

Article	Section	Change
		included under “Retail, 5,000 sf or less” or “Retail, over 5,000 sf.”
4	Table 4.1 Use Table	Remove “Computer or computer software store” as it will be included under “Retail, 5,000 sf or less” or “Retail, over 5,000 sf.”
4	Table 4.1 Use Table	Remove “Convenience store (see alcohol outlet or fuel pumps accessory) as it will be included under “Retail, 5,000 sf or less”.
4	Table 4.1 Use Table	Remove “Drive-thru facilities” and “Farmer’s Market” Permanent from Light and Heavy Industrial.
4	Table 4.1 Use Table	Remove “Farm or garden supply store” as it will be included under “Retail, 5,000 sf or less” or “Retail, over 5,000 sf.”
4	Table 4.1 Use Table	Remove “Florist” as it will be included under “Retail, 5,000 sf or less” or “Retail, over 5,000 sf.”
4	Table 4.1 Use Table	Remove “Specialty food stores” as it will be included under “Retail, 5,000 sf or less” or “Retail, over 5,000 sf.”
4	Table 4.1 Use Table	Remove “Gift, novelty or souvenir store” as it will be included under “Retail, 5,000 sf or less” or “Retail, over 5,000 sf.”
4	Table 4.1 Use Table	Remove “Gold buying” as it will be included under “Retail, 5,000 sf or less” or “Retail, over 5,000 sf.”
4	Table 4.1 Use Table	Remove “Grocery store” as it will be included under “Retail, 5,000 sf or less” or “Retail, over 5,000 sf.”
4	Table 4.1 Use Table	Remove “Hardware store or other building materials store” as it will be included under “Retail, 5,000 sf or less” or “Retail, over 5,000 sf.”
4	Table 4.1 Use Table	Remove “Hobby, toy or game store” as it will be included under “Retail, 5,000 sf or less” or “Retail, over 5,000 sf.”
4	Table 4.1 Use Table	Remove “Jewelry store” as it will be included

Article	Section	Change
		under “Retail, 5,000 sf or less” or “Retail, over 5,000 sf.”
4	Table 4.1 Use Table	Remove “Music or music equipment store” as it will be included under “Retail, 5,000 sf or less” or “Retail, over 5,000 sf.”
4	Table 4.1 Use Table	Remove “News dealer or news store” as it will be included under “Retail, 5,000 sf or less” or “Retail, over 5,000 sf.”
4	Table 4.1 Use Table	Remove “Office supplies and equipment store” as it will be included under “Retail, 5,000 sf or less” or “Retail, over 5,000 sf.”
4	Table 4.1 Use Table	Remove “Pet supply store” as it will be included under “Retail, 5,000 sf or less” or “Retail, over 5,000 sf.”
4	Table 4.1 Use Table	Remove “Pharmacy or drug store (see alcohol outlet)” as it will be included under “Retail, 5,000 sf or less” or “Retail, over 5,000 sf.”
4	Table 4.1 Use Table	Remove “Radio, television or computer electronics store” as it will be included under “Retail, 5,000 sf or less” or “Retail, over 5,000 sf.”
4	Table 4.1 Use Table	Remove “Specialty store” as it will be included under “Retail, 5,000 sf or less” or “Retail, over 5,000 sf.”
4	Table 4.1 Use Table	Remove “Sporting goods store” as it will be included under “Retail, 5,000 sf or less” or “Retail, over 5,000 sf.”
4	Table 4.1 Use Table	Remove “Thrift, secondhand, antique store” as it will be included under “Retail, 5,000 sf or less” or “Retail, over 5,000 sf.”
4	Table 4.1 Use Table	Remove “Variety store” as it will be included under “Retail, 5,000 sf or less” or “Retail, over 5,000 sf.”
Temporary Commercial Uses		
4	Table 4.1 Use Table	Change “Temporary outdoor events” to “Temporary outdoor sales or event, seasonal”.

Article	Section	Change
Services		
4	Table 4.1 Use Table	Change “Adult day care center” to “Adult Day Center”.
~~4~~	~~Table 4.1 Use Table~~	~~Change “Adult day care facility” to “Adult daycare facility”.~~
4	Table 4.1 Use Table	Change “Kennel, breeding or boarding” to “Kennel, breeding”
4	Table 4.1 Use Table	Remove “Photoengraving, typesetting and electrotyping” as it will be included under “Retail, 5,000 sf or less” or “Retail, over 5,000 sf.”
4	Table 4.1 Use Table	Remove “Photographic studios” as it will be included under “Retail, 5,000 sf or less” or “Retail, over 5,000 sf.”
4	Table 4.1 Use Table	Remove “Plumbing, HV/AC equipment establishments with no outdoor storage” as it will be included under a new use and definition of “Trade shops”.
4	Table 4.1 Use Table	Change “Publishing or printing establishments” to “Printing or publishing establishments”.
4	Table 4.1 Use Table	Remove “Quick copy printing store” as it will be included under “Retail, 5,000 sf or less” or “Retail, over 5,000 sf.”
Services, Medical and Health		
4	Table 4.1 Use Table	Change “Health services clinic” to “Clinic, health services”.
4	Table 4.1 Use Table	Remove “Home healthcare service” as it will be included under a new use and definition of “Personal services establishment”.
4	Table 4.1 Use Table	Change “Medical or dental laboratory” to “Laboratory, medical or dental”.
Services, Repair		
4	Table 4.1 Use Table	Remove “Furniture upholstery or repair, home appliance repair or service” as it will be included

Article	Section	Change
		under a new use and definition of “Personal services establishment”.
4	Table 4.1 Use Table	Remove “Personal service, repair” as it will be included under “Personal services establishment”.
Industrial		
4	Table 4.1 Use Table	Remove “Adult Day Care” was approved to be removed at 5/23/2022 City Council
4	Table 4.1 Use Table	Remove “Alcohol or alcoholic beverage manufacturing” as it will be included under “Industrial, light”.
4	Table 4.1 Use Table	Remove “Alcohol outlet package stores” as it will be included under “Commercial as 5,000 sf of retail or less”
4	Table 4.1 Use Table	Remove “Automobile Brokerage” as it will be included under “Office Institutional” and “Office Institutional Transitional”
4	Table 4.1 Use Table	Remove “Automobile/truck manufacturing” as it will be included under “Industrial, heavy”.
4	Table 4.1 Use Table	Add “Brewpub/Beer Growler, Accessory” as it will be included under “Industrial, light”.
4	Table 4.1 Use Table	Remove “Automobile Brokerage” as it will be included under “Office Institutional” and “Office Institutional Transitional”
4	Table 4.1 Use Table	Add “Brewery Craft” as it will be included under “Industrial, light”.
4	Table 4.1 Use Table	Add “Brewery Large Scale” as it will be included under “Industrial, heavy”.
4	Table 4.1 Use Table	Remove “Brick, clay, tile or concrete products terracotta manufacturing” as it will be included under “Industrial, heavy”.
4	Table 4.1 Use Table	Remove “Cement, lime, gypsum, or plaster of Paris manufacturing” as it will be included under “Industrial, heavy”.

Article	Section	Change
4	Table 4.1 Use Table	Remove “Compressed gas fuel station” as it will be included under “Industrial, heavy” or “Industrial, light”.
4	Table 4.1 Use Table	Remove “Chemical manufacture, organic or inorganic” as it will be included under “Industrial, heavy”.
4	Table 4.1 Use Table	Add “Distillery Craft” as it will be included under “Industrial, light”.
4	Table 4.1 Use Table	Add “Distillery Large Scale” as it will be included under “Industrial, heavy”
4	Table 4.1 Use Table	Remove “Distillation of bones or glue manufacture” as this use is prohibited.
4	Table 4.1 Use Table	Remove “Dye works” as this use is prohibited.
4	Table 4.1 Use Table	Remove “Explosives manufacture” as this use is prohibited.
4	Table 4.1 Use Table	Remove “Fabricated metal manufacture” as it will be included under “Industrial, heavy”.
4	Table 4.1 Use Table	Remove “Fuel dealers, manufactures, or wholesalers” as manufacture is prohibited. “Fuel dealers or wholesalers” will be included under “Industrial, heavy” or “Industrial, light”.
4	Table 4.1 Use Table	Remove “Ice manufacturing plant” as it will be included under “Industrial, heavy”.
4	Table 4.1 Use Table	Remove “Incineration of garbage or refuse when conducted within an enclosed plant” as this use is prohibited.
4	Table 4.1 Use Table	Remove “Leather manufacturing or processing” as it will be included under “Industrial, heavy”.
4	Table 4.1 Use Table	Remove “Light malt beverage manufacturer” as it will be included under “Industrial, heavy” or “Industrial, light”.
4	Table 4.1 Use Table	Change “Light manufacturing” to “Manufacturing, light”.
4	Table 4.1 Use Table	Remove “Paper or pulp manufacture” as this use is prohibited.

Article	Section	Change
4	Table 4.1 Use Table	Remove “Petroleum or inflammable liquids production, refining” as this use is prohibited.
4	Table 4.1 Use Table	Remove “Radioactive materials, utilization, manufacture, processing or emission” as this use is prohibited.
4	Table 4.1 Use Table	Remove “Repair/manufacture of clocks, watches, toys, electrical appliances, electronics” as it will be included under “Industrial, light”.
4	Table 4.1 Use Table	Change “Research, experimental or testing laboratories” to “Research and training facilities”
4	Table 4.1 Use Table	Remove “Rubber or plastics manufacture” as this use is prohibited.
4	Table 4.1 Use Table	Remove “Smelting: copper, iron, zing or ore” as this use is prohibited.
4	Table 4.1 Use Table	Change “Storage yard for damaged or confiscated vehicles” to “Storage yard for vehicles”.
4	Table 4.1 Use Table	Remove “Sugar refineries” as this use is prohibited.

4	Table 4.1 Use Table	Remove “Tire retreading and recapping” as this use is prohibited.
4	Table 4.1 Use Table	Remove “Transportation equipment manufacture” as it will be included under “Industrial, heavy”.
4	Table 4.1 Use Table	Change “Truck stop or terminal” to two uses “Truck stop” and “Truck terminal” as they mean different things.
Communication - Utility		
4	Table 4.1 Use Table	Change “Electric transformer station, gas regulator station or telephone exchange” to “Essential services”.
Article	**Section**	**Change**
4	4.2.29 Heavy	Remove outdated reference to landfills.

	Industrial Uses	
4	4.2.49 Solid waste facility regulations	Deleted section, which included outdated reference to landfills which are now prohibited.
4	4.3.5 Temporary outdoor sales or events	Updated terms
6	Table 6.2 Off-street Parking Ratios	Updated terms
7	7.4.7.D. Biomedical waste facility	Removed outdated subsection dealing with prohibited use.
Agricultural		
Animal Oriented Agriculture		
9	9.1.3 Defined Terms	Add the following definition: “Livestock sales pavilion - any place or establishment conducted or operated for compensation or profit consisting of pens, or other enclosures, in which house horses, cattle, mules, burros, swine, sheep, goats and poultry are temporarily received, held, assembled and/or slaughtered for either public or private sale.”
9	9.1.3 Defined Terms	Rename “Riding Stable” to “Riding academies or stables” and change existing definition to “Riding Academies or Stables - a building where horses and ponies are sheltered, fed, or kept and where riding lessons may be provided.”
Residential		
Dwellings		
9	9.1.3 Defined Terms	Rename “Cottage Homes” to “Dwelling, cottage home”.
9	9.1.3 Defined Terms	Rename “Live-work unit” to “Live/work unit”.
Housing and Lodging		
9	9.1.3 Defined Terms	Delete “Home stay bed and breakfast” as it will be considered “Bed and Breakfast Establishment”.
Institutional/Public		
Community Facilities		

9	9.1.3 Defined Terms	Add the following definition: “Government facilities - Buildings or office space utilized for the provision of services by the City of Stonecrest, DeKalb County, the State of Georgia, or the Federal Government including outdoor activities and parking. Such uses include, but are not limited to, the municipal building, fire stations, police stations, government offices, public parks and recreation related facilities and other similar uses.”
9	9.1.3 Defined Terms	Add the following definition: “Swimming pools, commercial – any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing that is intended to be used for such purposes and is operated for profit through a membership or daily fee.”
Commercial		
Automobile, boat and trailer sales and service		
9	9.1.3 Defined Terms	Change “Automobile repair and maintenance, major” to “Automobile repair, major”.
9	9.1.3 Defined Terms	Change “Automobile repair and maintenance, minor” to “Automobile repair, minor”.
Recreation and entertainment		
9	9.1.3 Defined Terms	Add the following definition: “Commercial entertainment means places of amusement or assembly including but not limited to motion picture theaters or cinemas, live theater, comedy clubs, bowling alleys, dance halls, skating rinks, etc. This definition does not include night clubs, party houses or brewpubs.”
Office		
9	9.1.3 Defined Terms	Add the following definition: “Office, building or construction – a temporary structure used as an office or storage for construction operations and is located at the construction site.”
9	9.1.3 Defined Terms	Change the definition of “General business See Office, professional.”
Retail		

9	9.1.3 Defined Terms	Add the following definition: “Trade shops - a building designed and equipped for carrying on the trades of metal working, woodworking, welding, plumbing, HVAC, machine work, electrical work, roofing or siding and glasswork and includes contracting in these trades.”
Temporary Commercial Uses		
9	9.1.3 Defined Terms	Add the following definition “Temporary trailer – a enclosed or unenclosed structure, on wheels, that is used for temporary storage purposes.”
Transportation and Storage		
9	9.1.3 Defined Terms	Add the following definition: “Bus or rail station or terminal – a designated place where a bus or train temporarily stops to embark or disembark passengers. A terminal is the location where the bus or train starts or ends its scheduled route.”
9	9.1.3 Defined Terms	Change “Commercial Parking Lot” to “Parking lot, commercial” and add the following definition: “Parking lot, commercial - means any area designed for temporary storage of motor vehicles by the motoring public in normal operating condition, for profit.
9	9.1.3 Defined Terms	Change “Commercial parking garage” to “Parking garage, commercial”.
Services		
9	9.1.3 Defined Terms	Add the following definition: “Bank, credit unions or other similar financial institutions – any building, property or activity of which the principal use or purpose is for federally insured depository purposes and including the provision of financial services such as loans and automated teller machines, but does not include cash advance, check cashing establishments, short-term loan, and pay day lending.”
9	9.1.3 Defined Terms	Change “Check cashing facility to “Check cashing establishment’.

9	9.1.3 Defined Terms	Add the following definition: “Coin Laundry - an establishment with coin-operated clothing washing machines and dryers for public use.”
9	9.1.3 Defined Terms	Add the following definition: “Outdoor storage, commercial - the keeping, in an unenclosed area, of any goods, materials, or merchandise associated for a daily, monthly or annual fee. This term does not include the parking of any vehicles or outdoor display of merchandise.”
Industrial		
9	9.1.3 Defined Terms	Add the following definition: “Heavy equipment repair, service or trade – a building or lot used for the repair, servicing, lease or sale of heavy equipment.”
9	9.1.3 Defined Terms	Add the following definition: “Railroad car classification yard or team truck yard – An area used to separate rail cars onto one of several tracks or reconfigure team trucks into different configurations.”
9	9.1.3 Defined Terms	Modify the definition of “Tow service” to “Towing or wreckage service – a business engaged in the transport or conveyance of vehicles from one point to another, for a fee, by use of a flatbed truck, tow truck or wrecker truck but does not include disposal, permanent disassembly, salvage, or accessory storage of inoperable vehicles.”
9	9.1.3 Defined Terms	Revise the definition of Truck Terminal – “Truck terminal means a building, structure or place at an industrial facility where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other trucks or modes of transportation. This is not intended for long term warehousing or storage of inventory or for retail sales, but to serve solely as a transfer facility. ”
9	9.1.3 Defined Terms	Add the following definition: “Warehousing or storage means a business establishment primarily engaged in the indoor or enclosed storage of merchandise, goods, and materials,

		not including “mini-warehouses”, “self-storage facilities,” or “truck terminals.”
Communication - Utility		
9	9.1.3 Defined Terms	Add the following definition: “Essential services - the erection, construction, alteration, or maintenance by public utilities or City departments of overhead, surface or underground gas, electrical steam, or water, distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substation, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such utility or City department or for the public health, safety, or general welfare, shall be exempt from the regulations of this code. The installation shall conform to Federal Communications Commission and Federal Aviation Agency rules and regulations, and those of other authorities having jurisdiction.”
9	9.1.3 Defined Terms	Add the following definition: “Radio or television broadcasting studio - An establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic, fiber optic, satellite, and telephonic mechanisms, including film and sound recording, a radio station, television studio or a telegraphic service office.”
9	9.1.3 Defined Terms	Add the following definition: “Radio or television broadcasting transmission facility - is an installation or facility used for transmitting terrestrial radio frequency and video signals for radio, television, wireless communication, broadcasting, microwave link, mobile telephone or other similar purposes.”
Wireless Telecommunication		

9	9.1.3 Defined Terms	Add the following definition: "Wireless Telecommunication Facilities – See Sub-section 4.2.57.B. – Supplemental Uses, Wireless telecommunications for the meaning of terms used in that section, including the following: 1. Accessory-equipment (or Equipment) 2. Administrative approval 3. Administrative review 4. Alternative Telecommunication Support Structure 5. Antenna 6. Applicant 7. Application 8. Attached wireless telecommunications facility 9. Carrier on wheels or cell on wheels (COW) 10. Collocate or collocation 11. Commission 12. Distributed antenna systems (DAS) 13. Equipment compound 14. FAA 15. FCC 16. Geographic search area (GSA) 17. Grantee 18. Guyed Structure 19. Height 20. Modification 21. Ordinary maintenance 22. Provider 23. Public Right(s)-of-Way 24. Public Street 25. Small Cell or Small-Cell Installation 26. Substantial increase in size 27. Telecommunications Facility 28. Telecommunications Service(s) 29. Telecommunications Support Structure 30. Utility 31. Visual Quality

Chapter 27 ZONING ORDINANCE

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Chapter 27 ZONING ORDINANCE

ARTICLE 1. GENERAL REQUIREMENTS

DIVISION 1. GENERAL PROVISIONS

Sec. 1.1.1. Short title.

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

(Ord. of 8-2-2017, § 1(1.1.1))

Sec. 1.1.2. Effective date.

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

(Ord. of 8-2-2017, § 1(1.1.2))

Sec. 1.1.3. Purpose and intent of code.

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

A. To guide and regulate the orderly growth, development, redevelopment and preservation of the City of Stonecrest in accordance with a well-considered comprehensive plan and with long-term objectives, principles and standards deemed beneficial to the interest and welfare of the people;

B. To protect the established character of both private and public property;

C. To promote, in the public interest, the wise utilization of land;

D. To provide for adequate light, air, convenience of access, and safety from fire, flood and other dangers;

E. To reduce or prevent congestion in the public streets;

F. To facilitate the creation of a convenient, attractive and harmonious community;

G. To encourage an aesthetically attractive environment, both built and natural, and to provide for regulations that protect and enhance these aesthetic considerations;

H. To expedite the provision of adequate police and fire protection, safety from crime, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;

I. To protect against destruction of, or encroachment upon, historic areas;

J. To protect against overcrowding of land, overcrowding of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, and loss of life or health or property from fire, flood, or other danger;

K. To encourage economic development activities that provide desirable employment and enlarge the tax base;

L. To promote the preservation of the unique natural and physical resources of the City including forested areas, riverbeds, stream beds, and archaeological sites;

M. To achieve compliance with all applicable state and federal regulations;

N. To protect the public welfare by protecting approach slopes and other safety areas of licensed airports;

O. To provide for and promote housing for all income groups and all citizens within the city;

P. To implement the authority, powers and duties of the planning commission and the zoning board of appeals pursuant to state and local law, including, but not limited to, Ga. Const. art. IX, section II, ¶ IV;

Q. To reduce or eliminate the secondary effects of sexually oriented businesses and other establishments that create such secondary effects while protecting legitimate constitutional rights of said establishments; and

R. To provide for protection of the constitutional rights and obligations of all citizens within the city.

(Ord. of 8-2-2017, § 1(1.1.3))

Sec. 1.1.4. Minimum requirements.

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

(Ord. of 8-2-2017, § 1(1.1.4))

Sec. 1.1.5. Authority.

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

(Ord. of 8-2-2017, § 1(1.1.5))

Sec. 1.1.6. General applicability.

All buildings and structures erected hereafter, all uses of land, water, buildings or structures established hereafter, all structural alterations or relocations of existing buildings occurring hereafter, and all enlargements of, additions to, changes in and relocations of existing uses occurring hereafter shall be subject to all regulations of this chapter which are applicable to the zoning district or districts in which such buildings, structures, uses or land are located. Existing buildings, structures and uses which comply with the regulations of this chapter shall be subject to all regulations of this chapter. Existing buildings, structures and uses which do not comply with the regulations of this chapter shall be authorized to continue subject to the provisions of article 8 of this chapter relating to nonconformities.

(Ord. of 8-2-2017, § 1(1.1.6))

Sec. 1.1.7. Applicability to all property.

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

(Ord. of 8-2-2017, § 1(1.1.7))

Sec. 1.1.8. General prohibition.

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

(Ord. of 8-2-2017, § 1(1.1.8))

Sec. 1.1.9. Interpretation and authority to administer.

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

(Ord. of 8-2-2017, § 1(1.1.9))

Sec. 1.1.10. Components of zoning ordinance.

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

(Ord. of 8-2-2017, § 1(1.1.10))

Sec. 1.1.11. Transitional provisions.

A. *New development.* Upon the effective date of this zoning ordinance or any subsequent amendment thereafter, any new building, structure or lot legally established shall be used, constructed or developed only in accordance with all applicable provisions of this zoning ordinance.

B. *Existing development.* Any existing use, lot, building or other structure legally established prior to the effective date of this zoning ordinance that does not comply with all of the provisions of this zoning ordinance shall be subject to the provisions of article 8 of this chapter, nonconformities.

C. *Transition to new zoning districts.* The zoning district names in effect under DeKalb County's prior version of its zoning ordinance are converted as shown in Table 1.1. To the extent other sections of the Code of the City of Stonecrest refer to such previous district names, unless and until such other sections are amended to

reflect a new intent, any reference to such previous district names shall be deemed to refer to both the previous district name and the new district name to which it is converted in this zoning ordinance.

D. *Pre-existing violations.* Any violation of the pre-existing zoning ordinance for which a citation has been issued as of the effective date of this zoning ordinance shall continue to be prosecuted subject to the penalties existing at the time of the issuance of the citation. If a violation of the pre-existing zoning ordinance existed as of the effective date of this zoning ordinance without a citation having been issued, and if the underlying activity that would have constituted a violation under the pre-existing zoning ordinance would not constitute a violation under this zoning ordinance, the violation shall be deemed to have been cured and no citation shall be issued.

E. *Completed applications prior to effective date of this zoning ordinance.*

1. Any proper and complete application (as defined in article 9 of this chapter) for a permit, license, rezoning, variance, or other approval that was submitted to and accepted by the DeKalb County planning department prior to the effective date of this zoning ordinance shall be evaluated by the City of Stonecrest based on the applicable law, rules, regulations and development standards in place at the time the application was submitted.

2. Applicants who submitted an application prior to the effective date of this zoning ordinance but who wish to proceed under the standards of this zoning ordinance may withdraw their application and submit a new application in accordance with the standards in this zoning ordinance and pay any fee required under this zoning ordinance.

F. *Prior approvals.*

1. *Zoning conditions.*

a. Any project that was approved prior to the effective date of the ordinance from which this chapter is derived by DeKalb County may be developed according to the provisions of the previously approved development, program, or plan. Where conditions were attached to such prior approval and such conditions conflict with a standard or requirement of this zoning ordinance, the previously approved zoning condition shall apply. If a previously approved development, program, plan or condition does not address a particular development standard or requirement of this zoning ordinance, the new standard or requirement of this zoning ordinance shall apply.

b. If an owner or applicant desires to have the standards and requirements of this chapter to apply instead of standards and requirements established by previously approved zoning conditions, the owner or applicant must apply for a zoning condition amendment, as provided in article 7 of this chapter.

c. Notwithstanding subsections A. and B. of this section, when no land disturbance or building permit has been issued on property located in an overlay district and on which a zoning condition was previously approved, and if the previously approved zoning condition is in conflict with the overlay district regulations, the overlay district regulations shall supersede the previously approved zoning condition.

2. *Development applications.* Projects with valid approvals or permits issued prior to the effective date of this zoning ordinance may be developed in accordance with the applicable law, rules, regulations and development standards in effect at the time of the approval or permit issuance, provided the permit or approval is valid and has not lapsed. Any reapplication for an expired approval or permit shall meet the standards of this zoning ordinance.

3. *Special land use permits.* Properties subject to a special land use permit that was approved prior to the effective date of this zoning ordinance shall continue to be subject to the terms of the special land use permit and previous zoning regulations even if the zoning district classification is amended to a new zoning district as part of the adoption of this zoning ordinance.

Table 1.1. Prior Zoning District Conversion to Established New Districts

Old District	New District by Type	District Name
Residential Single-Family Districts		
R-200	Residential Estate	RE
R-150		
R-30,000	Residential Large Lot	RLG
R-20,000		
R-100	Residential Medium Lot	R-100
R-85	Residential Medium Lot	R-85
R-75	Residential Medium Lot	R-75
R-60	Residential Small Lot	R-60
R-50		
MHP	Mobile Home Park	MHP
R-NVD	Neighborhood Conservation	RNC
Medium and High Density Residential Districts		
R-A5	Small Lot Residential Mix	RSM
R-A8		
R-CH		
R-CD		
R-DT		
TND		
RM-150		
RM-100	Medium Density Residential-1	MR-1
RM-85	Medium Density Residential-2	MR-2
RM-75		
New	High Density Residential-1	HR-1
RM-HD	High Density Residential-2	HR-2
New	High Density Residential-3	HR-3
Mixed Use Districts		
PC-1	Mixed Use Low Density	MU-1
New	Mixed Use Low-Medium Density	MU-2
New	Mixed Use Medium Density	MU-3
OCR	Mixed Use High Density	MU-4
PC-2, PC-3	Mixed Use Very High Density	MU-5
Nonresidential Districts		
NS	Neighborhood Shopping	NS
C-1	Local Commercial	C-1
C-2	General Commercial	C-2
O-I-T	Office-Institutional-Transitional	OIT
O-I	Office-Institutional	OI
O-D	Office-Distribution	OD
M	Light Industrial	M
M-2	Heavy Industrial	M-2

(Ord. of 8-2-2017, § 1(1.1.11))

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

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

(Ord. of 8-2-2017, § 1(1.1.12))

Sec. 1.1.13. Relation to private agreements.

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

(Ord. of 8-2-2017, § 1(1.1.13))

Sec. 1.1.14. Zoning maps.

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

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

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

Any conditions of zoning related to any property, either existing at the time of initial adoption imposed by DeKalb County or subsequently imposed by the city council shall be on the official zoning maps, with reference to the applicable zoning case number. The clerk to the city council shall maintain custody of the minutes applicable to the referenced zoning case numbers adopted by the City of Stonecrest, which state the zoning conditions. The director of planning shall maintain the minutes applicable to zoning conditions adopted by DeKalb County prior to the incorporation of the City of Stonecrest. All conditions referenced in the minutes of DeKalb County on parcels previously imposed by DeKalb County are hereby adopted and incorporated as if they were adopted by the City of

Stonecrest. If there is a conflict between the conditions on the official zoning map, or the condition is not depicted on the official zoning map, the conditions imposed in the text of the minutes incorporating the conditions shall apply. Uncertified copies of the official zoning maps may be provided to the public for informational purposes only.

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

(1) Amendments enacted by the city council but not yet depicted on the official zoning maps; and

(2) Uncertainties to be clarified by the city council as described in section 1.1.15.

Any inaccuracy on the official zoning maps that is reasonably determined to be a scrivener's error may be corrected by the planning director.

(Ord. of 8-2-2017, § 1(1.1.14))

Sec. 1.1.15. Interpretation of zoning maps.

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

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

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following city limit lines shall be construed as following such city limits.

D. Boundaries indicated as approximately following railroad lines shall be construed to be midway in the right-of-way.

E. Boundaries indicated as approximately following shorelines of bodies of water shall be construed to follow such shorelines. Boundaries indicated as approximately following the centerlines of creeks, streams, rivers, or other predominantly linear bodies of water shall be construed to follow such centerlines.

F. Boundaries indicated as parallel to or concentric with, or extensions of features indicated in sections A. through E. of this section, shall be so construed. Distances and dimensions not specifically indicated on the official zoning map shall be determined from the official zoning map by the director of planning.

G. Where areas appear to be unclassified on the official zoning map, and classification cannot be established by the above rules, such areas shall be considered to be classified Residential Estate (RE) until action is taken by the city council to amend the official zoning map.

H. Where territory is added to the jurisdictional area, it shall be considered to be classified Residential Estate (RE) until action is taken by the city council to amend the official zoning map.

I. Where uncertainties continue to exist or further interpretation is required beyond that provided for in the above sections, the question shall be presented by the director of planning to the city council to

enact a clarifying resolution and said action shall be recorded on the official zoning map as is provided herein.

(Ord. of 8-2-2017, § 1(1.1.15))

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

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

(Ord. of 8-2-2017, § 1(1.1.16))

Sec. 1.1.17. Reserved.

Sec. 1.1.18. Transition period.

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

(Ord. of 8-2-2017, § 1(1.1.18))

Sec. 1.1.19. Annexation.

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

(Ord. of 8-2-2017, § 1(1.1.19))

DIVISION 2. RELATIONSHIP TO COMPREHENSIVE PLAN

Sec. 1.2.1. Relationship to comprehensive plan.

A. Role of the comprehensive plan. The city comprehensive plan, consisting of its future development map and related policies, as may be amended from time to time, is hereby established as the official policy of the city concerning designated future land uses, and as a guide to decisions regarding the appropriate manner in which property may be zoned in the incorporated areas of the city. A copy of the city comprehensive plan, as may be amended from time to time, shall be maintained at the Planning & Zoning Department and be available for inspection by the public.

B. Relationship between the comprehensive plan and zoning. The city comprehensive plan does not change the existing zoning districts in the city, and does not itself permit or prohibit any existing or future land uses. Instead, the comprehensive plan establishes broad planning policy for current and future land uses and will be consulted as a guideline for making decisions about applications to amend the official city zoning map and text of the zoning ordinance.

C. Consistency with comprehensive plan character areas. Any applicant seeking to rezone property to a classification that is inconsistent with the adopted comprehensive plan must first obtain approval of an amendment to the comprehensive plan from the City Council, following the procedures in this Zoning Ordinance.

D. Amendments to the comprehensive plan. The comprehensive plan shall be reviewed and updated or amended (as appropriate) according to a schedule approved by the City Council, and as required by the DCA in compliance with the Rules of DCA, Chapter 110-12-1, Minimum Standards and Procedures for Local Comprehensive Planning. However, exceptions may be granted by the City Council in between the regular review and update cycle in cases of demonstrated hardship, or in cases of large-scale developments that may provide special economic benefits to the community. Requests for amendment exceptions shall be subject to same approval process as any regular scheduled comprehensive plan update, being subject to approval by City Council after receiving recommendations from the Planning Commission and following all the required elements of public involvement process, including public hearings.

[TMOD-21-001]

ARTICLE 2. DISTRICT REGULATIONS

DIVISION 1. ESTABLISHMENT OF DISTRICTS

Sec. 2.1.1. Districts established.

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

Table 2.1. Zoning Districts Established

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

(Ord. of 8-2-2017, § 1(2.1.1))

Sec. 2.1.2. Prior district classifications and conversion.

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

(Ord. of 8-2-2017, § 1(2.1.2))

Sec. 2.1.3. Additional regulations.

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

(Ord. of 8-2-2017, § 1(2.1.3))

Sec. 2.1.4. Reserved.

(Ord. of 8-2-2017, § 1(2.1.4))

[TMOD-21-001]

Sec. 2.1.5. Permitted uses.

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

DIVISION 2. RESIDENTIAL ZONING DISTRICTS: DIMENSIONAL REQUIREMENTS

Sec. 2.2.1. Dimensional requirements.

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

Table 2.2. Residential Zoning Districts Dimensional Requirements

Residential Single-Family Zoning Districts								
KEY: Housing Types: SF: Single-Family, TF: Two-Family, TRF: Three-Family, MF: Multifamily								
Element	*RE*	*RLG*	*R-100*	*R-85*	*R-75*	*R-60*	*MHP*	*RNC**
Lot Dimensions (minimum)								
Lot area (square feet)	43,560 (1 acre)	20,000	15,000	12,000	10,000	6,000/3,500 cottage	Parks: 20 acres Lots: 4,000	*
Lot width, street	150	65	100	85	75	60	Parks: 400 Lots: 50	*

frontage (feet)								
Lot width at building line (feet)	150	65	100	85	75	60	N/A	*
Lot width fronting cul-de-sac (feet)	35	35	35	35	35	35	N/A	*
Lot coverage (maximum percent)	25	30	35	35	35	35	N/A	*
Building Setbacks (minimum) Subject to article 5 of this chapter, Averaging Requirements								
Front thoroughfares (feet)	60	70	50	50	45	30	Parks: 250 Lots: 10	*
Front arterials (feet)	50	60	40	40	35	20	150	*
Front collector and all other streets (feet)	45	55	35	35	30	If RC/TC/NC: 15 If SUB: 20	100	*
Front with alley access (feet)	N/A	25	25	25	25	10	Parks: N/A Lots: 10	*
Side - interior building setback (feet)	20	10	10	8.5	7.5	7.5	Parks: 50 Lots: 7.5	*
Side - corner lot on public street (feet)**	Same as district indicates front setback, following street type along the corner side property line							
Rear (feet)	40	40	40	40	40	30	Parks: 40**** Lots: 7.5****	*
Unit Size, heated living area (minimum)								
Unit size (square feet)	2,000	2,000	2,000	1,800	1,600	1,200 If cottage: 800—1,200	N/A	*
Height (maximum)								
Main building (feet) (Residential infill overlay = 28 feet)	35	35	35	35	35	35	35	*
Accessory building (feet)	24	24	24	24	24	24	N/A	*
Open Space (minimum percent)								
Open space	20 percent***	20 percent***	20 percent***	20 percent***	20 percent***	20 percent***	20 percent***	*

[*] See division 10 of this article.

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

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

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

(Ord. of 8-2-2017, § 1(2.1.5))

[TMOD-21-001]

DIVISION 3. RE (RESIDENTIAL ESTATE) DISTRICT

Sec. 2.3.1. Statement of purpose and intent.

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

A. To preserve rural and estate residential character and to provide for very low density rural residential uses.

B. To provide for the protection of neighborhoods within the city where lots have a minimum area of one acre;

C. To provide protections for existing development as new subdivisions are created;

D. To ensure that the uses and structures authorized in the RE (Residential Estate) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood;

E. To provide for appropriately sized accessible and useable open space in new developments for the health, recreational and social opportunities for city citizens;

F. To provide areas for agricultural uses as appropriate;

G. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.3.1))

Sec. 2.3.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.3.2)) [TMOD-22-001]

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities

a. Dairy; see section 4.2

b. Keeping of livestock; see section 4.2

c. Keeping of poultry/pigeons; see section 4.2

d. Livestock sales pavilion; see section 4.2

e. Riding academies or stables; see section 4.2

f. Sawmill, temporary or portable; see section 4.2

g. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential

a. Dwelling, single-family (detached)

3. Institutional/Public

a. Golf course or clubhouse, public or private; see section 4.2

b. Government facilities

c. Neighborhood or subdivision clubhouse or amenities; see section 4.2

d. School, public kindergarten, elementary, middle or high schools

4. Commercial

a. Kennel, noncommercial

5. Communications – Utility

a. Essential services

b. Satellite television antenna; see section 4.2

6. Wireless Telecommunications

a. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural

a. Urban, community garden, over 5 acres

2. Residential

a. Home occupation, no customer contact; see section 4.2

b. Party house

3. Commercial

a. Farmer's market, temporary/seasonal; see section 4.2

b. Temporary outdoor retail sales; see section 4.2

c. Temporary outdoor sales or events, seasonal; see section 4.2

d. Temporary produce stand; see section 4.2

e. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications

a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential)

b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2

c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential

a. Bed and breakfast establishment; see section 4.2

b. Home occupation, with customer contact; see section 4.2

c. Child care home, 5 or less; see section 4.2

d. Convents or monasteries; see section 4.2

e. Personal care home, 6 or less; see section 4.2

f. Senior housing; see section 4.2

g. Short-term vacation rental

2. Institutional/Public

a. Cemetery, columbarium, mausoleum; see section 4.2

b. Places of worship; see section 4.2

c. Recreation club; see section 4.2

d. School, private kindergarten, elementary, middle or high schools; see section 4.2

e. Special events facility

f. Swimming pools, commercial; see section 4.2

3. Commercial

a. Adult daycare facility, up to 6; see section 4.2

b. Animal shelter/rescue center; see section 4.2

c. Child day care facility, up to 6; see section 4.2

d. Kennel, breeding; see section 4.2

e. Kennel, commercial

4. Communication – Utility

a. Amateur radio service or antenna; see section 4.2

5. Wireless Telecommunication

a. New support structure from 51 feet to 150 feet; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

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

[TMOD-22-001]

Sec. 2.3.3. Dimensional requirements.

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

(Ord. of 8-2-2017, § 1(2.3.3))

Sec. 2.3.4. Site and building design standards.

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

(Ord. of 8-2-2017, § 1(2.3.4))

DIVISION 4. RLG (RESIDENTIAL LARGE LOT) DISTRICT

Sec. 2.4.1. Statement of purpose and intent.

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

A. To provide for the protection of neighborhoods within City of Stonecrest where lots have a minimum area of 20,000 square feet, but may have narrow lot widths;

B. To provide for compatible infill development in neighborhoods;

C. To provide protections for existing development as new subdivisions are created;

D. To respond to existing site development conditions and patterns;

E. To ensure that the uses and structures authorized in the RLG (Residential Large Lot) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood;

F. To provide for appropriately sized accessible and useable open space in new developments for health, recreational and social opportunities for city residents;

G. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.4.1))

Sec. 2.4.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.4.2)) [TMOD-22-001]

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Keeping of livestock; see section 4.2
   b. Keeping of poultry/pigeons; see section 4.2
   c. Riding academies or stables; see section 4.2
   d. Urban Community Garden, up to 5 acres; see section 4.2
2. Residential
   a. Dwelling, single-family (detached)
3. Institutional/Public
   a. Golf course or clubhouse, public or private; see section 4.2
   b. Government facilities
   c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   d. School, public kindergarten, elementary, middle or high schools
4. Communications – Utility
   a. Essential services
   b. Satellite television antenna; see section 4.2
5. Wireless Telecommunications
   a. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres
2. Residential
   a. Home occupation, no customer contact; see section 4.2
   b. Party house
3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary outdoor sales or events, seasonal; see section 4.2
   d. Temporary produce stand; see section 4.2
   e. Temporary trailer, as home sales office or construction trailer; see section 4.2
4. Wireless Telecommunications
   a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential)
   b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Bed and breakfast establishment; see section 4.2
   b. Home occupation, with customer contact; see section 4.2
   c. Child care home, 5 or less; see section 4.2
   d. Convents or monasteries; see section 4.2
   e. Personal care home, 6 or less; see section 4.2
   f. Senior housing; see section 4.2
   g. Short-term vacation rental
2. Institutional/Public
   a. Cemetery, columbarium, mausoleum; see section 4.2
   b. Places of worship; see section 4.2
   c. Recreation club; see section 4.2
   d. School, private kindergarten, elementary, middle or high schools; see section 4.2
   e. Swimming pools, commercial; see section 4.2
3. Commercial
   a. Adult daycare facility, up to 6; see section 4.2
   b. Child day care facility, up to 6; see section 4.2
   c. Kennel, noncommercial
4. Communication – Utility
   a. Amateur radio service or antenna; see section 4.2
5. Wireless Telecommunication
   a. New support structure from 51 feet to 150 feet; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

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

[TMOD-22-001]

Sec. 2.4.3. Dimensional requirements.

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

(Ord. of 8-2-2017, § 1(2.4.3))

Sec. 2.4.4. Site and building design standards.

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

(Ord. of 8-2-2017, § 1(2.4.4))

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

Sec. 2.5.1. Statement of purpose and intent.

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

A. To provide for the protection of neighborhoods within the city where lots have a minimum area of 15,000 square feet;

B. To provide for compatible infill development in neighborhoods;

C. To provide protections for existing development as new subdivisions are created;

D. To provide flexibility in design on the interior of new development while protecting surrounding development;

E. To ensure that the uses and structures authorized in the R-100 (Residential Medium Lot-100) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood;

F. To provide for appropriately sized accessible and useable open space in new developments for health, recreational and social opportunities for city residents; and

G. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.5.1))

Sec. 2.5.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.5.2)) [TMOD-22-001]

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Keeping of livestock; see section 4.2
   b. Keeping of poultry/pigeons; see section 4.2
   c. Riding academies or stables; see section 4.2
   d. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Dwelling, single-family (detached)

3. Institutional/Public
   a. Golf course or clubhouse, public or private; see section 4.2
   b. Government facilities
   c. Neighborhood or subdivision clubhouse or amenities; see section 4.2

d. School, public kindergarten, elementary, middle or high schools

4. Communications – Utility
   a. Essential services
   b. Satellite television antenna; see section 4.2

5. Wireless Telecommunications
   a. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Residential
   a. Home occupation, no customer contact; see section 4.2

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary outdoor sales or events, seasonal; see section 4.2
   d. Temporary produce stand; see section 4.2
   e. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential)
   b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Bed and breakfast establishment; see section 4.2
   b. Home occupation, with customer contact; see section 4.2
   c. Child care home, 5 or less; see section 4.2
   d. Convents or monasteries; see section 4.2
   e. Personal care home, 6 or less; see section 4.2
   f. Senior housing; see section 4.2
   g. Short-term vacation rental
2. Institutional/Public
   a. Cemetery, columbarium, mausoleum; see section 4.2
   b. Places of worship; see section 4.2
   c. Recreation club; see section 4.2
   d. School, private kindergarten, elementary, middle or high schools; see section 4.2
   e. Swimming pools, commercial; see section 4.2

3. Commercial
   a. Adult daycare facility, up to 6; see section 4.2
   b. Child day care facility, up to 6; see section 4.2

c. Kennel, noncommercial

4. Communication – Utility
   a. Amateur radio service or antenna; see section 4.2

5. Wireless Telecommunication
   a. New support structure from 51 feet to 150 feet; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential
   a. Accessory uses or structures
   b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2

2. Institutional/Public
   a. Educational use, private; see section 4.2
   b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

3. Commercial
   a. Fitness center

[TMOD-22-001]

Sec. 2.5.3. Dimensional requirements.

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

(Ord. of 8-2-2017, § 1(2.5.3))

Sec. 2.5.4. Site and building design standards.

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

(Ord. of 8-2-2017, § 1(2.5.4))

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

Sec. 2.6.1. Statement of purpose and intent.

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

A. To provide for the protection of neighborhoods within the city where lots have a minimum area of 12,000 square feet;

B. To provide for compatible infill development in neighborhoods;

C. To provide protections for existing development as new subdivisions are created;

D. To provide flexibility in design on the interior of new development while protecting surrounding development;

E. To ensure that the uses and structures authorized in the R-85 (Residential Medium Lot-85) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood;

F. To provide for appropriately sized accessible and useable open space in new developments for health, recreational and social opportunities for city residents;

G. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.6.1))

Sec. 2.6.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.6.2)) [TMOD-22-001]

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Keeping of livestock; see section 4.2
   b. Keeping of poultry/pigeons; see section 4.2
   c. Riding academies or stables; see section 4.2
   d. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Dwelling, single-family (detached)

3. Institutional/Public
   a. Golf course or clubhouse, public or private; see section 4.2
   b. Government facilities
   c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   d. School, public kindergarten, elementary, middle or high schools

4. Communications – Utility

a. Essential services
b. Satellite television antenna; see section 4.2

5. Wireless Telecommunications
a. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses
The following uses are permitted only with administrative approval:
1. Agricultural
a. Urban, community garden, over 5 acres

2. Residential
a. Home occupation, no customer contact; see section 4.2

3. Commercial
f. Farmer's market, temporary/seasonal; see section 4.2
g. Temporary outdoor retail sales; see section 4.2
h. Temporary outdoor sales or events, seasonal; see section 4.2
i. Temporary produce stand; see section 4.2
j. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential)
b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit
The following uses are permitted only with a special land use permit:
1. Residential
a. Home occupation, with customer contact; see section 4.2
b. Child care home, 5 or less; see section 4.2
c. Convents or monasteries; see section 4.2
d. Personal care home, 6 or less; see section 4.2
e. Senior housing; see section 4.2

2. Institutional/Public
a. Cemetery, columbarium, mausoleum; see section 4.2
b. Places of worship; see section 4.2
c. Recreation club; see section 4.2
d. School, private kindergarten, elementary, middle or high schools; see section 4.2
e. Swimming pools, commercial; see section 4.2

3. Commercial
a. Adult daycare facility, up to 6; see section 4.2
b. Child day care facility, up to 6; see section 4.2
c. Kennel, noncommercial

4. Communication – Utility
b. Amateur radio service or antenna; see section 4.2

5. Wireless Telecommunication
   a. New support structure from 51 feet to 150 feet; see section 4.2

D. Permitted Accessory
The following uses are permitted as accessory only to a principal use:
1. Residential
   a. Accessory uses or structures
   b. Dwelling, single-family , accessory (guesthouse, in-law suite); see section 4.2

2. Institutional/Public
   a. Educational use, private; see section 4.2
   b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

3. Commercial
   a. Fitness center

[TMOD-22-001]

Sec. 2.6.3. Dimensional requirements.

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

(Ord. of 8-2-2017, § 1(2.6.3))

Sec. 2.6.4. Site and building design standards.

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

(Ord. of 8-2-2017, § 1(2.6.4))

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

Sec. 2.7.1. Statement of purpose and intent.

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

A. To provide for the protection of neighborhoods within the city where lots have a minimum area of 10,000 square feet;

B. To provide for compatible infill development in neighborhoods;

C. To provide protections for existing development as new subdivisions are created;

D. To provide flexibility in design on the interior of new development while protecting surrounding development;

E. To ensure that the uses and structures authorized in the R-75 (Residential Medium Lot-75) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood;

F. To provide for appropriately sized accessible and useable open space in new developments for health, recreational and social opportunities for city residents;

G. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.7.1))

Sec. 2.7.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.7.2)) [TMOD-22-001]

A. Permitted Uses
The following uses are permitted as of right under this code:
1. Agricultural Activities
   a. Keeping of livestock; see section 4.2
   b. Keeping of poultry/pigeons; see section 4.2
   c. Riding academies or stables; see section 4.2
   d. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Dwelling, single-family (detached)

3. Institutional/Public
   a. Golf course or clubhouse, public or private; see section 4.2
   b. Government facilities
   c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   d. School, public kindergarten, elementary, middle or high schools

4. Communications – Utility
   a. Essential services
   b. Satellite television antenna; see section 4.2

5. Wireless Telecommunications
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses
The following uses are permitted only with administrative approval:
1. Agricultural
   a. Urban, community garden, over 5 acres

2. Residential
   a. Home occupation, no customer contact; see section 4.2

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary outdoor sales or events, seasonal; see section 4.2
   d. Temporary produce stand; see section 4.2
   e. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential)
   b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Home occupation, with customer contact; see section 4.2
   b. Child care home, 5 or less; see section 4.2
   c. Convents or monasteries; see section 4.2
   d. Personal care home, 6 or less; see section 4.2
   e. Senior housing; see section 4.2

2. Institutional/Public
   a. Cemetery, columbarium, mausoleum; see section 4.2
   b. Places of worship; see section 4.2
   c. Recreation club; see section 4.2
   d. School, private kindergarten, elementary, middle or high schools; see section 4.2
   e. Swimming pools, commercial; see section 4.2

3. Commercial
   a. Adult daycare facility, up to 6; see section 4.2
   b. Child day care facility, up to 6; see section 4.2
   c. Kennel, noncommercial

4. Communication – Utility
   a. Amateur radio service or antenna; see section 4.2

5. Wireless Telecommunication
   a. New support structure from 51 feet to 150 feet; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential
   a. Accessory uses or structures
   b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2

2. Institutional/Public
   a. Educational use, private; see section 4.2
   b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

3. Commercial
   a. Fitness center

[TMOD-22-001]

Sec. 2.7.3. Dimensional requirements.

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

(Ord. of 8-2-2017, § 1(2.7.3))

Sec. 2.7.4. Site and building design standards.

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

(Ord. of 8-2-2017, § 1(2.7.4))

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

Sec. 2.8.1. Statement of purpose and intent.

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

A. To provide for the protection of neighborhoods within the city where lots have a minimum area of 6,000 square feet or 3,500 square feet if developed for cottage houses;

B. To provide for compatible infill development in neighborhoods;

C. To provide protections for existing development as new subdivisions are created;

D. To provide flexibility in design within new development while protecting surrounding development;

E. To ensure that the uses and structures authorized in the R-60 (Residential Small Lot-60) District are designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood;

F. To provide for appropriately sized accessible and useable open space in new developments for the health, recreational and social opportunities for city residents;

G. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.8.1))

Sec. 2.8.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.8.2)) [TMOD-22-001]

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Keeping of livestock; see section 4.2
   b. Keeping of poultry/pigeons; see section 4.2
   c. Riding academies or stables; see section 4.2
   d. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Dwelling, cottage home
   b. Dwelling, single-family (detached)

3. Institutional/Public
   a. Golf course or clubhouse, public or private; see section 4.2
   b. Government facilities
   c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   d. School, public kindergarten, elementary, middle or high schools

4. Communications – Utility
   a. Essential services
   b. Satellite television antenna; see section 4.2

5. Wireless Telecommunications
   a. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Residential
   a. Home occupation, no customer contact; see section 4.2

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary outdoor sales or events, seasonal; see section 4.2
   d. Temporary produce stand; see section 4.2
   e. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential)

b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Home occupation, with customer contact; see section 4.2
   b. Child care home, 5 or less; see section 4.2
   c. Convents or monasteries; see section 4.2
   d. Personal care home, 6 or less; see section 4.2
   e. Senior housing; see section 4.2

2. Institutional/Public
   a. Cemetery, columbarium, mausoleum; see section 4.2
   b. Places of worship; see section 4.2
   c. Recreation club; see section 4.2
   d. School, private kindergarten, elementary, middle or high schools; see section 4.2
   e. Swimming pools, commercial; see section 4.2

3. Commercial
   a. Adult daycare facility, up to 6; see section 4.2
   b. Child day care facility, up to 6; see section 4.2

4. Communication – Utility
   a. Amateur radio service or antenna; see section 4.2

5. Wireless Telecommunication
   a. New support structure from 51 feet to 150 feet; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential
   a. Accessory uses or structures
   b. Dwelling, single-family , accessory (guesthouse, in-law suite); see section 4.2

2. Institutional/Public
   a. Educational use, private; see section 4.2
   b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

3. Commercial
   a. Fitness center

[TMOD-22-001]

Sec. 2.8.3. Dimensional requirements.

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

(Ord. of 8-2-2017, § 1(2.8.3))

Sec. 2.8.4. Site and building design standards.

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

(Ord. of 8-2-2017, § 1(2.8.4))

DIVISION 9. MHP (MOBILE HOME PARK) DISTRICT

Sec. 2.9.1. Statement of purpose and intent.

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

A. To provide locations within the city for the location of mobile home parks.

B. To provide for the development of accessory uses that are necessary in order to provide appropriate recreational and educational opportunities to residents.

(Ord. of 8-2-2017, § 1(2.9.1))

Sec. 2.9.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.9.2)) [TMOD-22-001]

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Keeping of livestock; see section 4.2
   b. Keeping of poultry/pigeons; see section 4.2
   c. Riding academies or stables; see section 4.2
   d. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Dwelling, mobile home; see section 4.2
   b. Dwelling, single-family (detached)
   c. Mobile home park

3. Institutional/Public
   a. Golf course or clubhouse, public or private; see section 4.2
   b. Government facilities
   c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   d. School, public kindergarten, elementary, middle or high schools

4. Commercial
   a. Adult daycare center, 7 or more; see section 4.2
   b. Child day care center (kindergarten), 7 or more

5. Communications – Utility
   a. Essential services
   b. Satellite television antenna; see section 4.2

6. Wireless Telecommunications
   a. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Residential
   a. Home occupation, no customer contact; see section 4.2

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary produce stand; see section 4.2
   d. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Home occupation, with customer contact; see section 4.2
   b. Senior housing; see section 4.2

2. Institutional/Public
   a. School, private kindergarten, elementary, middle or high schools; see section 4.2
   b. Swimming pools, commercial; see section 4.2

3. Communication – Utility
   b. Amateur radio service or antenna; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential
   a. Accessory uses or structures

2. Institutional/Public
   a. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

3. Commercial
   a. Fitness center

[TMOD-22-001]

Sec. 2.9.3. Dimensional requirements.

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

(Ord. of 8-2-2017, § 1(2.9.3))

Sec. 2.9.4. Site and building design standards.

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

(Ord. of 8-2-2017, § 1(2.9.4))

Sec. 2.9.5. Transitional buffer zone requirement.

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

(Ord. of 8-2-2017, § 1(2.9.5))

DIVISION 10. RNC (RESIDENTIAL NEIGHBORHOOD CONSERVATION) DISTRICT

Sec. 2.10.1. Scope of provisions.

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

(Ord. of 8-2-2017, § 1(2.10.1))

Sec. 2.10.2. Statement of purpose and intent.

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

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

B. To conserve significant areas of useable greenspace within single-family neighborhoods in the Rural and Suburban character areas of the comprehensive plan;

C. To provide a residential development that permits flexibility of design in order to promote environmentally sensitive and efficient use of land in compliance with the Code;

D. To promote construction of accessible landscaped walking trails and bike paths both within subdivisions and, where possible, connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles;

E. To preserve natural features, specimen trees, historic buildings, archaeological sites and establish a sense of community;

F. To improve water quality and reduce runoff and soil erosion by reducing the total amount of clearing, grading, and paving, within the total area of a development;

G. To encourage efficient community design that reduces infrastructure maintenance and public service costs borne by the city; and

H. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.10.2))

Sec. 2.10.3. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.10.3)) [TMOD-22-001]

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Keeping of livestock; see section 4.2
   b. Keeping of poultry/pigeons; see section 4.2
   c. Riding academies or stables; see section 4.2
   d. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Dwelling, cottage home
   b. Dwelling, single-family (detached)
   c. Dwelling; three family; see section 4.2
   d. Dwelling, townhouse; see section 4.2
   e. Dwelling, two-family; see section 4.2

3. Institutional/Public
   a. Golf course or clubhouse, public or private; see section 4.2
   b. Government facilities
   c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   d. School, public kindergarten, elementary, middle or high schools

4. Communications – Utility
   a. Essential services

b. Satellite television antenna; see section 4.2

5. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Residential
   a. Home occupation, no customer contact; see section 4.2

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary outdoor sales or events, seasonal; see section 4.2
   d. Temporary produce stand; see section 4.2
   e. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential)
   b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Home occupation, with customer contact; see section 4.2
   b. Child care home, 5 or less; see section 4.2
   c. Convents or monasteries; see section 4.2
   d. Personal care home, 6 or less; see section 4.2
   e. Senior housing; see section 4.2

2. Institutional/Public
   a. Places of worship; see section 4.2
   b. Recreation club; see section 4.2
   c. School, private kindergarten, elementary, middle or high schools; see section 4.2
   d. Swimming pools, commercial; see section 4.2

3. Commercial
   a. Adult daycare facility, up to 6; see section 4.2
   b. Child day care facility, up to 6; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential
   a. Accessory uses or structures

b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2

2. Institutional/Public
   a. Educational use, private; see section 4.2
   b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

3. Commercial
   a. Fitness center

[TMOD-22-001]

Sec. 2.10.4. Scaled site plan.

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

A. Size of each lot proposed to be developed within the district;

B. Housing types (e.g., single-family detached, single-family detached condominium);

C. Amount of land in greenspace areas to be held in joint ownership, common ownership, or control in perpetuity;

D. Connections between greenspaces within the project and to greenspace areas on adjacent properties where possible;

E. Building envelopes for fee simple lots;

F. Building and driveway footprint for each single-family detached condominium;

G. Maximum lot coverage;

H. All streams and water bodies, including state and city stream buffer limits;

I. Vehicular and pedestrian circulation and connections within the project and to amenities and features on adjacent property;

J. Any aboveground detention areas serving as an amenity feature;

K. Underground detention facilities;

L. Flood hazard areas, wetlands, springheads, and all environmentally sensitive areas, if any;

M. Access to public sewer;

N. All easements;

O. Right-of-way intended to be dedicated;

P. Amount of land area and non-buildable areas as identified in subsection B. of this section; and

Q. Tree survey in compliance with chapter 14 of this Code.

(Ord. of 8-2-2017, § 1(2.10.4))

Sec. 2.10.5. Calculation and design of greenspace.

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

A. The allotted greenspace shall comprise at least 30 percent of the total land area excluding the undevelopable areas as identified in subsection B of this section. No part of any single-family detached residential lot, private street, private drive, or street right-of-way, front yard setback, nor any area utilized for side-to-side building separation except when used for a path or sidewalk connection to greenspace, shall count towards greenspace.

B. Land containing any of the following features shall not be included for the purposes of calculating whether a site plan and any subsequent development meets the greenspace requirement:

1. Streams and stream buffers;
2. Wetlands;
3. Rock outcroppings;
4. Slopes steeper than 1:2 slope;
5. Sites of archaeological significance;
6. Floodplains; or
7. Areas intended to be dedicated for right-of-way as shown on the scaled site plan submitted in compliance with section 2.10.4.

C. For properties ten acres or less, at least 50 percent of the allotted greenspace shall be in an area or areas that each measure a minimum 200 square feet. For properties greater than ten acres, at least 50 percent of the allotted greenspace shall be contiguous and shall be a minimum width of 50 feet. Paths, bike paths and trails do not have to comply with the minimum width requirements set forth in this subsection.

D. Greenspace may consist of and be designed for the following uses only:

1. Natural undisturbed areas;
2. Active recreation areas;
3. Community gathering places;
4. Trails and greenways;
5. Bikeways and paths;
6. Asphalt or concrete bikeways and paths with a maximum width of eight feet;
7. Landscaped stormwater management facilities, which are constructed as part of an on-site stormwater mitigation site design feature and which are graded such that no safety fencing is required;
8. Mature wooded areas; or
9. Specimen trees, as defined in chapter 14 of this Code.

E. No impervious surface, except:

(1) Areas used for active recreation;

(2) Historic buildings or historic sites; and

(3) Asphalt or concrete bike paths and paths with a maximum width of eight feet, may be considered in the greenspace calculation.

Paths that require grading must not damage critical root zones of specimen trees.

F. Preserved historic buildings or sites may be included in greenspace if intended to be for the common use and benefit of all residents of the subdivision.

G. All dwelling units shall be provided with safe, convenient access to all greenspaces throughout the development in the form of a pedestrian circulation system consisting of structurally improved pedestrian paths and/or sidewalks, which shall be a minimum width of five feet and shall be connected so that there are no breaks in the walkable surface of the pedestrian circulation system, except where the path or sidewalk connects to a greenspace. All greenspaces shall have a minimum of two points of pedestrian access.

H. Greenspace shall connect with other greenspace areas and trails on adjacent property where possible.

I. Active recreation areas may be included in greenspace and shall be required in any RNC (Residential Neighborhood Conservation) District that contains 100 or more units. A conservation subdivision located in an RNC (Residential Neighborhood Conservation) District that contains between 100 and 200 units, inclusive, shall include an active recreation area of at least one acre in size. A conservation subdivision located in an RNC (Residential Neighborhood Conservation) District that contains more than 200 units, shall include a minimum of either a single active recreation area of at least two acres in size or two active recreation areas that are each at least one acre in size. No active recreation area may be located within any wetland, stream buffer, or rock outcropping.

(Ord. of 8-2-2017, § 1(2.10.5))

Sec. 2.10.6. Development standards and permitted uses.

A. Property within an RNC (Residential Neighborhood Conservation) District shall have a minimum of seven acres.

B. Specimen trees located outside of the buildable area of a lot shall be preserved subject to the review of the city arborist.

C. Active recreation areas, greenspace, stormwater management facilities, trails, bikeways, and paths, as approved, shall be installed prior to the recording of the conservation subdivision final plat.

D. There shall be no impervious surfaces within the 75-foot stream buffer, except as provided for above in sections 2.10.5.D.4 through 6. Such encroachments into the stream buffer shall only be permissible in accordance with variances as allowed by chapter 14 of this Code.

(Ord. of 8-2-2017, § 1(2.10.6))

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

A. The following standards shall apply to all single-family detached dwellings, other than condominiums and fee simple condominiums, located in RNC (Residential Neighborhood Conservation) District:

1. Maximum density: Eight dwelling units per acre of total land area, excluding undevelopable areas as identified in section 2.10.5.B.

2. Minimum lot width: At least 60 feet as measured at the required front building setback line; except for a lot on a cul-de-sac, which lot shall have a minimum width of 35 feet.

3. Minimum lot area: 6,000 square feet, except that each lot on the periphery of a development within property zoned RNC (Residential Neighborhood Conservation) District that abuts adjacent property zoned and used for single-family residential purposes shall contain a lot area that is at least 80 percent of the minimum lot area required by the adjoining residential zoning.
4. Minimum building setback adjacent to public or private streets:
   a. From thoroughfares: 30 feet.
   b. From arterials: 30 feet.
   c. From collector streets: 30 feet.
   d. From local streets: 20 feet.
5. Minimum interior lot side building setback: 7½ (7.5) feet.
6. Minimum periphery lot side building setback: Lots on the periphery of any RNC (Residential Neighborhood Conservation) District development shall maintain a minimum 20-foot side yard setback from any adjacent parcel located outside of the boundary of such development.
7. Minimum rear building setback: 20 feet.

B. The following standards shall apply to single-family detached condominiums and fee simple condominiums located in RNC (Residential Neighborhood Conservation) District:

1. Maximum density: Eight dwelling units per acre on total land area, excluding undevelopable areas as identified in section 2.10.5.B.
2. Minimum building setback from all peripheral property lines: 20 feet, except that when a peripheral property line adjoins a public or private street, the building setback shall be as required in section 2.10.7.A.4.
3. Minimum distance between building structures: 15 feet.
4. Minimum building setback from a private drive or private street: Ten feet, except that where a garage door or carport entrance faces the street, in which case the minimum setback shall be 20 feet. The building setback shall be measured from back of curb, or, where a sidewalk is provided, from back of sidewalk.
5. Minimum travel lane width, private drive or private streets internal to the development: 24 feet. Where on-street parking is provided, it shall be provided in the form of a parking lane located between the travel lane and the curb, which lane shall be no less than ten feet wide, measured from the edge of the travel lane to front of curb.
6. Sidewalks shall be provided on both sides of private drives or private streets that are internal to the development, as provided for in chapter 14 of this Code.
7. Street tree species shall cause minimal interference with underground utilities, subject to approval by the city arborist.
8. Driveways shall be a minimum of 20 feet long, measured from back of curb or, where sidewalks are provided, from the back of sidewalk, in order to prevent vehicular encroachment on areas intended for vehicular or pedestrian circulation.
9. A public access and utility easement for electric, gas, telephone, and cable television utilities, in the form of a joint utility trench, shall be located on each side of the internal private streets or internal private drives, and shall be a minimum width of six feet, five inches.

(Ord. of 8-2-2017, § 1(2.10.7)) [TMOD-22-001]

Sec. 2.10.8. Maximum height of buildings.

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

(Ord. of 8-2-2017, § 1(2.10.8))

Sec. 2.10.9. Maximum lot coverage.

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

(Ord. of 8-2-2017, § 1(2.10.9))

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

A. *Unified control of parcel.* Any applicant for rezoning or for issuance of a land disturbance permit for property within an RNC (Residential Neighborhood Conservation) District shall be required to provide evidence of a legal mechanism for unified control of the entire parcel to be developed for review and approval by the city attorney prior to the issuance of any land disturbance or building permit. During the development process, more than one builder may participate in the development of the approved plan so long as each parcel of land remains subject to:

1. Any zoning conditions imposed on the property; and
2. Terms and conditions associated with any special land use permit or any special administrative permit.

B. *Maintenance and protection of land held in common.* Prior to the issuance of any land disturbance permit, every applicant for development within an RNC (Residential Neighborhood Conservation) District must provide evidence of a legal mechanism under which all land to be held in common and used for greenspace purposes within the development shall be protected in perpetuity. Such legal mechanism may include deed restrictions, a homeowner association, common areas held in common ownership or control, or conservation easements held by a land trust meeting the requirements of state law, which assure in perpetuity each of the following mandatory requirements:

1. That all land held in open space will remain undivided and shall not be subdivided or removed from joint access or benefit in perpetuity;
2. That all subsequent property owners in the development will be placed on notice of this development restriction through the deed records filed with the Superior Court of DeKalb County;
3. That all land held as greenspace will be properly maintained and that no liability or maintenance responsibilities for the land held as greenspace shall accrue to the city;
4. That a legal entity exists for notice of deficiencies in maintenance of the land held as greenspace, correction of these deficiencies, and assessment of liens against the properties for the cost of the correction of these deficiencies by a third-party or the city;
5. That the legal mechanism will become effective and enforceable prior to or at the time of recording the final plat and the sale of any individual properties within the conservation district;
6. That all requirements of the legal mechanism used to comply with the regulations of this section will be specified on the final plat to be recorded with the Clerk of Superior Court of DeKalb County.

C. *Homeowner associations.* When a homeowner association is used as the legal mechanism to comply with the requirements of this section, the applicant for any land disturbance permit, in addition to meeting all of said requirements, shall provide for all of the following:

1. Equal access and right of use to all greenspace by all homeowners;
2. Mandatory and automatic membership in the homeowner association for all homeowners and their successors;
3. A fair and uniform method of assessment and collection/payment for dues, maintenance and related costs;
4. Homeowner association lien authority to ensure the collection of dues from all members;
5. Perpetual and continued maintenance and liability by the homeowner association of land held as greenspace; and
6. Filing of all required covenants, declarations, and restrictions with the Clerk of the Superior Court of DeKalb County.

(Ord. of 8-2-2017, § 1(2.10.10))

Sec. 2.10.11. Off-street parking requirements.

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

A. Detached single-family dwelling: Three spaces.

B. Reserved.

C. Personal care home, group: Four spaces.

D. Child care institution, group: Four spaces.

E. Reserved.

F. Child daycare facility: Three spaces.

G. Convent or monastery: One space for each 200 square feet of floor area within the principal structure.

H. Neighborhood recreation club: One space for each five club members but in no case less than ten spaces.

I. Place of worship: Where fixed seats are used, one space for each three seats in the largest assembly room used for public worship, or, where fixed seats are not utilized, one space for each 25 square feet of floor space in the largest assembly room used for public worship.

J. Private elementary, middle and high school:

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

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

(Ord. of 8-2-2017, § 1(2.10.11))

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

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

(Ord. of 8-2-2017, § 1(2.10.12))

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

Sec. 2.11.1. Medium and high density ranges.

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

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

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

(Ord. of 8-2-2017, § 1(2.11.1))

Sec. 2.11.2. Dimensional requirements.

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

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

Medium and High Density Residential KEY: Housing Types: SFD: Single-Family Detached, SFA: Single-Family Attached, TTF: Two- or Three-Family, MF: Multifamily, MU: Mixed-Use, U-SF: Urban Single-Family, CA: Character Areas as identified in the Comprehensive Plan

Elements	*RSM*	*MR-1*	*MR-2*	*HR-1*	*HR-2 and HR-3*
Overall Site Requirements (minimum, unless otherwise specified)					
Dwelling units per acre (maximum base density and maximum possible with bonuses)	4—8	8—12	12—24	24—40	HR-2: 40—60 HR-3: 60—120
Open space required (minimum percent)*	20 percent	20 percent	15 percent	15 percent	15 percent
Transitional buffers (feet)	See article 5 of this chapter				
Lot Requirements (minimum, unless otherwise specified)					
*Single-Family Detached Conventional (SFD)***					

Lot area (square feet)	5,000/2,000 cottage	5,000/2,000 cottage	5,000/2,000 cottage	Not permitted	Not permitted
Lot width, street frontage (feet)	50/20 cottage and detached townhome	45/20 cottage and detached townhome	40/20 cottage and detached townhome	Not permitted	Not permitted
Lot coverage (maximum percent per lot or total parcel acreage)	50	60	65	Not permitted	Not permitted
Single-Family Attached (SFA)					
Lot area (square feet)	1,000	1,000	1,000	1,000	1,000
Lot width (feet)	25	25	20	20	20
Lot coverage (maximum percent per lot or total parcel acreage)	70	80	85	85	85
Urban Single-Family (detached)					
Lot area (square feet)	1,350	1,350	1,000	1,000	1,000
Lot width (feet)	25	25	20	20	20
Lot coverage (maximum percent per lot or total parcel acreage)	70	80	85	85	85
Two- or Three-Family (TTF)					
Lot area (square feet)	4,000	4,000	4,000	Not permitted	Not permitted
Lot width (feet)	60	55	50	Not permitted	Not permitted
Lot coverage (maximum percent per lot or total parcel acreage)	50 percent	55 percent	55 percent	Not permitted	Not permitted
Multifamily (MF) and Mixed-Use (MU)					
Lot width, street frontage (feet)	Not permitted	100	100	100	100
Lot coverage (maximum percent of total parcel acreage)	Not permitted	65 percent	75 percent	85 percent	85 percent
Building Setbacks: SF and SFA for Individual Internal Lots; MF, SFA, MU for Overall Site[****]					
From thoroughfares and arterials (min. and max. feet)	All: min. 20, max. 30	SFD: min. 15, max. 25 Other: 10—20	All: min. 10, max. 20	All: min. 10, max. 20	All: min. 10, max. 20
Front - all other streets by character area (min. feet)	RC/NC/TC: 15 SUB: 20	0 - Determined only by utility placement, ROW, and streetscape (article 5 of this chapter)			
Front with alley access (min. feet)	10	SFD and TTF: 10 SFA and MF: 5	SFD and TTF: 10 SFA and MF: 5	5	5
Side - interior lot (feet)[****]	SFD and TTF: 3 ft. with minimum 10 ft. separation between buildings; SFA; N/A; MF and MU; N/A; U-SF; 0 ft. side setback with minimum 3 ft. separation between building				

Side - corner lot on public street (feet)	Same as front setback (see also article 5 of this chapter, corner lot)				
Rear without alley (feet)	SFD: 20; SFA: 15; TTF: 15; All others: 20	SFD: 20; SFA: 15; MF and MU: 20; MF: 20; CM/OF/MU: 15 (see also transitional buffers, article 5 of this chapter)			
Rear with alley (feet)	10	10	10	10	10
Unit Size, heated living area (square feet, minimum)					
Single-Family Detached (SFD)-Conventional	1,200	1,200	1,000	Not permitted	Not permitted
Single-Family Detached (SFD)-Cottage	800	800	800	Not permitted	Not permitted
Single-Family Attached (SFA)***	1,200	1,200	1,000	1,000	Not permitted
Urban Single-Family (U-SF) Detached	1,100	1,100	1,100	1,100	Not permitted
Two- or Three-Family (TTF)	1,000	1,000	1,000	1,000	Not permitted
Multifamily (MF)***	Not permitted for new developments	650	650	650	650
Height (maximum and whichever is less when indicated as stories or feet)					
Single-Family Detached (SFD)	35 feet	35 feet	35 feet	Not permitted	Not permitted
Except Res Infill Overlays = 28 feet					
Single-Family Attached (SFA) and Urban Single-Family (U-SF)	3 stories or 45 feet	3 stories or 45 feet	3 stories or 45 feet	Not permitted	Tables 2.13 and 2.15
Two- or Three-Family (TTF)	35 feet	35 feet	3 stories or 45 feet	Not permitted	Not permitted
Multifamily (MF)***	N/A	4 stories or 60 feet	Table 2.9	Tables 2.13 and 2.15	Tables 2.13 and 2.15
Mixed-Use (MU)	N/A	4 stories or 60 feet	Table 2.9	Table 2.11	Tables 2.13 and 2.15

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

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

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

(Ord. of 8-2-2017, § 1(2.11.2))

DIVISION 12. RSM (SMALL LOT RESIDENTIAL MIX) DISTRICT

Sec. 2.12.1. Statement of purpose and intent.

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

A. To provide for the creation of residential neighborhoods that allow a mix of single-family attached and detached housing options;

B. To provide flexibility in design and product on the interior of new development while protecting surrounding neighborhoods;

C. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.12.1))

Sec. 2.12.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.12.2)) [TMOD-22-001]

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Dwelling, cottage home; see section 4.2
   b. Dwelling, single-family (attached)
   c. Dwelling, single-family (detached)
   d. Dwelling, three-family
   e. Dwelling, townhouse; see section 4.2
   f. Dwelling, two family
   g. Dwelling, urban single-family; see section 4.2

3. Institutional/Public
   a. Golf course or clubhouse, public or private; see section 4.2
   b. Government facilities
   c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   d. School, public kindergarten, elementary, middle or high schools

4. Communications – Utility
   a. Essential services
   b. Satellite television antenna; see section 4.2

5. Wireless Telecommunications
   a. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Residential
   a. Home occupation, no customer contact; see section 4.2

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary outdoor sales or events, seasonal; see section 4.2
   d. Temporary produce stand; see section 4.2
   e. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential)
   b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Bed and breakfast establishment; see section 4.2
   b. Home occupation, with customer contact; see section 4.2
   c. Child care home, 5 or less; see section 4.2
   d. Convents or monasteries; see section 4.2
   e. Personal care home, 6 or less; see section 4.2
   f. Personal care home, 7 or more; see section 4.2
   g. Senior housing; see section 4.2

2. Institutional/Public
   a. Cemetery, columbarium, mausoleum; see section 4.2
   b. Places of worship; see section 4.2
   c. Recreation club; see section 4.2
   d. School, private kindergarten, elementary, middle or high schools; see section 4.2
   e. Swimming pools, commercial; see section 4.2

3. Commercial
   a. Adult daycare facility, up to 6; see section 4.2
   b. Child day care facility, up to 6; see section 4.2

4. Communication – Utility
   a. Amateur radio service or antenna; see section 4.2

5. Wireless Telecommunication
   a. New support structure from 51 feet to 150 feet; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential
   a. Accessory uses or structures
   b. Dwelling, single-family , accessory (guesthouse, in-law suite); see section 4.2

2. Institutional/Public
   a. Educational use, private; see section 4.2
   b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

3. Commercial
   a. Fitness center

[TMOD-22-001]

Sec. 2.12.3. Dimensional requirements.

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

(Ord. of 8-2-2017, § 1(2.12.3))

Sec. 2.12.4. Site and building design standards.

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

(Ord. of 8-2-2017, § 1(2.12.4))

Sec. 2.12.5. Density and location criteria.

A. The maximum allowed dwelling unit density in the RSM District before application of any bonus is 4 dwelling units per acre, and after application of any bonuses is 8 dwelling units per acre.B. Density determination of each RSM (Small Lot Residential Mix) property:

   1. Existing RSM properties: For existing properties converted to RSM (Small Lot Residential Mix) District classification at the effective date of the ordinance from which this chapter is derived:

      a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established in such conditions.

      b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the Base Max described in Table 2.5 unless administratively reviewed and approved for bonus increases, according to the criteria set forth in subsection C. of this section.

   2. New RSM properties: For property rezoned to the RSM (Small Lot Residential Mix) District classification after the effective date of the ordinance from which this chapter is derived, density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. of this section.

C. Density bonus eligibility and calculations. Density bonuses are allowed only for subdivisions, as defined in this chapter, and are expressly not allowed for individual infill lots. The maximum allowed density on RSM (Small Lot Residential Mix) District zoned property may be increased above the Base Max by application of density bonuses as indicated by Table 2.6, and may be accumulated if eligible. An example of how allowable

density bonuses are calculated is shown in the example at the end of Table 2.6. In no case shall density exceed the bonus maximum established by Table 2.5.

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

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

(Ord. of 8-2-2017, § 1(2.12.5))

Sec. 2.12.6. Amenity proximity requirements.

For proposed development within one-quarter mile of an existing public school, park, library, trail or greenway network, a pedestrian facility linking to the amenity shall be provided, or a stub-out for linking to a future amenity shall be provided. Measurement of distance to a qualifying amenity shall be taken from center

point of the proposed drive of the principal entrance and follow the shortest street route to the center point of the closest existing drive to access the existing amenity.

(Ord. of 8-2-2017, § 1(2.12.6))

Sec. 2.12.7. Bonus density qualifying standards.

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

A. *Qualifying public improvements.*

1. *Bus shelter.* To qualify as eligible for bonus density, proposed bus shelter facilities shall include at a minimum a shelter structure, bench and paved access and be designed according to MARTA or GRTA standards, based upon ridership thresholds and as documented as acceptable by either agency.

2. *Park-n-ride and/or ride-share.* To qualify as eligible for bonus density, proposed ride-share facilities shall provide for a minimum of 100 parking spaces, and park-n-ride amenities shall provide a minimum of 300 parking spaces, unless the station warrants fewer, as documented by MARTA or other transit service provider.

3. *Public art.* To qualify for bonus density, a proposed work of art shall be subject to approval by the planning commission, be located on the development site or in a public place off-site, and have a value of at least one-half of one percent of the total construction valuation of the building permit. The maximum required value shall not exceed $250,000.00.

   a. Options for providing public art are: Purchase an existing piece of art work or have a specific piece of art work commissioned.

   b. For commissioned work, a deposit with the planning department of 115 percent of the value of the public art is required prior to the issuance of a building permit.

   c. Public art or public works of art is defined as the creative application of skill and taste by artists to production of permanent tangible objects according to the aesthetic principles, including, but not limited to, the following:

      - Paintings;
      - Sculptures;
      - Site specific installations;
      - Engravings;
      - Carvings;
      - Frescos;
      - Mobiles;
      - Murals;
      - Collages;
      - Mosaics;
      - Statutes; and
      - Bas-reliefs.

   d. Public art or public works of art shall also include the creative application of skill and taste by artists according to the aesthetic principals to the architectural embellishment of a

building or structure. Architects and landscape architects are not considered artists under this definition.

e. The following shall not be considered public art or public works of art:

- Reproductions or unlimited copies of original art work;
- Art objects which are mass produced;
- Works that are decorative, ornamental or functional elements of the architecture or landscape design, except when commissioned from an artist as an integral aspect of a structure or site; and
- Architectural rehabilitation or historical preservation.

4. *Structured parking.* Developments that provide vertical, structured parking shall be eligible for the residential density bonus, provided:

a. Parking decks not integrated into other buildings shall be located internal to the site.

b. Structures are either:

(i) At least two stories above ground or greater; and/or

(ii) Alternatively, at least one story is underground.

c. Parking decks visible from a public right-of-way shall incorporate similar architectural materials as the primary buildings.

5. *Trail with public access.* Minimum length of new trail or multi-use path shall be one-quarter mile and shall connect to a greenway/trail or sidewalk network external to the site.

B. *Qualifying amenity clarifications.*

1. Health or medical services: include clinics and offices for health, dental and/or medical services, as defined in article 9 of this chapter, including pharmacies with diagnostic services.

2. Recreational facilities: include private or public exercise gymnasiums, fitness centers, sports fields, parks, and swim centers.

(Ord. of 8-2-2017, § 1(2.12.7))

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

Sec. 2.13.1. Statement of purpose and intent.

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

A. To encourage primarily residential, planned developments that allow accessory retail, office, institutional, and civic uses;

B. To provide for residential neighborhoods with a mix of single-family and multifamily housing types that maintain harmony of scale, intensity, and design with surrounding development;

C. To provide for connectivity of streets and communities and reduce the dependence on automobile use by increasing the ease of and opportunity for alternative modes of travel;

D. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.13.1))

Sec. 2.13.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.13.2)) [TMOD-22-001]

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Dwelling, cottage home; see section 4.2
   b. Dwelling, multifamily
   c. Dwelling, single-family (attached)
   d. Dwelling, single-family (detached)
   e. Dwelling, three-family
   f. Dwelling, townhouse; see section 4.2
   g. Dwelling, two family
   h. Dwelling, urban single-family; see section 4.2
   i. Live/work unit; see section 4.2
   j. Nursing care facility or hospice

3. Institutional/Public
   a. Government facilities
   b. Library or museum
   c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   d. School, public kindergarten, elementary, middle or high schools

4. Commercial
   a. Adult daycare center, 7 or more; see section 4.2
   b. Child day care center, up to 6; see section 4.2
   c. Child day care facility, 7 or more; see section 4.2

5. Communications – Utility
   a. Essential services
   b. Satellite television antenna; see section 4.2

6. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Residential
   a. Home occupation, no customer contact; see section 4.2

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary produce stand; see section 4.2
   d. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Bed and breakfast establishment; see section 4.2
   b. Boarding/rooming house
   c. Fraternity house or sorority house
   d. Home occupation, with customer contact; see section 4.2
   e. Convents or monasteries; see section 4.2
   f. Personal care home, 6 or less; see section 4.2
   g. Personal care home, 7 or more; see section 4.2
   h. Senior housing; see section 4.2
   i. Shelter for homeless persons for no more than 6 persons; see section 4.2
   j. Short term vacation rental
   k. Traditional housing facilities, 7-20; see section 4.2

2. Institutional/Public
   a. Cemetery, columbarium, mausoleum; see section 4.2
   b. Cultural facilities
   c. Places of worship; see section 4.2
   d. Recreation club; see section 4.2
   e. School, private kindergarten, elementary, middle or high schools; see section 4.2
   f. School, vocational; see section 4.2
   g. Swimming pools, commercial; see section 4.2

3. Commercial
   a. Adult daycare facility, up to 6; see section 4.2
   b. Dog day care; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential
   a. Accessory uses or structures
   b. Dwelling, single-family , accessory (guesthouse, in-law suite); see section 4.2

2. Institutional/Public
   a. Educational use, private; see section 4.2
   b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

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

[TMOD-22-001]

Sec. 2.13.3. Dimensional requirements.

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

(Ord. of 8-2-2017, § 1(2.13.3))

Sec. 2.13.4. Site and building design standards.

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

(Ord. of 8-2-2017, § 1(2.13.4))

Sec. 2.13.5. Density and location criteria.

A. The maximum allowed dwelling unit density in the MR-1 District before application of any bonus is 8 dwelling units per acre, and after application of any bonuses is 12 dwelling units per acre.

B. Density determination of each MR-1 (Medium Density Residential-1) property:

   1. Existing MR-1 properties: For existing properties converted to MR-1 (Medium Density Residential-1) District classification at the effective date of the ordinance from which this chapter is derived:

      a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established.

      b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the Base Max described in Table 2.7, unless administratively reviewed and approved for bonus increases, according to the criteria set forth in subsection C. of this section.

2. New MR-1 properties: For property rezoned to the MR-1 (Medium Density Residential-1) District classification after the effective date of the ordinance from which this chapter is derived, density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. of this section.

C. Density bonus eligibility and calculations. Density bonuses are intended for subdivisions, as defined in this chapter, not for individual infill lots. The maximum allowed density on MR-1 (Medium Density Residential-1) District zoned property may be increased above the base max by application of density bonuses as indicated by Table 2.6, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.6. In no case shall density exceed the bonus maximum established by Table 2.7.

(Ord. of 8-2-2017, § 1(2.13.5))

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

Sec. 2.14.1. Statement of purpose and intent.

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

A. To encourage primarily residential, planned developments that allow accessory retail, office, institutional, and civic uses;

B. To provide for residential neighborhoods with a mix of single-family and multifamily housing types that maintain harmony of scale, intensity, and design with surrounding development;

C. To provide for connectivity of streets and communities and reduce the dependence on automobile uses by increasing the ease of movement and opportunities for alternative modes of travel;

D. To implement the future development map of the city's comprehensive plan;

E. To provide districts that allow appropriate development transitions.

(Ord. of 8-2-2017, § 1(2.14.1))

Sec. 2.14.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.14.2)) [TMOD-22-001]

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Boarding/rooming house
   b. Dwelling, cottage home; see section 4.2
   c. Dwelling, multifamily
   d. Dwelling, single-family (attached)
   e. Dwelling, single-family (detached)

f. Dwelling, three-family
g. Dwelling, townhouse; see section 4.2
h. Dwelling, two family
i. Dwelling, urban single-family; see section 4.2
j. Fraternity house or sorority house
k. Live/work unit; see section 4.2
l. Nursing care facility or hospice

3. Institutional/Public
   a. Government facilities
   b. Library or museum
   c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   d. School, public kindergarten, elementary, middle or high schools

4. Commercial
   a. Adult daycare center, 7 or more; see section 4.2
   b. Child day care center, up to 6; see section 4.2
   c. Child day care facility, 7 or more; see section 4.2

5. Communications – Utility
   a. Essential services
   b. Satellite television antenna; see section 4.2

6. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Residential
   a. Home occupation, no customer contact; see section 4.2

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary produce stand; see section 4.2
   d. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Bed and breakfast establishment; see section 4.2
   b. Home occupation, with customer contact; see section 4.2

c. Convents or monasteries; see section 4.2
d. Personal care home, 6 or less; see section 4.2
e. Personal care home, 7 or more; see section 4.2
f. Senior housing; see section 4.2
g. Shelter for homeless persons for no more than 6 persons; see section 4.2
h. Shelter for homeless persons 7-20; see section 4.2
i. Traditional housing facilities, 7-20; see section 4.2

2. Institutional/Public
a. Cemetery, columbarium, mausoleum; see section 4.2
b. Cultural facilities
c. Places of worship; see section 4.2
d. Recreation club; see section 4.2
e. School, private kindergarten, elementary, middle or high schools; see section 4.2
f. School, vocational; see section 4.2
g. Swimming pools, commercial; see section 4.2

3. Commercial
a. Adult daycare facility, up to 6; see section 4.2
b. Dog day care; see section 4.2

D. Permitted Accessory
The following uses are permitted as accessory only to a principal use:
1. Residential
a. Accessory uses or structures
b. Dwelling, single-family , accessory (guesthouse, in-law suite); see section 4.2

2. Institutional/Public
a. Educational use, private; see section 4.2
b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

3. Commercial
a. Art gallery
b. Banks, credit unions or other similar financial institutions
c. Barber shop/beauty salon or similar establishments
d. Building or construction office
e. Coin laundry
f. Dog grooming; see section 4.2
g. Dry cleaning agencies, pressing establishments, or laundry pick-up stations
h. Fitness center
i. Office, medical
j. Office, professional
k. Personal services establishment
l. Restaurants (non drive-thru)
m. Retail, 5,000 sf or less (with the exception of small box discount stores)
[TMOD-22-001]

Sec. 2.14.3. Dimensional requirements.

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

(Ord. of 8-2-2017, § 1(2.14.3))

Sec. 2.14.4. Site and building design standards.

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

(Ord. of 8-2-2017, § 1(2.14.4))

Sec. 2.14.5. Density and location criteria.

A. The maximum allowed dwelling unit density in the MR-2 District before application of any bonus is 12 dwelling units per acre, and after application of any bonuses is 24 dwelling units per acre

B. Density determination of each MR-2 (Medium Density Residential-2) property:

1. Existing MR-2 properties: For existing properties converted to MR-2 (Medium Density Residential-2) District classification at the effective date of the ordinance from which this chapter is derived:

    a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established.

    b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the Base Max described in Table 2.8, unless administratively reviewed and approved for bonus increases according to the criteria set forth in subsection C. of this section.

2. New MR-2 properties: For property rezoned to the MR-2 (Medium Density Residential-2) District classification after the effective date of the ordinance from which this chapter is derived density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. of this section.

C. Density bonus eligibility and calculations. Density bonuses are intended for subdivisions, as defined in this chapter, not for individual infill lots. The maximum allowed density on MR-2 (Medium Density Residential-2) District zoned property may be increased above the Base Max by application of density bonuses, as indicated by Table 2.6, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.6. In no case shall density of MR-2 (Medium Density Residential-2) zoned property exceed the bonus maximum established by Table 2.8.

(Ord. of 8-2-2017, § 1(2.14.5))

Sec. 2.14.6. Building heights.

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

Table 2.9. MR-2 Building Height

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

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

Sec. 2.15.1. Statement of purpose and intent.

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

A. To encourage primarily residential, urban-scaled developments that allow accessory retail, office, institutional, and civic uses;

B. To provide for high density, low-rise residential neighborhoods with a mix of single-family and multifamily housing types that maintain harmony of scale, intensity, and design with surrounding development;

C. To provide for connectivity of streets and communities and reduce the dependence on automobile use by increasing the ease of movement and opportunities for alternative modes of travel;

D. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.15.1))

Sec. 2.15.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.15.2)) [TMOD-22-001]

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Boarding/rooming house
   b. Dwelling, apartment
   c. Dwelling, cottage home; see section 4.2
   d. Dwelling, multifamily
   e. Dwelling, single-family (attached)
   f. Dwelling, single-family (detached)
   g. Dwelling, three-family
   h. Dwelling, townhouse; see section 4.2
   i. Dwelling, two family
   j. Dwelling, urban single-family; see section 4.2
   k. Fraternity house or sorority house
   l. Live/work unit; see section 4.2

3. Institutional/Public
   a. Government facilities
   b. Library or museum
   c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   d. School, public kindergarten, elementary, middle or high schools

4. Commercial
   a. Adult daycare center, 7 or more; see section 4.2
   b. Child day care center, up to 6; see section 4.2
   c. Child day care facility, 7 or more; see section 4.2
   d. Personal services establishment

5. Communications – Utility
   a. Essential services
   b. Satellite television antenna; see section 4.2

6. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Residential
   a. Home occupation, no customer contact; see section 4.2

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary produce stand; see section 4.2
   d. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Bed and breakfast establishment; see section 4.2
   b. Home occupation, with customer contact; see section 4.2
   c. Personal care home, 6 or less; see section 4.2
   d. Personal care home, 7 or more; see section 4.2
   e. Senior housing; see section 4.2
   f. Shelter for homeless persons for no more than 6 persons; see section 4.2
   g. Shelter for homeless persons 7-20; see section 4.2
   h. Traditional housing facilities, 7-20; see section 4.2

2. Institutional/Public
   a. Cemetery, columbarium, mausoleum; see section 4.2
   b. Cultural facilities
   c. Places of worship; see section 4.2
   d. Recreation club; see section 4.2

e. School, private kindergarten, elementary, middle or high schools; see section 4.2
f. School, vocational; see section 4.2
g. Swimming pools, commercial; see section 4.2

3. Commercial
a. Adult daycare facility, up to 6; see section 4.2
b. Dog day care; see section 4.2

D. Permitted Accessory
The following uses are permitted as accessory only to a principal use:
1. Residential
a. Accessory uses or structures

2. Institutional/Public
a. Educational use, private; see section 4.2
b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

3. Commercial
a. Art gallery
b. Banks, credit unions or other similar financial institutions
c. Barber shop/beauty salon or similar establishments
d. Building or construction office
e. Coin laundry
f. Dog grooming; see section 4.2
g. Dry cleaning agencies, pressing establishments, or laundry pick-up stations
h. Fitness center
i. Office, medical
j. Office, professional
k. Restaurants (non drive-thru)
l. Retail, 5.000 sf or less (with the exception of small box discount stores)

[TMDO-21-017]

Sec. 2.15.3. Dimensional requirements.

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

(Ord. of 8-2-2017, § 1(2.15.3))

Sec. 2.15.4. Site and building design standards.

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

(Ord. of 8-2-2017, § 1(2.15.4))

Sec. 2.15.5. Density and location criteria.

A. The maximum allowed dwelling unit density in the HR-1 District before application of any bonus is 24 dwelling units per acre, and after application of any bonuses is 40 dwelling units per acre.

B. Density determination of each HR-1 (High Density Residential-1) property:

1. Existing HR-1 properties: For existing properties converted to the HR-1 (High Density Residential-1) District classification at the effective date of the ordinance from which this chapter is derived:

   a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established.

   b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the base max described in Table 2.10, unless administratively reviewed and approved for bonus increases according to the criteria set forth in subsection C. of this section.

2. New HR-1 properties: For property rezoned to the HR-1 (High Density Residential-1) District classification after the effective date of the ordinance from which this chapter is derived, density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. of this section.

C. Density bonus eligibility and calculations. Density bonuses are intended for subdivisions, as defined in this chapter, not for individual infill lots. The maximum allowed density on HR-1 (High Density Residential-1) District zoned property may be increased above the base max by application of density bonuses, as indicated by Table 2.6, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.6. In no case shall density exceed the bonus maximum established by Table 2.10.

(Ord. of 8-2-2017, § 1(2.15.5))

Sec. 2.15.6. Building heights.

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

Table 2.11. HR-1 Building Height

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

With Accessory Non-Res	4 stories or 60 feet*	5 stories or 70 feet*
* Whichever is less.		

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

Sec. 2.16.1. Statement of purpose and intent.

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

A. To encourage primarily residential, urban-scaled developments that allow accessory retail, office, institutional, and civic uses;

B. To provide for high density, mid-rise residential neighborhoods with a mix of single-family and multifamily housing types that maintain harmony of scale, intensity, and design with surrounding development;

C. To provide for connectivity of streets and communities and reduce the dependence on automobile use by increasing the ease of movement and opportunities for alternative modes of travel;

D. To implement the future development map of the city's most current comprehensive plan.

(Ord. of 8-2-2017, § 1(2.16.1))

Sec. 2.16.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.16.2)) [TMOD-22-001]

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Boarding/rooming house
   b. Dwelling, apartment
   c. Dwelling, cottage home; see section 4.2
   d. Dwelling, multifamily
   e. Dwelling, single-family (attached)
   f. Dwelling, single-family (detached)
   g. Dwelling, three-family
   h. Dwelling, townhouse; see section 4.2
   i. Dwelling, two family
   j. Dwelling, urban single-family; see section 4.2
   k. Fraternity house or sorority house
   l. Live/work unit; see section 4.2

3. Institutional/Public

a. Government facilities
b. Library or museum
c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
d. School, public kindergarten, elementary, middle or high schools

4. Commercial
a. Adult daycare center, 7 or more; see section 4.2
b. Child day care center, up to 6; see section 4.2
c. Child day care facility, 7 or more; see section 4.2
d. Personal services establishment

5. Communications – Utility
a. Essential services
b. Satellite television antenna; see section 4.2

6. Wireless Telecommunications
a. Attached wireless telecommunication facility; see section 4.2
b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses
The following uses are permitted only with administrative approval:
1. Agricultural
a. Urban, community garden, over 5 acres

2. Residential
a. Home occupation, no customer contact; see section 4.2

3. Commercial
a. Farmer's market, temporary/seasonal; see section 4.2
b. Temporary outdoor retail sales; see section 4.2
c. Temporary produce stand; see section 4.2
d. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit
The following uses are permitted only with a special land use permit:
1. Residential
a. Bed and breakfast establishment; see section 4.2
b. Home occupation, with customer contact; see section 4.2
c. Personal care home, 6 or less; see section 4.2
d. Personal care home, 7 or more; see section 4.2
e. Senior housing; see section 4.2
f. Shelter for homeless persons for no more than 6 persons; see section 4.2
g. Shelter for homeless persons 7-20; see section 4.2
h. Traditional housing facilities, 7-20; see section 4.2
2. Institutional/Public
a. Cemetery, columbarium, mausoleum; see section 4.2

b. Cultural facilities
c. Places of worship; see section 4.2
d. Recreation club; see section 4.2
e. School, private kindergarten, elementary, middle or high schools; see section 4.2
f. School, vocational; see section 4.2
g. Swimming pools, commercial; see section 4.2

3. Commercial
a. Adult daycare facility, up to 6; see section 4.2
b. Dog day care; see section 4.2

D. Permitted Accessory
The following uses are permitted as accessory only to a principal use:
1. Residential
a. Accessory uses or structures

2. Institutional/Public
a. Educational use, private; see section 4.2
b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

3. Commercial
a. Art gallery
b. Banks, credit unions or other similar financial institutions
c. Barber shop/beauty salon or similar establishments
d. Building or construction office
e. Coin laundry
f. Dog grooming; see section 4.2
g. Dry cleaning agencies, pressing establishments, or laundry pick-up stations
h. Fitness center
i. Office, medical
j. Office, professional
k. Restaurants (non drive-thru)
l. Retail, 5.000 sf or less (with the exception of small box discount stores)

[TMOD-22-001]

Sec. 2.16.3. Dimensional requirements.

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

(Ord. of 8-2-2017, § 1(2.16.3))

Sec. 2.16.4. Site and building design standards.

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

(Ord. of 8-2-2017, § 1(2.16.4))

Sec. 2.16.5. Density and location criteria.

A. The maximum allowed dwelling unit density in the HR-2 District before application of any bonus is 40 dwelling units per acre, and after application of any bonuses is 60 dwelling units per acre.

B. Density determination of each HR-2 (High Density Residential-2) property:

1. Existing HR-2 properties: For properties converted to the HR-2 (High Density Residential-2) District classification at the effective date of the ordinance from which this chapter is derived:

   a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established.

   b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the base max described in Table 2.12, unless administratively reviewed and approved for bonus increases according to the criteria set forth in subsection C. of this section.

2. New HR-2 properties: For property rezoned to the HR-2 (High Density Residential-2) District classification after the effective date of the ordinance from which this chapter is derived, density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. of this section.

C. Density bonus eligibility and calculations. Density bonuses are intended for subdivisions, as defined in this chapter, not for individual infill lots. The maximum allowed density on HR-2 (High Density Residential-2) District zoned property may be increased above the base max by application of density bonuses as indicated by Table 2.6, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.6. In no case shall density exceed the bonus maximum established by Table 2.12.

(Ord. of 8-2-2017, § 1(2.16.5))

Sec. 2.16.6. Building heights.

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

Table 2.13. HR-2 Building Height

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

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

Sec. 2.17.1. Statement of purpose and intent.

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

A. To encourage primarily residential, urban-scaled developments that allow accessory retail, office, institutional, and civic uses;

B. To provide for high density, high-rise residential neighborhoods with a mix of single-family and multifamily housing types that maintain harmony of scale, intensity, and design with surrounding development;

C. To provide for connectivity of streets and communities and reduce the dependence on automobile use by increasing the ease of movement and opportunities for alternative modes of travel;

D. To implement the future development map of the city's most current comprehensive plan.

(Ord. of 8-2-2017, § 1(2.17.1))

Sec. 2.17.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.17.2)) [TMOD-22-001]

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Boarding/rooming house
   b. Dwelling, apartment
   c. Dwelling, cottage home; see section 4.2
   d. Dwelling, multifamily
   e. Dwelling, single-family (attached)
   f. Dwelling, single-family (detached)
   g. Dwelling, three-family
   h. Dwelling, townhouse; see section 4.2
   i. Dwelling, two family
   j. Dwelling, urban single-family; see section 4.2
   k. Fraternity house or sorority house
   l. Live/work unit; see section 4.2

3. Institutional/Public
   a. Government facilities
   b. Library or museum
   c. Neighborhood or subdivision clubhouse or amenities; see section 4.2

d. School, public kindergarten, elementary, middle or high schools

4. Commercial
   a. Adult daycare center, 7 or more; see section 4.2
   b. Child day care center, up to 6; see section 4.2
   c. Child day care facility, 7 or more; see section 4.2
   d. Personal services establishment

5. Communications – Utility
   a. Essential services
   b. Satellite television antenna; see section 4.2

6. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Residential
   a. Home occupation, no customer contact; see section 4.2

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary produce stand; see section 4.2
   d. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Bed and breakfast establishment; see section 4.2
   b. Home occupation, with customer contact; see section 4.2
   c. Personal care home, 6 or less; see section 4.2
   d. Personal care home, 7 or more; see section 4.2
   e. Senior housing; see section 4.2
   f. Shelter for homeless persons for no more than 6 persons; see section 4.2
   g. Shelter for homeless persons 7-20; see section 4.2
   h. Traditional housing facilities, 7-20; see section 4.2
2. Institutional/Public
   a. Cemetery, columbarium, mausoleum; see section 4.2
   b. Cultural facilities
   c. Places of worship; see section 4.2
   d. Recreation club; see section 4.2

e. School, private kindergarten, elementary, middle or high schools; see section 4.2
f. School, vocational; see section 4.2
g. Swimming pools, commercial; see section 4.2

3. Commercial
a. Adult daycare facility, up to 6; see section 4.2
b. Dog day care; see section 4.2

D. Permitted Accessory
The following uses are permitted as accessory only to a principal use:
1. Residential
a. Accessory uses or structures

2. Institutional/Public
a. Educational use, private; see section 4.2
b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

3. Commercial
a. Art gallery
b. Banks, credit unions or other similar financial institutions
c. Barber shop/beauty salon or similar establishments
d. Building or construction office
e. Coin laundry
f. Dog grooming; see section 4.2
g. Dry cleaning agencies, pressing establishments, or laundry pick-up stations
h. Fitness center
i. Office, medical
j. Office, professional
k. Restaurants (non drive-thru)
l. Retail, 5.000 sf or less (with the exception of small box discount stores)

[TMOD-22-001]

Sec. 2.17.3. Dimensional requirements.

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

(Ord. of 8-2-2017, § 1(2.17.3))

Sec. 2.17.4. Site and building design standards.

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

(Ord. of 8-2-2017, § 1(2.17.4))

Sec. 2.17.5. Density and location criteria.

A. The maximum allowed dwelling unit density in the HR-2 District before application of any bonus is 60 dwelling units per acre, and after application of any bonuses is 120 dwelling units per acre.

B. Density determination of each HR-3 (High Density Residential-3) property:

1. Existing HR-3 properties: For existing properties converted to HR-3 (High Density Residential-3) District classification at the effective date of the ordinance from which this chapter is derived:

   a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established.

   b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the Base Max described in Table 2.14, unless administratively reviewed and approved for bonus increases according to the criteria set forth in subsection C. of this section.

2. New HR-3 properties: For property rezoned to the HR-3 (High Density Residential-3) District classification after the effective date of the ordinance from which this chapter is derived, density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. of this section.

C. Density bonus eligibility and calculations. Density bonuses are intended for subdivisions, as defined in this chapter, not for individual infill lots. The maximum allowed density on HR-3 (High Density Residential-3) District zoned property may be increased above the base max by application of density bonuses as indicated by Table 2.6, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.6. In no case shall density exceed the bonus maximum established by Table 2.14.

(Ord. of 8-2-2017, § 1(2.17.5))

Sec. 2.17.6. Building heights.

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

Table 2.15. HR-3 Building Height for Density

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

DIVISION 18. MIXED-USE ZONING DISTRICTS

Sec. 2.18.1. Statement of purpose and intent.

A. The purpose and intent of the City Council in establishing all districts designated as Mixed-Use (MU-1, MU-2, MU-3, MU-4 and MU-5) Zoning Districts are as follows:

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

(Ord. of 8-2-2017, § 1(2.18.1))

Sec. 2.18.2. Mixed-use district densities.

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

Table 2.16. Summary of Mixed-Use Zoning District Densities

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

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

(Ord. of 8-2-2017, § 1(2.18.2))

Sec. 2.18.3. Mixed-use dimensional requirements.

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

Table 2.17. Mixed-Use Zoning Districts Dimensional Requirements

Mixed-Use Districts				
KEY: Development Types: SFD: Single-Family Detached, SFA: Single-Family Attached, TTF: Two- or Three-Family, MF: Multifamily, U-SF: Urban Single-Family, MU: Mixed-Use, CM: Commercial, OF: Office				
Element	*MU-1*	*MU-2*	*MU-3*	*MU-4 and MU-5*
Overall Site Requirements (minimum, unless otherwise specified)				
Dwelling units per acre (with bonus)	4—8	8—12	12—24	MU-4=24—40; MU-5=40—60
Minimum street frontage for site (feet)	75	75	50	50
Minimum site size	0	0	0	0
Overall site setback rear (feet)	20	20	20	10
Overall site setback side (feet)	15	15	15	N/A (Art. V buffers apply)
Open space required (minimum percent)*	10 percent of total parcel acreage	10 percent of total parcel acreage	10 percent of total parcel acreage	10 percent of total parcel acreage
Transitional buffers (feet)	See article 5 of this chapter			
Required minimum mix of uses				
Nonresidential (percentage square footage of building)	10 percent	15 percent	20 percent	20 percent
Residential (percentage square footage of building)	15 percent	10 percent	0	0
Individual Lot Dimensions by Residential Type (minimum, unless specified)				
*Single-Family Detached (SFD)***				
Lot area (square feet)	3,500	3,500/2,000 cottage	3,500	Not permitted
Lot width (feet)	35	35/20	35	Not permitted
Lot coverage (maximum percentage)	55	55	55	Not permitted
Single-Family Attached (SFA) and Urban Single-Family				
Lot area (square feet)	1,000	1,000	1,000	1,000
Lot width (feet)	20	16	16	20

Lot coverage (maximum percent per lot or total parcel acreage)	50 percent	75 percent	80 percent	90 percent
Two- or Three-Family (TTF)				
Lot area (square feet)	4,000	4,000	4,000	4,000
Lot width (feet)	55	55	55	55
Lot coverage (maximum percent per lot or total parcel acreage)	55	55	75	75
Multifamily (MF) - See Building Type Standards in article 5 of this chapter				
Lot area (square feet)	12,500	12,500	12,500	12,500
Lot width (feet)	1 bldg.: 50 2 or more bldgs.: 100	1 bldg.: 50 2 or more bldgs.: 100	1 bldg.: 50 2 or more bldgs.: 100	1 bldg.: 50 2 or more bldgs.: 100
Lot coverage (maximum percentage)	N/A	N/A	N/A	N/A
Building Setbacks (minimum, unless specified)				
Single-Family Detached and Two-Family				
Front (feet)	Min. 10/Max. 25	Min. 5/Max. 20	Min. 5/Max. 20	Not permitted
Side - interior lot (feet)	7.5	7.5	7.5	Not permitted
Side - corner lot on public street (feet)	15	15	15	Not permitted
Rear (feet)	10	10	10	Not permitted
Rear - w/alley (feet)	15	10	10	Not permitted
Single-Family Attached and Urban Single-Family				
Front (feet)	Min. 10/Max. 20, Min. 5/Max. 10 with alley garage	Min. 10/Max. 20, Min. 5 with alley garage	No Min./Max	No Min./Max.
Side - interior lot (feet)	N/A	N/A	No Min./Max.	No Min./Max.
Side - corner lot on public street (feet)	Min. 10/Max. 20	Min. 10/Max. 20	10	5
Rear (feet)	20	15	10	10
Rear - w/alley (feet)	15	10	5	5
*Mixed-Use/Commercial/Multifamily****				
Front (feet)	Min. 10/Max. 50	Min. 10/Max. 50	No Min./Max.	No Min./Max.
Side - interior lot (feet)	Min. 10./Max. 20	Min. 10./Max. 20	No Min./Max.	No Min./Max.
Side - corner lot on public street (feet)	20	15	No Min./Max.	No Min./Max.
Rear (feet)	15, 0 if parking deck, liner building or party wall present	10, 0 if parking deck, liner building or party wall present	10, 0 if parking deck, liner building or party wall present	10, 0 if parking deck, liner building or party wall present

Rear - w/alley (feet)	10	10	5	5
Unit Size, heated living area (minimum, unless specified)				
Single-Family Detached (square feet)	1,200	1,200/800 cottage	1,200/800 cottage	Not permitted
Single-Family Detached, Urban (square feet)	1,000	1,000	1,000	1,000
Two- and Three-Family (square feet)	1,000	1,000	1,000	Not permitted
Single-Family Attached (square feet)	850	850	850	850
Multifamily - one bedroom (square feet)	550	500	500	500
Multifamily - two bedroom (square feet)	700	650	650	650
Multifamily - three bedroom (square feet)	850	800	800	800
Accessory Unit (square feet)	650	650	Not permitted	Not permitted
Live/Work (residential portion square feet)	400	400	400	400

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

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

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

(Ord. of 8-2-2017, § 1(2.18.3))

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

Sec. 2.19.1. Dimensional requirements.

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

(Ord. of 8-2-2017, § 1(2.19.1))

Sec. 2.19.2. Site and building design standards.

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

(Ord. of 8-2-2017, § 1(2.19.2))

Sec. 2.19.3. Permitted and special land uses.

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

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Child day care center
   b. Dwelling, multifamily
   c. Dwelling, single-family (attached)
   d. Dwelling, single-family (detached)
   e. Dwelling, three-family
   f. Dwelling, townhouse; see section 4.2
   g. Dwelling, two family
   h. Dwelling, urban single-family; see section 4.2
   i. Live/work unit; see section 4.2
   j. Nursing care facility or hospice

3. Institutional/Public
   a. Club, order or lodge, fraternal, non-commercial
   b. Colleges, universities, research and training facilities
   c. Funeral home, mortuary
   d. Government facilities
   e. Library or museum
   f. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   g. Places of worship; see section 4.2
   h. School, public kindergarten, elementary, middle or high schools
   i. School, specialty; see section 4.2
   j. School, vocational; see section 4.2

4. Commercial
   a. Adult daycare facility, up to 6; see section 4.2
   b. Animal hospitals, veterinary clinic; see section 4.2
   c. Art gallery
   d. Banks, credit unions or other similar financial institutions
   e. Barber shop/beauty salon or similar establishments
   f. Brewpub/beer growler
   g. Catering establishment
   h. Check cashing establishment, accessory; see section 4.2
   i. Child day care center (kindergarten), 7 or more

j. Child day care facility, 7 or more; see section 4.2
k. Clinic, health services
l. Commercial greenhouse or plant nursery; see section 4.2
m. Dog day care
n. Dog grooming
o. Dry cleaning agencies, pressing establishments or laundry pick-up stations
p. Farmer's market, permanent; see section 4.2
q. Fitness center
r. Kidney dialysis center
s. Office, medical
t. Office, professional
u. Parking, commercial lot; see section 4.2
v. Parking, commercial garage
w. Personal services establishment
x. Recreation, indoor
y. Restaurants (non drive-thru)
z. Retail, 5,000 sf or less (with the exception of small box discount stores)
aa. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center)
bb. Retail warehouses/wholesalers providing sales of merchandise with no outdoor storage
cc. Shopping center
dd. Special events facility
ee. Taxi stand

5. Communications – Utility
   a. Essential services
   b. Radio or television broadcasting studio
   c. Satellite television antenna; see section 4.2

6. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Residential
   a. Home occupation, no customer contact; see section 4.2

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary outdoor sales; seasonal; see section 4.2
   d. Temporary outdoor sales or events, seasonal; see section 4.2
   e. Temporary produce stand; see section 4.2
   f. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2

b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Child care home, 5 or less; see section 4.2
   b. Child care facility, 6 or more; see section 4.2
   c. Home occupation, with customer contact; see section 4.2
   d. Personal care home, 7 or more; see section 4.2
   e. Senior housing; see section 4.2
   f. Short Term vacation rental

2. Institutional/Public
   a. Cultural facilities

3. Commercial
   a. Alcohol outlet-package store, primary; see section 4.2
   b. Alcohol outlet -beer and/or wine store, beer growler, primary; see section 4.2
   c. Bus or rail stations or terminals for passengers
   d. Drive-through facilities; see section 4.2
   e. Nightclub or late-night establishment; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential
   a. Accessory uses or structures
   b. Dormitory
   c. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2

2. Institutional/Public
   a. Educational use, private; see section 4.2

[TMOD-22-001]

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

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

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

A. *Pre-application meeting.* Before submitting an application for rezoning to the MU-1 (Mixed-Use Low Density) District, the applicant shall confer with the director of planning to discuss the feasibility of the proposed plan and its relationship to the comprehensive plan and city ordinances.

B. *Submittal of master development plan.* The submittal package for rezoning to the MU-1 (Mixed-Use Low Density) District shall include all items indicated by the application and instruction form established by the planning department. The master development plan shall include:

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

(Ord. of 8-2-2017, § 1(2.19.4))

Sec. 2.19.5. Mixed-use building restrictions.

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

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

(Ord. of 8-2-2017, § 1(2.19.5))

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

A. The maximum allowed dwelling unit density before application of any bonus is 4 dwelling units per acre, and after application of any bonuses is 8 dwelling units per acre.

B. Density determination of each MU-1 (Mixed-Use Low Density) property:

1. Existing MU-1 properties: For properties converted to the MU-1 (Mixed-Use Low Density) District classification at the effective date of the ordinance from which this chapter is derived:

   a. Where conditions of zoning regulate density on the property, the maximum density shall remain as established in any conditions of zoning attached to the property.

   b. Where no conditions of zoning regulating density have been attached to the property, the maximum density shall be the Base Max described in Table 2.18 unless administratively reviewed and approved for bonus increases, according to the criteria set forth in subsection C. of this section.

2. New MU-1 districts: For property rezoned to the MU-1 (Mixed-Use Low Density) District classification after the effective date of the ordinance from which this chapter is derived, density shall be established by the City Council at the time of approval of the MU-1 District, based upon the criteria set forth in subsection C. of this section.

C. Density bonus eligibility and calculations. Density bonuses are intended for subdivisions, as defined in this chapter, not for individual infill lots. The maximum allowed density on MU-1 (Mixed-Use Low Density) zoned property may be increased above the base max by application of density bonuses as indicated by Table 2.19, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.19. In no case shall density exceed the bonus maximum established by Table 2.18.

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

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

Additional Enhanced Open Space	Additional enhanced open space comprises 35 percent or more of the overall site development.
MARTA Rapid Transit Station	Existing MARTA rapid transit station is located within one-quarter mile of property boundary.
Reinvestment Areas	Property is located within an Enterprise Zone or Opportunity Zone.

(Ord. of 8-2-2017, § 1(2.19.6)) [TMOD-22-001]

Sec. 2.19.7. Reserved.

(Ord. of 8-2-2017, § 1(2.19.7))

Sec. 2.19.8. MU-1 retail size restrictions.

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

(Ord. of 8-2-2017, § 1(2.19.8))

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

Sec. 2.20.1. District requirements, standards and criteria.

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

(Ord. of 8-2-2017, § 1(2.20.1)) [TMOD-22-001]

Sec. 2.20.2. Permitted and special land uses.

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

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Bed and breakfast establishment; see section 4.2
   b. Child day care center
   c. Convents or monasteries; see section 4.2
   d. Dwelling, multifamily
   e. Dwelling, single-family (attached)
   f. Dwelling, single-family (detached)
   g. Dwelling, three-family
   h. Dwelling, townhouse; see section 4.2
   i. Dwelling, two family
   j. Dwelling, urban single-family; see section 4.2
   k. Fraternity house or sorority house
   l. Live/work unit; see section 4.2
   m. Nursing care facility or hospice

3. Institutional/Public
   a. Club, order or lodge, fraternal, non-commercial
   b. Colleges, universities, research and training facilities
   c. Funeral home, mortuary
   d. Government facilities
   e. Library or museum
   f. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   g. Places of worship; see section 4.2
   h. School, public kindergarten, elementary, middle or high schools
   i. School, specialty; see section 4.2
   j. School, vocational; see section 4.2

4. Commercial
   a. Adult daycare center, 7 or more; see section 4.2
   b. Adult daycare facility, up to 6; see section 4.2

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

5. Industrial
   a. Contractor, general (see also building or construction office)

6. Communications – Utility
   a. Essential services
   b. Radio or television broadcasting studio
   c. Satellite television antenna; see section 4.2

7. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Residential
   a. Home occupation, no customer contact; see section 4.2
   b. Hotel/motel

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary outdoor sales; seasonal; see section 4.2
   d. Temporary outdoor sales or events, seasonal; see section 4.2
   e. Temporary produce stand; see section 4.2
   f. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Child care home, 5 or less; see section 4.2
   b. Child care facility, 6 or more; see section 4.2
   c. Home occupation, with customer contact; see section 4.2
   d. Personal care home, 7 or more; see section 4.2
   e. Senior housing; see section 4.2
   f. Short Term vacation rental

2. Institutional/Public
   a. Cultural facilities
   b. School, private kindergarten, elementary, middle or high schools; see section 4.2

3. Commercial
   a. Alcohol outlet-package store, primary; see section 4.2
   b. Alcohol outlet -beer and/or wine store, beer growler, primary; see section 4.2
   c. Bus or rail stations or terminals for passengers
   d. Drive-through facilities; see section 4.2
   e. Nightclub or late night establishment; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential
   a. Accessory uses or structures
   b. Dormitory
   c. Dwelling, single-family, accessory (guesthouse, in-law suite) ; see section 4.2

2. Institutional/Public
   a. Educational use, private; see section 4.2
   b. Swimming pools, commercial; see section 4.2
   c. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

[TMOD-22-001]

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

Sec. 2.21.1. District requirements, standards and criteria.

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

A. The maximum allowed dwelling unit density before application of any bonus is 12 dwelling units per acre, and after application of any bonuses is 24 dwelling units per acre.

B. Section 2.19.8 regarding retail size restrictions shall not apply.

C. Height restrictions apply to the MU-3 (Mixed-Use Low-Medium Density) District based on a relationship of density, as achieved through bonuses, in accordance with Table 2.9 or 2.11, as applicable.

(Ord. of 8-2-2017, § 1(2.21.1)) [TMOD-22-001]

Sec. 2.21.2. Permitted and special land uses.

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

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Bed and breakfast establishment; see section 4.2
   b. Child day care center
   c. Convents or monasteries; see section 4.2
   d. Dwelling, multifamily
   e. Dwelling, single-family (attached)
   f. Dwelling, single-family (detached)
   g. Dwelling, three-family
   h. Dwelling, townhouse; see section 4.2
   i. Dwelling, two family
   j. Dwelling, urban single-family; see section 4.2
   k. Fraternity house or sorority house
   l. Live/work unit; see section 4.2
   m. Nursing care facility or hospice

3. Institutional/Public
   a. Club, order or lodge, fraternal, non-commercial
   b. Colleges, universities, research and training facilities
   c. Funeral home, mortuary
   d. Government facilities

e. Hospital or accessory ambulance service
f. Library or museum
g. Neighborhood or subdivision clubhouse or amenities; see section 4.2
h. Places of worship; see section 4.2
i. School, public kindergarten, elementary, middle or high schools
j. School, specialty; see section 4.2
k. School, vocational; see section 4.2

4. Commercial
   a. Adult daycare center, 7 or more; see section 4.2
   b. Adult daycare facility, up to 6; see section 4.2
   c. Art gallery
   d. Automobile or truck rental or leasing facilities; see section 4.2
   e. Banks, credit unions or other similar financial institutions
   f. Barber shop/beauty salon or similar establishments
   g. Brewpub/beer growler
   h. Catering establishment
   i. Check cashing establishment, accessory; see section 4.2
   j. Child day care facility, up to 6; see section 4.2
   k. Child day care center (kindergarten), 7 or more
   l. Child day care facility, 7 or more; see section 4.2
   m. Clinic, health services
   n. Coin laundry
   o. Dog day care
   p. Dog grooming
   q. Dry cleaning agencies, pressing establishments or laundry pick-up stations
   r. Farmer's market, permanent; see section 4.2
   s. Fitness center
   t. Kidney dialysis center
   u. Office, medical
   v. Office, professional
   w. Parking, commercial lot; see section 4.2
   x. Parking, commercial garage
   y. Personal services establishment
   z. Recreation, indoor
   aa. Restaurants (accessory to hotel/motel)
   bb. Restaurants (non drive-thru)
   cc. Retail, 5,000 sf or less (with the exception of small box discount stores)
   dd. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center)
   ee. Retail warehouses/wholesalers providing sales of merchandise with no outdoor storage
   ff. Shopping center
   gg. Special events facility
   hh. Taxi stand
   ii. Theaters with live performance, assembly or concert halls, or similar entertainment within an enclose building

5. Industrial
   a. Contractor, general (see also building or construction office)

6. Communications – Utility
   a. Essential services

b. Radio or television broadcasting studio
c. Satellite television antenna; see section 4.2

7. Wireless Telecommunications
a. Attached wireless telecommunication facility; see section 4.2
b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses
The following uses are permitted only with administrative approval:
1. Agricultural
a. Urban, community garden, over 5 acres

2. Residential
a. Home occupation, no customer contact; see section 4.2
b. Hotel/motel

3. Commercial
a. Farmer's market, temporary/seasonal; see section 4.2
b. Medical or dental laboratories
c. Temporary outdoor retail sales; see section 4.2
d. Temporary outdoor sales; seasonal; see section 4.2
e. Temporary outdoor sales or events, seasonal; see section 4.2
f. Temporary produce stand; see section 4.2
g. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit
The following uses are permitted only with a special land use permit:
1. Residential
a. Child care home, 5 or less; see section 4.2
b. Child care facility, 6 or more; see section 4.2
c. Home occupation, with customer contact; see section 4.2
d. Personal care home, 7 or more; see section 4.2
e. Senior housing; see section 4.2

2. Institutional/Public
a. Coliseum or stadium, not associated with a church or school; see section 4.2
b. Cultural facilities
c. School, private kindergarten, elementary, middle or high schools; see section 4.2

3. Commercial
a. Alcohol outlet-package store, primary; see section 4.2
b. Alcohol outlet -beer and/or wine store, beer growler, primary; see section 4.2
c. Bus or rail stations or terminals for passengers
d. Drive-through facilities; see section 4.2
e. Heliport; see section 4.2
f. Nightclub or late night establishment; see section 4.2

D. Permitted Accessory
The following uses are permitted as accessory only to a principal use:
1. Residential
   a. Accessory uses or structures
   b. Dormitory
   c. Dwelling, single-family, accessory (guesthouse, in-law suite) ; see section 4.2

2. Institutional/Public
   a. Swimming pools, commercial; see section 4.2
   b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

[TMOD-22-001]

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

Sec. 2.22.1. District requirements, standards and criteria.

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

A. The maximum allowed dwelling unit density before application of any bonus is 24 dwelling units per acre, and after application of any bonuses is 40 dwelling units per acre.

B. Height restrictions apply to the MU-4 (Mixed-Use High Density) District in accordance with Table 2.9, 2.11, or 2.13, as applicable.

(Ord. of 8-2-2017, § 1(2.22.1)) [TMOD-22-001]

Sec. 2.22.2. Permitted and special land uses.

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

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

2. Residential
   a. Bed and breakfast establishment; see section 4.2
   b. Child day care center
   c. Convents or monasteries; see section 4.2
   d. Dwelling, multifamily
   e. Dwelling, single-family (attached)
   f. Dwelling, three-family
   g. Dwelling, townhouse; see section 4.2
   h. Dwelling, two family
   i. Dwelling, urban single-family; see section 4.2

j. Live/work unit; see section 4.2
k. Nursing care facility or hospice

3. Institutional/Public
   a. Club, order or lodge, fraternal, non-commercial
   b. Colleges, universities, research and training facilities
   c. Coliseum or stadium, not associated with a church or school; see section 4.2
   d. Funeral home, mortuary
   e. Government facilities
   f. Hospital or accessory ambulance service
   g. Library or museum
   h. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   i. Places of worship; see section 4.2
   j. School, public kindergarten, elementary, middle or high schools
   k. School, specialty; see section 4.2
   l. School, vocational; see section 4.2

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

hh. Taxi stand
ii. Theaters with live performance, assembly or concert halls, or similar entertainment within an enclose building

5. Communications – Utility
   a. Essential services
   b. Radio or television broadcasting studio
   c. Satellite television antenna; see section 4.2

6. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Residential
   a. Home occupation, no customer contact; see section 4.2
   b. Hotel/motel

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Medical or dental laboratories
   c. Temporary outdoor retail sales; see section 4.2
   d. Temporary outdoor sales; seasonal; see section 4.2
   e. Temporary outdoor sales or events, seasonal; see section 4.2
   f. Temporary produce stand; see section 4.2
   g. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Child care home, 5 or less; see section 4.2
   b. Child care facility, 6 or more; see section 4.2
   c. Home occupation, with customer contact; see section 4.2
   d. Personal care home, 7 or more; see section 4.2
   e. Senior housing; see section 4.2

2. Institutional/Public
   a. Cultural facilities
   b. Recreation club; see section 4.2
   c. School, private kindergarten, elementary, middle or high schools; see section 4.2

3. Commercial

a. Alcohol outlet-package store, primary; see section 4.2
b. Alcohol outlet -beer and/or wine store, beer growler, primary; see section 4.2
c. Bus or rail stations or terminals for passengers
d. Drive-through facilities; see section 4.2
e. Heliport; see section 4.2
f. Nightclub or late night establishment; see section 4.2

D. Permitted Accessory
The following uses are permitted as accessory only to a principal use:
1. Residential
a. Accessory uses or structures
b. Dormitory
c. Dwelling, single-family, accessory (guesthouse, in-law suite) ; see section 4.2

2. Institutional/Public
a. Swimming pools, commercial; see section 4.2
b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

[TMOD-22-001]

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

Sec. 2.23.1. District requirements, standards and criteria.

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

A. The maximum allowed dwelling unit density before application of any bonus is 40 dwelling units per acre, and after application of any bonuses is 120 dwelling units per acre.

B. Height restrictions apply to MU-5 in accordance with Tables 2.13 and 2.15, as applicable.

(Ord. of 8-2-2017, § 1(2.23.1)) [TMOD-22-001]

Sec. 2.23.2. Permitted and special land uses.

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

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

2. Residential
a. Bed and breakfast establishment; see section 4.2
b. Child day care center
c. Convents or monasteries; see section 4.2

d. Dwelling, multifamily
e. Dwelling, single-family (attached)
f. Dwelling, three-family
g. Dwelling, townhouse; see section 4.2
h. Dwelling, two family
i. Dwelling, urban single-family; see section 4.2
j. Live/work unit; see section 4.2
k. Nursing care facility or hospice

3. Institutional/Public
a. Club, order or lodge, fraternal, non-commercial
b. Colleges, universities, research and training facilities
c. Coliseum or stadium, not associated with a church or school; see section 4.2
d. Funeral home, mortuary
e. Government facilities
f. Hospital or accessory ambulance service
g. Library or museum
h. Neighborhood or subdivision clubhouse or amenities; see section 4.2
i. Places of worship; see section 4.2
j. School, public kindergarten, elementary, middle or high schools
k. School, specialty; see section 4.2
l. School, vocational; see section 4.2

4. Commercial
a. Adult daycare center, 7 or more; see section 4.2
b. Adult daycare facility, up to 6; see section 4.2
c. Art gallery
d. Automobile or truck rental or leasing facilities; see section 4.2
e. Banks, credit unions or other similar financial institutions
f. Barber shop/beauty salon or similar establishments
g. Brewpub/beer growler
h. Catering establishment
i. Check cashing establishment, accessory; see section 4.2
j. Child day care facility, up to 6; see section 4.2
k. Child day care center (kindergarten), 7 or more
l. Child day care facility, 7 or more; see section 4.2
m. Clinic, health services
n. Coin laundry
o. Dog day care
p. Dog grooming
q. Dry cleaning agencies, pressing establishments or laundry pick-up stations
r. Farmer's market, permanent; see section 4.2
s. Fitness center
t. Kidney dialysis center
u. Office, medical
v. Office, professional
w. Parking, commercial lot; see section 4.2
x. Parking, commercial garage
y. Personal services establishment
z. Recreation, indoor
aa. Restaurants (accessory to hotel/motel)

bb. Restaurants (non drive-thru)
cc. Retail, 5,000 sf or less (with the exception of small box discount stores)
dd. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center)
ee. Retail warehouses/wholesalers providing sales of merchandise with no outdoor storage
ff. Shopping center
gg. Special events facility
hh. Taxi stand
ii. Theaters with live performance, assembly or concert halls, or similar entertainment within an enclose building

5. Communications – Utility
   a. Essential services
   b. Radio or television broadcasting studio
   c. Satellite television antenna; see section 4.2

6. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Residential
   a. Home occupation, no customer contact; see section 4.2
   b. Hotel/motel

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Medical or dental laboratories
   c. Temporary outdoor retail sales; see section 4.2
   d. Temporary outdoor sales; seasonal; see section 4.2
   e. Temporary outdoor sales or events, seasonal; see section 4.2
   f. Temporary produce stand; see section 4.2
   g. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Child care home, 5 or less; see section 4.2
   b. Child care facility, 6 or more; see section 4.2
   c. Home occupation, with customer contact; see section 4.2
   d. Personal care home, 7 or more; see section 4.2
   e. Senior housing; see section 4.2

2. Institutional/Public
   a. Cultural facilities
   b. Recreation club; see section 4.2
   c. School, private kindergarten, elementary, middle or high schools; see section 4.2

3. Commercial
   a. Alcohol outlet-package store, primary; see section 4.2
   b. Alcohol outlet -beer and/or wine store, beer growler, primary; see section 4.2
   c. Bus or rail stations or terminals for passengers
   d. Drive-through facilities; see section 4.2
   e. Heliport; see section 4.2
   f. Nightclub or late night establishment; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential
   a. Accessory uses or structures
   b. Dormitory
   c. Dwelling, single-family, accessory (guesthouse, in-law suite) ; see section 4.2

2. Institutional/Public
   a. Swimming pools, commercial; see section 4.2
   b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

[TMOD-22-001]

DIVISION 24. NONRESIDENTIAL ZONING DISTRICTS: DIMENSIONAL REQUIREMENTS

Sec. 2.24.1. Dimensional requirements.

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

Table 2.24. Nonresidential Zoning Districts Dimensional Requirements

Nonresidential Districts								
Element	OIT	OI	NS	C-1	C-2	OD	M	M2
Overall Site Requirements (minimum, unless otherwise specified)								
Dimensional Requirements								
Lot area (min. square feet)	7,500	20,000	20,000	20,000	30,000	30,000	30,000	2 acres for heavy ind. and uses req'g SLUP, 1 acre for all other uses

Single-Family Attached Lot Area (Avg. per dwelling unit sq. ft.)	4,000	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted
Lot width, street frontage (feet)	75	100	100	100	100	100	100	150
Lot coverage (maximum percentage)	80	80	80	90	90	80	80	80
Open Space Requirements								
Sites with 5,000—39,999 sq. ft. gross floor area (minimum percent)	15	15	15	10	10	15	15	15
Sites with 40,000 sq. ft. gross floor area (minimum percent)	20	20	20	20	20	20	20	20
Transitional buffer (feet)	Article 5, division 4 of this chapter							
Building Setback Requirements (minimum, unless otherwise specified)								
Front thoroughfares and arterials (feet)	40	60*	30	60	60	75	60	60
Front - all other streets (feet)	30	50*	20	50	50	75	60	60
Side - interior lot (feet)	20	20*	20	20	20	20	20	20
Side - corner lot on public streets (feet)	40	50*	15	50	50	50	60	60
Rear (feet)	30	30*	20	30	30	30	30	30
Unit Size (residential: heated living area)								
Floor area of attached dwelling unit	1,000	1,000	Not permitted	Not permitted	Not permitted	Not permitted	1,000	Not permitted

of Multifamily (min. sq. ft.)								
Floor area of live/work dwelling unit (residential portion only - min. sq. ft.)	650	650	650	650	Not permitted	Not permitted	650	Not permitted
Floor area per individual building (maximum sq. ft.)(non-res)	N/A	N/A	50,000	No maximum	No maximum	No maximum	No maximum	No maximum
*Height (maximum without a special land use permit (SLUP))***								
Height (feet)	2 story/35 feet	5 story/70 feet	2 story/35 feet	2 story/35 feet	2 story/35 feet	2 story/35 feet	**	**
Transitional height plane (see article 5 of this chapter)	No	Yes	No	No	No	Yes	Yes	Yes

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

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

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

(Ord. of 8-2-2017, § 1(2.24.1))

DIVISION 25. NS (NEIGHBORHOOD SHOPPING) DISTRICT

Sec. 2.25.1. Statement of purpose and intent.

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

A. To provide convenient neighborhood retail shopping and service areas within the city for all residents;

B. To provide for the development of new Neighborhood Shopping Districts where so designated on the comprehensive plan;

C. To ensure that the size and scale of neighborhood shopping centers and individual uses within said centers are compatible with the scale of adjoining neighborhoods;

D. To implement the future development map of the city's most current comprehensive plan.

(Ord. of 8-2-2017, § 1(2.25.1))

Sec. 2.25.2. Intensity limitations.

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

(Ord. of 8-2-2017, § 1(2.25.2))

Sec. 2.25.3. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.25.3)) [TMOD-22-001]

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Child care home, 5 or less; see section 4.2
   b. Child day care center

3. Institutional/Public
   a. Government facilities
   b. Library or museum
   c. Places of worship; see section 4.2
   d. School, vocational; see section 4.2

4. Commercial
   a. Adult daycare center, 7 or more; see section 4.2
   b. Adult daycare facility, up to 6; see section 4.2
   c. Animal hospital, veterinary clinic; see section 4.2
   d. Art gallery
   e. Banks, credit unions or other similar financial institutions
   f. Barber shop/beauty salon or similar establishments
   g. Brewpub/beer growler
   h. Child day care facility, up to 6; see section 4.2
   i. Child day care center (kindergarten), 7 or more
   j. Clinic, health services
   k. Coin laundry
   l. Commercial greenhouse or plant nursery; see section 4.2
   m. Drive-through facilities; see section 4.2
   n. Dry cleaning agencies, pressing establishments or laundry pick-up stations
   o. Farmer's market, permanent; see section 4.2
   p. Fitness center
   q. Office, medical
   r. Office, professional
   s. Personal services establishment

t. Recreation, indoor
u. Restaurants (non drive-thru)
v. Retail, 5,000 sf or less (with the exception of small box discount stores)
w. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center)
x. Shopping center
y. Taxi stand

5. Communications – Utility
   a. Essential services
   b. Satellite television antenna; see section 4.2

6. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Institutional/Public
   a. School, vocational; see section 4.2

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary outdoor sales; seasonal; see section 4.2
   d. Temporary outdoor sales or events, seasonal; see section 4.2
   e. Temporary produce stand; see section 4.2
   f. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Child care facility, 6 or more; see section 4.2
   b. Personal care home, 6 or less; see section 4.2
   c. Personal care home, 7 or more; see section 4.2

2. Commercial
   a. Alcohol outlet -beer and/or wine store, beer growler, primary; see section 4.2
   b. Alcohol outlet-beer and wine, accessory to retail less than 12,000sf; see section 4.2
   c. Automobile service stations; see section 4.2
   d. Fuel pumps; see section 4.2
   e. Liquor store (see alcohol outlet) ; see section 4.2
   f. Nightclub or late night establishment; see section 4.2

3. Wireless Telecommunications
   a. New support structure from 51 feet to 150 feet; see section 4.2

D. Permitted Accessory
The following uses are permitted as accessory only to a principal use:
1. Residential
   a. Accessory uses or structures

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

[TMOD-22-001]

Sec. 2.25.4. Dimensional requirements.

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

(Ord. of 8-2-2017, § 1(2.25.4))

Sec. 2.25.5. Site and building design standards.

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

(Ord. of 8-2-2017, § 1(2.25.5))

DIVISION 26. C-1 (LOCAL COMMERCIAL) DISTRICT

Sec. 2.26.1. Statement of purpose and intent.

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

A. To provide convenient local retail shopping and service areas within the city for all residents;

B. To provide for quality control in development through materials and building placement;

C. To ensure that the uses authorized within the C-1 (Local Commercial) District are those uses which are designed to serve the convenience shopping and service needs of groups of neighborhoods;

D. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.26.1))

Sec. 2.26.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.26.2)) [TMOD-21-17]

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Bed and breakfast establishment; see section 4.2
   b. Child care facility, 6 or more
   c. Child care home, 5 or less; see section 4.2
   d. Child day care center
   e. Hotel/motel
   f. Live/work unit; see section 4.2
   g. Nursing care facility or hospice
   h. Personal care home, 6 or less; see section 4.2
   i. Personal care home, 7 or more; see section 4.2
   j. Shelter for homeless persons, 7-20; see section 4.2
   k. Transitional housing facilities, 7-20 persons; see section 4.2

3. Institutional/Public
   a. Club, order or lodge, fraternal, non-commercial
   b. Coliseum or stadium/not associated with church or school; see section 4.2
   c. Colleges, universities, research and training facilities
   d. Funeral home, mortuary
   e. Government facilities
   f. Library or museum
   g. Places of worship; see section 4.2
   h. School, private kindergarten, elementary, middle or high schools; see section 4.2
   i. School, public kindergarten, elementary, middle or high schools
   j. School, specialty; see section 4.2
   k. School, vocational; see section 4.2
   l. Swimming pools, commercial; see section 4.2
   m. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

4. Commercial
   a. Adult daycare center, 7 or more; see section 4.2
   b. Adult daycare facility, up to 6; see section 4.2
   c. Ambulance service or emergency medical services, private
   d. Animal hospital, veterinary clinic; see section 4.2
   e. Art gallery
   f. Automobile brokerage; see section 4.2
   g. Automobile or truck rental or leasing facilities; see section 4.2
   h. Automobile or truck sales; see section 4.2
   i. Automobile wash/was service; see section 4.2
   j. Automobile repair, minor; see section 4.2
   k. Banks, credit unions or other similar financial institutions
   l. Barber shop/beauty salon or similar establishments
   m. Brewpub/beer growler
   n. Building or construction office; see section 4.2
   o. Catering establishments

p. Check cashing establishment, accessory; see section 4.2
q. Child day care facility, up to 6; see section 4.2
r. Child day care center (kindergarten), 7 or more
s. Clinic, health services
t. Coin laundry
u. Commercial greenhouse or plant nursery; see section 4.2
v. Dog day care; see section 4.2
w. Dog grooming; see section 4.2
x. Drive-through facilities; see section 4.2
y. Dry cleaning agencies, pressing establishments or laundry pick-up stations
z. Farmer's market, permanent; see section 4.2
aa. Fitness center
bb. Kennel, commercial
cc. Kidney dialysis center
dd. Medical or dental laboratories
ee. Landscape business
ff. Mini-warehouse; see section 4.2
gg. Office, medical
hh. Office, professional
ii. Parking, commercial lot; see section 4.2
jj. Parking, commercial garage
kk. Personal services establishment
ll. Recreation, indoor
mm. Recreational vehicle, boat and trailer sales and service
nn. Restaurants (accessory to hotel/motel)
oo. Restaurants (non drive-thru)
pp. Retail, 5,000 sf or less (with the exception of small box discount stores)
qq. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center)
rr. Retail warehouses/wholesales providing sales of merchandise with no outdoor storage
ss. Shopping center
tt. Special events facility
uu. Taxi stand
vv. Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building
ww. Trade shops

5. Communications – Utility
   a. Essential services
   b. Satellite television antenna; see section 4.2

6. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Institutional/Public
   a. School, vocational; see section 4.2

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary outdoor sales; seasonal; see section 4.2
   d. Temporary outdoor sales or events, seasonal; see section 4.2
   e. Temporary produce stand; see section 4.2
   f. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   b. New support structure from 50 feet up to 199 feet; see section 4.2
   c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Hotel/motel, extended stay; see section 4.2
   b. Shelter for homeless persons for no more than 6 persons; see section 4.2

2. Institutional/Public
   a. Cultural facilities

3. Commercial
   a. Alcohol outlet -beer and/or wine store, beer growler, primary; see section 4.2
   b. Alcohol outlet-beer and wine, accessory to retail less than 12,000sf; see section 4.2
   c. Alcohol outlet-package store, primary; see section 4.2
   d. Automobile service stations; see section 4.2
   e. Bus or rail stations or terminals for passengers
   f. Crematoriums; see section 4.2
   g. Fuel pumps; see section 4.2
   h. Heliport; see section 4.2
   i. Liquor store (see alcohol outlet) ; see section 4.2
   j. Nightclub or late night establishment; see section 4.2
   k. Restaurants with a drive-thru configuration; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential
   a. Accessory uses or structures
   b. Dormitory

2. Commercial
   a. Fuel pumps, accessory to large scale retail within 1,000 feet of interstate highway interchange measured from ROW to property line; see section 4.2
   b. Kennel, breeding

3. Industrial
   a. Recycling collection

[TMOD-22-001]

Sec. 2.26.3. Dimensional requirements.

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

(Ord. of 8-2-2017, § 1(2.26.3))

Sec. 2.26.4. Site and building design standards.

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

(Ord. of 8-2-2017, § 1(2.26.4))

DIVISION 27. C-2 (GENERAL COMMERCIAL) DISTRICT

Sec. 2.27.1. Statement of purpose and intent.

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

A. To provide convenient general business and commercial service areas within the city for all residents;

B. To provide for the development of new general commercial districts where so designated on the comprehensive plan;

C. To provide for auto-oriented needs outside of applicable character areas, but to focus on the pedestrian oriented development which in these districts;

D. To provide for quality control in development through materials and building placement;

E. To ensure that the uses authorized within the C-2 (General Commercial) District are those uses which are designed to serve the general business and commercial service needs of the city;

F. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.27.1))

Sec. 2.27.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.27.2)) [TMOD-22-001]

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Bed and breakfast establishment; see section 4.2
   b. Child care facility, 6 or more
   c. Child care home, 5 or less; see section 4.2
   d. Child day care center
   e. Hotel/motel
   f. Live/work unit; see section 4.2
   g. Nursing care facility or hospice
   h. Personal care home, 6 or less; see section 4.2
   i. Personal care home, 7 or more; see section 4.2
   j. Shelter for homeless persons, no more than 6 persons; see section 4.2
   k. Transitional housing facilities, 7-20 persons; see section 4.2

3. Institutional/Public
   a. Club, order or lodge, fraternal, non-commercial
   b. Coliseum or stadium/not associated with church or school; see section 4.2
   c. Colleges, universities, research and training facilities

d. Funeral home, mortuary
e. Golf course or clubhouse, public or private; see section 4.2
f. Government facilities
g. Library or museum
h. Places of worship; see section 4.2
i. Recreation, outdoor; see section 4.2
j. School, private kindergarten, elementary, middle or high schools; see section 4.2
k. School, public kindergarten, elementary, middle or high schools
l. School, specialty; see section 4.2
m. School, vocational; see section 4.2
n. Swimming pools, commercial; see section 4.2
o. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

4. Commercial
a. Adult daycare center, 7 or more; see section 4.2
b. Adult daycare facility, up to 6; see section 4.2
c. Ambulance service or emergency medical services, private
d. Animal hospital, veterinary clinic; see section 4.2
e. Animal shelter/rescue center; see section 4.2
f. Art gallery
g. Automobile brokerage; see section 4.2
h. Automobile or truck rental or leasing facilities; see section 4.2
i. Automobile or truck sales; see section 4.2
j. Automobile upholstery shop
k. Automobile wash/was service; see section 4.2
l. Automobile repair, major; see section 4.2
m. Automobile repair, minor; see section 4.2
n. Banks, credit unions or other similar financial institutions
o. Barber shop/beauty salon or similar establishments
p. Brewpub/beer growler
q. Building or construction office; see section 4.2
r. Catering establishments
s. Check cashing establishment, accessory; see section 4.2
t. Check cashing establishment, primary; see section 4.2
u. Child day care facility, up to 6; see section 4.2
v. Child day care center (kindergarten), 7 or more
w. Clinic, health services
x. Coin laundry
y. Commercial greenhouse or plant nursery; see section 4.2
z. Contractor office, heavy construction; see section 4.2
aa. Contractor office, landscape; see section 4.2
bb. Dog day care; see section 4.2
cc. Dog grooming; see section 4.2
dd. Drive-in theater; see section 4.2
ee. Drive-through facilities; see section 4.2
ff. Dry cleaning agencies, pressing establishments or laundry pick-up stations
gg. Fairground or amusement park; see section 4.2
hh. Farmer's market, permanent; see section 4.2
ii. Fitness center
jj. Fuel dealers or wholesalers
kk. Kennel, breeding

ll. Kennel, commercial
mm. Kidney dialysis center
nn. Medical or dental laboratories
oo. Landscape business
pp. Mini-warehouse; see section 4.2
qq. Office, medical
rr. Office, professional
ss. Outdoor storage, commercial; see section 4.2
tt. Parking, commercial lot; see section 4.2
uu. Parking, commercial garage
vv. Pawn shop, title loan; see section 4.2
ww. Personal services establishment
xx. Printing or publishing establishments
yy. Recreation, indoor
zz. Recreation, outdoor; see section 4.2
aaa. Recreational vehicle, boat and trailer sales and service
bbb. Restaurants (accessory to hotel/motel)
ccc. Restaurants (non drive-thru)
ddd. Retail, 5,000 sf or less (with the exception of small box discount stores)
eee. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center)
fff. Retail warehouses/wholesales providing sales of merchandise with no outdoor storage
ggg. Shopping center
hhh. Special events facility
iii. Taxi, ambulance or limousine service, dispatching or storage; see section 4.2
jjj. Taxi stand
kkk. Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building
lll. Trade shops

5. Industrial
   a. Building materials or lumber supply establishment
   b. Contractor, general
   c. Contractor heavy construction, outside storage
   d. Contractor, special trade
   e. Heavy equipment repair service or trade

6. Communications – Utility
   a. Essential services
   b. Radio or television broadcasting studio
   c. Radio or television or broadcasting transmission facility
   d. Satellite television antenna; see section 4.2

7. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres
2. Institutional/Public

a. School, vocational; see section 4.2

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary outdoor sales; seasonal; see section 4.2
   d. Temporary outdoor sales or events, seasonal; see section 4.2
   e. Temporary produce stand; see section 4.2
   f. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   b. New support structure from 50 feet up to 199 feet; see section 4.2
   c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Hotel/motel, extended stay; see section 4.2

2. Institutional/Public
   a. Cultural facilities

3. Commercial
   a. Alcohol outlet -beer and/or wine store, beer growler, primary; see section 4.2
   b. Alcohol outlet-beer and wine, accessory to retail less than 12,000sf; see section 4.2
   c. Alcohol outlet-package store, primary; see section 4.2
   d. Automobile service stations; see section 4.2
   e. Bus or rail stations or terminals for passengers
   f. Crematoriums; see section 4.2
   g. Fuel pumps; see section 4.2
   h. Heliport; see section 4.2
   i. Liquor store (see alcohol outlet) ; see section 4.2
   j. Nightclub or late night establishment; see section 4.2
   k. Restaurants with a drive-thru configuration; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential
   a. Accessory uses or structures
   b. Dormitory

2. Commercial
   a. Fuel pumps, accessory to large scale retail within 1,000 feet of interstate highway interchange measured from ROW to property line; see section 4.2
   b. Service area, outdoor; see section 4.2

3. Industrial
   a. Recycling collection

[TMOD-22-001]

Sec. 2.27.3. Dimensional requirements.

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

(Ord. of 8-2-2017, § 1(2.27.3))

Sec. 2.27.4. Site and building design standards.

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

(Ord. of 8-2-2017, § 1(2.27.4))

DIVISION 28. OD (OFFICE-DISTRIBUTION) DISTRICT

Sec. 2.28.1. Statement of purpose and intent.

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

A. To provide convenient areas within the city for the development of office and distribution establishments which are necessary for the residents and business practitioners within the city; and

B. To implement the future development map of the city's most current comprehensive plan.

(Ord. of 8-2-2017, § 1(2.28.1))

Sec. 2.28.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.28.2)) [TMOD-22-001]

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

2. Residential
   a. Hotel/motel

3. Institutional/Public
   a. Cemetery, columbarium, mausoleum; see section 4.2
   b. Club, order or lodge, fraternal, non-commercial
   c. Coliseum or stadium/not associated with church or school; see section 4.2
   d. Colleges, universities, research and training facilities
   e. Educational use, private; see section 4.2

f. Golf course or clubhouse, public or private; see section 4.2
g. Government facilities
h. Library or museum
i. Places of worship; see section 4.2
j. Recreation club; see section 4.2
k. Recreation, outdoor; see section 4.2
l. School, private kindergarten, elementary, middle or high schools; see section 4.2
m. School, public kindergarten, elementary, middle or high schools
n. School, specialty; see section 4.2
o. School, vocational; see section 4.2
p. Swimming pools, commercial; see section 4.2
q. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

4. Commercial
a. Adult daycare center, 7 or more; see section 4.2
b. Adult daycare facility, up to 6; see section 4.2
c. Alcohol outlet -beer and/or wine store, beer growler, primary; see section 4.2
d. Alcohol outlet-beer and wine, accessory to retail less than 12,000sf; see section 4.2
e. Alcohol outlet-package store, primary; see section 4.2
f. Animal hospital, veterinary clinic; see section 4.2
g. Animal shelter/rescue center; see section 4.2
h. Art gallery
i. Barber shop/beauty salon or similar establishments
j. Building or construction office; see section 4.2
k. Child day care facility, up to 6; see section 4.2
l. Child day care center (kindergarten), 7 or more
m. Clinic, health services
n. Contractor office, heavy construction; see section 4.2
o. Contractor office, landscape; see section 4.2
p. Drive-through facilities; see section 4.2
q. Farmer's market, permanent; see section 4.2
r. Liquor store (see alcohol outlet); see section 4.2
s. Mini-warehouse; see section 4.2
t. Office, medical
u. Office, professional
v. Parking, commercial lot; see section 4.2
w. Parking, commercial garage
x. Pawn shop, title loan; see section 4.2
y. Recreation, indoor
z. Recreation, outdoor; see section 4.2
aa. Restaurants (accessory to hotel/motel)
bb. Retail, 5,000 sf or less (with the exception of small box discount stores)
cc. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center)
dd. Retail warehouses/wholesales providing sales of merchandise with no outdoor storage
ee. Shopping center
ff. Special events facility
gg. Taxi, ambulance or limousine service, dispatching or storage; see section 4.2
hh. Taxi stand
ii. Trade shops

5. Industrial

a. Warehousing or storage

6. Communications – Utility
   a. Essential services

7. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Institutional/Public
   a. School, vocational; see section 4.2

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary outdoor sales; seasonal; see section 4.2
   d. Temporary outdoor sales or events, seasonal; see section 4.2
   e. Temporary produce stand; see section 4.2
   f. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   b. New support structure from 50 feet up to 199 feet; see section 4.2
   c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Institutional/Public
   a. Cultural facilities

2. Commercial
   a. Alternative energy production
   b. Fuel pumps; see section 4.2
   c. Heliport; see section 4.2
   d. Nightclub or late night establishment; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential
   a. Accessory uses or structures
   b. Dormitory

2. Commercial

a. Fuel pumps, accessory to large scale retail within 1,000 feet of interstate highway interchange measured from ROW to property line; see section 4.2

[TMOD-22-001]

Sec. 2.28.3. Dimensional requirements.

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

(Ord. of 8-2-2017, § 1(2.28.3))

Sec. 2.28.4. Site and building design standards.

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

(Ord. of 8-2-2017, § 1(2.28.4))

DIVISION 29. OI (OFFICE-INSTITUTIONAL) DISTRICT

Sec. 2.29.1. Statement of purpose and intent.

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

A. To provide convenient areas within the city for the location of office and institutional uses which are necessary for the residents and business and professional practitioners within the city;

B. To provide accessory commercial and residential uses to reduce auto dependence;

C. To provide locations for the development of cultural, recreational, educational and health service facilities for the city;

D. To promote compatible development, in size and scale, to surrounding development;

E. To promote campus style developments;

F. To promote pedestrian oriented compact design;

G. To implement the future development map of the city's most current comprehensive plan.

(Ord. of 8-2-2017, § 1(2.29.1))

Sec. 2.29.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.29.2)) [TMOD-22-001]

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Bed and breakfast establishment
   b. Child care home, 5 or less; see section 4.2
   c. Child care facility, 6 or more; see section 4.2
   d. Child day care center
   e. Convents or monasteries; see section 4.2
   f. Dwelling, multifamily
   g. Hotel/motel
   h. Live/work unit
   i. Nursing care facility or hospice
   j. Personal care home, 6 or less; see section 4.2
   k. Personal care home, 7 or more; see section 4.2

3. Institutional/Public
   a. Cemetery, columbarium, mausoleum; see section 4.2
   b. Club, order or lodge, fraternal, non-commercial
   c. Colleges, universities, research and training facilities
   d. Funeral home, mortuary
   e. Golf course or clubhouse, public or private; see section 4.2
   f. Government facilities
   g. Hospital or accessory ambulance service
   h. Library or museum
   i. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   j. Places of worship; see section 4.2
   k. School, private kindergarten, elementary, middle or high schools; see section 4.2
   l. School, public kindergarten, elementary, middle or high schools
   m. School, specialty; see section 4.2
   n. School, vocational; see section 4.2
   o. Swimming pools, commercial; see section 4.2
   p. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

4. Commercial
   a. Adult daycare center, 7 or more; see section 4.2
   b. Automobile or truck rental or leasing facilities; see section 4.2
   c. Banks, credit unions or other similar financial institutions
   d. Building or construction office; see section 4.2
   e. Catering establishments
   f. Child day care facility, up to 6; see section 4.2
   g. Child day care center (kindergarten), 7 or more
   h. Clinic, health services
   i. Drive-through facilities; see section 4.2
   j. Dry cleaning agencies, pressing establishments, or laundry pick-up stations
   k. Farmer's market, permanent; see section 4.2
   l. Fitness center
   m. Kidney dialysis center
   n. Medical or dental laboratories
   o. Office, medical

p. Office, professional
q. Printing or publishing establishments
r. Restaurants (accessory to hotel/motel)
s. Restaurant with a drive-thru configuration
t. Special events facility
u. Taxi stand
v. Theaters with live performance, assembly or concert halls, or similar entertainment within an enclosed building
w. Trade shops

5. Communications – Utility
   a. Essential services
   b. Radio or television broadcasting studio
   c. Satellite television antenna; see section 4.2

6. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary outdoor sales; seasonal; see section 4.2
   d. Temporary outdoor sales or events, seasonal; see section 4.2
   e. Temporary produce stand; see section 4.2
   f. Temporary trailer, as home sales office or construction trailer; see section 4.2

3. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   b. New support structure from 50 feet up to 199 feet; see section 4.2
   c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Dwelling, apartment
   b. Fraternity or sorority house
   c. Hotel/motel, extended stay
   d. Senior housing; see section 4.2
   e. Shelter for homeless persons, 7—20; see section 4.2
   f. Shelter for homeless persons for no more than 6 persons; see section 4.2
   g. Transitional housing facilities, 7-20 persons; see section 4.2

2. Institutional/Public

a. Cultural facilities

3. Commercial
   a. Barber shop/beauty salon or similar establishment
   b. Fuel pumps; see section 4.2
   c. Heliport; see section 4.2

4. Industrial
   a. Crematoriums; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential
   a. Accessory uses or structures
   b. Dormitory

2. Commercial
   a. Barber shop/beauty salon or similar establishments
   b. Liquor store (see alcohol outlet); see section 4.2
   c. Nightclub or late night establishments; see section 4.2
   d. Parking, commercial garage
   e. Parking, commercia lot; see section 4.2
   f. Personal services establishment
   g. Restaurants (non drive-thru)
   h. Retail 5,000 sf or less (with the exception of small box discount stores)

3. Industrial
   a. Recycling collection

4. Communication-Utility
   a. Radio or television broadcasting transmission facility

[TMOD-22-001]

Sec. 2.29.3. Dimensional requirements.

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

(Ord. of 8-2-2017, § 1(2.29.3))

Sec. 2.29.4. Site and building design standards.

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

(Ord. of 8-2-2017, § 1(2.29.4))

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

Sec. 2.30.1. Statement of purpose and intent.

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

A. To provide areas within the city for the location of office and institutional uses which are necessary for the residents, business practitioners, and professional practitioners in existing buildings no longer viable for residential uses;

B. To limit said buildings' height to be compatible to those potential redevelopment parcels and structures;

C. To provide for the transition from residential to office and associated commercial uses which do not generate large volumes of traffic, noise or other harmful effects, and which are compatible with residential uses in locations so designated in the comprehensive plan in the applicable character areas.

(Ord. of 8-2-2017, § 1(2.30.1))

Sec. 2.30.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.30.2)) [TMOD-22-001]

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Bed and breakfast establishment
   b. Child care home, 5 or less; see section 4.2
   c. Child day care center
   d. Convents or monasteries; see section 4.2
   e. Dwelling, single-family attached; see section 4.2
   f. Dwelling, townhouse; see section 4.2
   g. Dwelling, urban single-family; see section 4.2
   h. Live/work unit
   i. Nursing care facility or hospice
   j. Personal care home, 6 or less; see section 4.2
   k. Personal care home, 7 or more; see section 4.2

3. Institutional/Public
   a. Cemetery, columbarium, mausoleum; see section 4.2
   b. Club, order or lodge, fraternal, non-commercial
   c. Colleges, universities, research and training facilities
   d. Funeral home, mortuary
   e. Golf course or clubhouse, public or private; see section 4.2

f. Government facilities
g. Hospital or accessory ambulance service
h. Library or museum
i. Neighborhood or subdivision clubhouse or amenities; see section 4.2
j. Places of worship; see section 4.2
k. School, private kindergarten, elementary, middle or high schools; see section 4.2
l. School, public kindergarten, elementary, middle or high schools
m. School, specialty; see section 4.2
n. School, vocational; see section 4.2
o. Swimming pools, commercial; see section 4.2
p. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

4. Commercial
   a. Adult daycare center, 7 or more; see section 4.2
   b. Automobile or truck rental or leasing facilities; see section 4.2
   c. Banks, credit unions or other similar financial institutions
   d. Barber shop/beauty salon or similar establishments
   e. Building or construction office; see section 4.2
   f. Catering establishments
   g. Child day care facility, up to 6; see section 4.2
   h. Child day care center (kindergarten), 7 or more
   i. Clinic, health services
   j. Dry cleaning agencies, pressing establishments, or laundry pick-up stations
   k. Farmer's market, permanent; see section 4.2
   l. Fitness center
   m. Kidney dialysis center
   n. Medical or dental laboratories
   o. Office, medical
   p. Office, professional
   q. Printing or publishing establishments
   r. Restaurant with a drive-thru configuration
   s. Special events facility
   t. Taxi stand
   u. Theaters with live performance, assembly or concert halls, or similar entertainment within an enclosed building
   v. Trade shops

5. Communications – Utility
   a. Essential services
   b. Satellite television antenna; see section 4.2

6. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Commercial

a. Farmer's market, temporary/seasonal; see section 4.2
b. Temporary outdoor retail sales; see section 4.2
c. Temporary outdoor sales; seasonal; see section 4.2
d. Temporary outdoor sales or events, seasonal; see section 4.2
e. Temporary produce stand; see section 4.2
f. Temporary trailer, as home sales office or construction trailer; see section 4.2

3. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit
The following uses are permitted only with a special land use permit:

1. Residential
   a. Child care facility, 6 or more; see section 4.2
   b. Dwelling, apartment
   c. Senior housing; see section 4.2
   d. Shelter for homeless persons, 7—20; see section 4.2
   e. Shelter for homeless persons for no more than 6 persons; see section 4.2
   f. Transitional housing facilities, 7-20 persons; see section 4.2

2. Institutional/Public
   a. Cultural facilities

3. Commercial
   a. Barber shop/beauty salon or similar establishment
   b. Fuel pumps; see section 4.2
   c. Mini-warehouse; see section 4.2

4. Wireless Telecommunications
   a. New support structure from 51 feet to 150 feet; see section 4.2

D. Permitted Accessory
The following uses are permitted as accessory only to a principal use:
1. Residential
   a. Accessory uses or structures
   b. Dormitory

2. Commercial
   a. Personal services establishment
   b. Restaurants (non drive-thru)
   c. Retail 5,000 sf or less (with the exception of small box discount stores)

[TMOD-22-001]

Sec. 2.30.3. Dimensional requirements.

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

(Ord. of 8-2-2017, § 1(2.30.3))

Sec. 2.30.4. Site and building design standards.

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

(Ord. of 8-2-2017, § 1(2.30.4))

DIVISION 31. M (LIGHT INDUSTRIAL) DISTRICT

Sec. 2.31.1. Statement of purpose and intent.

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

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

B. To provide an environment for light industrial uses that produces no appreciable impact on adjacent properties and preserve the appeal and appearance of residential and commercial areas;

C. To ensure that all establishments located within the M (Light Industrial) District operate in compliance with the noise standards contained in this chapter and that any negative noise impact resulting from the use of land within the M (Light Industrial) District is contained within the boundaries of said district and does not create noise problems for adjoining residential, office or commercial districts;

D. To provide an area within City of Stonecrest for recycling and green businesses to locate;

E. To generate employment opportunities and economic development;

F. To ensure that M (Light Industrial) Districts are so located that transportation access to thoroughfares and freeways is available;

G. To implement the future development map of the city's most current comprehensive plan

(Ord. of 8-2-2017, § 1(2.31.1))

Sec. 2.31.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.31.2)) [TMOD-22-001]

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Dairy
   b. Keeping of livestock
   c. Keeping of poultry/pigeons
   d. Sawmill; temporary or portable
   e. Urban Community Garden, up to 5 acres; see section 4.2

2. Institutional/Public
   a. Colleges, universities, research and training facilities
   b. Golf course or clubhouse, public or private; see section 4.2
   c. Government facilities
   d. Hospital or accessory ambulance service
   e. Places of worship; see section 4.2
   f. Swimming pools, commercial; see section 4.2
   g. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

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

ff. Dog grooming; see section 4.2
gg. Drive-in theater; see section 4.2
hh. Drive-through facilities; see section 4.2
ii. Dry cleaning agencies, pressing establishments or laundry pick-up stations
jj. Fairground or amusement park; see section 4.2
kk. Farmer's market, permanent; see section 4.2
ll. Fitness center
mm. Fuel dealers or wholesalers
nn. Heliport; see section 4.2
oo. Kennel, breeding
pp. Kennel, commercial
qq. Kidney dialysis center
rr. Medical or dental laboratories
ss. Landscape business
tt. Liquor store (see alcohol outlet) ; see section 4.2
uu. Mini-warehouse; see section 4.2
vv. Outdoor storage, commercial; see section 4.2
ww. Parking, commercial lot; see section 4.2
xx. Parking, commercial garage
yy. Pawn shop, title loan; see section 4.2
zz. Personal services establishment
aaa. Printing or publishing establishments
bbb. Recreational vehicle, boat and trailers sales and service
ccc. Restaurants (non drive-thru)
ddd. Retail, 5,000 sf or less (with the exception of small box discount stores)
eee. Retail warehouses/wholesales providing sales of merchandise with no outdoor storage
fff. Special events facility
ggg. Taxi, ambulance or limousine service, dispatching or storage; see section 4.2
hhh. Taxi stand
iii. Trade shops

4. Industrial
a. Alternative energy production
b. Building materials or lumber supply establishment
c. Contractor, general
d. Contractor heavy construction, outside storage
e. Contractor, special trade
f. Crematorium; see section 4.2
g. Fabricated metal manufacture without EPD permit required (Light manufacturing)
h. General aviation airport; see section 4.2
i. Heavy equipment repair service or trade
j. Industrial, light
k. Manufacturing, light
l. Outdoor storage, industrial; see section 4.2
m. Railroad car classification yards or team truck yards; see section 4.2
n. Recovered materials facility wholly within a building; see section 4.2
o. Recovered materials processing wholly within a building
p. Recycling collection
q. Recycling plant
r. Research and testing facilities
s. Towing or wreckage service

t. Transportation equipment storage or maintenance (vehicle) ; see section 4.2
u. Truck stop
v. Truck terminal
w. Vehicle storage yard
x. Warehousing or storage

5. Communications – Utility
   a. Essential services
   b. Radio or television broadcasting studio
   c. Radio or television or broadcasting transmission facility
   d. Satellite television antenna; see section 4.2

6. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary outdoor sales; seasonal; see section 4.2
   d. Temporary outdoor sales or events, seasonal; see section 4.2
   e. Temporary produce stand; see section 4.2
   f. Temporary trailer, as home sales office or construction trailer; see section 4.2

3. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   b. New support structure from 50 feet up to 199 feet; see section 4.2
   c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Institutional/Public
   a. Cultural facilities
   b. School, specialty; see section 4.2
   c. School, vocational; see section 4.2

2. Commercial
   a. Bus or rail stations or terminals for passengers
   b. Fuel pumps; see section 4.2
   c. Nightclub or late night establishment; see section 4.2
   d. Recreation, outdoor; see section 4.2
   e. Restaurants with a drive-thru configuration; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Commercial
   a. Fuel pumps, accessory to large scale retail within 1,000 feet of interstate highway interchange measured from ROW to property line; see section 4.2
   b. Service area, outdoor; see section 4.2

2. Industrial
   a. Incidental retail sales of goods produced or processed on the premises

[TMOD-22-001]

Sec. 2.31.3. Dimensional requirements.

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

(Ord. of 8-2-2017, § 1(2.31.3))

Sec. 2.31.4. Site and building design standards.

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

(Ord. of 8-2-2017, § 1(2.31.4))

Sec. 2.31.5 Conversion of buildings to residential prohibited.

The conversion of buildings in the M (Light Industrial) District to residential use is prohibited.

(Ord. of 8-2-2017, § 1(2.31.5))

DIVISION 32. M-2 (HEAVY INDUSTRIAL) DISTRICT

Sec. 2.32.1. Statement of purpose and intent.

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

A. To provide areas for manufacturing, warehousing and distribution facilities at locations so designated in the comprehensive plan;

B. To provide for a location for intense industrial uses that do not require and may not be appropriate for a nuisance free environment;

C. To provide for a location that allows nuisances such as noise, vibration and other impacts which cannot be contained on-site;

D. To ensure that all businesses located within the M-2 (Heavy Industrial) District operate in compliance with the noise standards contained in this chapter;

E. To ensure that industrial districts are so located that transportation access to thoroughfares and freeways is available;

F. To implement the future development map of the city's most current comprehensive plan.

(Ord. of 8-2-2017, § 1(2.32.1))

Sec. 2.32.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.32.2)) [TMOD-22-001]

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Dairy
   b. Livestock sales pavilion; see section 4.2
   c. Sawmill; temporary or portable
   d. Urban Community Garden, up to 5 acres; see section 4.2

2. Institutional/Public
   a. Government facilities
   b. Places of worship; see section 4.2

3. Commercial
   a. Animal hospital, veterinary clinic; see section 4.2
   b. Animal shelter/rescue center; see section 4.2
   c. Automobile brokerage; see section 4.2
   d. Automobile recovery and storage
   e. Automobile service station; see section 4.2
   f. Automobile or truck sales; see section 4.2
   g. Automobile upholstery shop
   h. Automobile repair, major; see section 4.2
   i. Automobile repair, minor; see section 4.2
   j. Building or construction office; see section 4.2
   k. Check cashing establishment, accessory; see section 4.2
   l. Contractor office, landscape; see section 4.2
   m. Dog day care; see section 4.2
   n. Dog grooming; see section 4.2
   o. Drive-in theater; see section 4.2
   p. Dry cleaning agencies, pressing establishments or laundry pick-up stations
   q. Fairground or amusement park; see section 4.2
   r. Farmer's market, permanent; see section 4.2
   s. Fitness center
   t. Fuel dealers or wholesalers
   u. Heliport; see section 4.2
   v. Kennel, breeding
   w. Kennel, commercial
   x. Medical or dental laboratories
   y. Landscape business
   z. Mini-warehouse; see section 4.2
   aa. Outdoor storage, commercial; see section 4.2
   bb. Printing or publishing establishments
   cc. Retail, 5,000 sf or less (with the exception of small box discount stores)
   dd. Service area, outdoor; see section 4.2
   ee. Sexually oriented businesses; see section 4.2
   ff. Taxi, ambulance or limousine service, dispatching or storage; see section 4.2
   gg. Taxi stand
   hh. Trade shops

4. Industrial
   a. Alternative energy production
   b. Brewery, Large scale
   c. Contractor, general
   d. Contractor heavy construction, outside storage
   e. Contractor, special trade
   f. Crematorium; see section 4.2
   g. Distillery, Large scale
   h. Fabricated metal manufacturing without EPD Permit Required (Light Manfacturing)
   i. General aviation airport; see section 4.2
   j. Heavy equipment repair service or trade
   k. Industrial, heavy
   l. Industrial, light
   m. Intermodal freight terminal, bus or rail freight or passenger terminal, or truck terminal
   n. Manufacturing, heavy; see section 4.2

o. Manufacturing, light
p. Manufacturing operations not housed within a building; see section 4.2
q. Mines or mining operations, quarries, asphalt plants, gravel pits or soil pits; see section 4.2
r. Outdoor storage, industrial; see section 4.2
s. Railroad car classification yards or team truck yards; see section 4.2
t. Recovered materials facility wholly within a building; see section 4.2
u. Recovered materials processing wholly within a building
v. Recycling collection
w. Recycling plant
x. Research and testing facilities
y. Salvage yard (junkyard); see section 4.2
z. Storage yard, except vehicle; see section 4.2
aa. Storage yard for vehicles; see section 4.2
bb. Towing or wreckage service; see section 4.2
cc. Transportation equipment storage or maintenance (vehicle) ; see section 4.2
dd. Truck stop
ee. Truck terminal
ff. Vehicle storage yard
gg. Warehousing or storage

5. Communications – Utility
a. Essential services
b. Radio or television broadcasting studio
c. Radio or television or broadcasting transmission facility
d. Satellite television antenna; see section 4.2

6. Wireless Telecommunications
a. Attached wireless telecommunication facility; see section 4.2
b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses
The following uses are permitted only with administrative approval:
1. Agricultural
a. Urban, community garden, over 5 acres

2. Commercial
a. Farmer's market, temporary/seasonal; see section 4.2
b. Temporary outdoor retail sales; see section 4.2
c. Temporary outdoor sales; seasonal; see section 4.2
d. Temporary outdoor sales or events, seasonal; see section 4.2
e. Temporary produce stand; see section 4.2
f. Temporary trailer, as home sales office or construction trailer; see section 4.2

3. Wireless Telecommunications
a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
b. New support structure from 50 feet up to 199 feet; see section 4.2
c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit
The following uses are permitted only with a special land use permit:

1. Institutional/Public
   a. School, specialty; see section 4.2
   b. School, vocational; see section 4.2

2. Commercial
   a. Bus or rail stations or terminals for passengers
   b. Fuel pumps; see section 4.2
   c. Nightclub or late night establishment; see section 4.2

3. Industrial
   a. Fabricated metal manufacturing with EPD Permit Required (Heavy Manufacturing)

D. Permitted Accessory
The following uses are permitted as accessory only to a principal use:

1. Industrial
   a. Incidental retail sales of goods produced or processed on the premises

[TMOD-22-001]

Sec. 2.32.3. Dimensional requirements.

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

(Ord. of 8-2-2017, § 1(2.32.3))

Sec. 2.32.4. Site and building design standards.

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

(Ord. of 8-2-2017, § 1(2.32.4))

Sec. 2.32.5. [RESERVED] [TMOD-22-001]

Sec. 2.32.6. – Conversion of buildings to residential use prohibited.

The conversion of buildings in the M-2 (Heavy Industrial) District to residential use is prohibited.

(Ord. of 8-2-2017, § 1(2.32.5))

ARTICLE 3. OVERLAY DISTRICT REGULATIONS

DIVISION 1. OVERLAY DISTRICTS

Sec. 3.1.1. Overlay districts generally.

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

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

B. For new development after the effective date of the ordinance from which this chapter is derived, when no complete application for a land disturbance or building permit has been filed with respect to a property located within an overlay district and the property has conditions of zoning that were approved prior to, and in conflict with the overlay district regulations contained in this article, the overlay district regulations shall prevail. If a condition of zoning does not conflict with the overlay district regulations, the condition of zoning shall remain applicable to the property.

C. For existing development, if overlay district regulations conflict with the conditions of zoning applicable to property within in an overlay district, the existing zoning conditions remain applicable to the property.

D. If overlay district regulations conflict with other regulations contained in this chapter, the overlay district regulations shall prevail.

E. The use of property may be permitted without rezoning if listed as allowed by the overlay. Uses allowed by the underlying zoning in article 4 of this chapter, shall also be permitted in the overlay district, unless they are listed as prohibited within the overlay district.

F. Each application for a business license, land disturbance permit, building permit or sign permit, which involves the development, use, exterior alteration, exterior modification or addition of any structure, must demonstrate compliance with all overlay district regulations, subject to article 8 of this chapter, nonconforming uses, structures and buildings.

G. The zoning district designations contained in article 3 of this chapter, titled Overlay District Regulations, were not revised to reflect the new zoning district designations utilized in the updated zoning ordinance. Any discontinued zoning district references contained in this article 3 of this chapter shall therefore be construed using the conversion chart contained in Table 1.1 of article 1 of the zoning ordinance, and applied as appropriate to the updated provision of the zoning ordinance.

H. When a plan package for a proposed development is submitted for conceptual plan review or a final design package approval for a land disturbance or building permit application, the governing district by related to design or dimensional standards by which the development will be reviewed under must be clearly stated. That governing district standards must be associated with either the underlying zoning district, or an authorized district as permitted by the applicable Overlay Tier at the time of application submittal.

I. If the governing underlying district does not match the existing underlying district, the city may initiate a rezoning of the underlying property to the governing district, with property owner approval, at any point after final plat approval or the issuance of a Certification of Occupancy.

(Ord. of 8-2-2017, § 1(3.1.1)) [TMOD-21-015]

Sec. 3.1.2. Purpose and intent.

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

(Ord. of 8-2-2017, § 1(3.1.2))

Sec. 3.1.3. Plan submittal, review and approval.

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

B. *Conceptual plan submittal requirements.* As part of any land-disturbance permit, building permit, or sign permit application, the applicant shall submit to the director of planning a conceptual plan package and a final design package. Each package must include full architectural and landscape plans and specifications. The submitted plans must include a site plan, architectural elevations and sections; renderings depicting the building design including elevations and architectural details of proposed buildings, exterior materials and colors, and plans and elevations of all hardscape, landscape and signs, all of which shall demonstrate that the proposed design is in compliance with all the requirements of the applicable overlay district and the underlying zoning classification. The plans must clearly state the governing district requirements by which the plans will be reviewed. If the proposed development is also located in an historic district as designated in the Code, the development shall also comply with the regulations established for the historic district in chapter 13.5 of the DeKalb County Code.

C. *Review by staff.* Staff will review the conceptual plans for compliance with specifications and design guidelines contained in this zoning ordinance for the governing district requested by the applicant. If the application fails to comply with any section in this zoning ordinance, the application shall be marked "failed compliance," shall be returned to the applicant with any comments and/or redlines for revisions, and may be re-submitted with corrections addressing the staffs comments and/or redlines for further consideration. Once the application is found to be in compliance, the final design shall be forwarded to the director of planning for approval.

   1. Where the director of planning determines that said plans comply with the requirements of the overlay district, the director of planning shall approve the plans for compliance as part of the application for land disturbance, building or signs permits.

   2. Where the director of planning determines that submitted conceptual plans do not comply with the requirements of this chapter, then the director of planning shall notify the applicant in writing of the manner in which the conceptual plans fail to comply with such requirements. All applications shall be considered and decided by the director of planning within 30 days of receipt of a complete application.

   3. Any appeal to vary overlay district development standards shall be to the zoning board of appeals pursuant to article 7 of this chapter.

D. *Fees.* Plans shall be accompanied by an application and payment of a fee in an amount determined by the city council.

(Ord. of 8-2-2017, § 1(3.1.3)) [TMOD-21-015]

Sec. 3.1.4. Conceptual plan package review.

A. The conceptual plan package shall include the following:

   1. A narrative addressing the proposed development explaining how it meets the purpose, intent, and standards of this article. The narrative shall include a statement of what governing district review standards will be applied. The narrative shall include a tabulation of the approximate number of acres for each different land use type within the project, the approximate number of dwelling units by type, the approximate gross residential density, the approximate commercial density as well as square feet,

the common open space acreage, the approximate open space acreage, the anticipated number, type and size of recreational facilities and other public amenities, and the legal mechanism for protecting and maintaining common/public open, as required in article 5 of this chapter; [TMOD-21-015]

2. A site location map showing the proposed development, abutting properties, the access connections of the proposed development to surrounding and existing development, and transitional buffer zones, if required;

3. A multi-modal access plan, prepared at a scale not greater than one inch equals 100 feet, to demonstrate a unified plan of continuous access to and between all structures in the proposed development and adjacent properties where connections are appropriate. The multi-modal access plan shall cover the entire proposed development along with public right-of-way of adjoining streets and any other property lying between the subject property and any primary or secondary streets. Safe and convenient pathways shall be provided from sidewalks along streets to each structure entrance, including pedestrian access routes across parking lots and between adjacent buildings within the same development. Connections to available transportation nodes, such as driveways, sidewalks, and bike paths shall be shown along adjacent streets and those entering adjoining properties. Where an existing or planned public transportation station or stop is within 1,250 feet from the nearest boundary of the subject property, the access plan shall show how pedestrians may safely travel from such station or stop to the subject property. Where an existing or planned bike path is located within 1,500 feet from the nearest boundary of the subject property, the access plan shall show how safe, continuous and convenient bicycle access shall be provided to the subject property.

4. Two copies of a plan drawn to a designated scale of not less than one inch equals 100 feet, certified by a professional engineer or land surveyor licensed by the state, presented on a sheet having a maximum size of 24 inches by 36 inches, and one 8½ inches by 11 inches reduction of the plan. A .jpg copy of the plan shall be e-mailed to the director of planning. If presented on more than one sheet, match lines shall clearly indicate where the several sheets join. Such plan shall contain the following information:

   a. Boundaries of the entire property proposed to be included in the development, with bearings and distances of the perimeter property lines;

   b. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics;

   c. Location and approximate dimensions in length and width, for landscape strips and required transitional buffers, if any;

   d. Existing topography with a maximum contour interval of five feet and a statement indicating whether it is an air survey or field run;

   e. Delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or City of Stonecrest;

   f. Delineation of any jurisdictional wetlands, as defined by section 404 of the Federal Clean Water Act;

   g. Approximate delineation of any significant historic or archaeological feature, grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact it;

   h. Delineation of all existing structures and whether they will be retained or demolished;

   i. General location, in conceptual form, of proposed uses, lots, buildings, building types and building entrances;

   j. Height and setback of all existing and proposed buildings and structures;

k. Location, size and number of all on-street and off-street parking spaces, including a shared parking analysis, if shared parking is proposed;

l. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets;

m. Conceptual plans for drainage with approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed;

n. Development density and lot sizes for each type of use;

o. Areas to be held in joint ownership, common ownership or control;

p. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets;

q. Location of proposed sidewalks and bicycle facilities, trails, recreation areas, parks, and other public or community uses, facilities, or structures on the site;

r. Conceptual layout of utilities and location of all existing and proposed utility easements having a width of ten feet or more;

s. Standard details of signs, sidewalks, streetlights, driveways, medians, curbs and gutters, landscaped areas, fencing, street furniture, bicycle lanes, streets, alleys, and other public improvements demonstrating compliance with the design guidelines for the overlay district; and

t. Seal and signature of the professional preparing the plan.

5. Two copies of the conceptual building designs including elevation drawings drawn to a scale of not less than one-sixteenth-inch equals one foot showing architectural details of proposed building, exterior materials, all of which demonstrate that the proposed design is in compliance with the Subarea Overlay District in which it is located. Drawings shall be presented on a sheet having a maximum size of 24 inches by 36 inches, along with one 8½ inches by 11 inches reduction of each sheet. A .pdf copy of the drawings shall be e-mailed to the director of planning. If the drawings are presented on more than one sheet, match lines shall clearly indicate where the several sheets join.

6. Lighting plan. See article 5 of this chapter.

7. Traffic study. See article 5 of this chapter.

(Ord. of 8-2-2017, § 1(3.1.4))

Sec. 3.1.5. Final design package.

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

(Ord. of 8-2-2017, § 1(3.1.5)) [TMOD-21-015]

Sec. 3.1.6. – Overlay Use table.

Table 3.1 indicates the permitted uses within the overlay zoning districts. Even though a use is listed as an allowable use within a particular base zoning district, additional use restrictions may apply based on the applicable overlay zoning district requirements specified in this article.

A. The uses listed in Table 3.1 shall be permitted only within the zoning overlay districts identified, and no use shall be established and no structure associated with such use shall be erected, structurally altered or enlarged unless the use is permitted as:

1. A permitted use (P);
2. A special use (SP) subject to the special land use permit application procedures specified in article 7 of this chapter;
3. An administratively approved use (SA) subject to the special administrative permit procedures specified in article 7 of this chapter;
4. An accessory use (PA) as regulated by article 4 of this chapter. Table 3.1 does not list all accessory uses but clarifies uses acceptable as accessory, though not typically considered principal uses for the zoning classification.
5. Uses lawfully established prior to the effective date of this zoning ordinance.

B. Any use not listed in Table 3.1, below, or interpreted to be allowed by the director of planning pursuant to section 4.1.2 is prohibited. Any applicant denied a permit to allow a use of property in a zoning district other than as provided in this section may file an appeal before the zoning board of appeals as provided in article 7 of this chapter.

C. If there is a conflict between Table 3.1 and the text of this chapter, the text shall prevail.

Table 3.1 Overlay Use Table

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence.	**T1**	**T2**	**T3**	**T4**	**T5***	**T6***	**T1 In Mixed Use**	**T2 In Mixed Use**	**T3 In Mixed Use**		
AGRICULTURAL ACTIVITIES											
Agriculture and Forestry											
Commercial greenhouse or plant nursery	P	P	P	P							✓
Sawmill, Temporary or portable											✓
Urban, community garden, up to 5 ac.	P		P	P						P	✓
Urban, community garden, over 5 ac.	P	P	P	P						P	
Animal Oriented Agriculture											
Dairy			P								✓
Keeping of livestock			P								✓
Keeping of poultry/pigeons			P								✓
Livestock sales pavilion											✓
Riding academies or stables											✓
RESIDENTIAL											
Dwellings											
Dwelling, apartment	SP	SP		SP							
Dwelling, cottage home	P	P	P								✓
Dwelling, mobile home			Pa								✓
Dwelling, multi-family	P	P	P		X		P	P	P		
Dwelling, multi-family (supportive living)	P	P	P		X						✓
Dwelling, townhouse	P	P	P								✓
Dwelling, urban single-family	P	P	Pa								✓
Dwelling, single-family (attached)	P	P	P				P	P	P		
Dwelling, single-family (detached)	P	P	P		P						
Dwelling, three-family	P	P	P								
Dwelling, two-family	P	P	P								
Dwelling, single-family, accessory (guesthouse, in-law suite)	Pa	Pa	Pa								✓
Home occupation, no customer contact	P	P									✓
Home occupation, with customer contact	P	P									✓

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

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though theOverlay takes precedence.	**T1**	**T2**	**T3**	**T4**	**T5***	**T6***	**T1** **In Mixed Use**	**T2** **In Mixed Use**	**T3** **In Mixed Use**		
INSTITUTIONAL/PUBLIC											
Community Facilities											
Cemetery, columbarium, mausoleum	P	P	P	P							✓
Club, order or lodge, fraternal, non-commercial	P	P	P	P			P	P	P		
Coliseum or stadium/not associated with church or school	P	P	P	P						X	✓
Dog Park										P	
Funeral home, mortuary	P	P	X	X	X		P	P	P	P	
Golf course or clubhouse, public or private	P	P	P	P							✓
Government facilities	P	P	P	P							
Hospital or accessory ambulance service	P	P	P	P							
Library or museum	P	P	P	P							
Cultural Facilities	SP	SP	SP	SP	P		P	P	P		
Recreation Club	P	P	P								
Neighborhood or subdivision clubhouse or amenities	P	P	P	P							
Places of Worship	P	P	P	P	P		P	P	P		
Recreation, outdoor	P	P	P	P							
Swimming pools, commercial	P	P	P	P						X	✓
Tennis center, club and facilities							P	P	P		
Tennis courts, swimming pools, play or recreation areas, community	P	P	P	P			Pa	Pa	Pa		✓
Education											
Colleges, universities, research and training facilities	P	P	P	P							
Educational use, private	P	P									✓
School, Private kindergarten, elementary, middle or high	P	P	P	P			P	P	P		✓
School, Public kindergarten, elementary, middle or high	P	P	P	P			P	P	P		✓
School, Vocational	P	P	P	P			P	P	P		✓
Scholl, Specialized	P	P	P	P			P	P	P		✓

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence.	**T1**	**T2**	**T3**	**T4**	**T5***	**T6***	**T1** **In Mixed Use Development**	**T2** **In Mixed Use Development**	**T3** **In Mixed Use Development**		
COMMERCIAL											
Automobile, boat and trailer sales and service											
Automobile or truck rental or leasing facilities	X	X	P	P						X	
Automobile brokerage	P	P	P	P						X	
Automobile recovery and storage										X	
Automobile emission testing facility	X	X	X	X							
Automobile repair, minor	P	X	X	P			P	P	P	X	
Automobile repair, major	X	X	X	X	X					X	
Automobile sales, used							X	X	X		
Automobile sales or truck sales	P	P	X	P	X					X	
Automobile service stations	S P	S P	X	SP						X	
Automobile service stations over 4,000 square feet			SP								
Automobile upholstery shop	P	P	P	P						X	
Automobile wash/wax service	X	X	X	X	X		X	X	X	X	✓
Recreational vehicle boat and trailer sales and service	P	P	P	P						X	✓
Retail automobile parts or tire store	P	P	P	P			P	P	P		✓
Service area, outdoor	Pa	Pa	Pa	Pa							✓
											✓
Office											
Building or construction office	P	P	P	P			P	P	P		✓
											✓

Office, Heavy Construction contractor	P	P	P	P							✓
Office, Landscape Contractor	P	P	P	P							✓
Office, Professional	P	P	P	P	P		P	P	P		
Land Use	**Stonecrest Area Overlay**						**Interstate 20 Corridor Overlay***			**Arabia Mountain Conservation Overlay***	**See Section 4.2**
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence.	**T1**	**T2**	**T3**	**T4**	**T5***	**T6***	**T1** **In Mixed Use Development**	**T2** **In Mixed Use Development**	**T3** **In Mixed Use Development**		
Recreation and Entertainment											
Sexually Oriented Business	X		X	X		X	X	X	X	X	✓
Drive-in theater	P	P	P	P						X	✓
Fairground or amusement park		P		P						X	✓
Recreation, Indoor	P	P	P	P			P	P	P		
Nightclub or late-night establishment (maximum 10,000 square feet)	SP	X	X	X	X			X	X	X	✓
Recreation Outdoor	P	P	P	P	X		X	X	X		✓
Special events facility	P	P	P	P							
Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building	P	P	P	P	P						
Outdoor concert hall										P	
Recreation, passive										P	
Retail											
Alcohol outlet- package store, primary	P	P		SP		X				X	✓
Alcohol outlet- beer and/or wine store, beer growler, primary	P	P	P	SP						X	✓
Alcohol outlet- beer and wine, accessory to retail less than 12,000 sf (see also 4.1.3 (F))	P	P	P	SP						X	✓
Art gallery	P	P	P	P	P		P	P	P		

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence.	**T1**	**T2**	**T3**	**T4**	**T5***	**T6***	**T1** **In Mixed Use Development**	**T2** **In Mixed Use Development**	**T3** **In Mixed Use Development**		
Commercial greenhouse or plant nursery	P	P	P	P	P						✓
Convenience store (see alcohol outlet or fuel pumps accessory)	P	P	P	P			P	P	P	X	✓
Drive-through facilities (other than restaurants)			P							X	✓
Farmer's market, permanent	P	P	P	P	P						✓
Farmer's market, temporary/seasonal	P	P	P	P	P						✓
Fuel pumps	X	X	X	X	X					X	✓
Liquor store (see alcohol outlet)	P	P	X	X	X		X	X	X		✓
Pawn shop, title loan	X	X	X	X	X	X	X	X	X	X	

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence.	**T1**	**T2**	**T3**	**T4**	**T5***	**T6***	**T1** **In Mixed Use Development**	**T2** **In Mixed Use Development**	**T3** **In Mixed Use Development**		
Retail, 5,000 sf or less (with the exception of small box discount stores)	P	P	P	P	P						
Retail, over 5,000 sf (see also shopping center, with the exception of small box discount stores	P	P	P	P	P						
Retail warehouses/wholesales providing sales of merchandise with no outdoor storage	P	P	P	P	P						
Shopping center	P	P	P	P	P		P	P	P		
Trade shops	P	P	P	P	P						
Temporary Commercial Uses											
Temporary outdoor sales, seasonal	P	P	X	P	X		X	X	X		✓
Temporary produce stand	P	P	P	P							✓
Temporary outdoor retail sales	P	P		P							✓
Temporary outdoor sales or events	P	P	P	P							✓
Temporary trailer, as home sales office or construction trailer	P	P	P	P							✓
Restaurant/Food establishments											
Brewpub/Beer Growler	P	P	P	P							
Catering establishments	P	P	P	P							
Restaurants (acc. to hotel/motel)	P	P	P	P							
Restaurants (non-drive-thru)	P	P	P	P			P	P	P		
Restaurants with a drive-thru configuration	SP	SP	SP	SP							✓
Transportation and Storage											
Bus or rail stations or terminals for passengers	SP	SP	SP	SP						X	
Heliport	SP	SP	SP	SP			SP	SP	SP		✓
Parking, commercial lot	X	X	X	P			Pa	Pa	Pa	X	✓

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence.	**T1**	**T2**	**T3**	**T4**	**T5***	**T6***	**T1** **In Mixed Use Development**	**T2** **In Mixed Use Development**	**T3** **In Mixed Use Development**		
Parking, commercial garage	P	P	P	P			Pa	Pa	Pa	X	
Taxi, ambulance or limousine service, dispatching or storage.	P	P	P	P						X	✓
Taxi, ambulance, limousine dispatch office only (no vehicle parking)	P	P	P	P			P	P	P		
Taxi stand	P	P	P	P			P	P	P		
Services											
Adult day care center - 7 or more	P	P	P	P	P						✓
Adult day care facility - up to 6	P	P	P	P	P						✓
Animal hospitals, veterinary clinic	P	P	P	P			P	P	P		✓
Animal shelter/rescue center	P	P	P	P							✓
Banks, credit unions or other similar financial institutions	P	P	P	P			P	P	P		
Barber shop/ beauty salon or similar establishments	P	P	P	P			P	P	P		
Check cashing establishment, primary	X	X	X	X		X				X	✓
Check cashing establishment, accessory	X	X	X	X		X				X	✓
Child day care center (Kindergarten) - 7 or more	P	P	P	P			P	P	P		✓
Child day care facility - up to 6	P	P	P	P			P	P	P		✓
Coin laundry	P	P	P	P							
Dog day care	P	P	P	P							
Dog grooming	P	P	P	P							
Dry cleaning agencies, pressing establishments, or laundry pick up stations	P	P	P	P			P	P	P		
Fitness center	P	P	P	P			P	P	P		
Kennel, breeding	X	X	X	X	X		X	X	X		
Kennel, commercial	X	X	X	X	X		X	X	X		
Kennel, noncommercial	X	X	X	X	X		X	X	X		
Landscape business	P	P	P	P							
Mini-warehouse	P	P	P	P						X	✓
Outdoor storage, commercial	X	X	X	X	X		X	X	X	X	✓

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
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Personal services establishment	P	P	P	P	P					X	
Services, Medical and Health											
Ambulance service or emergency medical services, private	P	P	P	P			P	P	P	X	
Kidney dialysis center	P	P	P	P							
Services, Repair											
Service area, outdoor	Pa	Pa	Pa	Pa							✓
INDUSTRIAL											
Alternative energy production	SP	SP	SP								
Building materials or lumber supply establishment	P	P	P	P							

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
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Contractor, general (See also Building or Construction Office)	P	P	P	P							
Contractor, heavy construction, outside storage	P	P	P	P						X	
Contractor, special trade	P	P	P	P							
Crematoriums	SP	SP	X	X	X					X	
Dry cleaning plant											
General aviation airport											✓
Heavy equipment repair service or trade	P	P	P	P			X	X	X		
Incidental retail sales of goods produced or processed on the premises			Pa								
Industrial, heavy											
Industrial, light											
Intermodal freight terminal, bus or rail freight or passenger terminal, or truck terminal											
Manufacturing, light											
Manufacturing, heavy											✓
Manufacturing operations not housed within a building											✓
Mines or mining operations, quarries, asphalt plants, gravel pits or soil pits											✓

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
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Outdoor storage, industrial	X	X	X	X	X		X	X	X		✓
											✓
											✓
											✓
Railroad car classification yards or team truck yards											✓
Recovered materials facility wholly within a building											✓
Recovered materials processing wholly within a building											✓
Recycling collection	Pa	Pa	Pa	Pa							
Recycling plant											
Research, and training facilities											
Salvage yard (Junkyard)	X	X	X	X	X		X	X	X	X	✓
Solid waste: general disposal, landfill, private industry disposal, handling facility, thermal treatment technology or hazardous/toxic materials including radioactive materials										X	✓
Storage yard, except vehicle											
Storage yard for vehicles		X					X	X	X		
Sugar refineries		X									
Tire retreading and recapping	X	X	X	X	X		X	X	X		
Towing or wreckage service											
Transportation equipment storage or maintenance (vehicle)										X	✓
Truck stop										X	
Truck Terminal										X	
Vehicle storage yard										X	
Warehousing or Storage	P	P								X	

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
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COMMUNICATION – UTILITY											
Amateur radio service or antenna											✓
Radio or television broadcasting studio	P	P	P	P			P	P	P		
Radio or television broadcasting transmission facility	P	P	P	P							
Satellite television antenna	P	P	P	P							✓
WIRELESS TELECOMMUNICATION (cell tower)											
New support structure from 51 feet to 150 feet											✓
New support structure from 50 feet up to 199 feet	P	P	P	P							✓
COW's (non-emergency or event, no more than 120 days)	P	P	P	P							✓
COW's (declared emergency)	P	P	P	P							✓
Attached wireless telecommunication facility, used for non-residential purposes (prohibited if used as residential)											
Attached wireless telecommunication facility	P	P	P	P							✓
Small cell installations (new support structures or collocation) on private property or ROW	P	P	P	P							✓

[TMOD21-017]

DIVISION 4. ARABIA MOUNTAIN CONSERVATION OVERLAY DISTRICT

Sec. 3.4.1. Title.

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

Sec. 3.4.2. Purpose and intent.

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

A. To provide for the protection of natural resources and of scenic views of areas within the boundaries of the AMCOD, so as to protect and enhance the public welfare associated with these natural resources and the aesthetic qualities within this area, consistent with the policies of the Stonecrest Comprehensive Plan;

B. To provide reasonable and creative planning and development within the AMCOD while preserving the natural land form and features, trees and tree canopy, and the views to and from Arabia Mountain as indicated on the adopted map;

C. To assure that all activities and authorized uses of land allowed within the AMCOD, whether allowed uses or permitted uses, are activities or uses which are designed so as not to detract from or damage the protected natural resources and scenic beauty of this district;

D. To encourage and promote the dedication of conservation easements to appropriate public and not-for-profit entities established and authorized to hold easements in perpetuity pursuant to the Georgia Uniform Conservation Easement Act (O.C.G.A. 44-10 and 12-6A), for the purposes of protecting historical and [archaeological] areas, the habitat of endangered or threatened animal and plant species (as defined in the federal Endangered Species Act U.S.C. 1531 and the Endangered Wildlife Act of 1973), providing passive recreational and educational opportunities, preserving the cultural history of the area, protecting open space within the city, and protecting scenic views to and from Arabia Mountain; and

E. To provide consistent development standards that will adhere to common design characteristics that include but are not limited to: deep setbacks from the main road; strategic buffer zones; home "clustering"; shorter streets within a development and shared open spaces connected by trails, walkways and paths.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

Sec. 3.4.3. District boundaries.

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

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

Sec. 3.4.4. Applicability of regulations.

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

Sec. 3.4.5. Principal uses and principal structures.

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

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

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

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

15. Fuel Dealers, Fuel Pumps and Accessory Fuel Pumps.
16. Automobile and truck rental and leasing, Automobile brokerage, Automobile mall, Automobile recovery and storage, Automobile rental and leasing, Automobile repair and maintenance, major, Automobile repair and maintenance, minor, Automobile sales, Automobile service station, Automobile upholstery shop, Automobile wash/wax service, Recreational vehicle, boat and trailer sales and service, Freight service, Transportation equipment and storage or maintenance (vehicle), and Vehicle storage yard. [TMOD-22-001]
17. Commercial parking garage/structure; Commercial parking lots.
18. Convenience store.
19. Drive-through facilities.
20. Personal service establishments.
21. Check cashing facility.
22. Heavy equipment storage.
23. Truck stops.
24. Warehouses.
25. Solid waste disposal, Private industry solid waste disposal facility.
26. Bus station or terminal.
27. Ambulance service facility, Private ambulance service, Dispatch office.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

Sec. 3.4.6. Accessory uses and accessory structures.

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

Sec. 3.4.7. Lot coverage.

Except as provided in Sub-Section 3.4.9.A., Conservation communities, lot coverage within the AMCOD shall not exceed 25 percent of net lot area. Net lot area refers to the total area intended to be subdivided as shown on a city approved site plan submitted for a land disturbance permit or preliminary plat, exclusive of the area intended to be dedicated for street or utility rights of way or easements, see definition of net lot area (lot area, net) in Article 9, Definitions.

(Ord. No. 2019-02-001, § 1, 2-11-2019) [TMOD-22-001]

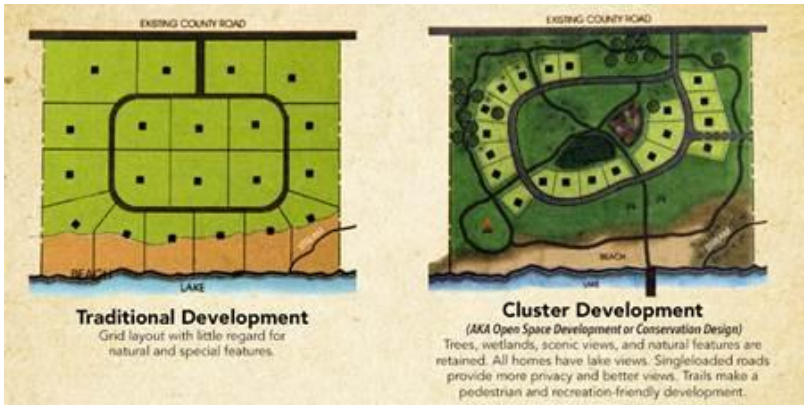
Sec. 3.4.8. Clearing and grading of lots.

No lot as shown on a city approved site plan submitted for a land disturbance permit or preliminary subdivision plat shall be cleared and graded to an extent exceeding 35 percent of the net lot area before subdivision. This does not apply to individual single-family lots as shown on a city approved final subdivision plat, see Sub-Section. 3.4.9.A, Conservation communities.

(Ord. No. 2019-02-001, § 1, 2-11-2019) [TMOD-22-001]

Sec. 3.4.9. Development standards.

There shall be no impervious surfaces with in the 75 foot stream buffer. All dwelling units shall be provided convenient access to all green space throughout the development via pedestrian paths or trails.



A. *Conservation Communities (residential subdivisions).*

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

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

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

Minimum lot area: 7,500 square feet, except that each lot on the periphery of the development is at least 10,000 square feet.

Minimum side-yard setback: Ten feet.

Maximum single-family dwelling lot coverage: 50 percent of each individual single family residential lot in a conservation community as shown on an approved subdivision plat.

Greenspace: A minimum of 30 percent of the total land area shown on an approved preliminary subdivision plat must be designated greenspace. A minimum of 65 percent of the greenspace should be in a contiguous tract.

Green space may consist of:

1. Natural undisturbed areas.
2. Passive recreational areas.

3. Trails and Green ways.
4. Bikeways and paths.
5. Mature wooded areas.

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

1. Establishment of a mandatory home owner's association (HOA) to own and maintain the common green space.
2. Dedication of legally described and platted "greenspace" to a land trust.

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

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

[TMOD-22-001]

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

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

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

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

D. *Trails.* Trails maybe constructed with in the buffer. The maximum width is eight feet and must be located within the first 25 percent of the buffer furthest from the exterior boundary line.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

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

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

Sec. 3.4.9.1.a. Design standards.

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

1. *Pedestrian Amenities.* All buildings shall be configured to allow safe, convenient, direct and continuous access for pedestrians to all primary building entrances. Principle building entry shall open directly on to the public right-of-way.
2. *"Build-to" line (i.e. "Building façade line").* The building shall be setback five feet from the buildable areas as indicated with in their approved site plan. Awnings and canopies are not counted in building façade line determination. Permanent structures other than buildings, such as ATMs and similar elements, shall not be located closer to the street than the building façade lines.
3. *Building height.* All new buildings shall be no more than two stories, maximum height 35 feet.
4. *Façade articulation.* Street-facing building façades shall be horizontally divided by floors using architectural means such as string courses, recesses, reveals or the like. They shall also be vertically divided utilizing Major and Minor Articulations to create visual interest and avoid monotony.
    a. Major Articulations shall occur at least every 60 feet of horizontal façade length and may be accomplished through: a change of façade materials extending from grade through the cornice; change in storefront systems; physical off-sets; and/or similar means intended to convey the impression of separate buildings.
    b. Minor Articulations shall occur approximately every 30 feet of horizontal façade length and may be accomplished by: the use of pilasters; the use of off-sets; or similar means intended to create the appearance of structural bays.
5. *Entrances.* All first story uses adjacent to a sidewalk shall have a primary pedestrian entrance, which faces, is visible from, and is directly accessible from said sidewalk. All first story businesses with more than 60 feet of frontage along sidewalks shall provide one pedestrian entrance for every 60 linear feet of frontage or fraction thereof.
6. *Parking:* Parking areas should be located to the side or rear of the building. When parking areas are located in front of the building, a buffer of 10 feet of shrubbery or landscape trees is required. All vegetation should be native to the region.

    Cross Access: In order [to] reduce traffic conflicts, cross access drives with adjacent properties must be considered. This may include the interconnection of parking areas or a shared drive between properties.
7. *Storefront canopies* at least five feet in depth extending over the sidewalk are recommended at all retail frontage for relief from inclement weather and for shade. These should be roofed with glass, metal, or fabric wholly supported by brackets or cables attached to the building façade. Columns to support canopies are not permitted in the public right of way (hereafter called "R.O.W."). Awnings and canopies shall not include signage on them, except when such signage is located within an apron that is less than 12 inches in height and is subject to all other applicable sign requirements of this document.
8. *Building Finish Materials.* Each street-facing building façade shall have an exterior finish skin primarily of Lithonia tidal grey granite. Material that may be combined with the granite is limited to wood, exterior brick, cementitious stucco, rustic or cut stone, architectural cast concrete, and glass panels. No more than two additional materials may be used. Concrete masonry units or artificial materials having the appearance of wood, and/or stone are not permitted as a finish material.

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

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

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

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

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

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

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

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

Sec. 3.4.9.2 Height limitation.

A. Except as provided in section 5.2.5, and in subsection B., no building or structure within the Arabia Mountain Natural Resource Protection Overlay District shall exceed a height of 35 feet, all other requirements of this chapter notwithstanding.

B. If the placement of a telecommunications tower or antenna within this overlay district in excess of 35 feet in height is mandated by federal law, said tower or antenna, in addition to meeting all other standards and criteria applicable thereto, shall meet the following design requirements:

1. No portion of any such tower or antenna shall extend a distance of more than ten feet above the top of the tree canopy existing on the lot upon which the tower or antenna is placed. If no tree canopy exists on said lot, then no portion of such tower or antenna shall extend a distance of more than ten feet above the top of the tree canopy closest to such tower or antenna.

2. All portions of a tower or antenna that extend above the top of the existing mature tree canopy pursuant to subsection B.1., shall consist of an alternative tower structure that is designed and colored in a way that blends said tower or antenna with the closest tree canopy to a degree that renders said tower or antenna indistinguishable from said tree canopy at a distance of 200 feet measured horizontally from said tower or antenna.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

Sec. 3.4.10. Tree removal and replacement.

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

Sec. 3.4.11. Protection of steep slopes.

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

Sec. 3.4.12. Driveways.

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

Sec. 3.4.13. Recording of conservation easements.

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

(Ord. No. 2019-02-001, § 1, 2-11-2019) [TMOD-22-001]

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

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

Sec. 3.4.15. Lighting.

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

Sec. 3.4.16. Density bonus.

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

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

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

Sec. 3.4.18. AMCOD advisory committee.

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

Sec. 3.4.19. Residential properties which are not subject to sections 3.4.7 and 3.4.8.

Section 3.4.7 (lot coverage) and Section 3.4.8 (clearing and grading of lots) shall not apply to any lot in the R-100, R-85, R-75, or R-60 zoning district if a certificate of occupancy for the house thereon was issued prior to August 7, 2017, and if the lot is less than one-half acre.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

DIVISION 5. STONECREST AREA OVERLAY DISTRICT

Sec. 3.5.1. Scope of regulations.

This division establishes standards and procedures that apply to any development, use, alteration, height, density, parking, open space, and building on any lot or portion thereof which is in whole or in part contained within the boundaries of the Stonecrest Area Overlay District.

(Ord. of 8-2-2017, § 1(3.5.1); Ord. No. 2019-11-001, § 1, 11-25-2019)

Sec. 3.5.2. Applicability of regulations.

This division applies to each application for a permit for the development, use, alteration, or modification of any structure where the subject property is in whole or in part contained within the boundaries of the Stonecrest Area Overlay District. The procedures, standards, and criteria herein apply only to that portion of the subject property within the boundaries of the Stonecrest Area Overlay District. When the Stonecrest Area Overlay District and the underlying zoning conflict, the Stonecrest Area Overlay District regulations control absent explicit language to the contrary.

(Ord. of 8-2-2017, § 1(3.5.2); Ord. No. 2019-11-001, § 1, 11-25-2019)

Sec. 3.5.3. Statement of purpose and intent.

The purpose and intent of the city council in establishing the Stonecrest Area Compatible Use Zone Overlay District is as follows:

A. To preserve, protect and enhance existing and proposed open space networks that are adjacent to or within the Stonecrest Area;

B. To enhance the long term economic viability of this portion of City of Stonecrest by encouraging new commercial and residential developments that increase the tax base and provide jobs to the citizens of City of Stonecrest;

C. To implement the policies and objectives of the comprehensive plan and the policies and objectives of the design guidelines for the Stonecrest Overlay District;

D. To establish and maintain a balanced relationship between industrial, commercial, and residential growth to ensure a stable and healthy tax base in City of Stonecrest;

E. To provide a balanced distribution of regional and community commercial and mixed-use office centers;

F. To support high density housing in office and mixed-use centers which have the appropriate location, access, and infrastructure to accommodate it;

G. To encourage mixed-use developments that meet the goals and objectives of the Atlanta regional commission's smart growth and livable centers initiatives;

H. To allow flexibility in development standards in order to encourage the design of innovative development projects that set high standards for landscaping, greenspace, urban design, and public amenities;

I. To encourage an efficient land use and development plan by forming a live-work-play environment that offers employees and residents the opportunity to fulfill their daily activities with minimal use of single-occupant automobiles;

J. To allow and encourage development densities and land use intensities that are capable of making productive use of alternative transportation modes such as bus transit, rail transit, ridesharing, bicycling and walking;

K. To focus and encourage formation of a well-designed, pedestrian-friendly activity centers with high-density commercial and residential development that increases vitality and choices in living environments for the citizens of the City of Stonecrest;

L. To protect established residential areas from encroachment of uses which are either incompatible or unduly cause adverse impacts on such communities;

M. To protect the health, safety and welfare of the citizens of the City of Stonecrest;

N. To promote uniform and visually aesthetic architectural features which serve to unify the distinctive visual quality of the Stonecrest Area Overlay District.

(Ord. of 8-2-2017, § 1(3.5.3); Ord. No. 2019-11-001, § 1, 11-25-2019)

Sec. 3.5.4. District boundaries.

A. The boundaries of the Stonecrest Area Overlay District composed of Tiers I, II, III, IV, V, and VI described in the subparagraph B below, shall be depicted on the official zoning maps entitled "Official Zoning Map, Stonecrest, Georgia, Stonecrest Area Overlay District" (the "Stonecrest Overlay Maps"). The Stonecrest Overlay Maps are to be adopted contemporaneously with this chapter, together with all explanatory information contained or referenced thereon, is hereby adopted by reference and declared to be a part of this chapter.

B. The Stonecrest Area Overlay District shall be divided into five [six] development tiers as follows:

1. Tier I: High-Rise Mixed-Use Zone;
2. Tier II: Mid-Rise Mixed-Use Zone;
3. Tier III: Low-Rise Mixed-Use Zone;
4. Tier IV: Transitional Mixed-Use Zone;
5. Tier V: Cluster/Village Mixed-Use Zone; and
6. Tier VI: Viewshed Zone

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

(Ord. of 8-2-2017, § 1(3.5.4); Ord. No. 2019-11-001, § 1, 11-25-2019)

Sec. 3.5.5. Open space.

A. *Open space:* Each lot may provide open space. Open space must be a minimum of 20 percent of the lot. To the extent possible, lands containing streams, lakes, 100-year floodplains, wetlands, slopes over 15 percent

shall remain undisturbed and included in open space. Natural open space areas shall form an interconnected and continuous network of paths, greenways, and trails throughout the development within the Stonecrest Area Overlay District. Credit for open space areas may be transferred from one parcel to another within overall developments that remain under unified control of a single property owner or group of owners, but must demonstrate interconnectedness of public areas.

B. *Maintenance and protection of public space.* Each applicant that chooses to provide for public space shall present as a part of the application for a building permit within the Stonecrest Area Overlay District a legal mechanism under which all land to be used for public space purposes shall be protected. Such legal mechanism may include deed restrictions, property owner associations, common areas held in common ownership or control, maintenance easements, or other legal mechanisms, provided that said legal mechanism shall be approved by the city attorney as assuring each of the following mandatory requirements:

1. That all subsequent property owners within said Stonecrest Area Overlay District be placed on notice of this development restriction through the deed records of DeKalb County Superior Court;
2. That all public space held in common will be properly maintained and insured with no liability or maintenance responsibilities accruing to the city;
3. That a legal mechanism exists for notice of deficiencies in maintenance of the public space held in common, correction of these deficiencies, and assessment and liens against the properties for the cost of the correction of these deficiencies by a third- party or the city;
4. When an applicant for a Stonecrest Area Overlay District chooses to utilize a property owners association in order to comply with the requirements of subsection A above, the applicant, in addition to meeting all of said requirements, shall provide for all of the following:
    a. Mandatory and automatic membership in the property owners association as a requirement of property ownership;
    b. A fair and uniform method of assessment for dues, maintenance and related costs;
    c. Where appropriate, party wall maintenance and restoration in the event of damage or destruction; and
    d. Continued maintenance of public space held in common and liability through the use of liens or other means in the case of default.

(Ord. of 8-2-2017, § 1(3.5.5); Ord. No. 2019-11-001, § 1, 11-25-2019)

Sec. 3.5.6. Greenspace requirements.

A. *Landscape strips.* Landscape strips not less than five feet in width must be provided along all side and rear property lines and on all public streets. The landscape strip along the public street must be a minimum of ten feet in width and must be planted with a row of street trees of at least three and one-half inches in caliper selected from the list of street trees species identified in the design guidelines for the Stonecrest Area Overlay District and planted not less than 75 feet on center. Continuous landscaped strips shall be constructed along public rights-of-way where surface parking lots are adjacent to such sidewalks or public right-of-way except at points of ingress or egress into the facility.

B. *Ground cover.* Ground cover must also be provided in accordance with the design guidelines for the Stonecrest Area Overlay District in order to protect tree roots and to prevent erosion. Ground cover must consist of evergreen shrubs or groundcover plant material mulched with pine bark mulch, or other similar landscaping material.

C. Newly planted trees must conform to the design guidelines for the Stonecrest Area Overlay District.

D. No tree shall be planted closer than two feet from the street or sidewalk, and no closer than five feet from a fire hydrant, sign post, streetlight standard, utility pole, or similar structure.

E. *Greenspace requirements for parking lots*:

1. Greenspace areas are required in all parking lots and must comprise at least five percent of the total lot area of parking lot.
2. In addition, all parking lots must include at least one tree for every 12 parking spaces provided. Tree planting areas may be included in the required greenspace area. Every three inches in caliper, as measured at a height of 36 inches above the ground level, of an existing tree shall count as one newly planted tree.
3. Greenspace areas must be at least 36 square feet in area.
4. All greenspace areas must be properly maintained in accordance with approved landscape plans. In the event that a tree or any plant material dies, it must be replaced within a reasonable time, so as to meet all requirements of this section and to allow for planting in the appropriate planting season.
5. All trees planted pursuant to the requirements of Section 5.4.4 shall be counted for the purpose of meeting the tree planting and tree replacement requirements imposed by this chapter.

(Ord. of 8-2-2017, § 1(3.5.6); Ord. No. 2019-11-001, § 1, 11-25-2019)

Sec. 3.5.7. Transitional buffer zone requirements.

Any lot within the Stonecrest Area Overlay District, that is contiguous to any lot outside of the Stonecrest Area Overlay District zoned for a residential use, must maintain a 50 foot transitional buffer zone. The transitional buffer zone cannot contain any structures, impervious surfaces, or water retention ponds and cannot be used for permanent parking, loading, or storage. Trees may not be removed from the transitional buffer zone, other than dead, decayed, dying, or hazardous trees. Additional trees and plant material may be added to the transitional buffer zone.

(Ord. of 8-2-2017, § 1(3.5.7); Ord. No. 2019-11-001, § 1, 11-25-2019)

Sec. 3.5.8. Street standards.

Streets within the Stonecrest Area Overlay District may be either public or private streets. Private streets must comply with requirements of public streets found in chapter 14 and all other applicable sections of the City of Stonecrest Code, with the following exceptions:

A. Streets in the Stonecrest Area Overlay District may be constructed with travel lanes at 11 feet in width, measured inside curb and gutter.

B. Private or public alleys are permitted to provide secondary or service access within developments consisting of at least four buildings. An alley must provide a continuous connection between two streets. Alleys shall be paved and constructed to the same standards as the connecting streets except that:

1. No alley shall be longer than 400 feet;
2. No alley shall have a slope greater than seven percent;
3. The paved width of an alley must be at least 12 feet;
4. Alleys must be constructed with flush curbs;

5. Alleys must have seven-foot-wide unobstructed shoulders constructed of grass sod or gravel on both sides; and
6. Buildings must be set back at least ten feet from the back curb of an alley.

(Ord. of 8-2-2017, § 1(3.5.8); Ord. No. 2019-11-001, § 1, 11-25-2019)

Sec. 3.5.9. Underground utilities.

All utilities except for major electric transmission lines and substations are required to be placed underground except where the director of planning determines that underground utilities are not feasible due to pre-existing physical conditions, such as conflicting underground structures or utilities, shallow rock, high water table, or other similar geologic or hydrologic conditions.

(Ord. of 8-2-2017, § 1(3.5.9); Ord. No. 2019-11-001, § 1, 11-25-2019)

Sec. 3.5.10. Streetlights.

When necessary for the use and convenience of the occupants or users of a development, streetlights are required and shall conform to the design guidelines for the Stonecrest Area Overlay District.

(Ord. of 8-2-2017, § 1(3.5.10); Ord. No. 2019-11-001, § 1, 11-25-2019)

Sec. 3.5.11. Interparcel access.

To the maximum extent possible, sidewalks and parking lots serving adjacent lots shall be interconnected to provide continuous driveway connections and pedestrian connections between adjoining lots and streets, except that this requirement shall not apply to lots zoned for single family or duplex residential units.

(Ord. of 8-2-2017, § 1(3.5.11); Ord. No. 2019-11-001, § 1, 11-25-2019)

Sec. 3.5.12. Multi-modal access plans required.

Each new application for a development permit within the Stonecrest Area Overlay District must be accompanied by a multi-modal access plan prepared at a scale not greater than one-inch equals 100 feet. The multi-modal access plan must cover the full extent of the proposed development along with public rights-of-way of adjoining streets and any other property lying between the subject property and the nearest public streets on all sides. The purpose of the multi-modal access plan is to demonstrate a unified plan of continuous access to and between all buildings in the proposed development and adjacent properties. Connections to available transportation modes, such as driveways, sidewalks, and bike paths must be shown along adjacent streets and those entering adjoining properties. Safe and convenient pedestrian ways must be provided from sidewalks along streets to each building entrance, including pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within 1,250 feet (straight line distance) from any boundary of the subject property, the access plan must show how pedestrians may safely travel from such station or stop to the subject property. Where an existing or planned bike path is located within 1,500 feet of the subject property, the access plan must show how safe, continuous and convenient bicycle access shall be provided to the subject property.

(Ord. of 8-2-2017, § 1(3.5.12); Ord. No. 2019-11-001, § 1, 11-25-2019)

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

A. *Permitted principal uses and structures.* The principal uses of land and structures allowed in the Tier I: High-Rise Mixed-Use Zone of the Stonecrest Area Overlay District are as provided below:

1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, O-D (Office-Distribution) District, and HR-2 (High Density Residential) District except those listed in B., below.

B. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier I: High-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:

1. Kennels.
2. Tire retreading and recapping.
3. Sexually oriented businesses.
4. Reserved
5. Outdoor amusement services facilities.
6. Outdoor storage.
7. Farm equipment and supplies sales establishment.
8. Repair, small household appliance.
9. Hotel/motel.
10. Flea markets.
11. Automobile title loan establishments.
12. Pawn shops.
13. Salvage yards.
14. Gasoline service stations.
15. Automobile repair and maintenance, major.
16. Automobile and truck rental and leasing.
17. Commercial parking lots.
18. Automobile wash/wax service.
19. Check cashing facility.
20. Automobile emission testing facilities.
21. Small Box Discount Stores

C. *Accessory uses and structures.* The following accessory uses of land and structures are permitted in Tier I: High-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:

1. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
2. Parking lots and parking garages.
3. Open space, clubhouse or pool amenity area.
4. Signs, in accordance with the provisions of chapter 21 and this chapter.

D. *Building setbacks.* Building setbacks are governed by the MU-3 regulations.

E. *Height of buildings and structures.* A building or structure in Tier I may exceed the five-story height limit without the necessity of obtaining a special land use permit. A parking deck may exceed five stories in height; however, a parking deck cannot exceed ten stories in height either as a separate deck structure or as part of an office building.

F. *Density.* No development in Tier I may exceed a FAR of three and one-half, unless it also provides additional public space or other amenities singly, or in combination as provided in subsection G below.

G. *Bonus density:* In exchange for providing one or more of the amenities shown in Table 3.2 an applicant may receive a density bonus as provided in Table 3.2, not to exceed a total FAR of six.

Table 3.2. Bonus FAR: Tier I

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

H. *Required parking.* Required parking may be provided through a combination of off-street, on- street, or shared parking provided that all required parking must be located within 700 feet of the principal entrance of the buildings the parking is intended to serve. The minimum number of required parking spaces shall be as provided in article 6, except as follows:

1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four spaces per 1,000 square feet of gross floor area.
2. Office and clinic uses: Minimum of three spaces per 1,000 square feet of gross floor area.
3. Hotel and motel uses: Minimum of one space per unit.
4. Multifamily residential uses: Minimum of one and one-quarter spaces per dwelling unit.

I. *Sidewalks.* Sidewalks must be provided on all public streets. Sidewalks must be at least five feet in width with the exception of sidewalks along streets and in front of proposed high-rise buildings which must be at least ten feet in width.

(Ord. of 8-2-2017, § 1(3.5.13); Ord. No. 2019-11-001, § 1, 11-25-2019)

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

A. *Permitted principal uses and structures.* The principal uses of land and structures allowed in the Tier II: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay District are as provided below:

1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, O-D (Office-Distribution) District, and HR-2 (High Density Residential) District except those listed in B., below.

B. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier II: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:

1. Kennels.
2. Storage yards.
3. Tire retreading and recapping.
4. Sexually oriented businesses.
5. Outdoor storage.
6. Farm equipment and supplies sales establishment.
7. Repair, small household appliance.
8. Hotel/motel.
9. Flea markets.
10. Automobile title loan establishments.
11. Pawnshops.
12. Salvage yards.
13. Automobile repair and maintenance, major and minor.
14. Gasoline service stations.
15. Automobile and truck rental and leasing.
16. Commercial parking lots.
17. Automobile wash/wax service.
18. Late-night establishments.
19. Nightclubs.
20. Check cashing facility.
21. Automobile emission testing facilities.
22. Small Box Retail Store

[TMOD-19-005, TMOD-21-005]

C. *Accessory uses and structures.* The following accessory uses of land and structures are permitted in Tier II: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay District.

1. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
2. Parking lots and parking garages.
3. Open space, clubhouse or pool amenity area.
4. Signs, in accordance with the provisions of chapter 21 and this chapter.

D. *Building setbacks.* Building setbacks are governed by the MU-3 regulations.

E. *Height of buildings and structures.* A building or structure in Tier II can have a maximum height of ten stories. A parking deck may exceed five stories in height; however, a parking deck may not exceed ten stories either as a separate deck structure or as part of an office building.

F. *Density:* No development in Tier II may exceed a FAR of two and one-half, unless it also provides additional public space or other amenities singly, or in combination as provided in subsection G, below.

G. *Bonus density:* In exchange for providing one or more of the amenities shown in Table 3.2 an applicant may receive a density bonus as provided in Table 3.2, not to exceed a total FAR of four.

Table 3.2. Bonus FAR: Tier II

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

H. *Required parking.* Required parking may be provided through a combination of off-street, on- street, or shared parking. All required parking must be located within 700 feet of the principal entrance of the building that the parking intended to serve. The minimum number of required parking spaces shall be as provided in article 6, except as follows:

1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four spaces per 1,000 square feet of gross floor area.
2. Office and clinic uses: Minimum of three spaces per 1,000 square feet of gross floor area.
3. Hotel and motel uses: Minimum of one space per unit.
4. Multifamily residential uses: Minimum of one and one and one-quarter spaces per dwelling unit.

I. *[Parking spaces.]* Parking space area requirements must comply with the provisions of Section 6.1.3.

J. *Sidewalks.* Sidewalks must be provided on all public streets. Sidewalks must be at least five feet in width.

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

Sec. 3.5.15. Low-rise mixed-use zone (Tier III).

A. *Permitted uses and structures.* The principal uses of land and structures allowed in the Tier III: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay District are as provided below:

1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, O-D (Office Distribution) District, M (Light Industrial) District, and MR-2 (Medium Density Residential) District except those listed in B., below.

B. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier III: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:

1. Kennels.
2. Junkyard.
3. Tire retreading and recapping.

4. Sexually oriented businesses.
5. Outdoor amusement service facility.
6. Outdoor storage.
7. Automobile repair, major and minor.
8. Hotel/motel.
9. Automobile sales.
10. Temporary outdoor sales.
11. Pawn shops.
12. Liquor stores.
13. Nightclubs.
14. Late-night establishments.
15. Car wash.
16. Self-storage.
17. Funeral home.
18. Mortuary.
19. Crematorium.
20. Farm equipment and supplies sales establishment.
21. Repair, small household appliance.
22. Salvage yard.
23. Automobile service stations, except automobile service stations over 4,000 square feet with special land use permit.
24. Commercial parking lot.
25. Check cashing facility.
26. Automobile emission testing facilities.
27. Small Box Retail Stores

[TMOD-19-005]

C. *Accessory uses and structures.* The following accessory uses of land and structures shall be authorized in the Tier III: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:

1. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
2. Parking lots and parking garages.
3. Clubhouses, including meeting rooms or recreation rooms.
4. Swimming pools, tennis courts, and other recreation areas and similar amenities.

D. *Building setbacks.* The following building setback requirements shall apply to all structures in the Tier III: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:

1. *Minimum front yard setback:* 15 feet from right-of-way of public street, except that front-facing garages of residential units shall be set back a minimum of 25 feet from rights-of-way.
2. *Minimum interior side yard:* Ten feet. There shall be a minimum of 15 feet between buildings and structures less than two stories in height and a minimum of 20 feet between any two buildings and structures when one of them is greater than two stories in height.
3. *Minimum rear yard:* Ten feet.

E. *Height of buildings and structures.* Maximum height, three stories

F. *Density:* No development in Tier III may exceed 30 dwelling units per acre and a combined FAR of one and a half, unless it also provides additional public space or other amenities singly, or in combination as provided in subsection G, below.

G. *Bonus density:* In exchange for providing one or more of the amenities shown in Table 3.3 an applicant may receive a density bonus as provided in Table 3.3, not to exceed a total FAR of three.

Table 3.3 Bonus FAR: Tier III

Additional Amenity	Increased FAR
Increase public space to 25 percent while providing connectivity	0.5
Increase public space to 30 percent while providing connectivity	1.0
Mixed-use building that combines office-institutional with commercial or retail uses. Each mixed-use building must include one principal use and at least one secondary use. No primary or secondary use may constitute less than ten percent of the gross floor area of the building.	0.25
Mixed-use building that includes multifamily residential units constituting at least eight units per acre of land, and constructed in the same building with office, institutional, commercial or retail uses.	0.5

H. *Required parking.* Required parking may be provided through a combination of off-street, on- street, or shared parking. All required parking must be located within 700 feet of the principal entrance of the building that the parking is intended to serve. The minimum number of required parking spaces must be as provided in article 6, except as follows:

1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four spaces per 1,000 square feet of gross floor area.
2. Office and clinic uses: Minimum of three spaces per 1,000 square feet of gross floor area.
3. Hotel and motel uses: Minimum of one space per unit.
4. Multifamily residential uses: Minimum of one and one-half spaces per dwelling unit.

I. *Parking space area requirements.* Parking space area requirements must comply with the provisions of section 6.1.3.

J. *Sidewalks.* Sidewalks must be provided on all public streets. Sidewalks must be at least five feet in width.

K. *New or used motor vehicle dealers.* New or used motor vehicle dealers are authorized in Tier III of the Stonecrest Overlay District only if they comply with the following requirements:

New or used motor vehicle dealers must be located on a parcel with a lot area of no less than three acres, and must contain at least 6,000 square feet of building floor space.

New or used motor vehicle dealers must provide vegetative screening along any automobile display areas that abut a public right-of-way. Said vegetative screening shall be located outside any guard rails or security

fencing abutting such public right-of-way. Within three years of planting, the vegetative screening must be of sufficient height to screen all guard rails or security fencing abutting the public right-of-way. Planting materials shall be subject to the approval of the City of Stonecrest Arborist.

New or used motor vehicle dealers must provide screening of all maintenance areas and storage yards for automobiles stored for service. Such screening shall be sufficient to shield the maintenance areas and storage yards from visibility from any adjacent properties or public rights-of-way. Should vegetative screening be used, planting material shall be subject to the approval of the City of Stonecrest Arborist.

No overhead bay doors opening into vehicle service areas shall be visible from a public right-of-way.

(Ord. of 8-2-2017, § 1(3.5.15); Ord. No. 2018-12-01, § 1(3.5.15), 12-1-2018; Ord. No. 2019-11-001, § 1, 11-25-2019)

Sec. 3.5.15.1. Transitional mixed use zone (Tier IV).

A. *Statement of purpose and intent.* The intent of this tier is to encourage mixed use development in a well-planned community and encourage principally office, residential and commercial uses to serve the convenience needs of the local community. This tier provides an economic balance to the other Stonecrest Area Compatible Use Overlay District development categories which focus more on retail uses.

B. *Mixed use requirements.* All properties in Tier IV which are proposed for new development shall comply with the minimum requirements of this mixed use development category. Permits for repairs, interior alterations or tenant buildout improvements that do not alter the exterior appearance or the building footprint of the structure shall be exempt from the requirements of this division. Properties in Tier IV shall contain a minimum of two principal uses and any residential use shall not exceed 70 percent of the total floor area. The mixed use development may be combined vertically or horizontally in one or more buildings or may be provided in separate buildings or areas within a mixed-use development. A minimum of one residential and one non-residential use must be selected.

C. *Permitted principal uses and structures.* The principal uses of land and structures which are allowed in the Tier IV: Transitional Mixed-Use Zone are as is provided below:

1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, MU-4 (Mixed Use High Density) District, and HR-2 (High Density Residential-2) District, except those listed in D., below.

   Single-family attached detached units that are part of a master planned community so long as such single-family detached units are part of a mixed-use development and the development provides opportunities for lifelong and aging-in-place communities as defined by the Atlanta Regional Commission.

D. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier IV: Transitional Mixed-Use Zone:

1. Kennels.
2. Tire retreading and recapping.
3. Sexually oriented businesses.
4. Outdoor amusement services facilities.
5. Outdoor storage.
6. Farm equipment and supplies sales establishments.
7. Repair, small household appliance.
8. Hotel/motels.

9. Automobile title loan establishments.
10. Pawnshops.
11. Liquor stores.
12. Salvage yards.
13. Automobile repair and maintenance, major.
14. Automobile wash/wax service.
15. Nightclubs.
16. Late-night establishments.
17. Check cashing facility.
18. Automobile emission testing facilities.
19. Car wash, self-service.
20. Self-storage.
21. Funeral home.
22. Crematorium.
23. Mortuary.
24. Small Box Retail Stores

E. *Accessory uses and structures.* The following accessory uses of land and structures are permitted in Tier IV: Transitional Mixed-Use Zone:

1. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
2. Open space, clubhouse or pool amenity area.
3. Parking lots and decks.
4. Signs, in accordance with the provisions of chapter 21 and this chapter.

F. *Mixed-use developments:* Lot width, lot area and setbacks.

1. *Lot width and area.* All lots shall have at least 100 feet of frontage as measured along the public street frontage.
   a. Minimum lot area: One acre.
2. *Setback requirements.*
   a. *Front yard.* Minimum of zero feet and a maximum of 20 feet to allow for architectural features, outdoor seating, and other project site amenities.
   b. *Side yard.* Minimum of zero feet and a maximum of 20 feet to allow for architectural features, outdoor seating, plazas and other project site amenities.
   c. *Rear yard.* Minimum of 20 feet.
   d. *Interior side yard.* Minimum of zero feet. However, where an interior side yard is facing a structure with windows on an adjoining lot the distance between the existing structure and the proposed structure shall be a minimum of 20 feet.

G. *Single-family detached units:* Lot width, lot area and setbacks.

1. *Lot width and area.* All lots must have at least 50 feet of frontage as measured along the public street frontage.

   a. *Minimum lot area.* 5,000 square feet.

2. *Setback requirements.*

   a. *Front yard.* Minimum of ten feet and a maximum of 20 feet.

   b. *Side yard.* Minimum of ten feet.

   c. *Interior side yard.* Minimum of five feet.

   d. *Rear yard.* Minimum of 30 feet.

H. *Single-family attached units:* Lot width, lot area and setbacks.

   l. *Lot width and area.* All lots must have at least 30 feet of frontage as measured along the public street frontage.

   a. *Minimum lot area.* 3,000 square feet. Maximum of eight units or 240 feet.

2. *Setback requirements:*

   a. Front yard: Minimum of five feet and a maximum of 20 feet.

   b. Side yard: Minimum of ten feet between buildings.

   c. Rear yard: Minimum of ten feet.

   d. Structures which are front face to front face, back face to back face, or front face to back face shall be not less than 60 feet apart. Structures which are side face to side face shall not be less than 20 feet apart. Structures which are side face to front face or back face shall be not less than 40 feet apart.

I. *Height of buildings and structures.* The maximum height of any mixed-use building or structure shall not exceed five stories or 75 feet. Buildings in excess of three stories must be approved by the director of planning to assure adequacy of fire protection facilities and services. The maximum height of any residential single-family detached building or structure shall not exceed a height of 35 feet and shall not exceed two stories.

J. *Density and floor area ratios.* Multifamily dwellings may be developed at a density not exceeding 30 dwelling units per acre and the combined floor area ratio for any development shall not exceed one and one-half.

   1. *Density bonus.* The maximum allowable FAR of a building or development in Tier IV shall be increased to a FAR not to exceed a total of three if one or more of the additional amenities is provided as described in the table below:

Table 3.4 Bonus FAR: Tier IV

Additional Amenity	Increased FAR
Increase public space to 25 percent while providing interparcel access for pedestrians and vehicles.	0.5
Increase public space to 30 percent while providing interparcel access for pedestrians and vehicles.	1.0
Mixed-use building that combines office-institutional with commercial or retail uses. Each mixed-use building shall include one principal use and at least one secondary use. No primary or secondary use can constitute less than ten percent of the gross floor area of the building.	0.25

Mixed-use building that includes multifamily residential units constituting at least eight units per acre of land, and constructed in the same building with office, institutional, commercial or retail uses.	0.5

K. *Required parking.* Required parking may be provided through a combination of off-street, on- street, or shared parking. All required parking must be located within 700 feet of the principal entrance of the building the parking is intended to serve. The minimum number of required parking spaces must be as provided in the underlying zoning district regulations for the lot except as follows:

1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four spaces per 1,000 square feet of gross floor area.
2. Office and clinic uses: Minimum of three spaces per 1,000 square feet of gross floor area.
3. Hotel and motel uses: Minimum of one space per unit.
4. Multifamily residential uses: Minimum of one and one-half spaces per dwelling unit.
5. Parking space area requirements shall comply with the provisions of section 6.1.3.
6. Single-family detached residential dwelling units shall have two spaces per unit. Garages and any surface parking areas are to be accessed by shared driveways located at the rear of the residential structure. Garages that face the public right-of-way shall be setback a minimum of 20 feet.

L. *Sidewalks.* Sidewalks must be at least five feet in width and must be provided along the right-of-way of all public streets.

(Ord. of 8-2-2017, § 1(3.5.15.1); Ord. No. 2019-11-001, § 1, 11-25-2019)

Sec. 3.5.15.2. Cluster village mixed-use zone (Tier V).

A. *Statement of purpose and intent.* The primary intent of Tier V is to encourage single-family detached residential developments with associated neighborhood commercial and office uses to serve the convenience needs of the local community in a village or cluster concept. This tier provides for the preservation of open space while allowing compatible development that complements the other Stonecrest Overlay District development categories. Tier V also seeks to preserve the rural and scenic beauty of Arabia Mountain Preserve while providing flexibility to allow for creativity in site design and development. The goal of Tier V is to minimize the environmental and visual impacts of new development on natural resources and historically and culturally significant sites and structures while encouraging residential and neighborhood commercial development in a well planned community.

B. *Permitted principal uses and structures.* All properties in Tier V shall be governed by all of the underlying zoning district regulations and the requirements of this section. In addition, all properties in Tier V may be used for the following principal uses of land and structures:

1. Adult day ~~care facility.~~ center
2. Bed and breakfast.
3. Child day care facility.
4. Assembly hall.
5. Cultural facility.
6. Detached single-family dwelling.
7. Office uses.

8. Personal care facility.
9. Place of worship.
10. Retail, excluding drive-through facilities, automobile service stations, commercial amusements, convenience store, liquor stores, package store, and video arcades, pool halls, and Small Box Discount Stores.
11. Office/medical.
12. Personal services establishment.

C. *Accessory uses and structures.* The following accessory uses of land and structures shall be authorized in Tier V: Cluster Village Mixed-Use Zone

1. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
2. Open space, clubhouse or pool amenity area.

D. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier V: Cluster Village Mixed-Use Zone:

1. Kennels.
2. Junkyard.
3. Tire retreading and recapping.
4. Sexually oriented businesses.
5. Go-cart concession.
6. Outdoor storage.
7. Automobile repair, major.
8. Hotel/motel.
9. Automobile sales.
10. Temporary outdoor sales.
11. Pawn shops.
12. Liquor stores.
13. Nightclubs.
14. Late-night establishments.
15. Automobile wash, self service.
16. Self-storage.
17. Funeral home.
18. Mortuary.
19. Crematorium.
20. Farm equipment and supplies sales establishment.
21. Multifamily dwelling unit.

E. *Lot width, lot area and setbacks.*

1. All single-family detached residential dwellings located on Klondike Road, Plunkett Road or Rockland Road must have a minimum of 100 feet of frontage as measured along the public street frontage.
    a. *Minimum lot area.* 15,000 square feet.
    b. *Minimum setback requirements.*
        i. *Front yard.* 35 feet.
        ii. *Side yard.* 35 feet.
        iii. *Rear yard.* 40 feet.
        iv. *Interior side yard.* Ten feet.
2. All single-family detached residential lots which are located on new roadways must have a minimum of 50 feet of frontage as measured along the public street frontage.
    a. *Minimum lot area.* 5,000 square feet.
    b. *Minimum setback requirements.*
        i. *Front yard.* Minimum of ten feet and a maximum of 25 feet.
        ii. *Side yard.* 15 feet.
        iii. *Rear yard.* 20 feet.
        iv. *Interior side yard.* Five feet.
3. Reserved.
4. Office and commercial uses may not be located along Klondike or Rockland Road. Any uses otherwise authorized in Tier V shall be clustered together in a "village" or "hamlet" setting and must include convenient access to neighboring residential communities in a manner that preserves the open space on the lot. Such uses must be developed in a manner that also preserves the rural and scenic nature of Tier V and is compatible with the natural design and forestation of the Arabia Mountain Preserve. Such uses must be developed in a manner that minimizes the environmental and visual impact of new development on the existing natural landscape and the historically and culturally significant sites and structures. To the extent possible, developments must be constructed in a manner that preserves the bucolic nature and farming community appearance of Tier V.
    a. Office and commercial uses must be a maximum of 2,500 square feet per tenant space.
    b. Single-use structures must be a maximum of 10,000 square feet.
    c. Lot width and lot area. Office and commercial lots must be a minimum of 20,000 square feet.

F. *Height of buildings and structures.* No building or structure may exceed 35 feet in height or two stories whichever is less.

G. *Required parking.* The minimum number of required parking spaces must be as provided in the underlying zoning district regulations except as follows:

1. Residential, single-family detached: Minimum of two spaces.
2. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four spaces per 1,000 square feet of gross floor area.
3. Office and clinic uses: Minimum of three spaces per 1,000 square feet of gross floor area.
4. Parking space area requirements must comply with the provisions of section 6.1.3.

H. *Sidewalks.* A landscape strip must be provided between the curb and the pedestrian travel lane in compliance with land development standards. Sidewalks must be provided along the right-of-way of all public streets.

(Ord. of 8-2-2017, § 1(3.5.15.2); Ord. No. 2019-11-001, § 1, 11-25-2019) [TMOD-19-006]

Sec. 3.5.15.3. Viewshed zone (Tier VI).

A. *Statement of purpose and intent.* The intent of Tier VI is to promote uniform and visually aesthetic development which serves to unify the distinctive visual quality of the Stonecrest Area Overlay District.

B. *Permitted principal uses and structures.* The permitted principal uses of land and structures for property in Tier VI shall be governed by all of the underlying zoning district regulations.

C. *Accessory uses and structures.* The permitted accessory uses and structures for property in Tier VI shall be governed by the underlying zoning district.

D. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier V [VI]: Viewshed Zone:

1. Sexually oriented businesses.
2. Pawn shops.
4. Package stores.
5. Check cashing facility.

E. *Lot width, lot area and setbacks.* Lot width, lot area and setbacks of property in Tier VI shall be governed by the underlying zoning district.

F. *Height of buildings and structures.* The height of buildings and structures on property within Tier VI shall be governed by the underlying zoning district.

G. *Required parking.* The minimum number of required parking spaces of property in Tier VI shall be governed by the underlying zoning district.

H. *Sidewalks.* A landscape strip must be provided between the curb and the pedestrian travel lane in compliance with land development standards. Sidewalks must be provided along the right-of-way of all public streets.

(Ord. No. 2019-11-001, § 1, 11-25-2019)

Sec. 3.5.16. Shared parking.

Shared parking is encouraged and may be authorized by the director of planning. Applicants may make application to the director of planning for authorization for a special exception for shared parking. Said applications shall be considered and decided by the director of planning pursuant to the standards and procedures set forth in section 7.6.5.

(Ord. of 8-2-2017, § 1(3.5.16); Ord. No. 2019-11-001, § 1, 11-25-2019)

Sec. 3.5.17. Permits for uses.

Any use authorized by this division shall require that a development permit be issued before property improvements can be made in accordance with section 7.7.2 and a building permit required in accordance with the provisions of section 7.7.3.

(Ord. of 8-2-2017, § 1(3.5.17); Ord. No. 2019-11-001, § 1, 11-25-2019)

Sec. 3.5.18. Design guidelines.

The Stonecrest Overlay District Design Guidelines dated May 2008 in DeKalb County, shall apply to all uses and structures within the Stonecrest Overlay District and shall be maintained by the planning director and available for public inspection. The design guidelines provide acceptable minimum standards to guide design and development within this overlay district. The planning director or designee is authorized to create, administer, and amend design guidelines for the Stonecrest Area Overlay District. These guidelines provide acceptable architectural design controls, landscaping, detail drawings, signage, fencing, lighting, street and site furniture, and grating criteria. These guidelines shall be used to promote proper design criteria and shall guide the planning director or designee in deciding whether a proposed design complies with the requirements of the Stonecrest Area Overlay District.

(Ord. of 8-2-2017, § 1(3.5.18); Ord. No. 2019-11-001, § 1, 11-25-2019)

Sec. 3.5.19. Plans required; certificates of compliance.

A. *Plans required.* Prior to the issuance of any land disturbance permit, building permit, or sign permit, the applicant shall submit to the director of planning an application which shall include a conceptual plan package as defined by this chapter which shall demonstrate that the proposed design is in compliance with all of the requirements of this Stonecrest Overlay District and the underlying zoning classification.

B. *Fees.* Plans shall be accompanied by an application and payment of a fee in an amount determined by the City of Stonecrest City Council.

C. *Review.* The director of planning shall review each application for compliance with all requirements of the Stonecrest Overlay District and the underlying zoning classification. Where the director determines that said plans comply with the requirements of the Stonecrest Overlay District a certificate of compliance shall be issued in the form of the director or the director's designee signing the plans and drawings after which the applicant shall then apply for land disturbance, building or signs permits. Where the director determines that said plans do not comply with the requirements of this chapter, then the director shall notify the applicant in writing stating the manner in which said applicant fails to comply with such requirements. All applications shall be considered and decided by the director of planning within 30 days of receipt of a complete application. Any appeal of the director of planning's decision in this regard shall be to the zoning board of appeals pursuant to section 7.5.2.

(Ord. of 8-2-2017, § 1(3.5.19); Ord. No. 2019-11-001, § 1, 11-25-2019)

Sec. 3.5.20. Conceptual plan package review.

A. The conceptual plan package must be composed of the following:

1. A narrative addressing the proposed development explaining how it meets the purpose, intent, and standards of this chapter. The narrative shall include a tabulation of the approximate number of acres in each land use, the approximate number of dwelling units by type, the approximate gross residential density, the approximate commercial density, the approximate public space acreage, the anticipated number, type and size of recreational facilities and other public amenities; the legal mechanism for protecting and maintaining public space, as required in section 3.5.5.A.1.;

2. A site location map showing the proposed development, abutting property, the relationship of the proposed development to surrounding natural features and existing development, and transitional buffer zones, if required; and

3. A multi-modal access plan meeting the requirements of section 3.5.12.

B. The plan to be submitted in the conceptual plan package must contain the following information:

1. Six copies of a plan drawn to a designated scale of not less than one inch equals 100, certified by a professional engineer or land surveyor licensed by the State of Georgia, presented on a sheet having a maximum size of 24 inches by 36 inches, and one, 8 and ½-inch by 11-inch reduction of the plan. If presented on more than one sheet, match lines must clearly indicate where the several sheets join. Such plan must contain the following information:

a. Boundaries of the entire property proposed to be included in the development, with bearings and distances of the perimeter property lines.

b. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.

c. Location and approximate dimensions in length and width, for landscape strips and required transitional buffers, if any.

d. Existing topography with a maximum contour interval of five feet and a statement indicating whether it is an air survey or field run.

e. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or City of Stonecrest.

f. The delineation of any jurisdictional wetlands as defined by Section 404 of the Federal Clean Water Act.

g. Approximate delineation of any significant historic or archaeological feature, grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact it.

h. A delineation of all existing structures and whether they will be retained or demolished.

i. General location, in conceptual form, of proposed uses, lots, buildings, building types and building entrances.

j. Height and setback of all buildings and structures.

k. Approximate areas and development density for each type of proposed use.

l. Location, size, and number of all on-street and off-street parking spaces, including a shared parking analysis, if shared parking is proposed.

m. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets.

n. Conceptual plans for drainage with approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed.

o. Development density and lot sizes for each type of use.

p. Areas to be held in joint ownership, common ownership or control.

q. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets.

r. Location of proposed sidewalks and bicycle facilities trails, recreation areas, parks, and other public or community uses, facilities, or structures on the site.

s. Conceptual layout of utilities and location of all existing or proposed utility easements having a width of 25 feet or more.

t. Standard details of signs, sidewalks, streetlights, driveways, medians, curbs and gutters, greenspace areas, fencing, grating, street furniture, bicycle lanes, streets, alleys, and other public improvements demonstrating compliance with the design guidelines for the Stonecrest Area Overlay District.

u. Seal and signature of professional preparing the plan.

(Ord. of 8-2-2017, § 1(3.5.20); Ord. No. 2019-11-001, § 1, 11-25-2019)

DIVISION 33. INTERSTATE 20 CORRIDOR COMPATIBLE USE OVERLAY DISTRICT

Sec. 3.33.1. Scope of regulations.

This division establishes standards and procedures that apply to any development, use, alteration, height, density, parking, open space, and building on any lot or portion thereof which is in whole or in part contained within the boundaries of the I-20 Corridor Compatible Use Overlay District. This division shall be governed by chapter 27, article 3, division 1.

(Ord. of 8-2-2017, § 1(3.33.1))

Sec. 3.33.2. Applicability of regulations.

This division applies to each application for a business license, land disturbance permit, building permit or a sign permit which involves the development, use, alteration, or modification of any structure where the subject property is in whole or in part contained within the boundaries of any of the I-20 Corridor Compatible Use Overlay District. The procedures, standards, and criteria herein apply only to that portion of the subject property within the boundaries of the I-20 Corridor Compatible Use Overlay District.

(Ord. of 8-2-2017, § 1(3.33.2))

Sec. 3.33.3. Statement of purpose and intent.

The purpose and intent of the City of Stonecrest in establishing the I-20 Corridor Compatible Use Overlay District is as follows:

A. To encourage development and redevelopment of properties within the district in order to achieve a variety of mixed-use communities;

B. To provide for the development of sidewalks and walkways in order to promote safe and convenient pedestrian access and to reduce dependence on automobiles and other motorized means of transportation;

C. To promote physically attractive, environmentally safe and economically sound mixed-use communities;

D. To permit and to encourage mixed-use developments containing both commercial and residential uses so as to create pedestrian oriented communities in which people can live, work and play;

E. To improve the visual appearance and increase property values within the I-20 corridor and to implement the objectives of the comprehensive plan;

F. To enhance the long-term economic viability of the portion of the City of Stonecrest within the overlay by encouraging new commercial and residential developments that increase the tax base and provide employment opportunities to the citizens of the City of Stonecrest;

G. To implement the policies and objectives of the comprehensive plan and the policies and objectives of the design standards for the I-20 Corridor Compatible Use Overlay District;

H. To establish and maintain a balanced relationship between industrial, commercial, and residential growth to ensure a stable and healthy tax base;

I. To provide a balanced distribution of regional and community commercial and mixed-use office centers;

J. To support high-density housing in office and mixed-use centers which have the appropriate location, access, and infrastructure to support such development;

K. To encourage mixed-use developments that meet the goals and objectives of the Atlanta Regional Commission's Smart Growth and Livable Centers Initiatives;

L. To allow flexibility in development standards in order to encourage the design of innovative development projects that set high standards for landscaping, green space, urban design, and public amenities;

M. To encourage an efficient land use and development plan by forming a live-work-play environment that offers employees and residents the opportunity to fulfill their daily activities with minimal use of single-occupant automobiles;

N. To allow and encourage development densities and land use intensities that are capable of making productive use of alternative transportation modes such as bus transit, rail transit, ridesharing, bicycling and walking;

O. To focus and encourage formation of well designed, pedestrian-friendly activity centers with high-density commercial and residential development that increases vitality and choices in living environments for the citizens;

P. To protect established residential areas from encroachment of uses which are either incompatible or unduly cause adverse impacts on such communities, and to protect the health, safety and welfare of the citizens;

Q. To promote uniform and visually aesthetic architectural features which serve to unify the distinctive visual quality of the I-20 corridor area.

(Ord. of 8-2-2017, § 1(3.33.3))

Sec. 3.33.4. District boundaries and maps.

A. The I-20 Corridor Overlay District shall be comprised of the following six areas that are centered along the roadways that intersect with Interstate 20: The Panola Road area; the Snapfinger Woods area; the Wesley Chapel Road area; the I-20/I-285 interchange area; the Candler Road corridor and the Gresham Road area.

B. The boundaries and tiers of the Interstate 20 Corridor Compatible Use Overlay District shall be depicted on the official zoning maps entitled "Official Zoning Map, Stonecrest, Georgia, I-20 Corridor Overlay District")(the "I-20 Corridor overlay maps"). The Official Zoning Map, Stonecrest, Georgia, I-20 Corridor Overlay District, to be adopted contemporaneously with this chapter, together with all explanatory information contained or referenced thereon, is hereby adopted by reference and declared to be a part of

this chapter. The I-20 Corridor overlay maps shall be adopted contemporaneously with this chapter in digital format and contained on a compact disk to be maintained in its original, unedited and unaltered form by the clerk to the city council. A printed copy of the compact disk's contents depicting the I-20 Corridor overlay maps on the date of its initial adoption shall also be maintained in its original, unedited and unaltered form by the clerk to the city council.

C. The I-20 Corridor Overlay District shall be divided into three tiers to guide future development and redevelopment. The tiers are based on the future land use recommendations.

Tier 1. High-intensity area focused around the four activity centers of Panola, Wesley Chapel, Candler Road and the Gresham Road area. The purpose of this tier is to allow the most intense mixed-use development. The goal is to allow for redevelopment of the oversized parking areas with new buildings including retail, office, and residential on one parcel to decrease the need for vehicular trips. The maximum height shall be up to 20 stories and 60 dwelling units/acre.

Tier 2. Medium-intensity area wraps around the high-intensity area or at the locations of Snapfinger Woods and I-20/I-285 intersections. The purpose of this tier is to allow medium-density development in a mixed-use development. The maximum height shall be up to eight stories and allows for up to 40 dwelling units per acre.

Tier 3. Low-intensity area which provides for a transition from the higher-intensity areas and more compatibility to the single-family neighborhoods adjacent to the overlay boundaries. The maximum height shall be up to four stories and allows up to 40 dwelling units per acre.

D. The planning and development director shall be the final authority to determine whether any property is located within the boundaries of this section.

(Ord. of 8-2-2017, § 1(3.33.4))

Sec. 3.33.5. Principal uses and structures.

The principal uses of land and structures which are allowed in the I-20 Corridor Overlay District are as provided by the applicable zoning district, subject to the limitations and standards contained within this division. All properties zoned C-1 (Local Commercial) District, C-2 (General Commercial) District, O-I (Office-Institutional) District, O-D (Office-Distribution) District, M (Industrial) and any RM (Multifamily Residential) District shall be used in accordance with the underlying zoning district and/or for the following principal uses of land and structures in mixed use developments subject to the standards and limitations contained within this division.

A. Animal hospital, veterinary clinic, pet supply store, animal grooming shop, and boarding and breeding kennel as an interior accessory use.

B. Art gallery and art supply store.

C. Automobile services as follows:

1. Minor automobile repair and maintenance, subject to the requirements of section 4.2.14.

2. Automobile parts and tire stores.

D. Bank, credit union and other similar financial institution.

E. Business service establishment.

F. Child daycare center and kindergarten.

G. Communications uses as follows:

1. Radio and television broadcasting station.

2.

H. Community facilities as follows:

1. Cultural facilities.
2. Noncommercial club or lodge.
3. [TMOD-22-001]

I. Dwellings including apartments, condominiums, and multifamily units. Mixed-use developments may include any combination above plus retail or office uses, subject to the requirements of the I-20 Overlay District regulations.

J. Educational uses as follows:

1. Vocational schools.
2. Private schools, elementary, middle or high.
3. Public school, elementary, middle or high
4. Specialized non-degree schools to include ballet, music, martial arts, etc.

K. Movie theater, bowling alley, and other recreational facilities where such activities are wholly enclosed within a building. Nightclubs are permitted only in Tier 1 (maximum 10,000 square feet in floor area), subject to approval of the planning and development director and business license requirements.

L. Office uses

M. Place of worship.

N. Restaurants.

O. Retail sales

P. Retail building supplies as follows:

1. Electrical supply store.
2. Hardware and other building materials establishments.
3. Paint, glass and wallpaper store.

Q. Services, medical and health as follows:

1. Health service clinic.
2. Medical and dental laboratories.
3. Offices of health service practitioners.
4. Pharmacy and drugstore.
5. Private ambulance and emergency medical services.

R. Services, personal, as follows:

1. Barber shop, beauty shop, and similar personal service establishments.
2. Laundry and dry-cleaning store.
3. Funeral home.
4. Linen and diaper service, garment pressing, alteration and repair.
5. Photographic studios.

S. Services, repair

T. Shopping center.

U. Taxi stand and taxi dispatching office.

V. Tennis center, club and facilities.

W. Fitness center and health center.

X. Hotel.

(Ord. of 8-2-2017, § 1(3.33.5)) [TMOD-22-001]

Sec. 3.33.6. Prohibited uses.

A. The following principal uses of land and structures shall be prohibited within the I-20 Corridor Compatible Use Overlay District:

1. Boarding and breeding kennels as a primary use.
2. Storage yard for damaged automobiles or confiscated automobiles.
3. Tire retreading and recapping.
4. Sexually oriented businesses.
5. Reserved.
6. Go-cart concession.
7. Outdoor equipment and materials storage.
8. Heavy repair shop and trade shop.
9. Extended stay motels.
10. Used cars sales as a primary use.
11. Temporary and/or seasonal outdoor sales.
12. Title and pawn shops.
13. Liquor stores.
14. Night clubs excluded in Tiers 2 and 3.
15. Salvage yards/junkyards.
16. Automobile, wash/Wax 17. Self-storage.
18. Small Box Discount Stores

(Ord. of 8-2-2017, § 1(3.33.6)), [TMOD-19-005] [TMOD-22-001]

Sec. 3.33.7. Accessory uses and structures.

The following accessory uses of land and structures shall be authorized in the I-20 Corridor Compatible Use Overlay District:

A. Accessory uses and structures incidental to any authorized use.

B. Parking lots and parking garages.

C. Club house, including meeting room or recreation room.

D. Swimming pools, tennis courts, and other recreation areas and similar amenities.

E. Signs, in accordance with the provisions of chapter 21 and this chapter.

(Ord. of 8-2-2017, § 1(3.33.7))

Sec. 3.33.8. Special permits.

The following uses and structures shall be authorized only by permits of the type indicated:

A. Special administrative permit from the director of planning and development as referenced in section 4.2.21, commercial recreation and entertainment:

1. Art shows, carnival rides, festivals and special events of community interest.

2. Temporary outdoor social, religious, entertainment or recreation activity where the time period does not exceed 14 days duration, adequate parking is provided on the site.

3. Telecommunications antennas that are incorporated in architectural features such as steeples, clock towers, water towers and attached to the top of high-rise buildings subject to requirements of section 4.2.51.

4. Outdoor recreation/entertainment facilities.

B. Special land use permit from the city council:

1. Heliport.

(Ord. of 8-2-2017, § 1(3.33.8))

Sec. 3.33.9. Development standards.

The following requirements shall apply to all structures in the I-20 Corridor Overlay District:

A. *Building setbacks.* The following requirements apply:

1. *Minimum front yard setback.* Zero feet from right-of-way of public street where the distance between the back of curb and property line is 15 feet in width or greater.

2. *Minimum interior Side yard:* Ten feet. In mixed-use developments there shall be a minimum of 15 feet between buildings and structures less than two stories in height and a minimum of 20 feet between buildings and structures when one of them is greater than two stories in height, and a minimum of 25 feet between buildings when one of them is greater than five stories in height.

3. *Minimum Rear yard:* Ten feet.

B. *Height of building and structures.* All buildings and structures within the I-20 Corridor Overlay District shall comply with the height restrictions for the development category in which the subject parcels are located. The I-20 Corridor Overlay District shall be comprised of three development categories. The height restrictions are as follows:

*Tier 1.*Buildings and structures shall not exceed 20 stories.

*Tier 2.*Buildings and structures shall not exceed eight stories.

*Tier 3.*Buildings and structures shall not exceed four stories.

A building in the I-20 Corridor Compatible Use Overlay District may exceed any of the limitations specified by an application to the city council for a special land use permit. A parking deck may exceed five stories in height; however, a parking deck shall not exceed ten stories either as a separate deck structure or as part of an office building.

C. *Density.* No development shall exceed a floor-area ratio (FAR) of 3 ½, unless it also provides additional public space or other amenities singly, or in combination as provided in section D. below.

D. *Density bonus.* The maximum allowable FAR of a building or development in a Tier 1 Zone shall be increased to a FAR not to exceed a total of 5½ in exchange for one or more of the additional amenities provided in the table below:

Table 3.9. Maximum Bonus Floor Area Ratio in Interstate 20 Corridor Compatible Use Overlay

Additional Amenity	Increased FAR
Increase public space to 25 percent while providing connectivity	0.75
Increase public space to 30 percent while providing connectivity	1.50
The nonresidential component of mixed-use developments shall constitute not less than 30 percent of the gross floor area of the development.	0.25
Mixed-use building that includes multifamily residential units constituting at least 40 units per acre of land, and constructed in the same building with office-institutional, commercial and retail uses.	0.5

E. *Required parking.* Required parking may be provided through a combination of off-street, on-street, or shared parking, provided that all required parking is located with 700 feet of the principal entrance of buildings which it is intended to serve. The minimum number of required parking spaces shall be as provided in article 6 of this chapter, except as follows:

1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four spaces per 1,000 square feet of gross floor area.
2. Office and clinic uses: Minimum of three spaces per 1,000 square feet of gross floor area.
3. Hotel and motel uses: Minimum of one space per unit.
4. Multifamily residential uses: Minimum of 1¼ spaces per dwelling unit.

(Ord. of 8-2-2017, § 1(3.33.9))

Sec. 3.33.10. Open space requirements.

A. A minimum of 20 percent open space shall be provided for each new development. Open space areas may be transferred from one parcel to another within overall developments that remain under unified control of a single property owner or group of owners, but must demonstrate interconnectedness of public areas.

B. Open spaces shall be at grade, and surrounded by a mix of uses directly accessible from a public sidewalk and building entrances.

C. Open spaces may include any combination of the following: yards, planted areas, fountains, parks, plazas, trails and paths, hardscape elements related to sidewalks and plazas, and similar features which are located on private property and accessible to the general public; on-street parking; and natural stream buffers shall be permitted to be counted toward the 20 percent open space requirement.

D. Private courtyards and other private outdoor amenities may be located at the interior of the block, behind buildings or on rooftops. Private courtyards and outdoor amenities shall not be counted toward the 20 percent requirement.

E. All open space including buffers, setbacks, sidewalk clear zones, sidewalk zones and open spaces shall be fully implemented prior to issuance of a certificate of occupancy for the primary development.

F. Each applicant shall present as a part of the application for a building permit within the I-20 Corridor Overlay District a legal mechanism under which all land to be used for public space purposes shall be maintained and protected. Such legal mechanism may include deed restrictions, property owner associations, common areas held in common ownership or control, maintenance easements, or other legal mechanisms, provided that said legal mechanism shall be approved by the city attorney as ensuring each of the following mandatory requirements:

1. That all subsequent property owners within said I-20 Corridor Overlay District be placed on notice of this development restriction through the deed records of DeKalb County Superior Court;

2. That all public space held in common will be properly maintained and insured with no liability or maintenance responsibilities accruing to the city;

3. That a legal mechanism exists for notice of deficiencies in maintenance of the public space held in common, correction of these deficiencies, and assessment and liens against the properties for the cost of the correction of these deficiencies by a third-party or the city;

4. When an applicant for an I-20 Corridor Overlay District chooses to utilize a property owners association in order to comply with the requirements of subsection A. of this section, the applicant, in addition to meeting all of said requirements, shall provide for all of the following:

   a. Mandatory and automatic membership in the property owners association as a requirement of property ownership;

   b. A fair and uniform method of assessment for dues, maintenance and related costs;

   c. Where appropriate, party wall maintenance and restoration in the event of damage or destruction; and

   d. Continued maintenance of public space held in common and liability through the use of liens or other means in the case of default.

(Ord. of 8-2-2017, § 1(3.33.10))

Sec. 3.33.11. Transitional buffer zone and transitional height requirements.

A. Where a lot on the external boundary of the I-20 Corridor Overlay District adjoins the boundary of any property outside the district that is zoned for any R zoning classification, RM zoning classification, MHP zoning classification, or TND zoning classification, a transitional buffer of not less than 30 feet in width shall be provided and maintained in a natural state or so as to maintain an effective visual screen. Said transitional buffer zone shall not be paved or otherwise covered with impervious surfaces and shall not be used for parking, loading, storage or any other use, except that portions of the transitional buffer zone may be utilized for installation of utilities when necessitated by the development, and when the applicant shows that the utilities cannot be located outside of the transitional buffer zone. Water detention ponds shall not be located within the transitional buffer zones. No trees, other than dead or diseased trees, shall be removed from said transitional buffer zone, but additional trees and plant material may be added to the transitional buffer zone.

B. Where a lot on the external boundary of the I-20 Corridor Overlay District adjoins the boundary of any property outside the district that is zoned for any R zoning classification, RM zoning classification, MHP

zoning classification, or TND zoning classification, a transitional height plane of 45 degrees shall apply. Sensitivity shall be exercised for developments adjacent to residentially zoned properties through the use of staggered heights, greater setbacks, and enhanced buffers. Building heights in excess of 35 feet shall increase setbacks from the buffer line at a ratio of one to one.

(Ord. of 8-2-2017, § 1(3.33.11))

Sec. 3.33.12. Architectural regulations.

The following architectural regulations shall apply to all uses and structures within the I-20 Corridor Overlay District. The architectural style within the I-20 Corridor Overlay Districts shall be governed by the I-20 Corridor Design Standards.

A. All building facades visible from the public street shall consist of concrete, stone, brick or stucco.

B. Architectural accents, where utilized, shall consist of non-reflective glass, glass block, natural stone, pre-cast concrete, brick, terra cotta, stucco or wood.

C. Seventy-five percent of the width of the front facade of the building at the ground level shall consist of fenestration.

D. Roof materials shall not consist of any reflective surface.

E. All exterior painted surfaces, where visible from the public street, shall be painted in earth tones. Colors shall be non-primary colors, including darker and cooler shades of green, red such as brick, yellow including beige, and lighter shades of brown including tan.

F. Burglar bars and steel roll-down doors or curtains shall not be visible from the public street.

G. Service bays for automobile service and repair uses shall be designed so that the openings of service bays are not visible from a public street.

H. Chain link fences shall not be visible from the public right-of-way and metal or temporary awnings are not permitted within the district.

I. Dumpsters shall not be visible from the public street and shall be fenced or screened so as not to be visible from any adjoining residential district.

J. Fabric and canvas awnings and all other building materials must be of durable quality and shall be compatible with materials used in adjoining buildings.

(Ord. of 8-2-2017, § 1(3.33.12))

Sec. 3.33.13. Landscaping requirements.

The following landscaping regulations shall apply to all uses within the I-20 Corridor Overlay District, with the exception of mixed-use developments. Such developments shall require the submittal of a landscape plan for approval.

A. *Landscape strips.* Any landscape strip shown as part of final design package shall not be less than five feet in width and shall be provided along all side and rear property lines. The landscape strip in the front yard shall be a minimum of ten feet in width and shall be planted with a row of street trees of at least 3½ inches in caliper selected from the list of street trees species identified in the design standards for the I-20 Corridor Overlay District and planted not less than 75 feet on center. Continuous landscaped strips shall be constructed along public rights-of-way except at points of ingress or egress into the facility.

B. *Ground cover.* Ground cover shall also be provided in accordance with the design guidelines for the I-20 Corridor Overlay District in order to protect tree roots and to prevent erosion. Ground cover shall consist of evergreen shrubs or groundcover plant material mulched with pine bark mulch, or other similar landscaping material.

C. *New trees.* Newly planted trees shall conform to the design guidelines for the I-20 Corridor Overlay District.

D. *Tree spacing.* No tree shall be planted closer than two feet from the street or sidewalk, and no closer than five feet from a fire hydrant, sign post, streetlight standard, utility pole, or similar structure.

E. *Parking lot landscaping requirements.* All parking lots within the I-20 Corridor Overlay District shall be landscaped pursuant to the requirements of section 5.4.4.

(Ord. of 8-2-2017, § 1(3.33.13))

Sec. 3.33.14. Sidewalks, street tree planting zone, landscaping and ground cover requirements, and curb cuts.

A. *Sidewalk requirement.* There shall be a public sidewalk constructed along all public street frontages contiguous to all properties within the I-20 Corridor Overlay Districts. The sidewalk shall be located five feet from the curb and shall be ten feet in width. The five-foot zone adjacent to the curb shall be the street tree-planting zone. In blocks where there are overhead utility lines, the director of planning and development may authorize a two-foot planting zone from the curb with the five-foot tree-planting zone to be located at the sidewalk.

B. *Street tree planting.* Street trees of a caliper that is not less than three inches shall be planted no less than 30 feet between centerlines along properties within the district having street frontage. Trees of the following type shall be used:

1. Crape myrtle, standard trunk.
2. October glory red maple.
3. Sunset maple.
4. Nuttal oak (Quercus nattalli).
5. Shumard oak (Quercus shumardii).
6. Willow oak.
7. Zelkova serrata.
8. Ginkgo (Ginkgo biloba).
9. Trident maple (Acer buergeranum).
10. Allee lacebark elm (Ulmus parvifolia emer (II)).

C. *Maintenance of trees and ground cover.* All street trees and other trees and all ground cover required by this chapter or by chapter 14 of the Code shall be maintained in a healthy condition, and any trees or ground cover which die shall be replaced within the earliest possible planting season.

D. *Curb cuts.* There shall be a minimum distance of 25 feet between curb cuts. Curb cuts shall not be permitted within 100 feet of the intersection of any two public streets and shall not be more than 24 feet wide.

(Ord. of 8-2-2017, § 1(3.33.14))

Sec. 3.33.15. Underground utilities.

All utilities except for major electric transmission lines and substations are required to be placed underground except where the director of development determines that underground utilities are not feasible due to pre-existing physical conditions, such as conflicting underground structures or utilities, shallow rock, high water table, or other similar geologic or hydrologic conditions.

(Ord. of 8-2-2017, § 1(3.33.15))

Sec. 3.33.16. Streetlights and street furnishings.

Streetlights and furnishings are required for all public streets and shall conform to the design guidelines for the I-20 Corridor Area Overlay District.

(Ord. of 8-2-2017, § 1(3.33.16))

Sec. 3.33.17. Street and interparcel access.

Streets within the I-20 Corridor Area Overlay District may be either public or private streets. Private streets shall comply with the requirements of public streets found in chapter 14 and all other applicable sections of the Code. To the maximum extent possible, sidewalks and parking lots serving adjacent lots shall be interconnected to provide continuous driveway connections and pedestrian connections between adjoining lots and streets, except that this requirement shall not apply to lots zoned for single-family residential development. Where necessary, the City of Stonecrest may require access easements be provided to ensure continuous access and egress routes connecting commercial, office and multifamily lots.

(Ord. of 8-2-2017, § 1(3.33.17))

Sec. 3.33.18. Multimodal access plans required.

Each new application for a development permit within the I-20 Corridor Overlay District shall be accompanied by a multi-modal access plan prepared at a scale not greater than one inch equals 100 feet. The multi-modal access plan shall cover the full extent of the proposed development along with public rights-of-way of adjoining streets and any other property lying between the subject property and the nearest public streets on wall sides. The purpose of the multi-modal access plan is to demonstrate a unified plan of continuous access to and between all buildings in the proposed development and adjacent properties. Connections to available transportation modes, such as driveways, sidewalk, and bike paths shall be shown along adjacent streets and those entering adjoining properties. Safe and convenient pedestrian ways shall be provided from sidewalks along streets to each building entrance, including pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within 1,250 feet (straight-line distance) from any boundary of the subject property, the access plan shall show how pedestrians may safely travel from such station or stop to the subject property, the access plan shall show how safe, continuous and convenient bicycle access shall be provided to the subject property.

(Ord. of 8-2-2017, § 1(3.33.18))

Sec. 3.33.19. Sign regulations.

All lots in the I-20 Corridor Overlay District shall comply with all requirements of chapter 21 subject to the following additional regulations:

A. Signs shall be designed so as to be compatible with the I-20 Corridor Design Standards;

B. All ground signs shall be monument style signs with a base and framework made of brick; the design of ground signs must comply with the I-20 Overlay District Design Guidelines;

C. Each lot shall have no more than one ground sign;

D. The sign area of ground signs shall not exceed 32 square feet, unless the lot contains a shopping center, in which case ground signs are limited to 64 square feet;

E. Ground signs shall not exceed a height of six feet, unless the lot contains a shopping center, in which case ground signs shall not exceed a height of 15 feet;

F. Each separate store front may have a maximum of two wall signs, each of which shall not exceed an area of ten percent of the area of the facade of the ground floor of the building or 75 square feet, whichever is less;

G. Wall signs shall be located on the primary building facade and within 15 feet of the public right-of-way;

H. Window signs are prohibited;

I. Banners are prohibited;

J. Wall-mounted signs shall be channel cut letters applied directly to the building facade. Flashing, animated, marquee, sound emitting, fluorescent, rotating or otherwise moving signs are prohibited;

K. Sign shape and lettering shall be limited as follows:

1. Signs with more than two faces are prohibited;

2. Sign facing shall be flat in profile and shall not exceed a thickness of eight inches;

3. Sign faces shall be parallel;

4. Sign lettering shall consist of block lettering in which individual letters are proportional in size to the overall size of the sign, but in no event shall individual letters exceed 18 inches in height; and

5. Sign lettering shall be of an opaque material.

L. Any violation of this section shall be punishable by fine not exceeding $500.00 or imprisoned for a term not to exceed six months, or both.

(Ord. of 8-2-2017, § 1(3.33.19))

Sec. 3.33.20. Shared parking.

Shared parking is encouraged and may be authorized by the director of planning and development. Parking facilities within the parcel may be shared if multiple uses cooperatively establish and operate parking facilities and if these uses generate parking demands primarily when the remaining uses are not in operation, so that the off-street parking requirements for each use are met or exceeded during said use's operational hours. Applicants may make an application to the director of planning and development for authorization for a special exception for shared parking.

(Ord. of 8-2-2017, § 1(3.33.20))

Sec. 3.33.21. Design guidelines.

The planning director or designee is authorized to create, administer, and amend design standards for the I-20 Corridor Compatible Use Overlay District. These standards shall provide acceptable architectural design controls, landscaping, detail drawings, signage, fencing, lighting, street and site furniture and grating. These standards shall be used to promote proper design criteria for the overlay district and shall guide the planning director in deciding whether a proposed design complies with the requirements of this overlay district. The design standards are hereby made a part of this division and shall be amended from time to time.

(Ord. of 8-2-2017, § 1(3.33.21))

Sec. 3.33.22. Plans required; certificates of compliance.

A. *Plans required.* Prior to the issuance of any land disturbance permit, building permit, or sign permit, the applicant shall submit a conceptual design package and final design package to the director of planning and development. The final design package must include full architectural and landscape architectural plans and specifications. The submitted plans must include a site plan, architectural elevations and sections; renderings depicting the building design including elevations and architectural details of proposed buildings, exterior materials and colors, and plans and elevations of all landscape, landscape and signs, all of which shall demonstrate that the proposed design is in compliance with all the requirements of this I-20 Corridor Overlay District and the underlying zoning classification.

B. *Fees.* The conceptual design package shall be accompanied by an application and payment of a fee in an amount determined by the city council.

(Ord. of 8-2-2017, § 1(3.33.22))

Sec. 3.33.23. Conceptual plan package review.

A. The conceptual plan package shall be composed of the following:

1. A narrative addressing the proposed development explaining how it meets the purpose, intent, and standards of this chapter. The narrative shall include a tabulation of the approximate number of acres in each land use, the approximate number of dwelling units by type, the approximate gross residential density, the approximate commercial density, the approximate public space acreage, the anticipated number, type and size of recreational facilities and other public amenities; the legal mechanism for protecting and maintaining public space, as required in section 3.5.5.A.1;

2. A site location map showing the proposed development, abutting property, the relationship of the proposed development to surrounding and existing development, and transitional buffer zones, if required; and

3. A multi-modal access plan meeting the requirements of section 3.33.18.

B. The plan to be submitted in the conceptual plan package shall contain the following information:

1. Ten copies of a site plan drawn to a designated scale of not less than one inch equals 100 feet, certified by a professional engineer or land surveyor licensed by the state, presented on a sheet having a maximum size of 24 inches by 36 inches, and one 8 ½-inch reduction of the plan. If presented on more than one sheet, match lines shall clearly indicate where the several sheets join. Such plan shall contain the following information:

a. Boundaries of the entire property proposed to be included in the development, with bearings and distances of the perimeter property lines.

b. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.

c. Location and approximate dimensions in length and width, for landscape strips and required transitional buffers, if any.

d. Existing topography with a maximum contour interval of five feet and a statement indicating whether it is an air survey or field run.

e. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or the City of Stonecrest.

f. The delineation of any jurisdictional wetlands, as defined by section 404 of the Federal Clean Water Act.

g. Approximate delineation of any significant historic or archaeological feature, grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact it.

h. A delineation of all existing structures and whether they will be retained or demolished.

i. General location, in conceptual form, of proposed uses, lots, buildings, building types and building entrances.

j. Height and setback of all buildings and structures.

k. Approximate areas and development density for each type of proposed use.

l. Location, size and number of all on-street and off-street parking spaces, including a shared parking analysis, if shared parking is proposed.

m. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets.

n. Conceptual plans for drainage with approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed.

o. Development density and lot sizes for each type of use.

p. Areas to be held in joint ownership, common ownership or control.

q. Location of proposed sidewalks and bicycle facilities trails recreation areas, parks, and other public or community uses, facilities, or structures on the site.

r. Conceptual layout of utilities and location of all existing or proposed utility easements having a width of 25 feet or more.

s. Standard details of signs, sidewalks, streetlights, driveways, medians, curbs and gutters, landscaped areas, fencing, grating, street furniture, bicycle lanes, streets, alleys, and other public improvements demonstrating compliance with the design guidelines for the I-20 Corridor Area Overlay District.

t. Conceptual layout of building designs including elevations showing architectural details of proposed buildings, exterior materials, all of which shall demonstrate that the proposed design is in compliance with all of the requirements of the overlay district regulations.

u. Seal and signature of the professional preparing the site plan.

(Ord. of 8-2-2017, § 1(3.33.23))

Sec. 3.33.24. Final design package review and approval process.

A. *Review, approval of final design package.* Upon receiving comments on the conceptual design package, the applicant will submit the final design package for review and approval. The final design package must include full architectural and landscape architectural plans and specifications. The submitted plans must include a site plan, architectural elevations and sections; renderings depicting the building design including elevations and architectural details of proposed buildings, exterior materials and colors, and plans and elevations of all hardscape, landscape and signage, all of which shall demonstrate that the proposed design is in compliance with all requirements of this I-20 Corridor Overlay District and the underlying zoning classification. The final design package must be signed and sealed by a professional engineer/architect. The final design package must contain all plans, elevations, sections and specifications necessary for obtaining development and building permits. The applicant may submit the final design package simultaneously with the submission for permitting.

B. *Review.* The director of planning shall review each application for compliance with all requirements of the I-20 Corridor Overlay District and the underlying zoning classification. Where the director determines that said plans comply with the requirements of the I-20 Corridor Overlay District, a certificate of compliance shall be issued in the form of the director or the director's designee signing the plans and drawings after which the applicant shall then apply for land disturbance, building or signs permits. Where the director determines that said plans do not comply with the requirements of this chapter, then the director shall notify the applicant in writing stating the manner in which said applicant fails to comply with such requirements. All applications shall be considered and decided by the director of planning within 30 days of receipt of a complete application. Any appeal of the director of planning's decision in this regard shall be to the zoning board of appeals pursuant to section 7.5.2.

(Ord. of 8-2-2017, § 1(3.33.24))

Sec. 3.33.25. Final approval of plans.

Prior to issuance of any development or building permit, the conceptual design package and final design package shall be submitted to and approved by the planning and development director, consistent with the I-20 Corridor Overlay District requirements.

By enacting the I-20 overlay, the City Council authorizes the planning and development department director to approve the proposed development that provides for unique site features and innovative design in concert with the design guidelines and all related requirements of this division.

(Ord. of 8-2-2017, § 1(3.33.25))

ARTICLE 4. USE REGULATIONS

DIVISION 1. OVERVIEW OF USE CATEGORIES AND USE TABLE

Sec. 4.1.1. Overview.

A. *General Overview.* The regulations contained within this article 4 of this chapter shall apply to all zoning districts within City of Stonecrest except as otherwise specified herein. Dimensions, site location and architectural requirements shall be indicated on required site development plans.

B. *General Findings and Purpose.* Certain land uses require the imposition of additional regulations to mitigate a range of negative impacts on the public health, safety, welfare as well as environmental, aesthetic, and infrastructure impacts.

C. *Findings and Purpose for Certain Land Uses.* National studies show that a concentration of certain land uses, including alcohol outlets, automobile gas stations, check cashing establishments, convenience stores, drive-through restaurants, and pawn shops, negatively impact the public health, safety, welfare, property values, economic development and social vitality of communities and neighborhoods. Local governments across the country recognize the negative impacts of such uses and impose additional regulations and distance requirements to mitigate such impacts, such as indicated in the studies presented to DeKalb County, including the report The Relationship Between SLUP6 Businesses and Negative Outcomes in DeKalb County, by Dean Dabney, Ph.D., presented on May 9, 2017. Said study indicates these land uses in DeKalb County are associated with increased crime, automobile accidents, lower property values, and other negative impacts to the public health and welfare.

(Ord. of 8-2-2017, § 1(4.1.1))

Sec. 4.1.2. Interpretation of unlisted uses.

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

(Ord. of 8-2-2017, § 1(4.1.2))

Sec. 4.1.3. Use table.

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

A. The uses listed in Table 4.1 shall be permitted only within the zoning districts identified, and no use shall be established and no structure associated with such use shall be erected, structurally altered or enlarged unless the use is permitted as:

1. A permitted use (P);

2. A special use (SP) subject to the special land use permit application procedures specified in article 7 of this chapter;

3. An administratively approved use (SA) subject to the special administrative permit procedures specified in article 7 of this chapter;
4. An accessory use (PA) as regulated by this article 4 of this chapter. Table 4.1 does not list all accessory uses but clarifies uses acceptable as accessory, though not typically considered principal uses for the zoning classification.
5. Uses lawfully established prior to the effective date of this zoning ordinance.

B. Any use not listed in Table 4.1, below, or interpreted to be allowed by the director of planning pursuant to section 4.1.2 is prohibited. Any applicant denied a permit to allow a use of property in a zoning district other than as provided in this section may file an appeal before the zoning board of appeals as provided in article 7 of this chapter.

C. If there is a conflict between Table 4.1 and the text of this chapter, the text shall prevail.

D. Prohibited Uses. The following uses are considered contrary to the vision and intent of the City's Comprehensive Plan, and would be detrimental to the city's continuing effort to adhere to that vision, and are prohibited city wide.

1. Distillation of bones or glue manufacture
2. Dry Cleaning Plant
3. Dye Works
4. Explosive Manufacture or storage
5. Fat rendering or fertilizer manufacture
6. Fuel Manufacture
7. Incineration of garbage or refuse
8. Landfills
9. Paper or Pulp Manufacture
10. Petroleum or inflammable liquids production/refining
11. Radioactive materials storage and processing
12. Rubber or plastics manufacture
13. Disposal or storage of hazardous/toxic solid waste, including the application of thermal treatment technology
14. Smelting copper, iron, zinc or ore
15. Sugar refineries
16. Tire retreading or recapping

.

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**	**See Section 4.2**
AGRICULTURAL ACTIVITIES																									
Agriculture and Forestry																									
Sawmill, Temporary or portable	P																		P	P					✓
Urban, community garden, up to 5 ac.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓
Urban, community garden, over 5 ac.	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	
Animal Oriented Agriculture																									
Dairy	P																		P	P					✓
Keeping of livestock	P	P	P	P	P							P							P						✓
Keeping of poultry/pigeons	P	P	P	P	P							P							P						✓
Livestock sales pavilion	P																			P					✓
Riding academies or stables	P	P	P	P	P																				✓
RESIDENTIAL																									
Dwellings																									
Dwelling, cottage home						P	P	P	P	P		P													✓
Dwelling, mobile home											P														✓
Dwelling, multifamily								P	P	P			P								P	P	P	P	
Dwelling, townhouse							P	P	P	P		P		P							P	P	P	P	✓
Dwelling, urban single-family							P	P	P	P		P		P							P	P	P	P	✓
Dwelling, apartment										P			SP										P	P	
Dwelling, single-family (attached)							P	P	P	P				P							P	P	P	P	
Dwelling, single-family (detached)	P	P	P	P	P	P	P	P	P	P	P	P									P	P	P		
Dwelling, three-family							P	P	P	P		P									P	P	P	P	
Dwelling, two-family							P	P	P	P		P									P	P	P	P	
Dwelling, single-family, accessory (guesthouse, in-law suite)	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa												Pa	Pa	Pa	Pa	✓
Home occupation, no customer contact	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA									SA	SA	SA	SA	✓
Home occupation, with customer contact	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP									SP	SP	SP	SP	✓
Live/work unit								P	P	P			P	P		P	P				P	P	P	P	✓
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	✓
Housing and Lodging																									
Bed and breakfast establishment	SP	SP	SP				SP	SP	SP	SP			P	P		P	P					P	P	P	✓
Boarding/Rooming house								SP	P	P															
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**

Child care home,-5 or less	SP	SP	SP	SP	SP	SP	SP					SP	P	P	P	P	P				SP	SP	SP	SP	✓
Child care facility, 6 or more													P	~~S~~P	SP	P	P				SP	SP	SP	SP	✓
Child day care center													P	P	P	P	P				P	P	P	P	
Convents or monasteries	SP	SP	SP	SP	SP	SP	SP	SP	SP				P	P								P	P	P	✓
Dormitory													Pa	Pa		Pa	Pa	Pa			Pa	Pa	Pa	Pa	
Hotel/motel, Extended stay hotel/motel													SP			SP	SP					SP	SP	SP	✓
Fraternity house or sorority house								SP	P	P			SP									P	P		
Hotel/Motel													P			P	P	P				P	P	P	
Nursing care facility or hospice								P	P				P	P		P	P				P	P	P	P	
Senior housing	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP							SP	SP	SP	SP	✓
Party House	SA	SA																							
Personal care home, 7 or more							SP	SP	SP	SP			P	P	SP	P	P				SP	SP	SP	SP	✓
Personal care home, 6 or less	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP	P	P	SP	P	P								✓
Shelter for homeless persons, 7—20									SP	SP			SP	SP		P	P								✓
Shelter for homeless persons for no more than six (6) persons								SP	SP	SP			SP	SP		SP									✓
Short Term Vacation Rental	SP	SP	SP					SP													SP	SP			
Transitional housing facilities, 7—20								SP	SP	SP			SP	SP		P	P								✓
INSTITUTIONAL/PUBLIC																									
Community Facilities																									
Cemetery, columbarium, mausoleum	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP			P	P				P							✓
Club, order or lodge, fraternal, non-commercial													P	P		P	P	P	P		P	P	P	P	
Coliseum or stadium/not associated with church or school																P	P	P					SP	P	✓
Cultural facilities								SP	SP	SP			SP	SP		SP	SP	SP	SP		SP	SP	SP	SP	
Funeral home, mortuary													P	P		P	P				P	P	P	P	
Golf course or clubhouse, public or private	P	P	P	P	P	P	P				P		P	P			P	P	P						✓
Government facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Hospital or accessory ambulance service													P	P									P	P	
Library or museum								P	P	P			P	P	P	P	P	P			P	P	P	P	
Neighborhood or subdivision clubhouse or amenities	P	P	P	P	P	P	P	P	P	P	P	P	P	P							P	P	P	P	✓
Recreation club	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP						P						SP	✓
Places of worship	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP	P	P	P	P	P	P	~~P~~	~~P~~	P	P	P	P	✓
Recreation, outdoor																	P	P	P	P					✓
Swimming pools, commercial	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	P		P	P	P	~~P~~			Pa	Pa	Pa	✓
Tennis courts, swimming pools, play or recreation areas, community,	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	P	P		P	P	P	P			Pa	Pa	Pa	✓
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**
Education																									

Colleges, universities, research and training facilities													P	P		P	P	P	P		P	P	P	P	
Educational use, private	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa		Pa						P			Pa	Pa			✓
School Private kindergarten, elementary, middle or high	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	P		P	P	P				SP	SP	SP	✓
School, Public kindergarten, elementary, middle or high	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P			P	P	P	P	
School, Specialized													P	P		P	P	P	SP	SP	P	P	P	P	✓
School, Vocational								SP	SP	SP			P	P	P	P	P	P	SP	SP	P	P	P	P	✓
COMMERCIAL																									
Automobile, boat and trailer sales and service																									
Automobile brokerage													P	P		P	P		~~P~~	~~P~~					✓
Automobile or truck rental or leasing facilities													P	P		P	P		P			P	P	P	✓
Automobile recovery and storage																			P	~~P~~					✓
Automobile sales or truck sales																P	P		P	~~P~~					✓
Automobile service stations															SP	SP	SP		P	~~P~~					✓
Automobile upholstery shop																	P		P	P					
Automobile wash/wax service																P	P		P						✓
- Recreational vehicle, boat and trailer sales and service																P	P		P						✓
Automobile repair, major																	P		P	P					✓
Automobile repair, minor																P	P		P	~~P~~					✓
Service area, outdoor																	Pa		Pa	Pa					✓
Office																									
Building or construction office,								Pa	Pa	Pa			P	P		P	P	P	~~P~~	~~P~~					✓
Contractor office, heavy construction																	P	P	~~P~~	~~P~~					✓
Contractor office, landscape																	P	P	P	~~P~~					✓
Office, Professional								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P	
Office, Medical								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P	
Recreation and Entertainment																									
Sexually Oriented Business																				P					✓
Drive-in theater																	P		P	P					✓

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
Fairground or amusement park																	P		P	~~P~~					✓
Recreation, Indoor recreation															P	P	P	P	~~P~~	~~P~~	P	P	P	P	
Nightclub or Late night establishments													Pa		SP	SP	SP	SP	~~SP~~	~~SP~~	SP	SP	SP	SP	✓
Recreation, Outdoor	SP																P	P	SP						✓
Special events facility	SP												P	P		P	P	P	~~P~~		P	P	P	P	
Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building													P	P		P	P						P	P	
Retail																									
Alcohol outlet-package store, primary																SP	SP	P	P		SP	SP	SP	SP	✓
Alcohol outlet- beer and/or wine store, beer growler, primary															SP	SP	SP	P	P		SP	SP	SP	SP	✓
Alcohol outlet-beer and wine, accessory to retail less than 12,000 sf (see also 4.1.3 (F))															SP	SP	SP	P	P		SP	SP	SP	SP	✓
Art gallery								Pa	Pa	Pa					P	P	P	P			P	P	P	P	
Commercial greenhouse or plant nursery															P	P	P		P		P				✓
Drive-through facilities													**P**		**P**	**P**	**P**	~~**P**~~	~~**P**~~		SP	SP	SP	SP	✓
Farmer's market, permanent													P	P	P	P	P	~~P~~	~~P~~	P	P	P	P	P	✓
Farmer's market, temporary/ seasonal	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓

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
Fuel dealers, manufacturers or wholesalers																	P		P	P					
Fuel pumps													SP	SP	SP	SP	SP	SP	SP	SP					✓
Fuel pumps, accessory to large scale retail w/in 1000 feet of interstate highway interchange measured from RW to property line																Pa	Pa	Pa	Pa						✓
Liquor store (see alcohol outlet)													Pa		SP	SP	SP	P	P						✓
Pawn shop, title loan																	P	P							✓
Retail, 5,000 sf or less (with the exception of Small Box Discount Stores)								Pa	Pa	Pa			Pa	Pa	P	P	P	P	P	P	P	P	P	P	
Retail, over 5,000 sf (with the exception of Small Box Discount Stores, 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	
Shopping center															P	P	P	P			P	P	P	P	
Trade shops													P	P		P	P	P	P	P					

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
Temporary Commercial Uses																									
Temporary outdoor sales, seasonal	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Temporary produce stand	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Temporary outdoor retail sales	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Temporary outdoor events	SA	SA	SA	SA	SA	SA	SA						SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓

Temporary trailer, as home sales office or construction trailer	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Eating and Drinking establishments																									
Brewery, Craft (micro-brewery)															P	P			P		SU	SU	SU	SU	✓
Brewpub/Beer Growler															P	P	P		P		P	P	P	P	
Catering establishments													P	P		P	P		P		P	P	P	P	
Distillery, Craft (micro-distillery)															P	P			P		SU	SU	SU	SU	✓
Restaurants (acc. to hotel/motel)													P			P	P	P				P	P	P	
Restaurants (non-drive-thru)								Pa	Pa	Pa		Pa	Pa	Pa	P	P	P		P		P	P	P	P	
Restaurants with a drive-thru configuration													P	P		SP	SP		SP						✓
Transportation and Storage																									
Bus or rail stations or terminals for passengers																SP	SP		SP	SP	SP	SP	SP	SP	
Heliport													SP			SP	SP	SP	P	P			SP	SP	✓
Parking, commercial lot													Pa			P	P	P	P	P	P	P	P	P	✓
Parking, commercial garage													Pa			P	P	P	P		P	P	P	P	
Taxi, ambulance or limousine service, dispatching or storage.																	P	P	P	P					✓
Taxi stand													P	P	P	P	P	P	P	P	P	P	P	P	
Services																									
Adult day care center—7 or more								P	P	P	P		P	P	P	P	P	P	P			P	P	P	✓
Adult day care facility—Up to 6	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP			P	P	P	P			P	P	P	P	✓
Animal hospitals, veterinary clinic															P	P	P	P	P	P	P	P			✓
Animal shelter/rescue center	SP																P	P	P	P					✓
Banks, credit unions or other similar financial institutions								Pa	Pa	Pa			P	P	P	P	P		P		P	P	P	P	
Barber shop/beauty salon or similar establishments								Pa	Pa	Pa			Pa	P	P	P	P	P	P		P	P	P	P	
Check cashing establishment, primary																	P								✓
Check cashing establishment, accessory																P	P				P	P	P	P	✓
Child day care center (Kindergarten)—7 or more								P	P	P	P		P	P	P	P	P	P	P		P	P	P	P	✓

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
Child day care facility—Up to 6	SP	SP	SP	SP	SP	SP	SP	P	P	P		SP	P	P	P	P	P	P				P	P	P	✓
Coin laundry								Pa	Pa	Pa		Pa			P	P	P					P	P	P	
Dog day care								SP	SP	SP						P	P		P	P	P	SP	SP	SP	✓
Dog grooming								Pa	Pa	Pa						P	P		P	P	P	P	P	P	✓
Dry cleaning agencies, pressing establishments, or laundry pick-up stations								Pa	Pa	Pa			P	P	P	P	P		P	P	P	P	P	P	
Fitness center	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa		P	P	P	P	P		P	P	P	P	P	P	
Kennel, breeding	SP														Pa	Pa	P		P	P					✓
Kennel, commercial	SP															P	P		P	P					
Kennel, noncommercial	P	SP	SP	SP	SP																				
Landscape business																P	P		P	P					
Mini-warehouse														SP		P	P	P	P	P					✓
Outdoor storage, commercial																	P		P	P					✓
Personal services establishment								Pa	Pa	P		Pa	Pa	Pa	P	P	P				P	P	P	P	
Printing or Publishing establishments													P	P			P		P	P					
Services, Medical and Health																									
Ambulance service or emergency medical services, private																P	P		P						
Clinic, Health services													P	P	P	P	P	P	P		P	P	P	P	
Kidney dialysis center													P	P		P	P		P		P	P	P	P	
Medical or dental laboratories													P	P		P	P		P	P			SA	SA	
Service area, outdoor																	Pa		Pa	P					✓
INDUSTRIAL																									
Alternative energy production																		SP	P	P					
Brewery, Large Scale																				P					

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
Building materials or lumber supply establishment																	P		P						

Contractor, general (See also Building or Construction Office)																P		P	P		P	P		✓
Contractor, heavy construction, outside storage																P		P	P					✓
Contractor, special trade																P		P	P					
Crematoriums													SP			SP	SP		P	P					✓
Distillery, Large-scale																				P					
Fabricated metal manufacture, without EPD required																			P	P					
Fabricated metal manufacture, with EPD required																				SP					
General aviation airport																			SP	SP					✓
Heavy equipment repair service or trade																P		P	P					
Incidental retail sales of goods produced or processed on the premises																		Pa	Pa					
Industrial, heavy																			P					
Industrial, light																		P	P					
Intermodal freight terminal, bus or rail freight or passenger terminal, or truck terminal																			P					
Manufacturing, light																		P	P					
Manufacturing, heavy																			P					✓

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
Manufacturing operations not housed within a building																				P					✓
Mines or mining operations, quarries, gravel pits or soil pits																				P					✓
Mines or mining operations, Asphalt Plant																			SP	SP					
Outdoor storage, industrial																			P	P					✓
Railroad car classification yards or team truck yards																			P	P					✓
Recovered materials facility wholly within a building																			P	P					✓
Recovered materials processing wholly within a building																			P	P					✓
Recycling collection													Pa		Pa	Pa	Pa		P	P					
Recycling plant																			P	P					
Research and testing facilities																			P	P					
Salvage yard (Junkyard)																				P					✓
Storage yard, except vehicle																				P					✓
Storage yard for vehicles																				P					✓
Towing or wreckage service																			P	P					
Transportation equipment storage or maintenance (vehicle)																			P	P					✓
Truck stop																			P	P					
Vehicle storage yard																			P	P					

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
Warehousing or Storage																		P	P	P					
SOLAR ENERGY SYSTEMS																									
Integrated SES	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	✓
Rooftop SES	Pa	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	Pa	SA	SA	SA	SA	SA	SA	Pa	Pa	SA	SA	SA	SA	✓
Ground Mounted SES, Small Scale	Pa	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Pa	Pa	Pa	Pa	Pa	Pa	P	P	SP	SP	SP	SP	✓
Ground Mounted SES, Intermediate Scale	SP	SP	SP									SP							P	P					✓
Ground Mounted SES, Large Scale	SP	SP										SP							SP	SP					✓
COMMUNICATION—UTILITY																									
Amateur radio service or antenna	SP	SP	SP	SP	SP	SP	SP				SP														✓
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Radio or television broadcasting studio													P				P		P	P	P	P	P	P	
Radio or television broadcasting transmission facility													Pa				P		P	P					
Satellite television antennae	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	✓
WIRELESS TELECOMMUNICATION (cell tower)																									
New support structure from 51 feet to 150 feet residential districts	SP	SP	SP	SP	SP	SP	SP																		✓
New support structure from 51 feet up to 199 feet in non-residential districts													SA	SP	SP	SA	SA	SA	SA	SA					✓
Carrier on Wheels (non-emergency or event, no more than 120 days)	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Carrier on Wheels (declared emergency)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓
Attached wireless telecommunication facility, used for non-residential purposes (prohibited if used as residential)	SA	SA	SA	SA	SA	SA	SA																		
Attached wireless telecommunication facility								P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓
Small cell installations (new support structures or collocation) on private property or ROW	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓

(Ord. of 8-2-2017, § 1(4.1.3); Ord. No. 2018-09-01, § 00, 9-17-2018; Ord. No. 2019-06-01, § (Exh. A), 6-10-2019) [TMOD-19-004, TMOD-19-005, TMOD-19-006, TMOD-21-001, TMDO-21-002, TMOD-21-003, TMOD-21-010, TMOD-21-011, TMOD-22-001]]

DIVISION 2. SUPPLEMENTAL USE REGULATIONS

Sec. 4.2.1. Accessory buildings, structures, and uses.

Accessory buildings, structures and uses determined by the director to be normally incidental to one or more permitted principal uses are hereby permitted as follows:

A. Accessory structures allowed in all residential districts may include, but are not limited to, garages, storage sheds, and personal recreational facilities such as swimming pools and tennis courts.

B. Accessory structures must be constructed in conjunction with or after the principal building is constructed.

(Ord. of 8-2-2017, § 1(4.2.1))

Sec. 4.2.2. Accessory buildings, structures and uses; location, yard and building restrictions.

The following provisions apply to accessory buildings, structures, and uses of land that are incidental to authorized and permitted uses:

A. All accessory buildings, accessory structures, and accessory uses of land, including off-street parking, shall be located on the same lot as the principal buildings to which they are accessory.

B. All accessory structures in which effluent is produced shall be connected to water and sewer if the primary structure is connected to water and sewer.

C. Yard and setbacks.

1. All accessory buildings or structures shall be located in the rear yard of the lot, with the exception of ATM bank machines which are also allowed in the front or Side yard:

2. Accessory structures must not encroach in the minimum yard setbacks for the district in which they are located.

3. Accessory buildings or structures shall meet the minimum side yard setback for the district or ten feet, whichever is less, and shall not be located closer than ten feet to a rear lot line in any district.

4. Basketball goals attached to the principal residential structure or erected adjacent to and abutting the driveway of the principal residential structure shall be allowed in the front yard but not within the right-of-way of a public street. No basketball goal shall be erected in such a manner that the play area for the basketball goal is located within any portion of a public right-of-way.

5. Additional supplemental regulations in this article regarding minimum yards and setbacks for specific accessory buildings, structures, or uses of land may also apply.

D. Corner lot, rear yards. Where the rear yard of a corner lot adjoins the side yard of a lot in a residential district, no accessory building or structure shall be located closer than 15 feet to the rear property line and no closer to the side street right-of-way line than the principal building.

E. Materials. Accessory structures that are buildings or sheds shall be constructed out of a material similar to the principal structure.

F. No accessory building or structure in a nonresidential district shall be used by anyone other than employees of the owner, lessee or tenant of the premises, unless otherwise allowed by provisions of this chapter.

G. Where an accessory building or structure is attached to the principal building by a breezeway, passageway or similar means, the accessory building or structure shall comply with the yard setback requirements of the principal building to which it is accessory.

H. Setbacks for swimming pools, as accessory structures in a residential district, shall be measured from the edge of the decking to the applicable property line. No part of the decking for an accessory swimming pool shall be within five feet of a side or rear property line.

I. Except as expressly provided elsewhere in this chapter, an accessory structure shall be limited to the lesser of 24 feet in height or the height of the principal structure, whichever is less.

J. The floor area of an accessory buildings that is accessory to a single-family, two-family, or three-family residential structure shall not exceed the maximum floor areas set forth in Table 4.2, below.

Table 4.2. Maximum Accessory Building Floor Area - Select Residential Structures

Maximum Accessory Building Floor Area	
Property Size	Maximum Floor Area
0 to 0.999 acres	900 square feet
1 to 4.999 acres	1,200 square feet
5 to 9.999 acres	2,000 square feet
10 or more acres	No size limit

(Ord. of 8-2-2017, § 1(4.2.2))

Sec. 4.2.3. Accessory dwelling unit, guesthouse, in-law suite.

A. On parcels zoned for residential single-family dwellings as a principal use, an accessory dwelling unit may be allowed as one of the following:

1. Attached (addition to existing building);
2. Detached; or
3. Within existing house (renovations to basements, wings or attics converted into separate living unit).

B. The heated floor area of a dwelling unit shall not include the square footage of the garage.

C. Attached and detached accessory dwelling units are permitted by right, subject to the following:

1. The minimum lot size shall be 10,000 square feet.
2. The accessory dwelling unit shall conform to applicable standards of the state, city and city building codes for residential units as principal uses.
3. The property owner, who shall include titleholders and contract purchasers, must occupy either the principal dwelling unit or the accessory dwelling unit as their residence, and possess a homestead exemption.
4. The appearance of the accessory dwelling unit shall be similar to that of the principal residence.
5. Only one accessory dwelling unit of any type shall be permitted on a lot.

6. Prior to issuance of a building permit for an accessory dwelling unit, an applicant must provide evidence to the director of planning showing that existing or proposed septic tank facilities, as applicable, are adequate to serve both the principal dwelling and the accessory dwelling unit.
7. Any detached accessory dwelling unit shall be located in the Rear yard:
8. A second kitchen facility may be constructed and used within a single-family residence.
9. Paved off-street parking shall be provided for one additional vehicle.
10. Accessory dwelling units shall not exceed 900 square feet of heated floor area and shall not exceed 24 feet in height.
11. The main entrance shall not face the closest property line. Windows, doors, balconies, porches and decks shall be sited to ensure the privacy of neighbors.
12. For parcels located in a designated historic district and individually designated historic structures, the placement of an accessory dwelling unit and its architectural design shall require a certificate of appropriateness from the historic preservation commission.

(Ord. of 8-2-2017, § 1(4.2.3))

Sec. 4.2.4. Adult daycare center (seven or more clients).

Each adult daycare center shall be subject to the following requirements:

A. All outdoor recreation areas shall be enclosed by a fence or wall not less than four feet in height.

B. Each adult daycare center shall provide off-street parking spaces as required by the applicable zoning district and an adequate turnaround on the site.

(Ord. of 8-2-2017, § 1(4.2.4))

Sec. 4.2.5. Adult daycare facility (up to six clients).

Each adult daycare facility shall be subject to the following requirements:

A. All outdoor recreation areas shall be enclosed by a fence or wall not less than four feet in height.

B. Each adult daycare facility shall provide off-street parking spaces as required by the applicable zoning district.

C. No adult daycare facility shall be located within 1,000 feet of another adult daycare facility.

D. No adult daycare facility may be established and operated until a permit to do so has been obtained in accordance with the procedures set forth below.

1. Permit application. Persons seeking to operate an adult daycare facility in the city must file a permit application with the planning department. Each application shall also be accompanied by the applicant's affidavit certifying the maximum number of adults that will be served simultaneously and that the proposed adult daycare facility will meet and be operated in compliance with all applicable state laws and regulations and with all ordinances and regulations of the city. The planning department may require clarification or additional information from the applicant that is deemed necessary by the city to determine whether the proposed service will meet applicable laws, ordinances and regulations.

2. Notwithstanding the above provisions, if a proposed adult daycare facility is subject to the requirement that the applicant obtain a certificate of registration from the state department of

human resources, and even though the application may have been approved under the provisions of this section, a permit for the operation of such facility shall not be issued until proof has been submitted by the applicant that the certificate of registration has first been obtained from the state.

(Ord. of 8-2-2017, § 1(4.2.5))

Sec. 4.2.6. Sexually oriented businesses.

A. *Purpose.* It is a purpose of this chapter to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the city. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material.

B. *Findings and rationale.* Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the city council, and on findings, interpretations, and narrowing constructions incorporated in the cases of City of Littleton v. Z.J. Gifts D-4, L.L.C., 541 U.S. 774 (2004); City of Los Angeles v. Alameda Books, Inc., 535 U.S. 425 (2002); City of Erie v. Pap's A.M., 529 U.S. 277 (2000); City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986); Young v. American Mini Theatres, 427 U.S. 50 (1976); Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991); California v. LaRue, 409 U.S. 109 (1972); N.Y. State Liquor Authority v. Bellanca, 452 U.S. 714 (1981); Sewell v. Georgia, 435 U.S. 982 (1978); FW/PBS, Inc. v. City of Dallas, 493 U.S. 215 (1990); City of Dallas v. Stanglin, 490 U.S. 19 (1989); and Flanigan's Enters., Inc. v. Fulton County, 596 F.3d 1265 (11th Cir. 2010); Peek-a-Boo Lounge v. Manatee County, 630 F.3d 1346 (11th Cir. 2011); Daytona Grand, Inc. v. City of Daytona Beach, 490 F.3d 860 (11th Cir. 2007); Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville, 635 F.3d 1266 (11th Cir. 2011); Artistic Entertainment, Inc. v. City of Warner Robins, 331 F.3d 1196 (11th Cir. 2003); Artistic Entertainment, Inc. v. City of Warner Robins, 223 F.3d 1306 (11th Cir. 2000); Williams v. Pryor, 240 F.3d 944 (11th Cir. 2001); Williams v. A.G. of Alabama, 378 F.3d 1232 (11th Cir. 2004); Williams v. Morgan, 478 F.3d 1316 (11th Cir. 2007); Gary v. City of Warner Robins, 311 F.3d 1334 (11th Cir. 2002); Ward v. County of Orange, 217 F.3d 1350 (11th Cir. 2002); Boss Capital, Inc. v. City of Casselberry, 187 F3d 1251 (11th Cir. 1999); David Vincent, Inc. v. Broward County, 200 F.3d 1325 (11th Cir. 2000); Sammy's of Mobile, Ltd. v. City of Mobile, 140 F.3d 993 (11th Cir. 1998); Lady J. Lingerie, Inc. v. City of Jacksonville, 176 F.3d 1358 (11th Cir. 1999); This That And The Other Gift and Tobacco, Inc. v. Cobb County, 285 F.3d 1319 (11th Cir. 2002); DLS, Inc. v. City of Chattanooga, 107 F.3d 403 (6th Cir. 1997); Grand Faloon Tavern, Inc. v. Wicker, 670 F.2d 943 (11th Cir. 1982); International Food and Beverage Systems v. Ft. Lauderdale, 794 F.2d 1520 (11th Cir. 1986); 5634 E. Hillsborough Ave., Inc. v. Hillsborough County, 2007 WL 2936211 (M.D. Fla. Oct. 4, 2007), aff'd, 2008 WL 4276370 (11th Cir. Sept. 18, 2008) (per curiam); Fairfax MK, Inc. v. City of Clarkston, 274 Ga. 520 (2001); Morrison v. State, 272 Ga. 129 (2000); Flippen Alliance for Community Empowerment, Inc. v. Brannan, 601 S.E.2d 106 (Ga. Ct. App. 2004); Oasis Goodtime Emporium I, Inc. v. DeKalb County, 272 Ga. 887 (2000); Chamblee Visuals, LLC v. City of Chamblee, 270 Ga. 33 (1998); World Famous Dudley's Food and Spirits, Inc. v. City of College Park, 265 Ga. 618 (1995); Airport Bookstore, Inc. v. Jackson, 242 Ga. 214 (1978); Imaginary Images, Inc. v. Evans, 612 F.3d 736 (fourth Cir. 2010); LLEH, Inc. v. Wichita County, 289 F.3d 358 (fifth Cir. 2002); Ocello v. Koster, 354 S.W.3d 187 (Mo. 2011); 84 Video/Newsstand, Inc. v. Sartini, 2011 WL 3904097 (6th Cir. Sept. 7, 2011); Plaza Group Properties, LLC v. Spencer County Plan Commission, 877 N.E.2d 877 (Ind. Ct. App. 2007); East Brooks Books, Inc. v. Shelby County, 588 F.3d 360 (6th Cir. 2009); Entm't Prods., Inc. v. Shelby County, 588 F.3d 372 (6th Cir. 2009); Sensations, Inc. v. City of Grand Rapids, 526 F.3d 291 (6th Cir. 2008); World Wide Video of Washington, Inc.

v. City of Spokane, 368 F.3d 1186 (9th Cir. 2004); Ben's Bar, Inc. v. Village of Somerset, 316 F.3d 702 (7th Cir. 2003); HandA Land Corp. v. City of Kennedale, 480 F.3d 336 (fifth Cir. 2007); Hang On, Inc. v. City of Arlington, 65 F.3d 1248 (fifth Cir. 1995); Fantasy Ranch, Inc. v. City of Arlington, 459 F.3d 546 (fifth Cir. 2006); Illinois One News, Inc. v. City of Marshall, 477 F.3d 461 (7th Cir. 2007); G.M. Enterprises, Inc. v. Town of St. Joseph, 350 F.3d 631 (7th Cir. 2003); Richland Bookmart, Inc. v. Knox County, 555 F.3d 512 (6th Cir. 2009); Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County, 256 F. Supp. 2d 385 (D. Md. 2003); Richland Bookmart, Inc. v. Nichols, 137 F.3d 435 (6th Cir. 1998); Spokane Arcade, Inc. v. City of Spokane, 75 F.3d 663 (9th Cir. 1996); DCR, Inc. v. Pierce County, 964 P.2d 380 (Wash. Ct. App. 1998); City of New York v. Hommes, 724 N.E.2d 368 (N.Y. 1999); Taylor v. State, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); Fantasyland Video, Inc. v. County of San Diego, 505 F.3d 996 (9th Cir. 2007); Gammoh v. City of La Habra, 395 F.3d 1114 (9th Cir. 2005); Starship Enters. of Atlanta, Inc. v. Coweta County, No. 3:09-CV-123, R. 41 (N.D. Ga. Feb. 28, 2011); High Five Investments, LLC v. Floyd County, No. 4:06-CV-190, R. 128 (N.D. Ga. Mar. 14, 2008); 10950 Retail, LLC v. Fulton County, No. 1:06-CV-1923, R. 62 Order (N.D. Ga. Dec. 21, 2006); 10950 Retail, LLC v. Fulton County, No. 1:06-CV-1923, R. 84 Contempt Order (N.D. Ga. Jan. 4, 2007); Z.J. Gifts D-4, L.L.C. v. City of Littleton, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); People ex rel. Deters v. The Lion's Den, Inc., Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); Reliable Consultants, Inc. v. City of Kennedale, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); Goldrush II v. City of Marietta, 267 Ga. 683 (1997); and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," Journal of Urban Health (2011); "Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime?" Crime and Delinquency (2012) (Louisville, KY); Metropolis, Illinois - 2011—2012; Manatee County, Florida - 2007; Hillsborough County, Florida - 2006; Clarksville, Indiana - 2009; El Paso, Texas - 2008; Memphis, Tennessee - 2006; New Albany, Indiana - 2009; Louisville, Kentucky - 2004; Fulton County, GA - 2001; Chattanooga, Tennessee - 1999—2003; Jackson County, Missouri - 2008; Ft. Worth, Texas - 2004; Kennedale, Texas - 2005; Greensboro, North Carolina - 2003; Dallas, Texas - 1997; Houston, Texas - 1997, 1983; Phoenix, Arizona - 1995—1998, 1979; Tucson, Arizona - 1990; Spokane, Washington - 2001; St. Cloud, Minnesota - 1994; Austin, Texas - 1986; Indianapolis, Indiana - 1984; Garden Grove, California - 1991; Los Angeles, California - 1977; Whittier, California - 1978; Oklahoma City, Oklahoma - 1986; New York, New York Times Square - 1994; the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); Dallas, Texas - 2007; "Rural Hotspots: The Case of Adult Businesses," 19 Criminal Justice Policy Review 153 (2008); "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; Law Enforcement and Private Investigator Affidavits (Pink Pony South, Forest Park, GA, and Adult Cabarets in Sandy Springs, GA), the city council finds:

(1) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects, including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.

(2) Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.

(3) Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the city's rationale for this section, exists independent of any comparative

analysis between sexually oriented and non-sexually oriented businesses. Additionally, the city's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the city. The city finds that the cases and documentation relied on in this section are reasonably believed to be relevant to said secondary effects.

The city hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of sexually oriented businesses, including the judicial opinions and reports related to such secondary effects.

C. *Unlawful to operate within 500 feet of a similar business.* It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in the city within 500 feet of another sexually oriented business. Measurements for this subsection shall be made in a straight line without regard to intervening structures or objects, between the closest points on the property lines of the two sexually oriented businesses.

D. *Unlawful to operate within 500 feet of certain public places.* It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in the city within 500 feet of a residential district, place of worship, park, or public library. Measurements for this subsection shall be made in a straight line without regard to intervening structures or objects, from the closest part of the structure containing the sexually oriented business to the closest point on the boundary line of the residential district or the closest point on the property line of the place of worship, park, or public library.

(Ord. of 8-2-2017, § 1(4.2.6))

Sec. 4.2.7. Agriculture and forestry.

A. *Agricultural produce stands.* Agricultural produce stands shall comply with the front yard setback requirement for the district in which they are located, and shall provide a minimum of four off-street parking spaces. If temporary, mobile, or farmers market, see temporary uses, section 4.3.1.

B. *Commercial greenhouses and plant nurseries.* Any structure used as a commercial greenhouse or plant nursery shall be set back no less than 100 feet from any adjoining property that is zoned for residential use.

C. *Dairies.* Notwithstanding subsection E. of this section, any structure used for housing or processing of dairy cows shall be set back not less than 200 feet from property lines, and all dairy cows shall be kept at least 100 feet from property lines.

D. *Structures used in production and processing of fruits, tree nuts and vegetables.* Any structure used in the processing or production of fruits, tree nuts, and vegetables that uses mechanized equipment or is not fully enclosed in a building, that emits noise, dust or vibration, shall be setback no less than 50 feet from property zoned or used for residential purposes.

E. *Livestock.*

1. Livestock regulations apply to animals over 12 months of age.
2. Livestock shall only be permitted on a lot containing two or more acres, and there shall be no more than two animals, per fenced acre for horses, llamas, mules, asses, cows or large aviary such as emus; and no more than three animals per fenced acre for sheep or goats.
3. Except as otherwise provided herein, any structure used for housing or processing of livestock shall be set back not less than 100 feet from any property line.
4. Dwarf livestock may be kept at up to two per 50 square feet of fenced area, with no minimum lot size, except lots less than 10,000 square feet shall be limited to a total of three dwarf livestock animals.
5. Structures for housing dwarf livestock shall be setback not less than ten feet from any property line.

6. Fenced areas for livestock may not include lot area covered by the principal structure or driveway.
7. A structure providing at least 100 square feet of floor space per animal for housing horses, llamas, mules, ass, cow or large aviary such as emus is required, and at least 25 square feet of floor space per animal is required for housing sheep or goats. A structure housing dwarf livestock shall provide three square feet per animal.
8. Pigs and hogs are prohibited, except pot-bellied pigs. Pot-bellied pigs shall be treated as livestock, and subject to the standards for sheep and goats.
9. Livestock is not permitted to run at-large beyond the confines of its owner's property.
10. Parking of livestock trailers and recreation vehicles related to the livestock shall comply with the parking standards in article 6 of this chapter.
11. Composted animal waste can be used as fertilizer for the purpose of enriching the property owner's soil.
12. Animals must be kept under sanitary conditions and shall not be a public nuisance.
13. Disposal of dead livestock shall be subject to the DeKalb County Sanitation rules and regulations or requirements.

F. *Livestock sales pavilion or abattoirs.* Livestock sales pavilions and/or abattoirs shall be operated in accordance with state and county health regulations. All buildings shall be located at least 100 feet from any property line. All animals to be processed shall be fenced at least 100 feet from any property zoned or used for residential purposes.

G. *Riding stables.* Riding stables shall be established on a lot having an area of not less than ten acres. Any structure that houses animals used as part of the riding stable shall be located at least 100 feet from any property line. All animals shall be fenced at least 20 feet from any property line.

H. *Temporary or portable sawmill.* The time limit for any permit for a temporary or portable sawmill shall not exceed six months. A temporary or portable sawmill may only process timber removed from the property on which the sawmill is located. Operation of a temporary or portable sawmill shall be set back not less than 500 feet from any residential structure other than the owner's.

I. *Keeping of chickens, pigeons.*

1. The minimum fenced yard area for chickens shall be 25 square feet per hen.
2. Chickens and pigeons must be housed at least 20 feet from any property line, and 50 feet from any residence other than the owner's.
3. Any structure housing chickens and pigeons must be located in the rear yard if a principal building exists.
4. The minimum lot size for the keeping of chickens or pigeons is 10,000 square feet. Fenced area for chickens shall comply with the setback requirements for accessory structures. Chickens and pigeons and associated structures and fencing shall comply with relevant articles of chapters 16 and 18, relating to noise and property maintenance.
5. No roosters are allowed.
6. The maximum number of hens shall be one hen per 2,000 square feet of lot size.
7. Each coop shall have at least four square feet of floor space per chicken over four months old. For Bantams, a variety defined as miniature, each coop shall have one square foot of floor area per chicken over four months old.
8. Chickens must be kept securely in an enclosed yard or pen at all times.

9. Chickens are only permitted as pets or for egg production; the chickens cannot be kept for slaughter.
10. Composted animal waste can be used as fertilizer for the purpose of enriching the soil of the owner's property.
11. Animals must be kept under sanitary conditions and shall not be a public nuisance.

J. *Beekeeping.*

1. No more than two apiary colonies are allowed per one-quarter acre.
2. Apiary colonies must be setback from all property lines a minimum of ten feet.
3. Apiary colonies must be located in the side or rear yard if a principal building exists.
4. Apiary colonies must be maintained responsibly with adequate space and management techniques to prevent overcrowding and swarming.
5. In any instance in which a colony becomes a nuisance, the beekeeper must re-queen the hive.

(Ord. of 8-2-2017, § 1(4.2.7))

Sec. 4.2.8. Alcohol outlets, retail, package liquor store.

A. Package stores shall not be located:

1. Within 1,000 feet of an existing package store or alcohol outlet;
2. Within 600 feet of any residence, church, school, school building or grounds, educational facility, college campus, or sexually oriented business; or
3. Within 600 feet of a substance abuse treatment center owned, operated or approved by the state or any county or municipal government.

B. Alcohol outlets shall not be located:

1. Within 600 feet of any school building, school grounds, educational facility, college campus, or sexually oriented business; or
2. Within 600 feet of a substance abuse treatment center owned, operated, or approved by the state or any county or municipal government.

C. For the purpose of this section, distance shall be measured according to chapter 4.

D. For alcohol sales as an accessory use to retail, the area devoted to the sale and storage of alcohol shall not exceed 20 percent of gross floor area.

E. The sale or distribution of individual cups and individual servings of ice at package stores is prohibited.

F. Alcohol outlets accessory to convenience stores with gas pumps require a special land use permit.

(Ord. of 8-2-2017, § 1(4.2.8))

Sec. 4.2.9. Amateur radio service antenna structure.

Amateur radio service antenna structures are a permitted accessory use in single-family residential districts, provided that no such antenna structure, including any support upon which it may be constructed, shall exceed a combined height of 70 feet. Amateur radio service antenna structures in single-family residential districts exceeding 70 feet in height shall be permitted only by special land use permit subject to all of the requirements of

section 4.2.51 of this chapter. Amateur radio service antenna structures shall be located a distance of at least one-half of the height of the tower from all property lines.

(Ord. of 8-2-2017, § 1(4.2.9))

Sec. 4.2.10. Issuance of license and employee permits; employee permit fees.

(a) All employees of any licensed establishment must hold an employee permit, unless otherwise exempt under this chapter. The conditions and procedures governing the issuance of alcohol permits for employees are set forth in this section.

(b) An employee permit shall be issued unless the applicant fails to meet the qualifications for an employee permit under this chapter. Any employee permit identified in this chapter will be issued or the issuance of an employee permit will be denied within 30 days after submission of a properly completed application or within 15 days of the records in subsection (d) of this section, whichever is later. An application for an employee permit is complete when it contains the information required by this chapter and is accompanied by the permit fee in the amount established by action of the city council. A permit shall be valid for 12 months from the date of issuance. If a permit is not issued or denied within the time frame specified herein, the permit shall be automatically approved.

(c) No person requiring a permit may be employed by or work in an establishment, as defined in this chapter, until such person has filed an application, paid the fee for and obtained a work permit from the City Manager or his designee. No person shall be issued a permit who has been convicted in this city, county, state, or in any federal court within five years immediately prior to the application for employment for soliciting for prostitution, keeping a disorderly place, illegally dealing in narcotics, sex offenses or any charge relating to the manufacture or sale of intoxicating liquors or any felony or misdemeanor of moral turpitude.

(d) An application for a permit shall include the applicant's legal name, all of the applicant's aliases and/or any other name by which the applicant has ever been known, mailing address, written proof of age (in the form of a driver license, a picture identification document containing the applicant's date of birth issued by a governmental agency, or a copy of a birth certificate accompanied by a picture identification document issued by a governmental agency), and a list of all prior criminal convictions. The City Manager or his designee shall make a complete search relative to any police record of the applicant. As a prerequisite to the issuance of any such initial permit or license, the employee shall furnish a complete set of fingerprints to be forwarded to the Georgia Bureau of Investigation, which shall search the files of the Georgia Crime Information Center for any instance of criminal activity during the two years immediately preceding the date of the application. The Georgia Bureau of Investigation shall also submit the fingerprints to the Federal Bureau of Investigation under the rules established by the United States Department of Justice for processing and identification of records.

(e) Any permit for employment issued hereunder shall expire 12 months from the date of issuance unless earlier revoked or suspended. The City Manager or his designee may prescribe reasonable fees for certifying the eligibility for employment.

(f) An employee holding a permit issued pursuant to this chapter shall at all times during his working hours have the permits available for inspection at the premises.

(g) An employee shall provide his employer with a legible copy of his permit which copy shall be maintained by the employer as part of its business records.

(Ord. of 8-2-2017, § 1(4.2.10); Ord. No. 2017-10-04, § 1(4.2.10), 10-16-2017)

Sec. 4.2.11. Animal care facilities.

A. Animal hospitals and veterinary clinics.

1. Any building or enclosed structure used as an animal hospital or veterinary clinic shall be located and the activities associated with the use shall be conducted at least 100 feet from any property zoned or used for residential purposes.
2. When located within a shopping center, the use shall be adequately soundproofed and odor-proofed so as not to create a nuisance.
3. No boarding shall be allowed unless required in connection with medical treatment;
4. Outside runs or kennels are prohibited.

B. Animal shelter, four or more.

1. Any building or enclosed structure for the housing of animals shall have a minimum setback of at least 100 feet from all property lines and at least 200 from property zoned for residential use.
2. All areas housing animals shall be completely enclosed by walls or fences at least five feet in height.
3. No animal shelter shall be located within 500 feet of a residential district.
4. Outside pens must be located a minimum of 75 feet from any stream.

C. *Pet grooming shops.* Any building or enclosed structure used as a pet grooming shop shall be located and activities shall be conducted at least 100 feet from any property zoned or used for residential purposes.

D. *Pet daycare.* Any building or enclosed structure for the housing of animals associated with a pet daycare use shall have a minimum setback of at least 100 feet from all property lines and at least 200 feet from property zoned or used for residential use. All areas housing animals shall be completely enclosed by walls or fences at least five feet in height.

E. *Kennels, commercial boarding and breeding kennels.* All kennels shall comply with the following:

1. Any building or enclosed structure used for kennels shall be located and related activities shall be conducted at least 100 feet from any property line and at least 200 feet from property zoned for residential use.
2. Kennels shall be located on a site of not less than two acres.
3. Any building or enclosed structure used for kennels shall be constructed and related activities shall be conducted in accordance with applicable law.
4. All outdoor areas used as a dog kennel or outdoor confinement must be surrounded by an opaque fence or wall no less than eight feet in height.
5. The floor of all buildings or structures used as a kennel to which animals have access shall be surfaced with concrete or other impervious material.
6. The portion of the building or structure in which animals are housed shall be adequately soundproofed to meet the minimum requirements of the city's noise ordinance.

F. *Household pets.* Except as is otherwise herein provided, in any residential district within the city a person may keep not more than three household pets on each lot which is two acres or less in size. On any lot exceeding two acres in size, a person may keep one additional household pet for each additional acre above two acres up to a maximum of ten household pets. Litters of animals of not more than six months of age shall not be counted for the purpose of calculating the total number of household pets on a lot.

(Ord. of 8-2-2017, § 1(4.2.11))

Sec. 4.2.12. Antennas, satellite dishes, television receivers.

A. Antennas, satellite dishes, or other television transmission receivers located in residential zoning districts may only be located on the roof or in the rear yard of properties.

B. Antennas, satellite dishes, or other television transmission receivers located in a nonresidential zoned district are prohibited in any yard which adjoins a residential zoned district.

C. Any ground mounted antennas, satellite dishes, or other television transmission receivers shall be screened from view from surrounding properties at ground level, and from public streets.

(Ord. of 8-2-2017, § 1(4.2.12))

Sec. 4.2.13. Automobile wash service, principal, accessory, detail or mobile.

A. Automobile wash services shall provide a paved area with capacity to store five vehicles waiting to use automatic carwash facilities, and two vehicles per bay for self-service car washes.

B. Wastewater from all automobile wash services shall be pretreated in accordance with watershed management standards prior to being drained into the public sanitary sewer or into any stormwater structure, as may be approved by the director of planning.

C. No storage or repair of vehicles shall be allowed on property on which the car washing facility is located.

D. An accessory single-bay automatic (not self-service) car wash completely enclosed except for openings necessary to allow entry and exit of vehicles shall be permitted subject to the following:

1. The car wash structure shall be constructed of building materials consistent with that of the principal building, including the roof.

2. The doors of the car wash building shall be fully closed when the facility is not available for operation.

3. The car wash structure shall be located behind the rear building line of the principal building,

(Ord. of 8-2-2017, § 1(4.2.13))

Sec. 4.2.14. Automotive sales and service; boat, trailer sales and service.

A. *Automobile and truck sales.*

1. No other unrelated retail use shall be on the same property or in the same building with automobile and truck sales.

2. For purposes of this Section 4.2.14, the term “automobile and truck sales” does not apply to salvage yards in which automobile and truck sales are incidental to the primary use.

3. The automobile and truck sales lot shall be on a lot no less than five acres in area.

4. Only customer and employee parking shall be allowed in the front or side corner yard.

a. Parking spaces located in the front or side corner yard shall be setback at least ten feet from the street right-of-way.

b. The ten-foot setback from the street right-of-way shall comply with section 5.4.4.D.3 of this chapter.

5. Motor vehicles for sale shall be parked in marked, striped spaces only, and only in areas designated for the display of vehicles for sale.

6. All vehicles in sales lots are always in operating condition.

B. *Automobile repair, major, and paint shops.* Major automobile repair and paint shops shall meet the following:

(1) Upon the minor redevelopment of existing buildings or structures, as defined in section 27-8.1.16, that also requires a land development permit or building permit, the director of his designee may require additional improvements to landscaping, signage, parking lots, sidewalks, or building facades. Any minor redevelopment of existing structures, buildings, and physical appurtenances is permitted by right if such changes result in greater conformity with the specifications of this section.

(2) Shops shall not be permitted on property located within 300 feet of any property used for a school, park, playground or hospital.

(3) All automobile repair activities must be contained entirely within an enclosed building, unless located in M (Light Industrial) District. For the purposes of determining whether a building is enclosed, the use of open overhead bay doors that can be closed after business hours shall be permitted.

(4) Vehicles awaiting service shall be parked on-site. If stored overnight, they shall be stores inside an enclosed building or in the side or rear yard enclosed with an opaque fence made of masonry or wood and at least six feet in height.

(5) Outdoor displays of merchandise shall be prohibited beyond ten feet from the primary building and shall only be displayed during business hours.

(6) Overnight outdoor storage of any materials, equipment, tires, or rims is prohibited.

(7) New facilities must be designed with automobile bays facing away from the primary street frontage.

(8) Junk vehicles shall not be stored on the property.

(9) All parking located in front of the primary building shall be limited to customers seeking services only and not for storing vehicles overnight waiting to be repaired.

(10) No automobile sales or curb stoning, which is the sale of used vehicles by unlicensed dealers, shall be permitted on the property.

(11) For the purpose of this section, distance shall be measured by the most direct route of travel on the ground.

C. *Automobile repair and maintenance establishments, minor.* Minor automobile repair and maintenance establishments shall meet the following:

(1) Upon the minor redevelopment of existing structures or buildings, as defined by section 27-8.1.16, that also requires a land development permit or building permit, the director or his designee may require additional improvements to landscaping, signage, parking lots, sidewalks, or building facades. Any minor redevelopment of existing structures, buildings, and physical appurtenances is permitted by right if such changes result in greater conformity with this section.

(2) Operations, including the servicing of vehicles, storage of materials and similar activities connected with the use, must be contained entirely within an enclosed building. For the purpose of determining whether a building is enclosed, the use of open overhead bay doors that can be closed after business hours shall be permitted.

(3) Vehicles awaiting service shall be parked on-site. If stored overnight, they shall be stored inside an enclosed building or in the side or rear yard enclosed with an opaque fence at least six feet in height).

(4) Outdoor displays of merchandise shall be prohibited beyond ten feet from the building and shall only be displayed during business hours.

(5) Overnight outdoor storage of any materials, equipment, tires, or rims is prohibited.

(6) New facilities must be designed with automobile bays facing away from the primary street frontage.

(7) Junk cars shall not be stored on the property.

(8) No automobile sales or curb storing, which is the sale of used vehicles by unlicensed dealers, shall be permitted on the property.

(9) All parking located in front of the primary building shall be limited to customers seeking service only.

D. *Automobile service stations, including gas sales.* Unless otherwise permitted within the applicable zoning district, major automobile repair in association with an automobile service station shall not be permitted. Gasoline pumps and other service facilities shall comply with the requirements of section 4.2.29.

E. *Automobile, truck and trailer lease and rental.* Where a lot is used for automobile, truck and trailer lease and rental, all inventory vehicles parked outdoors shall be set back at least ten feet from the street right-of-way. The ten-foot setback from the street right-of-way shall comply with section 5.4.4.D.3. of this chapter. All parking areas shall be clearly marked and no automobile, truck or trailer shall be parked outdoors other than within these marked parking areas, except when being serviced. The lot shall be no less than one acre in area.

F. *Automobile, truck and trailer lease and rental where accessory to an automobile service station or shopping center.* Where the lease and rental of automobiles, trucks and trailers is a use which is an accessory use, the following requirements shall apply:

1. The lot on which the inventory vehicles are parked shall be no less than one acre in area.

2. Parking areas for inventory vehicles which are available for lease or rental shall be located only in the side or Rear yard:

G. Any work on vehicles conducted outdoors shall only be permitted in the rear yard, but shall be prohibited if the rear yard is adjacent to property zoned or used for a residential purpose.

H. Boat and boat trailer sales. All boats and boat trailers located on property used for boat and boat trailer sales shall be set back at least ten feet from the street right-of-way. The ten-foot setback from the street right-of-way shall comply with section 5.4.4.D.3. of this chapter.

I. Retail automobile parts and tire stores. Unless otherwise authorized or permitted within the applicable zoning district, the following limitations apply to the conduct of retail sale of automobile parts and tire stores:

1. There shall be no dismantling of vehicles on the premises to obtain automobile parts.

2. There shall be no automobile parts installation other than the installation of tires and the installation of minor accessory parts.

3. Major automobile repair shall not be permitted in connection with these uses.

4. Outside display of merchandise shall not extend into the parking lot.

J. *Trailer and RV salesrooms and sales lots.* All inventory vehicles located on property used for trailer and RV salesrooms or sales lots shall be set back at least ten feet from the street right-of-way. The ten-foot setback from the street right-of-way shall comply with section 5.4.4.D.3. of this chapter.

K. Automobile recovery, storage yards for damaged or confiscated automobiles. The following provisions shall apply to storage yards for damaged or confiscated automobiles:

1. The use shall be enclosed by a fence or wall which is not less than eight feet in height which provides visual screening.

2. No dismantling, repair or other similar activity shall be conducted on the premises.
3. The use shall be located at least 1,000 feet from any residential district or use.
4. Automobiles shall not be stored longer than provided by state and city law.

(Ord. of 8-2-2017, § 1(4.2.14))

Sec. 4.2.15. Bed and breakfast inn and home stay.

A. The following applies to all bed and breakfast establishments:

1. The operator of the establishment shall reside on-site.
2. The use shall require a building permit and approval of the fire department.
3. Rooms to be let may not be equipped with cooking facilities.
4. No restaurant use is permitted. Breakfast may be served on the premises only for guests and employees of the bed and breakfast.
5. The bed and breakfast shall not be operated in such a way as to change the residential character of the neighborhood in which it is located and shall comply with the noise ordinance.
6. The structure shall be compatible with the character of the neighborhood in terms of height, setbacks and bulk, subject to the approval of the director of planning.

B. In addition to the requirements in subsection A. of this section, the following requirements apply to home stay bed and breakfast establishments:

1. In addition to providing the off-street parking required for the dwelling unit, there shall also be provided at least one off-street parking space for each bedroom used as a part of the home stay bed and breakfast residence.
2. No signs or advertising are permitted to identify or advertise the existence of the home stay bed and breakfast residence beyond those otherwise allowed for residential property.
3. No individual other than the owner or an employee shall stay for longer than seven consecutive days.

(Ord. of 8-2-2017, § 1(4.2.15))

Sec. 4.2.16. Building and construction office, landscape contractors.

The following standards shall be required for building and construction offices and landscape contractor offices:

A. Storage of equipment and/or materials shall be located in the rear yard and screened from view from adjoining properties and the public street with a fence a minimum of six feet in height.

B. Parking of vehicles shall be located in the side or rear yard only.

(Ord. of 8-2-2017, § 1(4.2.16))

Sec. 4.2.17. Cemetery, columbarium, mausoleum, as principal use.

A cemetery allowed as a principal use on a property must meet the requirements below. Cemeteries that are allowed as an accessory use to a church or other place of worship must comply with provisions in section 4.2.42, places of worship.

A. A cemetery, columbarium or mausoleum shall be located on property with a minimum lot size of ten acres.

B. The lot on which a cemetery, columbarium or mausoleum is located shall have a minimum public road frontage of 100 feet.

C. Permanent public ingress/egress shall be provided for the lot on which a cemetery, columbarium or mausoleum is located.

D. Compliance must be maintained with all requirements of the State of Georgia and the county tax commissioner.

(Ord. of 8-2-2017, § 1(4.2.17))

Sec. 4.2.18. Check cashing.

The following provisions shall apply to all check cashing facilities:

A. Check cashing facilities, either as a primary use or on its own lot or as part of a retail shopping center, shall not be permitted within 1,000 feet of an existing check cashing facility or pawn shop. For the purpose of this section, distance shall be measured by the most direct route of travel on the ground.

B. The window and door area of any existing first floor facade that faces public street or sidewalk shall not be reduced, covered, or otherwise obscured nor shall changes be made to such windows or doors that block views into the building at eye level from the street or sidewalk.

C. For new construction, at least 30 percent of the first floor facade that faces a public street or sidewalk shall be window or doors of clear or lightly tinted glass that allow views into the building at eye level from the street or sidewalk.

D. The use of bars, chains, roll down doors, or similar security devices placed on the outside of the building is prohibited.

E. The use of light emitting diodes, neon lights, and illuminated panels placed around the windows or on the outside of the building are prohibited.

(Ord. of 8-2-2017, § 1(4.2.18))

Sec. 4.2.19. Child daycare facility (up to six children), or child daycare center (seven or more children).

Each child daycare facility and child daycare center shall be subject to the following requirements. A child daycare facility or center may also be a kindergarten or preschool.

A. Each child daycare facility and child daycare center shall comply with all applicable state daycare requirements for standards, licensing and inspection. A City of Stonecrest business license is required.

B. Prior to the issuance of a business license for a child daycare facility or child daycare center, the necessary licensing from the State of Georgia shall be obtained, including compliance with all requirements related to minimum area for classrooms, play areas, and fencing. Each child daycare facility and child daycare center shall provide off-street parking spaces as required by the applicable zoning district. Each child daycare center shall provide an adequate turnaround on the site.

C. The exterior appearance of any child daycare facility located in a residential district shall be maintained as a residential structure, and no signs other than those otherwise authorized within the applicable

zoning district shall be erected (no cut-outs, animal characters, or other graphics shall be affixed to the exterior of the structure or displayed upon the premises).

D. No child daycare facility shall be located within 1,000 feet of another child daycare facility.

E. See also additional approval criteria in article 7 of this chapter, administration.

(Ord. of 8-2-2017, § 1(4.2.19))

Sec. 4.2.20. Coliseum, stadium, amphitheater.

The following provisions apply to coliseums, stadiums and amphitheaters:

A. Prior to the issuance of a land disturbance permit, a traffic study shall be submitted to the planning department.

B. All structures shall be located and all activities shall take place no less than 100 feet from any property line adjacent to a residential district or use.

(Ord. of 8-2-2017, § 1(4.2.20))

Sec. 4.2.21. Commercial recreation and entertainment.

A. *Drive-in theaters.* The following provisions shall apply to drive-in theaters:

1. The theater screen, projection booth and any other structures associated with the drive-in theater use shall be set back not less than 50 feet from any property line.

2. Driving and parking areas shall be paved.

3. Ingress and egress from a public street shall be designed and constructed so as to provide for safe traffic movement.

4. Central loudspeakers shall be prohibited.

5. The theater screen shall not be visible from any freeway or thoroughfare.

6. The portion of the property used for drive-in theater purposes shall be enclosed by a six-foot-high screening fence.

7. The property shall have a minimum buffer area ten feet in width surrounding the portion of the property used for drive-in theater purposes.

B. *Fairgrounds and amusement parks.* The following provisions shall apply to fairgrounds and amusement parks:

1. All buildings and structures associated with such uses shall be set back not less than 200 feet from any property line.

2. Such uses shall not be permitted within 500 feet of a residential district.

3. Such facilities shall be enclosed by a six-foot screening fence.

C. *Golf driving ranges and batting cage facilities.* The following provisions shall apply to golf driving ranges and batting cage facilities:

1. Such uses shall be enclosed by a six-foot-high screening fence or a 25-foot-wide buffer to screen adjacent property.

2. Central loudspeakers shall be prohibited.

3. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.

D. *Miniature golf courses.* The following provisions shall apply to miniature golf courses:

1. Such uses shall be enclosed by a six-foot-high screening fence and a buffer ten feet in width to screen adjacent property.
2. Central loudspeakers shall be prohibited.
3. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.

E. *Golf courses.* The following provisions shall apply to golf courses:

1. Except for emergency purposes, loudspeakers shall be prohibited.
2. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.

F. *Recreation grounds, fishing lakes and other related facilities.* The following provisions shall apply to recreation grounds and facilities:

1. Such uses shall be enclosed by a screening fence six feet in height or a 25-foot-wide buffer to screen adjacent property.
2. Central loudspeakers shall be prohibited.
3. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.

G. *Tennis centers, clubs and facilities.* The following provisions shall apply to tennis centers, clubs and facilities:

1. Such uses shall be enclosed by a screening fence six feet in height or a 25-foot-wide planted buffer to screen adjacent property.
2. Central loudspeakers shall be prohibited.
3. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.

H. *Go-cart concessions.* The following provisions shall apply to outdoor go-cart concessions:

1. All buildings and structures associated with such use shall be set back not less than 200 feet from any property line.
2. Such use shall not be permitted within 500 feet of the boundary of a residential district.
3. Such use shall be enclosed by a six-foot-high masonry wall.
4. The motor size of any cart used shall not exceed five horsepower.
5. The maximum area occupied by the facility, excluding areas used solely for parking, shall not exceed 40,000 square feet.
6. Central loudspeakers shall be prohibited.

I. Other outdoor recreation shall meet the standards provided in subsection G. of this section.

(Ord. of 8-2-2017, § 1(4.2.21))

Sec. 4.2.22. Crematories.

Crematory use shall be located at least 100 feet from the property line of any property zoned or used for residential purposes.

(Ord. of 8-2-2017, § 1(4.2.22))

Sec. 4.2.23. Drive-through facility, restaurant.

All drive-through facilities must comply with the following:

A. Drive-through facilities shall not be located within 60 feet of a residentially zoned property, as measured from any menu or speaker box to the property line of adjacent residential property, unless part of a mixed use development.

B. No drive-through facility shall be located on a property less than 10,000 square feet in area, unless part of a mixed use development. Stacking spaces for queuing of cars shall be provided for the drive-through area as required in article 6 of this chapter.

C. Drive-through lanes and service window serving drive-through lanes shall only be located to the side or rear of buildings.

D. Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.

E. Speaker boxes shall be directed away from any adjacent residential properties and shall require masonry sound attenuation walls with landscaping or other speaker volume mitigation measures. Speaker boxes shall not play music but shall only be used for communication for placing orders.

F. All lighting from drive-through facilities shall be shaded and screened so as to be directed away from any adjacent residential properties.

G. Stacking spaces shall be provided for any use having a drive-through facility or areas having drop-off and pick-up areas in accordance with the following requirements. Stacking spaces shall be a minimum of ten feet wide and 25 feet long. Stacking spaces shall begin at the last service window for the drive-through lane (typically the pick-up window).

H. All drive-through facilities with the exception of drive-through restaurants shall provide at least three stacking spaces for each window or drive-through service facility.

I. The following general standards shall apply to all stacking spaces and drive-through facilities:

   a. Drive-through lanes shall not impede on- and off-site traffic movements, shall not cross or pass through off-street parking areas, and shall not create a potentially unsafe condition where crossed by pedestrian access to a public entrance of a building.

   b. Drive-through lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked or otherwise distinctly delineated.

   c. All drive-through facilities shall include a bypass lane with a minimum width of ten feet, by which traffic may navigate around the drive-through facility without traveling in the drive-through lane. The bypass lane may share space with a parking access aisle.

   d. Drive-through lanes must be set back five feet from all lot lines and roadway right-of-way lines.

   e. Owner and operator are responsible for daily litter clean-up to ensure the property remains free of trash, litter, and debris.

f. Drive-through restaurants shall not be located within 500 feet of an elementary, middle, or high school.

g. Drive-through restaurants located in activity centers require a special land use permit. In all other character areas a special land use permit is required unless the facility can meet at least two of the following criteria:

i. Facility is located within 400 feet of an intersection of a major arterial street and a major or minor arterial street, or within 1,000 feet of an interstate highway interchange do not require a special land use permit.

ii. Facility is accessible only through interparcel access or through a shared driveway.

iii. Facility is part of a major redevelopment, as defined in section 27-8.1.16.

h. Distance shall be measured from the right-of-way of the exit or entrance ramp, or street corner (middle of the radius), along the intersecting street right-of-way, to the nearest property line.

(Ord. of 8-2-2017, § 1(4.2.23))

Sec. 4.2.24. Dwellings; cottage, mobile home, townhouse, urban single-family, and condominium.

A. *Cottage.* Notwithstanding any other provision to the contrary, a cottage development may be subdivided into individual lots that do not meet the minimum street frontage requirements and may be treated as fee-simple or condominium lots.

B. *Mobile home or manufactured home.* When permitted outside of a mobile home zoning district, mobile homes or manufactured homes may be used to house caretakers or security personnel only, and may not be used for commercial purposes.

C. *Townhouse and urban single-family (U-SF).* Notwithstanding any other provision to the contrary, a townhouse or U-SF development may be subdivided into individual lots that do not meet the minimum street frontage requirements and may be treated as fee simple or condominium lots.

D. *Condominium standards.* If a condominium form of ownership is proposed for a development, the development shall meet all applicable state laws, including the Georgia Condominium Act (O.C.G.A. § 44-3-70 et seq.). Proposed bylaws and the articles of incorporation for the condominium association shall be submitted to the director of planning with the application for development approval.

(Ord. of 8-2-2017, § 1(4.2.24))

Sec. 4.2.25. Emission stations.

Emission stations shall be setback no less than 35 feet from the public right-of-way. A metal building may be used if it has a brick base at least three feet high. No fabric structures may be used. Large planters for landscaping must be installed around any building.

(Ord. of 8-2-2017, § 1(4.2.25))

Sec. 4.2.26. Extended stay motels/hotels.

Extended stay motels/hotels shall meet the following requirements:

A. Extended-stay motels/hotels shall have no more than 25 guest rooms per acre.

B. Each guest room must have a minimum of 300 square feet and access with a magnetic keycard entry/locking device.

C. Extended-stay hotels/motels shall not be more than four stories in height.

D. Extended-stay hotels/motels must be constructed on a tract of land containing at least two acres.

E. Extended-stay hotels/motels must contain an enclosed, heated and air conditioned laundry space containing a minimum of three clothes washers and three clothes dryers for the use of guests.

F. Extended-stay hotels/motels must provide a minimum of 1,000 square feet for recreational use by guests. In computing the 1,000 square feet requirement, swimming pools, fitness or recreation centers and other recreational facilities may be used in determining the square footage required by this subsection.

G. Management must be on the property 24 hours a day, seven days a week.

H. Daily maid service must be included in the standard room rate.

I. Parking areas must have security fencing and lighting with a minimum luminescence of one footcandle at pavement level.

J. No extended stay motel/hotel may be located within 1,000 feet of another extended stay motel/hotel.

K. Change of location or name.

1. No applicant shall operate, conduct, manage, engage in, or carry on an extended-stay motel/hotel under any name other than his name and the name of the business as specified on the occupation tax certificate.

2. Any application for an extension or expansion of a building or other place of business where an extended-stay motel/hotel is located shall require inspection and shall comply with the provisions and regulations of this article.

3. The applicant shall pay an administrative fee to be set by the city council to apply for a change of name for an extended-stay motel.

(Ord. of 8-2-2017, § 1(4.2.26))

Sec. 4.2.27. Farmers markets, temporary seasonal.

Temporary or seasonal farmers markets must obtain a special administrative permit for temporary seasonal sales or event in order to operate and shall adhere to the following requirements:

A. The operator of a farmers market shall obtain a business license from City of Stonecrest prior to opening the farmers market.

B. City of Stonecrest shall be provided a list of the names of persons, firms or corporations who shall provide produce or merchandise for sale as part of the public market. The list shall also generally describe the type of item sold by each said person, firm or corporation. The list shall be updated quarterly during the term of the business license.

C. Displayed inventory of the products sold may include:

1. Farm products such as fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.

2. Value-added farm products such as baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, smoked or canned meats or fish, sausages, or prepared foods.

3. All other items may not be displayed and sold.

D. At least 75 percent of the vendors participating during the market's hours of operation must be either producers (a person or entity that raises farm products on farms the person or entity owns, rents or leases), family members, employees or agents of producers or preparer of said products.

E. If a booth sells farm products or value-added farm products that are not produced by the vendor, said booth must explicitly disclose the producer's name and location in writing with lettering that is at least two inches tall and visible to the consumer.

F. Vending structures may include a temporary, movable booth, stall, table, tent or other structure used for the sale of goods or for display purposes at a farmers market.

G. Hours of operation. Temporary or seasonal market hours may be between 7:00 a.m. and 9:00 p.m. Temporary or seasonal markets shall not operate more than six hours per day nor more than three days per week. Set-up of market operations shall begin no earlier than 6:00 a.m. and take-down and clean-up shall end no later than 10:00 p.m.

H. Market manager. On-site presence of a market manager is required during all hours of operation. The market manager shall direct the operations of all vendors participating in the market and verify that the requisite number of individual vending structures are operated by producers.

I. Parking. Two parking spaces per vendor shall be provided on-site or within 500 feet of the boundary line of the property hosting a temporary or seasonal farmer's market.

J. Access to public toilet facilities shall be provided to customers.

K. Farmers markets must obtain a special administrative permit for temporary seasonal sales or event to operate in City of Stonecrest. The application shall include:

1. Name and current address of the applicant.

2. A notarized letter signed by the property owners or authorized property manager or agent, consenting to the placement of the farmers market on the property.

3. A site plan drawn to-scale showing:

a. Property lines, street curbs, street names, adjacent sidewalks as applicable.

b. Plan layout and dimensions showing the on-site market area including the number, arrangement, and size of the vending structures to be located in the market.

c. Location of on-site and off-site parking spaces.

d. Any other documents or information requested and deemed by the director of planning as applicable to the specific application.

(Ord. of 8-2-2017, § 1(4.2.27))

Sec. 4.2.28. Fuel pumps, accessory.

A. Upon the minor redevelopment of existing structures or buildings, as defined in section 28-8.1.16, that also requires a land disturbance permit or building permit, the director may require additional improvements to landscaping, signage, parking lots, sidewalks, or building facades. Any minor redevelopment of existing

structures, buildings, and physical appurtenances is permitted by right if such changes result in greater conformity with the specifications of this section.

B. Gas station and convenience store design shall comply with the design standards and transitional buffer requirements set forth in article 5 of this chapter.

C. The following standards apply to all gas pumps:

(1) All associated light fixtures shall be directed away from surrounding residential neighborhoods.

(2) Canopies covering gasoline dispensers shall be set back not less than 15 feet from all street rights-of-way.

(3) Canopy height shall not exceed the greater of 20 feet or the height of the principal building.

(4) Canopies and their columns shall be complementary to the overall color scheme and building materials scheme of the building facade to which the canopy is necessary.

(5) Canopy lighting shall not extend beyond the area immediately beneath the canopy and all fixtures shall be recessed, including any fixture or lens. Lighting shall project inward and downward, shall not have any spillover to adjacent properties, and shall cut off no later than 30 minutes after closure of the facility.

(6) Automobile service stations with gas sales shall have a capacity to store one car per bay (car area in front of a pump), so as not to interfere with driveway ingress and egress traffic flow.

(7) A minimum of 30 feet is required between a property line and the nearest gasoline pump.

(8) Owner and operator are responsible for daily litter clean-up to ensure that property remains free of litter, trash, and debris.

(9) When a separate retail or restaurant use is located on the same property as fuel pumps, there shall be separate and distinct parking spaces for each use.

(10) The use of light emitting diodes, neon lights, and illuminated panels placed around the windows or on the outside of the building is not prohibited, but must not be visible from or face adjacent residential uses.

D. Location criteria. Fuel pumps associated with convenience stores, gas stations, and service stations must meet the following criteria:

1. Facility is located within 100 feet of an intersection of a major arterial street and a major or minor arterial street, or located within 500 feet of an interstate highway intersection with an arterial street as designated on the Functional Classification Map in the City Comprehensive Plan.

2. Facility is accessible via direct or secondary access to two roads.

3. Facility includes at least 5,000 square feet of retail space.

4. No more than two facilities may be located at any given intersection.

5. Except for facilities located at the same roadway intersection, facilities cannot be located closer than 1,500 feet apart.

E. Distance shall be measured from the right-of-way of the exit or entrance ramp, or street corner (middle of the radius), along the intersecting street right-of-way, to the nearest property line.

F. Facility must include at least two bathrooms capable of serving at least three persons at a time, open to the public, and compliant with the Americans with Disabilities Act.

G. If a reverse frontage design is proposed the primary building shall be located close to the street to define street edge. Pump islands shall not be located between the building and the street, but shall be placed

behind or to the side of the primary building. The facade of the primary building located closest to the street shall include architectural features and shall have an active entrance either on the side or rear, with clear unobstructed pedestrian access from the public sidewalk. The street facade shall have at least 25 percent fenestration or faux fenestration.

H. Service areas, storage areas, and trash enclosure shall be oriented away from public view and screened from adjacent properties.

I. Facilities must provide a two-foot-high masonry wall with landscaping and/or an evergreen hedge to help screen the pumps from view from a public right-of-way.

(Ord. of 8-2-2017, § 1(4.2.28))

Sec. 4.2.29. Heavy industrial uses.

In addition to the submission requirements of article 7 of this chapter, any application for a special land use permit (SLUP) or a rezoning related to a heavy industrial use shall provide the following information as applicable:

A. Submit within the letter of application the following details:

1. Specific operations to be performed.
2. Hours of operation.
3. Whether operations will be indoors or outdoors.
4. How long materials will be stored on the property.
5. Whether any hazardous wastes will be involved in the operation, including an explanation of how safety measures will ensure that there is no air or water contamination and how the operators will safely dispose of such hazardous materials.
6. A description of any solid wastes handled, produced, or disposed of, including whether the operations will require a solid waste handling permit.
7. How many employees there will be.
8. Whether the operation will be open to the public.
9. What types of vehicles will be delivering materials to the property; and how many and how often, what thoroughfares or major route plan the trucks will take to get to and from the site to minimize any impact on residential area, and whether trucks will be covered to minimize dust/odor impacts on adjacent roadways used to get to the site.
10. Whether the proposed use requires the submittal of a development of regional impact (DRI).

B. Copies of any required state and/or federal agency applications, requirements, environmental assessment reports, or related data; or, if none have been submitted, an indication as to whether such documentation is required.

C. Data from reputable industry sources on current industry standards regarding the proposed land use and how the proposed operation will comply with industry standards to ensure that surrounding properties are not adversely impacted.

D. For any of the following uses, certification by an environmental professional that the proposed operation will not have any adverse air or water quality impacts on surrounding properties:

1. Any use requiring a solid waste handling permit.
2. Any use which utilizes burning, melting, or degasification.

3. Any use which involves the emissions of particulate matter.

4. Any use which processes or stores hazardous materials.

E. Detailed information on proposed methods to minimize any adverse air/water quality impacts based on current industry standards.

F. Detailed information on proposed methods to minimize any noise, odor, dust, and vibration on surrounding properties in light of current industry standards.

G. Detailed information regarding how traffic impacts will be accommodated on the surrounding road network.

H. Any data regarding any monthly, quarterly, or yearly required inspections by any state or federal agency to ensure compliance with any state or federal permits once use has been approved by City of Stonecrest.

(Ord. of 8-2-2017, § 1(4.2.29))

[TMOD-22-001]

Sec. 4.2.30. Heliport, general aviation airport.

Heliports must comply with FAA regulations AC No. 150/5390 for design standards for general aviation, hospital heliports, and rooftop emergency facilities.

(Ord. of 8-2-2017, § 1(4.2.30))

Sec. 4.2.31. Home occupations and private educational uses.

The following provisions apply to home occupations:

A. A home occupation where no customer contact occurs shall be considered a Type I home occupation and may be conducted with administrative approval by the director of planning and zoning.

1. The owner/operator of the business must reside on the premises.

2. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.

B. All home occupations other than Type I home occupations shall be considered a Type II home occupation and shall require a special land use permit (SLUP). Additional conditions may be placed on the approval of a Type II home occupation in order to ensure the home occupation will not be a detriment to the character of the residential neighborhood.

1. Customer contact is allowed for Type II home occupations.

2. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.

C. All home occupations shall meet the following standards:

1. There shall be no exterior evidence of the home occupation.

2. No use shall create noise, dust, vibration, odor, smoke, glare or electrical interference that would be detectable beyond the dwelling unit.
3. The use shall be conducted entirely within the dwelling unit, and only persons living in the dwelling unit shall be employed at the location of the home occupation.
4. No more than twenty-five (25) percent of the dwelling unit and or 500 square feet, whichever is less, may be used for the operation of the home occupation.
5. No more than one (1) business vehicle per home occupation is allowed.
6. No home occupation shall be operated so as to create or cause a nuisance.
7. Home occupation shall not include the use of a dwelling unit for the purpose of operating any automobile repair establishment, or car wash.
8. Occupations that are mobile or dispatch-only may be allowed, provided that any business vehicle used for the home occupation complies with section 6.1.3, and is limited to one (1) business vehicle per occupation.

D. Private educational services shall comply with home occupation standards and no more than three (3) students shall be served at a time. Family members residing in the home are not counted towards the three (3) students allowed.

E. Child Care Homes and Personal Care Homes are considered Home Occupations and must adhere to these provisions in addition to Section 4.2.41.

(Ord. of 8-2-2017, § 1(4.2.31)) [TMOD-21-002]

Sec. 4.2.32. Late-night establishments and night clubs.

A. The regulations that follow regarding late-night establishments and nightclubs are intended to afford protection to residential uses and other uses so as to protect the public health, safety, and welfare while respecting and providing adequate opportunities for nightlife in the city.

B. Late-night establishments and nightclubs shall be subject to all of the following standards:

1. Parking facilities within a lot may be shared in accordance with article 6 of this chapter, parking.
2. Valet parking shall not be used to satisfy the requirement to meet applicable parking standards.
3. Methods of traffic circulation, ingress and egress shall be consistent with best management practices as approved by the planning department.
4. Noise from the proposed use shall be contained within the subject retail center units or standalone structures. The facility shall comply with chapter 16.

C. No late night establishment or night club boundary line shall be located within 1,500 feet from the boundary line of property zoned for residential use without the issuance of a special land use permit (SLUP). A late-night establishment or night club is not required to obtain a special land use permit when their closest residential neighbor is on the opposite side of an interstate highway.

D. Every special land use permit application for a late-night establishment or nightclub shall include a scaled drawing of the location of the proposed premises, showing the distance measured in feet from the boundary line of the property proposed to be used as a late-night establishment or nightclub to the boundary line of property zoned for residential use. Such drawing shall be certified by a land surveyor or professional engineer registered in the State of Georgia. For the purposes of this section, distance shall be measured in feet as follows:

1. From the property line of the land upon which the late-night establishment or nightclub is located;
2. To the property line of the land which is zoned for a residential use;
3. Along a straight line which describes the shortest distance between the two property lines (i.e., "as the crow flies").

E. Any late-night establishment or nightclub operating pursuant to a validly issued business and liquor license issued prior to the effective date of November 18, 2008, shall be a legal nonconforming use, as defined in article 9 of this chapter. No late-night establishment or nightclub currently operating under a valid license issued prior to the effective date set forth in this section shall be required to secure a special land use permit from the city council in order to continue operation. Such establishments shall be required to comply with the applicable provisions of article 4, division 5 [sic] of this chapter regarding cessation, expansion, movement, enlargement or other alteration of the late-night establishment or nightclub. If a licensee is operating a legal nonconforming late-night establishment or nightclub at a particular location pursuant to this zoning ordinance, and such license is revoked, upon revocation, the legal nonconforming status of the licensee at that particular location shall be terminated.

(Ord. of 8-2-2017, § 1(4.2.32))

Sec. 4.2.33. Live-work.

A live-work unit is a residential unit used as both living accommodations, which includes cooking space and sanitary facility in conformance with applicable building standards and board of health standards, and adequate working space accessible from the living area. If a live-work unit is not constructed to commercial fire safety standards, the commercial portion of the live-work unit may only be operated by one or more persons who reside in the unit. If a live-work unit is constructed to commercial fire safety standards, a resident of the live-work unit may allow the commercial portion of the live-work unit to be operated by a third-party.

A. Live-work units shall meet all of the following standards:

1. Uses shall be compatible with residential uses and shall not produce or create noise, smoke, vibrations, glare, fumes, odors, electrical interference, or fire hazards that would unreasonably interfere with residential uses.
2. If a live-work unit is in a residential district, permitted uses shall be limited to those uses allowed in the Neighborhood Shopping (NS) District. For a live-work unit located in a nonresidential district, permitted uses shall be limited to those uses allowed in that district.
3. Restroom facilities shall be provided to serve the commercial portion of the unit. Individual public restrooms facilities are not required within each live-work unit when disabled accessible public restroom facilities are provided elsewhere on an accessible route within the building or building site.
4. A live-work unit will be subject to all applicable licenses and business taxes.
5. See also article 5 of this chapter for additional design requirements, including section 5.7.7.

(Ord. of 8-2-2017, § 1(4.2.33))

Sec. 4.2.34. Mines, mining, quarries, gravel pits, borrow pits, and sand pits.

The following regulations apply to the use of land as a mine, mining operation, quarry, gravel pit, borrow pit, and sand pit. See also article 7 of this chapter, administration for additional approval criteria.

A. The following provisions apply to removal or extraction of dirt, sand and soil:

1. Drainage plans and a plan for the redevelopment of the site when the removal is completed shall be submitted with the application for a development permit.
2. The use shall not be established within 1,000 feet of a residential zoning district or use nor within 300 feet of any other use.
3. This subsection shall not prohibit the removal of earth and rock and filling and grading in any district done for land development purposes, upon issuance of a development permit in accordance with the provisions of this chapter.

B. Quarry and mining. The following provisions apply to the use of any parcel of land for a quarry, mine or mining operation:

1. All improved and maintained entrances shall be fenced and locked during non-business hours. The property shall be adequately posted as is required by state law, and evidence of such posting shall be filed with the director of planning.
2. Operators shall comply with state department of natural resources, surface mining land reclamation program rules and regulations, and the mining permit number issued by the state shall be filed with the director of planning.
3. A blasting limit of two inches per second peak particle velocity, as measured from any of three mutually perpendicular directions in the ground at off-site buildings, shall not be exceeded.
4. An air blast limit of 128 decibels (linear-peak), measured at off-site residential buildings, shall not be exceeded.
5. Seismographic and noise instrumentation shall be required for a minimum of one blast per three-month period. The records of such instrumentation and records of all blasts, including total charge weight, charge weight per delay, charge depth, date and time, location and meteorological conditions, shall be retained by the operator for a period of not less than two years. All non-instrumented blasts shall be in compliance with the recommended scaled distance, as defined by the United States Department of the Interior, Bureau of Mines Bulletin 656, entitled "Blasting Vibrations and Their Effects on Structures."

C. Prior to the issuance of any development permit for any mine, quarry, gravel pit, or sand pit, the applicant shall provide to the director a reuse or reclamation plan which meets all requirements of chapter 14 of the Code.

(Ord. of 8-2-2017, § 1(4.2.34))

Sec. 4.2.35. Mini-warehouses.

A. Outside storage for mini-warehouses shall be limited to vehicles such as boats, RVs, etc., and shall only be allowed in side and rear yards.

B. Storage units may not be used for the following uses: The operation of a business or service enterprise; personal activities such as hobbies, arts and crafts, woodworking, repair, restoration or maintenance of machinery or equipment; hazardous or toxic material storage; and/or living or sleeping quarters.

C. Wares, goods and/or personal property stored therein shall not include explosives, paint, flammable chemicals or other materials which might be corrosive or hazardous.

D. Buffer standards in article 5 of this chapter shall apply.

E. Exterior lighting for a mini-warehouse facility shall project inward and downward, and shall not spillover to adjacent properties.

(Ord. of 8-2-2017, § 1(4.2.35))

Sec. 4.2.36. Moving buildings, requirements.

No dwelling unit or other permanent structure shall be moved within or into the city unless, when relocated, it meets all requirements of chapter 27 of the Code and is first approved by the director of planning.

(Ord. of 8-2-2017, § 1(4.2.36))

Sec. 4.2.37. Outdoor display and seating.

This section applies to the placement of merchandise and/or merchandise vending machines outside the walls of any enclosed building with the intent being to entice potential customers onto the premises through the public display of such merchandise and/or merchandise vending machines. The term "outdoor display" shall not apply to merchandise which is placed outside temporarily for the purpose of sales. See division 3 of this article, temporary use regulations. Outdoor display shall be permitted in conjunction with permitted uses in the NS, C-1, C-2, MU districts, M, and M-2 zoning districts, provided the following requirements are met:

A. Areas devoted to outdoor display, as referred to in this section, shall be allowed on public and private sidewalks, provided that all ADA requirements are fulfilled.

B. All outdoor display areas shall be located contiguous to the principal building, subject to all fire safety requirements.

C. No outdoor display shall be permitted to occupy or interfere with traffic circulation, required parking areas or pedestrian access.

D. The type of merchandise permitted in outdoor displays shall be limited to automobiles, boats, recreational vehicles, farm equipment, yard and garden accessories, prefabricated storage sheds, nursery and agricultural products, gas pump island beverage shelving, and vending machines. This section shall not be interpreted to include supply yards, salvage yards, or other items or materials considered outdoor storage.

E. Outdoor displays of tires shall be within ten feet of the building.

F. Outdoor displays shall be permitted in any yard, but shall not encroach into any public rights-of-way.

G. Outdoor displays shall present a neat and orderly appearance.

H. Outdoor displays shall be permitted only where such display is incidental to and supportive of the principal use of the structure located on the same parcel.

I. Each outdoor display location must be shown on the site plan at time of initial permitting of land development permits and building permits and shall not encroach on any required landscaping and parking areas.

J. These standards shall apply to outdoor seating areas at restaurants, coffee shops, etc.

(Ord. of 8-2-2017, § 1(4.2.37))

Sec. 4.2.38. Outdoor storage of materials, supplies, equipment or vehicles.

The following regulations shall apply to outdoor storage of materials, supplies, equipment, or vehicles. The term outdoor storage does not include outside display of merchandise; outdoor temporary sales or events; auto-

dealerships; salvage yards; junkyards; automobile wrecking yards; or storage yards for non-operable, confiscated, or dilapidated vehicles, equipment, or materials.

A. In the O-I, NS, and C-1 districts, accessory outdoor storage associated with the operation of a business is allowed subject to the following requirements:

1. The outdoor storage area shall be at least 50 feet from the street right-of-way.
2. The outdoor storage area shall be screened so as not to be visible at ground level from any adjoining property or public street.
3. The materials stored must be for use by the owner and not displayed for sale to third parties.
4. Fleet vehicles associated with the operation of the business are exempt from these requirements.

B. In the C-2, M, and M-2 districts, any outdoor storage areas (primary or accessory) are allowed subject to the following requirements:

1. The outdoor storage area shall be at least 50 feet from the street right-of-way.
2. The outdoor storage area shall be screened so as not to be visible at ground level from any adjoining property or public street.
3. A ten-foot-wide evergreen landscape buffer around the outside perimeter of the screened area shall be provided when adjacent to any property not zoned C-2, M, or M-2.
4. Fleet vehicles associated with the operation of a business are exempt from these requirements.

C. In residential districts, outdoor storage is allowed for items such as barbecue grills, lawn furniture, hoses, garden tools, lawn equipment and outdoor play equipment. Outdoor storage of the following are expressly prohibited:

1. Indoor appliances, whether or not in use;
2. Indoor furniture, whether or not used for outdoor leisure furniture; and
3. Items that are no longer used for their intended purpose; for example, a bike missing a tire, broken machinery, old appliances and scrap metal or other scrap materials.

(Ord. of 8-2-2017, § 1(4.2.38))

Sec. 4.2.39. Parking, commercial lot.

Commercial parking lots shall meet all the streetscape, landscaping, buffering and screening requirements provided in article 5 of this chapter.

(Ord. of 8-2-2017, § 1(4.2.39))

Sec. 4.2.40. Pawn shops.

The following provisions shall apply to pawn shops:

A. Pawn shops shall not be permitted within 1,000 feet of an existing pawn shop or check cashing facility. For the purpose of this section, distance shall be measured by the most direct route of travel on the ground.

B. The window and door area of any existing first floor facade that faces a public street or sidewalk shall not be reduced, covered, nor otherwise obscured, nor shall changes be made to such windows or doors that block one's view into the building at eye level from the street or sidewalk.

C. For new construction, at least 30 percent of the first floor facade that faces a public street or sidewalk shall be window or doors of clear or lightly tinted glass that allows a person to see into the building at eye level form the street or sidewalk.

D. The use of bars, chains, roll down doors or similar security devices placed on the outside of the building is prohibited.

E. The use of light emitting diodes, neon lights, and illuminated panels placed around the windows or the outside of the building is prohibited.

(Ord. of 8-2-2017, § 1(4.2.40))

Sec. 4.2.41. Personal care homes and child caring institutions.

A. *Personal care homes, general requirements.*

1. The owner of a group personal care home must be a person, sole proprietor, single owner Limited Liability Company, or a single owned business entity. The owner/operator must own and reside in the group personal care home.

2. Each personal care home must obtain all licenses and/or permits required by the State of Georgia before beginning to operate. Each personal care home licensed and/or permitted by the State of Georgia must display its state-issued and city-issued licenses and/or permits in plain view, visible from the front doorway of the facility.

3. No personal care home may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.

4. Personal care homes may apply for an FHA Accommodation Variance as provided for in section 7.5.9 of this chapter.

5. No city permit for the operation of the personal care home shall be transferable.

B. *Personal care home, group (four to six persons).*

1. Two (2) copies of complete architectural plans for the subject group personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.

2. Each group personal care home must provide at least four (4) parking spaces within a driveway, garage or carport and must comply with any applicable requirements in article 6 of this chapter.

3. The home must be at least 1,800 sq. ft in size.

4. In order to prevent institutionalizing residential neighborhoods, no group personal care home located in a residential zoning district may be operated within one thousand five hundred (1,500) feet of any other group personal care home. The one-thousand-five-hundred-foot distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two (2) tracts of land on which the group personal care homes are located.

C. *Personal care home, (seven (7) or more persons).*

1. Two copies of complete architectural plans for the subject community personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
2. Each personal care home must provide at least one-half (0.5) parking space for each employee and resident, and must comply with any applicable requirements in article 6 of this chapter.

D. *Child Care Home, and Child Care Facility, general requirements.*

1. The owner of a child care home or child care facility must be a sole proprietor, single owner Limited Liability Company, or a single owned business entity. The owner/operator must own and reside in the child care home, or child care facility.
2. No child care home, or child care facility shall be located within 1,500 feet of another child care home or child care facility. The one-thousand-five-hundred-foot distance requirement is measured by a straight line which is the shortest distance (i.e., “as the crow flies") between the property lines of the two (2) tracts of land on which the child care homes, or child care facilities are located.
3. Each child caring home, and child care facility must obtain all license(s) and/or permit(s) required by the State of Georgia in order to operate. Each child caring institution must display its state-issued and city-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.
4. Child Care homes and Child Care facilities are not permitted in Multi-family dwellings.
5. No child caring home, facility may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.
6. Each child care home, facility shall meet the minimum state requirements for playground size, location, and fencing.

E. *Child Care Homes, (up to five (5) children).*

1. Each group child caring institution must provide at least four (4) parking spaces within a driveway, garage or carport, and must comply with any applicable requirements in article 6 of this chapter.

F. *Child Care Facility, (six (6) or more children).*

1. Two (2) copies of the complete architectural plans of the subject community child caring institution, signed and sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
2. Each community child caring institution must provide at least one-half (0.50) parking spaces for each employee and resident, and must comply with any applicable requirements in article 6 of this chapter.

(Ord. of 8-2-2017, § 1(4.2.41)) [TMOD-21-002]

Sec. 4.2.42. Places of worship, convents; monasteries; temporary religious meetings.

The following subsections shall apply to places of worship, convents and monasteries and their related uses, buildings and structures located in a residential district:

A. Any building or structure established in connection with places of worship, monasteries or convents shall be located at least 50 feet from any residentially zoned property. Where the adjoining property is zoned for nonresidential use, the setback for any building or structure shall be no less than 20 feet for a side-yard and no less than 30 feet for a rear-yard.

B. The required setback from any street right-of-way shall be the front-yard setback for the applicable residential district.

C. The parking areas and driveways for any such uses shall be located at least 20 feet from any property line, with a visual screen, provided by a six-foot-high fence or sufficient vegetation established within that area.

D. Places of worship, convents and monasteries shall be located on a minimum lot area of three acres and shall have frontage of at least 100 feet along a public street.

E. Places of worship, convents and monasteries shall be located only on a thoroughfare or arterial.

F. Any uses, buildings or structures operated by a place of worship that are not specifically included within the definition of place of worship must fully comply with the applicable zoning district regulations, including, but not limited to, any requirement for a special land use permit.

(Ord. of 8-2-2017, § 1(4.2.42))

Sec. 4.2.43. Private elementary, middle and high school.

A. The minimum lot size for private elementary, middle and high school, for which an application for a special land use permit is filed, shall be as follows:

1. *Elementary school.* Two acres plus one additional acre for each 100 students based on the designed capacity of the school.

2. *Middle school.* Three acres plus two acres for each 100 students based on the designed capacity of the school.

3. *High school.* Five acres plus two acres for each 100 students based on the designed capacity of the school.

B. The minimum public road frontage for a private school is 200 feet.

C. Accessory ball fields shall be located at least 50 feet from a residential district or property used for a residential purpose.

D. A 50-foot undisturbed buffer is required if adjacent to a residential district or property used for a residential purpose.

(Ord. of 8-2-2017, § 1(4.2.43))

Sec. 4.2.44. Salvage yard, junkyard.

The following provisions shall be required for automobile salvage, wrecking yards and junkyards, primary or accessory:

A. The site shall be enclosed by a wall or opaque fence not less than eight feet in height.

B. No activity and no vehicle storage associated with such uses shall be conducted within 100 feet of any property zoned or used for residential purposes.

C. No activity and no vehicle storage associated with such uses, except for deliveries, pickups, and signs, shall be conducted within 50 feet of the street right-of-way.

D. No activity and no vehicle storage associated with such uses shall be conducted within 50 feet of the side and rear property lines, unless the adjacent property is zoned M or M-2.

E. The use shall not be permitted within 300 feet of any property used for a school, park, playground or hospital.

F. The sale of automobile parts removed from vehicles on the site shall be permitted.

G. A ten-foot-wide evergreen landscape buffer around the outside perimeter of the screened area shall be provided when adjacent to any property not zoned C-2, M, or M-2.

(Ord. of 8-2-2017, § 1(4.2.44))

Sec. 4.2.45. School, specialized and vocational.

Specialized and vocational schools must meet the applicable requirements of section 4.2.42 and, with the exception of facilities located in industrial districts, all activities shall occur within enclosed buildings.

(Ord. of 8-2-2017, § 1(4.2.45))

Sec. 4.2.46. Senior housing; independent and assisted living, nursing, and continuing care.

A. Primary uses. Senior housing facilities shall include either independent living units or assisted living units, or both. The independent living units may be either single-family (detached) residences or multifamily (attached) residences.

B. Accessory uses. Senior housing facilities shall include one or more of the following accessory uses:

1. Ancillary clinics, personal service, retail (e.g., pharmacy, hair salon, medical offices).
2. Central kitchen and dining facility.
3. Recreation and amenities.
4. Building/clubhouse for classes, meetings, concerts, storytelling, etc.
5. Adult daycare.

C. The maximum number of unrelated residents living independently (not requiring personal care) and at age 55 or older allowed in an independent living unit is one per bedroom.

D. Height standards. A senior living facility in which all of the occupied units are occupied by at least one senior aged 55 or older is authorized up to ten stories without a height SLUP in HR, MU-3, MU-4, and MU-5 zoning districts, subject to transitional height plane regulations in article 5 of this chapter.

E. Accessibility standards. All senior housing shall incorporate accessibility standards that meet certification requirements for easy living or universal design and/or include all of the following minimum features:

1. At least one step free entrance to the main floor at either the front or side of the structure; if only one is provided, it shall not be from a patio or raised deck.
2. Main floor of each unit shall include a kitchen, entertaining area, and master bedroom with full bathroom.
3. Every door on the main floor shall provide a minimum width of 34 inches of clear passage.
4. Blocking shall be installed in the master bath around toilet, tub, and shower for placement or future placement of grab bars.

F. Assisted living, nursing and continuing care facilities shall provide the following:

1. Primary and secondary support services: Approval for assisted living, nursing or continuing care facilities shall not be granted without documentation of provisions for the following primary and secondary services:

a. Primary services: on-site dining facility, 24-hour on-call medical services, on-site licensed practical nurse, on-call registered nurse, linen and housekeeping services, and transportation services.

b. Secondary services: physical therapy, medication administration program, care technician services (clothes changing, bathing, etc.), on-site personal care (barber, beauty salon), fitness center, library.

c. Access to outdoor seating and walking areas shall be provided as part of every assisted living, nursing or continuing care facility.

G. A senior housing facility shall only be approved after consideration of the use permit criteria, found in article 7 of this chapter and after consideration of the following:

1. Proximity and pedestrian access to retail services and public amenities.
2. Transportation alternatives.
3. Integration into existing neighborhoods through connectivity and site design.
4. Diverse housing types.
5. Site and building design that encourages social interaction.
6. Building design that meets easy living standards.

H. In addition, in consideration of the special land use permit or special administrative permit for a senior housing facility, the following criteria shall be evaluated based on the degree to which these elements provide transition from the proposed project to adjacent existing development:

1. Building height.
2. Landscaping.
3. Maximum lot coverage.
4. Setbacks from exterior property lines.
5. Site size.
6. Access to thoroughfare.

I. Submittal requirements. The following documents and information are required for submittals for rezoning, special land use permits, land development permits and building permits associated with proposed senior living facilities:

1. Survey and site plan (per established requirements in article 7 of this chapter).
2. Landscape and tree plan.
3. Number and location of residential units.
4. Types of units.
5. Amenities.
6. Institutional/nonresidential services.
7. Proximity to services such as health care, shopping, recreation, and transit.
8. Other documents addressing the approval criteria in subsections G. and H. of this section.

(Ord. of 8-2-2017, § 1(4.2.46))

Sec. 4.2.47. Service areas, outdoor, for nonresidential uses.

All service areas for nonresidential uses shall be established so as not to encroach into any yard requirement and shall be visually screened from adjacent residential properties.

(Ord. of 8-2-2017, § 1(4.2.47))

Sec. 4.2.48. Shelters for homeless or battered persons and transitional housing facilities.

A. No shelter for homeless or battered persons and no transitional housing facility shall be designed to exceed a capacity of 20 persons, unless accessory to a place of worship.

B. Prior to issuance of any approvals for operation of a shelter for homeless or battered person or transitional housing facility, the applicant for such approval shall disclose, in writing, the capacity and floor plan of the facility.

C. Such shelters shall comply with all applicable City of Stonecrest building, housing, and fire codes and shall fully comply with O.C.G.A. § § 30-3-1 et seq. before a certificate of occupancy can be issued. The loss of any state license or permit shall result in an automatic revocation of that city issued permit or license.

D. There shall be no use on the property other than the shelter, unless accessory to place of worship.

E. No new shelter or transitional housing facility shall be located within 1,000 feet of an existing shelter or transitional housing facility.

F. Shelters for homeless or battered persons and transitional housing facilities may apply for an FHA Accommodation Variance as provided for in section 7.5.9 if the residents would constitute disabled persons under the FHA.

(Ord. of 8-2-2017, § 1(4.2.48))

Sec. 4.2.50. Swimming pool, community.

Community swimming pools and their customary accessory buildings and structures shall be set back at least 15 feet from all side and rear lot lines and be enclosed by a wall or fence, not less than four feet nor more than six feet in height. Setback is measured from the pool decking except where established elsewhere.

(Ord. of 8-2-2017, § 1(4.2.50))

Sec. 4.2.51. Telecommunications towers and antennas.

See section 4.2.57, wireless telecommunications.

(Ord. of 8-2-2017, § 1(4.2.51))

Sec. 4.2.52. Tennis court, accessory to residential.

Tennis courts on individual residential lots shall be located in rear yards and shall be set back at least 15 feet from all side and rear property lines and be enclosed by a fence or freestanding wall at least eight feet high. Lighting for the private tennis court shall not be permitted, except by a special administrative permit.

(Ord. of 8-2-2017, § 1(4.2.52))

Sec. 4.2.53. Transit shelters.

A. Transit shelters may be located within a street right-of-way with permission from the director of planning or within an established yard fronting a street, but may not be located so as to obstruct the sight distance triangle per article 5 of this chapter.

B. A schematic plan of the transit shelter must be submitted and approved by the director of planning. The plan must include the following:

1. The location of the proposed shelter relative to street, property lines, and established building yards;
2. The size and design of the shelter, including front, side, and rear elevations, building materials, and any public convenience or safety features such as telephone, lighting, heating, or trash containers. Trash containers shall be provided for all transit shelters.

(Ord. of 8-2-2017, § 1(4.2.53))

Sec. 4.2.54. Truck stop.

The following provisions apply to truck stops whether designed as a primary use or accessory use as part of an industrial development:

A. Truck stops shall be permitted only on parcels of ten acres or more.

B. Entrance drives for truck stop facilities shall not be closer than 300 feet from any point of an interstate highway interchange.

C. Truck stops shall meet all state and federal environmental guidelines and requirements.

(Ord. of 8-2-2017, § 1(4.2.54))

Sec. 4.2.55. Urban garden or community gardens.

A. If an urban garden or community garden is greater than five acres, a special administrative permit is required. The permit shall expire 24 months from issuance, and such use shall thereafter only operate upon issuance of a new permit in the manner prescribed herein.

B. The following items shall be submitted with the special administrative permit application:

1. Name and current address of the applicant.
2. Address of the garden.
3. Proof of ownership or leasehold interest (for the duration of the special administrative permit) of the lot on which the garden is located; or a notarized letter signed by the property owners, or authorized property manager or agent, consenting to the placement of a garden on the lot.
4. A site plan showing:
   a. Property lines, street curbs, street names, and adjacent sidewalks as applicable.
   b. Plan layout and dimensions showing plot layout, structures and compost areas.
   c. Source of water, including any rain barrel locations.
5. Permit fee.

6. Other documents or information reasonably deemed necessary to determine the compatibility of the use identified in the permit application.

C. Sales of produce from the community garden site is allowed with the approval of a special administrative permit for temporary outdoor seasonal activities, provided the following regulations are met and documentation, where required, is provided with the application:

1. *Sales hours.* Garden sales and pickups may occur between 7:00 a.m. and 9:00 p.m. Set-up of sales operations shall begin no earlier than 6:00 a.m., and take-down and clean-up shall end no later than 10:00 p.m.

2. *Management.* An individual shall be present on-site during all sales hours to direct the vending operations.

D. The following requirements apply for all urban or community gardens, of any acreage. Gardens accessory to a residence are excluded from these standards.

1. Garden operating rules and regulations. A set of operating rules shall be established to address the governance structure of the garden, hours of operation, maintenance, and security.

2. Fencing. All fences shall comply with all applicable sections in the Code pertaining to the relevant zoning district in which the garden is located.

3. Synthetic fertilizers, pesticides, and herbicides. Gardens may submit documentation of organic methods. Alternatively, the garden shall be designed and maintained so that synthetic fertilizers, pesticides, and herbicides will not harm any adjacent property.

4. Waste removal. The garden shall recycle and remove waste in accordance with all applicable sections of the Code.

5. Parking requirements. The garden shall provide a minimum of one parking space per one-half acre of property on which the community garden is located during the hours of operation. The parking requirement may be met by providing either on-site parking or off-site parking within 500 feet of the property line of the property on which the community garden is located.

6. Permitted structures. The following structures are permitted in association with an urban or community garden:

a. Greenhouses, hoop houses, cold-frames and similar structures used to extend the growing season.

b. Storage buildings limited to tool sheds, shade pavilions, barns, restroom facilities with composting toilets, and planting preparation houses.

c. Benches, bike racks, raised and accessible beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, chicken coops, beehives and children's area.

7. Use of machinery. Use of machinery and equipment is allowed, but use of machinery is limited to the hours of 8:00 a.m. to 8:00 p.m. When not in use, all such machinery and equipment (with the exception of machinery and equipment that is:

(i) Intended for ordinary household use;

(ii) Borrowed or rented for a period not to exceed seven days; or

(iii) Located in an urban garden in Light Industrial District or Heavy Industrial District);

shall be stored so as not to be visible from any public street, sidewalk, or right-of-way.

8. Buildings. Buildings shall be set back a minimum of ten feet from property lines.

9. A minimum of 20 feet of lot frontage along a public right-of-way, or an access easement not less than ten feet wide to provide vehicular access in case of an emergency is required.
10. Driveways and parking may be surfaced with pervious material, including gravel.
11. The site should be designed and maintained so that water does not cause erosion or allow sedimentation on adjacent property.
12. No fencing shall exceed six feet in height. Fencing along the front shall not exceed four feet.
13. Compost and waste collection bins must be located in the rear yard (if a building exists) and be placed at least ten feet from any property line.
14. One sign located on a community garden site is permitted, provided that it shall not exceed six square feet of sign area, excluding the base, and shall not exceed four feet in height. Garden signs shall not be illuminated. Internally located directional, instructional, educational and labeling signs are allowed without a permit.
15. Hours of operation (other than sales) shall be allowed from dawn until dusk. No lighting is allowed.
16. Community gardens must comply with supplemental regulations regarding livestock, bee keeping, and temporary, seasonal sales or events, as applicable.

(Ord. of 8-2-2017, § 1(4.2.55))

Sec. 4.2.56. Utility structure necessary for transmission or distribution of service.

Any utility structure necessary for the transmission or distribution of service, whether an authorized use or a permitted use, shall provide security fencing and landscaping to lessen the visual impact of such structures on adjoining property. Noise resulting from temporary construction activity pursuant to a valid development or building permit, that is not a part of the usual and ongoing operation of the use on the site, that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of this section. Such structures shall be located only within the buildable area of any lot where permitted or authorized by zoning and shall meet all requirements of the district in which such structure is located.

(Ord. of 8-2-2017, § 1(4.2.56))

Sec. 4.2.57. Wireless telecommunications

A. *Purpose and goals.* The purpose of this section is to ensure that residents, public safety operations, and businesses in City of Stonecrest have reliable access to wireless telecommunications networks and state of the art communication services while also ensuring that this objective is achieved in a manner consistent with City of Stonecrest's planning and zoning standards, to maintain to the extent possible the aesthetic integrity of the community, and in accordance with applicable state law and with federal law, regulations, and guidance, including the Telecommunication Act of 1996, which preserved, with certain limitations, local government land use and zoning authority concerning the placement, construction, and modification of wireless telecommunication facilities. The goals of this section are:

1. To ensure City of Stonecrest has sufficient wireless infrastructure to support its public safety communications throughout the city;
2. To provide access to reliable wireless telecommunication services by residents, businesses, and visitors throughout all areas of the city;
3. To minimize the total number of support structures within the city by promoting and encouraging the joint use of new and existing wireless support structures among wireless service providers;

4. To encourage the location of wireless support structures, to the extent possible, in areas where adverse impacts on the community will be minimized;
5. To encourage the design and construction of towers and antennas to minimize adverse visual impacts;
6. To avoid potential damage to property caused by wireless communications facilities by ensuring that such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or when determined to be structurally unsound;
7. To preserve those areas of scenic or historic significance;
8. To facilitate implementation of an existing tower map for City of Stonecrest;
9. To promote and encourage the joint use of new and existing tower sites among service providers;
10. To enhance the ability of the providers of wireless communications services to deliver such services to the community effectively, safely, and efficiently;
11. To be consistent with all overlay districts within the city, to the extent practicable and so as to not to conflict with this section;
12. To encourage the location of telecommunication facilities, including all Telecommunication Support Structures, Equipment and/or Antenna(s) in nonresidential areas;
13. To promote health, safety, and general welfare of the public by regulating the siting of and establishing development standards for wireless facilities and related wireless support structures, equipment, and infrastructure; and
14. To follow and promote policies embodied in Section 704 of the Federal Telecommunications Act of 1996 and O.C.G.A. §36-66B-1, et. seq., in such manner as not to unreasonably discriminate between providers of functionally equivalent wireless services or to prohibit or have the effect of prohibiting personal wireless services in the City.

B. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning. Words not defined herein shall be construed to have the meaning given by common and ordinary usage and shall be interpreted within the context of the sentence and section in which they occur:

Accessory equipment (or Equipment) means any device or telecommunications infrastructure component serving or being used in conjunction with the delivery or transmission of all types of Telecommunication Services.. This equipment includes, but is not limited to, Antennas, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures, small cell devices and similar wireless transmitters or conduits

Administrative approval means zoning approval that the director of planning is authorized to grant in the form of a special administrative permit.

Administrative review means evaluation of an application by the director of planning in connection with the review of an application for a building permit.

Alternative Telecommunication Support Structure means clock towers, bell towers, water tanks, church steeples, light/power poles, electric transmission support structures, man-made trees and similar natural or man-made alternative-design mounting structures that camouflage or conceal the presence of Antennas or telecommunication support structures. An Alternative Telecommunication Support Structure may include a pre-existing building and outdoor advertising sign.

Antenna means any communications equipment that transmits, receives, or transmits and receives electromagnetic radio signal used in the provision of all types of wireless communication services, including, but not limited to, cellular, paging, personal communications services (PCS) or microwave communications. Such

structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips. The term "antenna" does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

Applicant means a person or entity with an application for an administrative or special use permit for the erection of, Modification of, or Co-location of Telecommunication Facilities in the City, whether located on private lands or in a Public Right-of-Way. For purposes of this section, this term shall include any Co-Applicant or party with an ownership interest in a proposed or affected existing Telecommunication Facility, including, but not limited to, property owners, telecommunication support structure owners, and any proposed tenants for the facility.

Application means a formal request submitted to City of Stonecrest to construct, collocate or modify a Telecommunication Facility, Telecommunication Support Structure or Alternative Telecommunication Support Structure..

Attached wireless telecommunications facility means an antenna or antenna array that is secured to an existing building or structure (except an antenna support structure) with any accompanying pole or device which attaches it to the building or structure, together with transmission cables and an equipment cabinet, which may be located either on the roof or inside/outside of the building or structure, and do not significantly change the profile of the existing structure and are not readily noticeable to the untrained eye. Attached wireless telecommunications facilities may be concealed or contained in an architectural feature and should complement the existing theme and rhythm of the structure. An attached wireless telecommunications facility is considered to be an accessory use to the existing principal use on a site.

Carrier on wheels or *cell on wheels (COW)* means a portable self-contained telecommunications facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure, though it may use a separate temporary mast for the placement of antennas.

Collocate or *collocation* means the placement or installation of new wireless facilities on previously approved and constructed Telecommunication Support Structures or Alternative Telecommunication Support Structures, including monopoles and towers, both self-supporting and guyed, in a manner that negates the need to construct a new freestanding Telecommunication Support Structure or Alternative Telecommunication Support Structure. Such a term includes the placement of accessory equipment within an existing equipment compound.

Commission means the Georgia Public Service Commission

Distributed antenna systems (DAS) means a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure. A DAS is considered a type of Small Cell Installation.

Equipment compound means an area surrounding or adjacent to the base of a wireless support structure within which accessory equipment is located.

FAA means the Federal Aviation Administration.

Fall zone means the maximum distance from its base a Telecommunication Support Structure or Alternative Telecommunication Support Structure will collapse in the event of a failure, usually less than the total height of such structure. This distance must be defined by a professional civil or structural engineer licensed in the State of Georgia.

FCC means the Federal Communications Commission.

Geographic search area (GSA) means a geographic area designated by a wireless provider or operator as the area within which a new telecommunication facility must be located to serve an identified system need, produced in accordance with generally accepted principles of wireless engineering.

Grantee means an Applicant in receipt of written authorization from the City to erect, operate, and/or maintain Telecommunication Facilities in the Public Right-of-Way.

Guyed Structure means a style of Telecommunication Support Structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.

Height means the distance measured from ground level to the highest point on a Telecommunication Support Structure or Alternative Telecommunication Support Structure, including all Antennas or lighting rods.

Modification means the improvement, upgrade, expansion, or replacement of wireless facilities on an existing Telecommunication Support Structure or Alternative Telecommunications Support Structure or within an existing equipment compound, including improvements, upgrades, expansions, or the replacement of any existing telecommunication Equipment, conduit, or infrastructure apparatus, provided such improvement, upgrade, expansion, or replacement does not increase the Height of the Telecommunication Support Structure *Monopole* means a single, freestanding Telecommunication Support Structure that consists of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of support structure is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on the roof of a building.

Ordinary maintenance means action taken to ensure that telecommunications facilities and support structures are kept in good operating condition. Ordinary maintenance includes inspections, testing and modifications that maintain functional capacity, aesthetic and structural integrity; for example the strengthening of a support structure's foundation, or of the support structure itself. Ordinary maintenance includes replacing antennas of a similar size, weight, shape and color and accessory equipment within an existing telecommunications facility, and relocating the antennas of approved telecommunications facilities to different height levels on an existing Telecommunication Support Structure or Alternative Telecommunication Support Structure upon which they are currently located. Ordinary maintenance does not include modifications.

Provider means any legal entity authorized and/or engaged in the provision of Telecommunication Services.

Public Right(s)-of-Way means and includes all public streets and utility easements now or hereafter owned by or granted to the City, but only to the extent of the City's right, title, interest or authority to authorize or permit an Applicant to occupy and use such streets and easements for the erection and operation of Telecommunication Facilities.

Public Street means a street, road, highway, boulevard, freeway, lane, path, alley, court, sidewalk, parkway, or drive which is owned by a public entity or to which a public entity has an easement for street purposes, and with respect to which, and to the extent that, the City has a right to grant use of the surface of and space above and below in connection with an authorized Provider of Telecommunication Services and/or owner of Telecommunication Facilities.

Small Cell or Small Cell Installation means an antenna facility that meets the following conditions:

(i) Mounted on structures 50 feet or less in Height, including their antennas; or

(ii) Mounted on structures no more than 10 percent taller than other adjacent structures; or

(iii) Do not extend existing structures on which they are located to a Height of more than 50 feet or by more than 10 percent, whichever is greater;

AND

(iv) Each antenna, excluding associated Equipment, is no more than three cubic feet in volume; and

(v) All wireless equipment associated with the structure, including any pre-existing associated Equipment on the structure, is no more than 28 cubic feet in volume.

Substantial Increase in Size means:

(i) Any increase in an existing Telecommunication Support Structure's Height by more than 10% or 10 feet (on private property) or 20 feet (on Rights-of-Way), whichever is greater, or width of the added appurtenances more than 20 feet on property or 6 feet on the Right-of-Way, as previously approved by the City or County, as a result of Modification or Collocation of Antennas or similar telecommunication Equipment;

(ii) An increase in the dimensions of a Telecommunication Facility's Equipment compound as approved by the City or County as a result of Modification or Collocation by more than 10%, inclusive of the increase due to placement of an additional Equipment compound or, if in the Right-of-Way, an installation of any Equipment compound where none existed prior to the Modification or Collocation;

(iii) A Modification or Collocation that will, as proposed, violated condition(s) of approval of an existing Telecommunication Facility, including any subsequently adopted amendments;

(iv) A Modification or Collocation of Equipment that, as proposed, will exceed the applicant weight limits for an existing Telecommunication Facility, as approved by the City or County;

(v) The addition of more than four (4) new Equipment cabinets or one (1) new shelter;

(vi) The excavation outside existing leased or owned property and current easements; and/or

(vii) For concealed or stealth-designed facilities, if a Modification or Collocation would defeat the concealment elements of the Telecommunication Facility or base station.

Telecommunications facility means any physical component utilized in the provision of all types of Telecommunications Services, including all Telecommunication Support Structures, Alternative Telecommunication Support Structures, Antennas, Equipment, infrastructure apparatus, based support mechanism, accessory equipment, towers, Monopoles, Small Cell Installations, and physical attachments necessary for the provision of such Telecommunication Services.

Telecommunication Facility Owner(s) means any person or entity that directly or indirectly owns, controls, operated or manages Telecommunication Facilities, including any related Equipment or property within the City, used or to be used for the purpose of offering or transmitting signals used in the provision of any Telecommunication Services.

Telecommunication Service(s) means the transmittal of voice, data, image, graphic, and video programming between or among points by wire, cable, fiber, optics, laser, microwave, radio, satellite, or other facilities. This term shall include commercial mobile radio services, unlicensed wireless services, and common carrier wireless exchange services as identified in the Telecommunications Act of 1996.

Telecommunication Support Structure means a freestanding structure that is designed to support or capable of supporting and constructed primarily for the purpose of supporting telecommunication Equipment; this term shall include self-supporting, guyed, and Monopole support structures. The term includes, and is not limited to, radio and television transmission telecommunication support structures, microwave telecommunication support structures, common-carrier telecommunication support structures, cellular telecommunication support structures, man-made trees, Alternative Telecommunication Support Structures, and other similar structures. In the Public Right-of-Way, only Telecommunication Support Structures erected for the installation of Small Cells shall be permitted.

Utility means any person, corporation, municipality, county, or other legal entity or department thereof or entity related or subordinate thereto, providing retail or wholesale electric, data, cable, or Telecommunication Services, or otherwise subject in any way to the lawful jurisdiction of the Commission.

Visual Quality means the appropriate design, arrangement, and location of Telecommunication Support Structures in relation to the built or natural environment to avoid abrupt or severe differences.

C. *Approvals required for telecommunications facilities.* It shall be unlawful for any person to erect, install, construct, enlarge, move, alter or convert any Telecommunication Support Structure, Alternative Telecommunication Support Structure or antenna or cause the same to be done within City of Stonecrest except in accordance with the provisions of this section. In addition, except as otherwise specifically provided herein, all support structures and antennas shall also comply with all applicable regulations for the zoning district in which said support structures or antenna is located and any permits authorizing said support structures or antennas.

1. All telecommunications facilities and support structures shall require the issuance of a building permit in compliance with the administrative review processes described in this chapter. The building permit for telecommunications facilities and support structures shall be in addition to either a special administrative permit or a special land use permit if required.

2. Telecommunications facilities and support structures permitted upon issuance of a special administrative permit by the director of planning shall be considered in accordance with the standards set forth in this chapter. A building permit for a telecommunications facilities and support structures may be applied for and considered contemporaneously with an application for a special administrative permit.

3. Telecommunications facilities and support structures not permitted by a special administrative permit shall be permitted upon the granting of a special land use permit by the City of Stonecrest City council in accordance with the standards set forth in this chapter, before submittal for administrative review (building permit).

D. *Exempt.* Ordinary maintenance of existing telecommunications facilities and support structures shall be exempt from zoning and permitting requirements. In addition, the following facilities are not subject to the provisions of this section:

1. Antennas used by residential households solely for broadcast radio and television reception;

2. Satellite antennas used solely for residential or household purposes;

3. Telecommunication facilities and support structures located on city-owned property;

4. COWs placed for a period of not more than 120 consecutive days at any location within City of Stonecrest after a declaration of an emergency or a disaster;

5. Television and AM/FM radio broadcast towers and associated facilities; and

6. Small Cell facilities when located within a building interior.

E. *Collocation of Telecommunications facilities permitted by Special Administrative Permit review.*

1. Collocation.

a. Collocated telecommunications facilities are permitted in all zoning districts, when located on any existing structure fifty (50) feet in height or less) subject to administrative review in accordance with the requirements of this chapter.

b. Collocated telecommunication facilities may exceed the maximum building height limitations within a zoning district, above the roof line of a flat roof or the top of a parapet wall to which they are attached, but shall be camouflaged or screened with an architectural feature compatible with the building. Any collocation that causes a substantial increase in size of the Telecommunication Facility and/or supporting structure shall be permitted only upon a demonstration deemed sufficient to the director of planning that such collocation will obviate the need for an erection of a new telecommunications support structure or alternative support structure in the same geographic search area (GSA), as well as all other applicable review criteria as stated in this section.

2. The Special Administrative Permit must follow the application requirements in subsection "F" below. The director of planning must issue a written decision approving, approving with conditions, or denying the application for Special Administrative Permit for collocation within 90 days of submission of the initial application or within sixty (60) days if the proposed Collocation does not substantially increase in size the existing Telecommunication Facility or is a Collocated Small Cell Installation.

F. Erection of new Small Cell Installations *and support structures permitted by special administrative permit.*

1. *New support structures.*

   a. New Telecommunication Support Structures and Alternative Telecommunication Support Structures for Small Cell Installations shall be permitted in all zoning districts and Public Rights-of-Way by special administrative permit.

   b. New Telecommunication Support Structures and Alternative Telecommunication Support Structures, from fifty (50) feet up to 199 feet in height shall be permitted by special administrative permit in the OI, OD, C-1, C-2, M and M-2 zoning districts.

   c. Attached wireless telecommunications (AWT) Antennas are allowed in single-family residential districts, RE, RLG, R-100, R-85, R-75, R-60 and RSM. An AWT shall be located only on property that is used for nonresidential purposes, and attached to nonresidential structures. The height of the facility shall be measured to include the height of the structure. These facilities shall be permitted by special administrative permit in accordance with the requirements of this chapter.

2. *Cell on wheels/carrier on wheels (COW) facilities.* The use of COWs shall be permitted in any zoning district after special administrative permit approval and administrative review (building permit). COWs may be placed for a period of not more than 120 consecutive days at any location within unincorporated City of Stonecrest if used during a non-emergency or special event. Placement of a COW for the purpose of providing wireless telecommunication service in connection with a special event, subject to the COWs compliance with all federal requirements, may be up to 45 consecutive days before such special event, for the duration of the event, and for up to 14 consecutive days thereafter. After a declaration of an emergency or disaster by federal or state government, by City of Stonecrest, or a determination of public necessity by the director of planning, COWs are authorized without permitting.

4. *General standards, design requirements, and miscellaneous provisions.* Unless otherwise specified herein, all telecommunications facilities and support structures permitted by special administrative permit approval are subject to the applicable general standards and design requirements contained herein.

5. *Special administrative permit review process.* All special administrative permit applications must contain the following:

   a. The special administrative permit application form signed by the applicant.

   b. A copy of a lease or letter of authorization from the owner of the property on which the telecommunications facility and support structure are or proposed to be located evidencing the applicant's authority to pursue the application. Such submissions need not disclose the financial lease terms.

   c. Site plans detailing proposed improvements complying with the city's site plan requirements. Site plans must depict all improvements and satisfaction of all applicable requirements contained in this Code, including property boundaries, setbacks, topography, elevation sketch, landscaping, fencing, and dimensions of improvements.

   d. Proof of and/or certified copies of any required approval, registration, and/or licensure from the Commission for any Provider of Telecommunication Services to provide such services in the State

of Georgia, where applicable, and any other required FAA, FCC, or otherwise state and federal approval, registration, and/or licensure required to erect, Modify, or Collocate the proposed Telecommunication Facility.

e. An affirmative declaration that the Applicant shall comply with all applicable federal, state, and local laws and regulations, including all applicable provisions of the City's Code of Ordinances and conditions imposed by the City regarding the erection and maintenance of Telecommunication Facilities.

f. In the case of a new support structure:

i. A statement indicating why collocation could not meet the applicant's requirements. Such statement may include justifications, including why collocation is either not reasonably available or technologically or structurally feasible, as applicable, to document the reason why collocation is not a viable option.

ii. The applicant shall provide a list of all the existing structures considered by it as alternatives to the proposed location. The applicant shall provide a written explanation why the alternatives considered were either reasonably unavailable, or technologically or structurally infeasible.

iii. Applications for new support structures with accompanying telecommunications facilities shall be considered together as one application requiring only a single application fee.

iv. A list of all antennas and support structures in City of Stonecrest in which the applicant has an ownership interest or use agreement. The list shall include the location, the type of structure, the height of the structure, the number of facilities located on the same structure, and the number of facilities for which collocation would be available under existing conditions.

v. A color propagation map demonstrating the existing coverage of all telecommunications facilities owned and proposed by the applicant within the GSA.

vi. Current and proposed coverage map for the proposed Telecommunication Facility.

vii. A structural integrity analysis of a support structure shall be included where antennas and equipment will be attached to such support structure, or to establish the fall zone. Such certification and structural integrity analysis shall bear the signature and seal of a professional engineer licensed in the State of Georgia.

viii. A special administrative permit application fee as listed in City of Stonecrest's published fee schedule. Such fee for Small Cell Installations shall not exceed $500 for the first five locations submitted concurrently, and $100 for each additional location thereafter.

g. Any other information as the director of planning may require to demonstrate full compliance with this section, all other ordinances of the City and all applicable requirements of state or federal law.

h. Additional Requirements for Right-of-Way Applications. Applicants seeking to Modify, Collocate or erect new Small Cell Installations on any Public Right-of-Way within the municipal limits of the City shall provide the following in addition to the requirements of this subsection:

(i) Proof of adequate insurance or self-insurance of the Applicant to defend and cover all claims of third parties against the Applicant and/or City personnel related to the use of the Public Right-of-Way;

(ii) A description of the Applicant's service area, where applicable, which shall be sufficiently detailed so as to allow the City to respond to subscriber or end-user inquiries. For the

purpose of this paragraph, an Applicant providing Telecommunication Services may, in lieu of or as a supplement to a written description, provide a map on 8 ½ inch by 11 inch paper that is clear and legible and that fairly depicts the service area within the municipal limits of the City. If such service area is less than the municipal limits of the City, the map shall describe the boundaries of the geographic area to be served in clear and concise terms;

(iii) Proof of an executed Right-of-Way Use Agreement with the City or otherwise an existence of a valid telecommunications franchise to locate utilities in the Public Rights-of-Way of the City, as applicable, in accordance with State law.

5. *Procedure.*

a. Within 30 days of receipt of an application for special administrative permit, or within ten (10) days if for Small Cell Installations, the director of planning shall either:

(1) Inform the applicant in writing of the specific reasons why the application is incomplete and does not meet the submittal requirements; or

(2) Deem the application complete.

If the director informs the applicant that its application is incomplete within 30 days, the overall timeframe for review is suspended until such time that the applicant provides the requested information necessary to complete the application. In case of Small Cell Installations, the first subsequent resubmittal shall restart the review period anew.

b. An applicant that receives notice of an incomplete application may submit additional documentation to complete the application. An applicant's failure to complete the application within 60 days after receipt of written notice of incompleteness shall result in the withdrawal of the application without prejudice. An application withdrawn without prejudice may be resubmitted as a new application upon the filing of a new application fee.

c. The director of planning must issue a written decision approving, approving with conditions, or denying the application for the erection of a new Telecommunication Support Structure or Alternative Telecommunication Support Structure within 150 days of the submission of the initial application , or ninety (90) days in the case of application for the erection of a new Small Cell Installation, unless the director of planning notified applicant in writing that its application was incomplete within 30 days of filing. If so, the remaining time from the applicable total review time is suspended until the applicant provides the missing information.

d. Upon receipt of a completed application, the director of planning shall post a sign on the subject property with information concerning the name of the applicant, a short summary of what the application is requesting, and a deadline for decision. The same information shall also be published in the City's legal organ in the next available edition after receipt of a completed application.

G. *Special land use permit review process.*

1. Erection of a new telecommunications facility, and new support structure, located in a medium to high density residential district, or NS and OIT, from 51 to 150 feet in height (except for an attached wireless telecommunication facility) shall meet the requirements of this chapter and shall be approved by a special land use permit subject to:

a. The submission requirements below;

b. The applicable standards below; and

c. The requirements of the special land use permit general requirements provided in this chapter.

2. Submission requirements for special land use permit applications.

a. All special land use permit applications for telecommunications facilities must contain the following:

i. The special land use permit application form signed by applicant.

ii. A copy of a lease or letter of authorization from the property owner evidencing applicant's authority to pursue the special land use permit application. Such submissions need not disclose the financial lease terms.

iii. A legal description of the parent tract, the leased parcel and any associated easements, as applicable.

iv. A scaled site plan clearly indicating the location, type and height of the proposed Telecommunication Support Structure or Alternative Telecommunication Support Structure to be utilized, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines and residential structures (if located on adjacent property), elevation drawings of the proposed support structure, design of the support structure and facility and how visible obtrusiveness is reduced, accessory structure and any other structures, topography on-site and of surrounding property, existing streams, wetlands and floodplains, and other information deemed necessary by the director of planning to assess compliance with this section.

v. A letter of intent providing a detailed narrative regarding the proposed facility, including the needs it is intended to meet, the area to be served, design characteristics, collocation alternatives, nature of uses on adjacent properties, and any other information deemed necessary by the director of planning to provide an adequate description of the proposal.

vi. A radio frequency study including a description of the area of coverage, capacity and radio frequency goals to be served by the proposed facility, and the extent to which such proposed facility is needed for coverage or capacity needs. The study shall include all planned, proposed, in-service or existing sites operated by the applicant in or near the boundaries of and a color propagation study demonstrating the existing coverage of all telecommunications facilities owned and proposed by the applicant within the GSA. The study shall also demonstrate that the proposed height is the minimum necessary to achieve the required coverage. The study shall bear the signature of a qualified radio frequency engineer and certify that all emissions from any Antenna on the Telecommunication Support Structure will comply with FCC frequency emissions standards..

vii. Certification that the telecommunications facility, the foundation and all attachments are designed and will be constructed to meet all applicable local codes, ordinances, and regulations, including any and all applicable city, state and federal laws, rules, and regulations and will not interfere with public safety communications or the usual and customary transmission or reception of radio, television, or other Telecommunication Services enjoyed by adjacent properties.

viii. Line-of-sight diagram or photo simulation, including a balloon test, showing the proposed support structure set against the skyline and viewed from at least four directions within the surrounding areas.

ix. A list of all Telecommunication Support structures and Alternative Telecommunications Support Structures in the City of Stonecrest in which the applicant has an ownership interest or use agreement. The list shall include the location, the type of structure, the height of the structure, the number of facilities located on the same structure, and the number of facilities for which collocation would be available under existing conditions.

x. A statement indicating why collocation is not feasible. Such statement shall include:

(1) Such technical information and other justifications as are necessary to indicate the reasons why collocation is not a viable option; and

(2) A list of the existing structures considered by the applicant as possible alternatives to the proposed location and a written explanation why the alternatives considered were structurally deficient or otherwise unsuitable.

xi. A statement certifying that the support structure will be made available for collocation to other service providers at commercially reasonable rates.

xii. Notification to surrounding property owners as required by this chapter.

xiii. A special land use permit application fee as listed in City of Stonecrest's published fee schedule.

ix. Proof of and/or certified copies of any required approval, registration, and/or licensure from the Commission for any Provider of Telecommunication Services to provide such services in the State of Georgia, where applicable, and any other required FAA, FCC, or other State and Federal approval, registration, and/or licensure required to erect the proposed new Telecommunication Support Structure or Alternative Telecommunication Support Structure.

3. *Procedure.*

a. Within 30 days of the receipt of an application for special land use permit, the director of planning shall either:

(1) Inform the applicant in writing of the specific reasons why the application is incomplete and does not meet the submittal requirements; or

(2) Deem the application complete.

If the director informs the applicant in writing that its application is incomplete within 30 days, the overall timeframe for review is suspended until such time that the applicant provides the requested information necessary to constitute a complete application.

b. If an application is deemed incomplete, the applicant may submit additional materials to complete the application. An applicant's unreasonable failure to complete the application within 60 days after receipt of written notice of incompleteness shall result in the withdrawal of the application without prejudice. An application withdrawn without prejudice may be resubmitted upon the filing of a new application fee.

c. A complete application for a special land use permit shall be scheduled for a hearing date as required by City of Stonecrest.

d. The posting of the property and public notification of the application shall be accomplished in the same manner required for any special land use permit application under this chapter.

e. The director of planning must provide the applicant with a written decision of the city council approving, approving with conditions, or denying the request within 150 days of the submission of the initial application unless the director of planning notified applicant in writing that its application was incomplete within 30 days of filing. If so, the remaining time from the 150-day total review time is suspended until the applicant provides the missing information in writing.

H. *General standards and design requirements.*

1. *Design.*

a. Support structures shall be subject to the following:

i. Designed to accommodate a minimum number of collocations based upon their height, as follows:

(i) Support structures less than 100 feet in height shall be designed to support at least two antenna arrays;

(ii) Support structures between 100 and 150 feet shall be designed to support at least three antenna arrays; and

(iii) Support structures greater than 150 feet in height shall be designed to support at least four antenna arrays.

ii. The compound area surrounding the support structure must be in the minimum size to accommodate accessory equipment for the appropriate number of collocations.

iii. Property leased or purchased for the purpose of a telecommunication facility is not required to have minimum road frontage or lot area of the zoning district. However, the applicant must demonstrate access to a public road via an access easement.

b. Upon request of the applicant, the director of planning may waive the requirement that new support structures accommodate the collocation of other service providers if the director of planning determines that collocation at the site is not essential to the public interest and that the construction of a shorter support structure with fewer antennas would minimize adverse impact on the community. Additionally, the director may reduce the required size of the compound area if it can be demonstrated that the proposed compound is of sufficient size to accommodate the required number of collocations.

2. *Setbacks.*

a. Property lines. Unless otherwise stated herein or on public Right-of-Way, new support structures shall be set back from all property lines a distance of the fall zone plus 20 feet, or if adjacent to property zoned residential, the greater of:

(a) The fall zone plus 20 feet; or

(b) 100 feet.

b. Residential dwellings. There shall be no setback requirement from dwellings located on the same parcel as the proposed structure.

c. Unless otherwise stated herein, all accessory equipment shall be set back from all property lines in accordance with the minimum setback requirements in the underlying zoning district and any overlay district. Accessory equipment associated with an existing or replacement utility pole shall not be subject to setback requirements.

d. The zoning board of appeals shall have the authority to vary any required setback upon the request of the applicant if:

i. The applicant provides a letter stamped by a certified structural engineer licensed in the State of Georgia documenting that the proposed structure's fall zone is less than the requested setback; and

ii. The proposed telecommunication support structure or alternative support structure is consistent with the purposes and intent of this division.

3. *Height.*

a. In nonresidential districts, support structures shall be designed to be the minimum height needed to meet the service objectives of the applicant, but in no event shall exceed 199 feet in height as measured from the base of the structure to its highest point, excluding any appurtenances.

b. In medium and high density residential districts, stealth support structures shall not exceed 150 feet. Stealth support structures shall be measured from the base of the structure to the top of the highest point, excluding appurtenances. Any proposed stealth support structure shall be designed to be the minimum height needed to meet the service objectives of the applicant.

c. In all zoning districts, the zoning board of appeals shall have the authority to vary the height restrictions listed in this section upon the request of the applicant and a satisfactory showing of need for a greater height. With its variance request the applicant shall submit such technical information or other justifications as are necessary to document the need for the additional height to the satisfaction of the zoning board of appeals.

4. *Aesthetics.* Amateur radio Telecommunication Support Structures, or receiver-only Antennas, shall not be subject to the provisions of this subsection unless such structures exceed thirty-five (35) feet in Height.

a. Lighting and marking. Telecommunications facilities or support structures shall not be lighted or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA). If lighting is required, the City may review the available federally-approved lighting alternatives and approve the design that would cause the least disturbance to the surrounding area.

b. Signage. Signs located at the telecommunications facility shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information as required by government regulation. Commercial advertising is strictly prohibited.

c. Landscaping. The visual impacts of a Telecommunication Facility and support structure shall be mitigated by landscaping. Unless located in heavily wooded areas, or on Public Rights-of-Way, Telecommunications Facilities shall be landscaped with a landscape buffer which effectively screens the view of the facility from all sides. The use of existing plant material and trees shall be preserved to the maximum extent practicable and may be used as a substitute for, or in supplement towards, meeting landscaping requirements.

d. Landscape buffers shall be a minimum of ten feet in width and located outside the fenced perimeter of the Telecommunications Facility compound.

e. All landscaping shall be of the evergreen variety and shall conform to the city's buffer standards.

f. Telecommunication Support Structures and Antennas shall either maintain a galvanized steel outer shell or, subject to any applicable standards of the FAA and FCC, shall be painted a neutral color so as to reduce visual obtrusiveness.

g. All Telecommunication Support Structure sites and related structure designs shall use materials, colors, textures, screening, and landscaping that will blend the Telecommunication Facilities to the natural setting and surrounding environment.

h. For Antennas erected on an Alternative Telecommunication Support structure, the Antenna and supporting electrical and mechanical ground Equipment shall be a neutral color so as to make the Antenna and related Equipment as visually unobtrusive as is reasonable.

i. Telecommunication Support Structures in the Public Right-of-Way must be substantially similar in appearance to adjacent light poles or other similar structures so as to blend in to same, including any design requirements of the adjacent zoning or overlay district. All Equipment associated with

a Telecommunication Support Structure in the Public Right-of-Way that are not placed on the Structure itself must either be located on adjacent private property, buried underground, or both. Any such Equipment placed on the Structure itself must be on the side of the Structure facing away from the Public Right-of-Way, if at all physically possible.

5. *Accessory equipment, including any buildings, cabinets or shelters.*

   a. Accessory equipment shall be used only to house equipment and other supplies in support of the operation of the on-site telecommunication facility or support structure.

   b. Any equipment not used in direct support of such on-site operation shall not be stored on the site.

   c. Accessory equipment must conform to the setback standards of the applicable zoning districts. In the situation of stacked equipment buildings, additional screening/landscaping measures may be required by the director of planning in order to accomplish the purposes and goals of this section.

6. Stealth design telecommunications facilities.

   a. Any telecommunications facility that otherwise complies with the requirements of this chapter, including procedural approvals, may be designed as a stealth telecommunication facility.

   b. Stealth telecommunication facilities are mandatory in medium and high-density residential districts and shall not exceed one hundred fifty (150) feet in height. All towers in medium and high-density residential districts must be approved by a special land use permit.

   c. Antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer.

I. *Sound provision.* No sound emanating from the facility generator during normal operations shall be audible above 70 decibels which would allow normal conversation within 15 feet of the compound.

J. Pre-existing Facilities. Any pre-existing Telecommunication Facility which does not meet the requirements of this section shall be considered nonconforming and subject to the nonconforming use provisions of the zoning ordinance; provided, however, that the installation of a new Antenna on a pre-existing Telecommunication Support Structure shall not constitute the expansion of a nonconforming use provided that (a) the new Antenna does not result in a Substantial Increase in Size and (b) the resulting Height of the pre-existing Telecommunication Support Structure is less than the maximum Height the Telecommunication Support Structure previously approved by the City.

K. Annual Registration of Telecommunication Facilities. The owner of any Telecommunication Facility shall submit an annual registration of such Facility on such forms as the director of planning shall prescribe. Each annual registration shall identify the tax parcel identification and physical street address for the parcel on which such Telecommunication Facility is located. Each annual registration of such Telecommunication Facility shall describe all Telecommunication Support Structures, Alternative Telecommunication Support Structures, Antennas, and other Telecommunication Equipment on the site, describe in detail any improvements during the preceding calendar year, and, for Telecommunication Support Structures only, state the total gross income from all improvements on the site for the preceding calendar year. Each annual return shall be filed with the City on or before April 1st of each year and shall be accompanied by an annual administrative fee in an amount as established by the Mayor and Council.

L. Principal or Accessory Use. A Telecommunication Support Structure and/or Antenna is considered a principal use if located on any parcel as the sole or primary structure, and is considered an accessory use if located on a parcel shared with a different existing primary use or existing structure. An existing use or structure on the same parcel shall not preclude the installation of an antenna or Telecommunication Support Structure. For purposes of determining whether the erection of a Telecommunication Support Structure or Antenna complies with the requirements of the zoning district in which it is located (including, but not limited to, all

setback and buffer requirements), the dimensions of the entire parcel shall control, even though the Antenna or Telecommunication Support Structure may be located on a leased area within the dimensions of such parcel.

M. Inventory of Existing Sites for New Telecommunication Support Structure or Alternative Telecommunication Support Structure Applications.

1. The City shall maintain an itemized list of all Telecommunication Support Structures or Alternative Telecommunication Support Structures, active and inactive, which are located within the municipal limits of the City. This list shall include specific information about the location (latitude and longitude coordinates), Height, design, Telecommunication Support Structure type and general suitability for Antenna co-location of each Telecommunication Support Structure and authorized Alternative Telecommunication Support Structures, and other pertinent information as may be decided by the City.

2. To facilitate collocation of Antennas, each Applicant seeking to erect a new Telecommunication Support Structure or Alternative Telecommunication Support Structure, or to modify any such existing structure, shall provide to the City an itemized list of its existing Telecommunication Support Structures and authorized Alternative Telecommunication Support Structures as provided for below. Applicants seeking to erect an amateur radio Telecommunication Support Structure or Antenna less than thirty-five (35) feet in Height shall be exempt from this provision.

3. Each Applicant seeking to erect a new Telecommunication Support Structure or Alternative Telecommunication Support Structure or to modify existing support structures shall provide the City with an itemized list, including all of the following: a complete listing of all Applicant-owned Telecommunication Support Structures that are within the municipal limits of the City or within one-quarter (1/4) mile of the municipal limits of the City; with respect to each listed Telecommunication Support Structure, specific information, including the location (latitude and longitude coordinates), Height, design, structure type, and general suitability for Antenna collocation; and other pertinent information as may be required by the director of planning. The City shall share such information with any other Applicant under this section or any other organization or governmental entity seeking to locate a Telecommunication Facility within the municipal limits of the City, provided, however, that the City shall not, by sharing such information, in any way be deemed to have represented or warranted that such sites are available or suitable.

4. An application, with the exception of an application to erect an amateur radio telecommunication support structure or Antenna less than thirty-five (35) feet in Height as set forth herein, shall not be considered complete without the itemized list required in this subsection.

N. Documentation from Applicable Regulatory Agencies and Review for Aviation Purposes. Any applicant for the erection of a Telecommunication Facility governed by this section shall demonstrate compliance with all FAA and FCC regulations with respect to prior approval, registration and/or licensure of a proposed Telecommunication Facility. No building permit shall be issued until an Applicant has received approval from the FAA and/or registered the proposed facility with the FCC where required and provided copies of all applicable approvals, registrations, and/or licenses to the City. In the alternative, Applicants may demonstrate that such prior authorization and/or registration is not required to be accompanied by a sworn affidavit asserting same. All Telecommunication Facilities must meet or exceed current standards and regulations of the FAA, the FCC, the Commission, and any other agency of the federal government authorized to regulate such facilities.

O. Building Codes; Safety Standards. To ensure structural integrity of Telecommunication Facilities, the owner, permittee, or subsequent lessee of a Telecommunication Support Structure or Alternative Telecommunication Support Structure shall ensure that all applicable Telecommunication Facilities on such site are maintained in compliance with standards contained in applicable local building codes. If, upon inspection, the City concludes that an applicable Telecommunication Facility fails to comply with all governing codes and standards, or constitutes a danger to persons or property, then upon receipt of written

notice by the owner, permittee, or lessee of such a facility, the recipient shall have fifteen (15) days to bring the Telecommunication Facility into compliance with such standards. If the owner, permittee, or lessee fails to bring the Telecommunication Facility into compliance within the 15-day period, the City may, at the direction of the City Manager, remove the non-compliant Telecommunication Facility at the owner, permittee, or lessee's expense. Prior to the removal of any telecommunication facility, the City may consider detailed plans submitted by the owner, permittee, or subsequent lessee for repair of substandard Telecommunication Support Structures, and may grant a reasonable extension of the above-referenced compliance period. Any such removal by the City shall be in the manner provided in O.C.G.A. §§ 41-2-7 through 41-2-17.

P. Change of Ownership or Control Notification. Upon the transfer of ownership or control of any Telecommunication Facility, the party transferring such ownership or control shall notify the City of the transaction in writing within thirty (30) days.

Q. Revocation or Termination of Permit.

Any authorization to erect or operate Telecommunication Facilities may be revoked for the following reasons:

(1) Erection or operation of Telecommunication Facilities at an unauthorized location;

(2) Misrepresentation or lack of candor by or on behalf of a Grantee in any representation to the City;

(3) Abandonment of applicable Telecommunication Facilities;

(4) Failure to pay required reasonable fees or costs, as may be required in this section;

(5) Failure to meet any provision of the annual registration requirement in this section;

(6) Failure to pay required reasonable fees or costs for access and use of Public Rights-of-Way, as may be required in this section; and

(7) Violation of a material provision of the City's Code of Ordinances or violation of a material condition set forth in any permit or authorization to erect and operate Telecommunication Facilities.

R. Access to the Public Right-of-Way.

(a) Fees for Access to Public Rights-of-Way. Pursuant to O.C.G.A. §46-5-1(b)(9) and in accordance with applicable state law, Providers of Telecommunication Services and Applicants governed by this section shall provide the City due compensation for use of, and access to, a Public Right-of-Way, equal to no more than three (3) percent of actual recurring local service revenues received by a Provider from its retail, end user customers located within the municipal limits of the City, and no more than three (3) percent of actual recurring revenues from the lease of governed Telecommunication Facilities. Such compensation shall not be assessed in a discriminatory fashion with respect to the Telecommunication Services to be provided or transmitted by or through a proposed Telecommunication Facility, in accordance with applicable state law. Said compensation for the use of the Public Right-of-Way shall be paid by the Applicant to the City within thirty (30) days after the end of each calendar quarter. Included with any such application for the installation of Antennas on existing structures or the erection of structural poles so as to accommodate such Antennas in Public Rights-of-Way, the Applicant shall demonstrate to the director of planning that the Applicant possesses a Certificate of Authority from the Georgia Public Service Commission. Those Applicants that do not hold such certification are subject to the rules and regulations of other wireless Applicants including tower companies and carriers. For those Applicants without end-user customers from which said percentage is calculated shall be required to execute a Right-of-Way Use Agreement with the City which shall set out fees for access thereto.

(b) Maintenance. A Telecommunication Facility erected in a Public Right-of-Way shall be maintained in good condition, as determined by the City. Maintenance of such a Telecommunication Facility shall

include, but not be limited to, the structural integrity of all Telecommunication Support Structures, Alternative Telecommunication Support Structures, Antennas, Equipment compounds, Equipment cabinets, painting, irrigation systems, buffer areas, and landscaping, to the extent applicable.

(c) Restoration of Public Rights-of-Way and City Property. When a Grantee authorized to construct Telecommunication Facilities in the Public Rights-of-Way, or any person acting on behalf of a Grantee, does any work affecting any Public Right-of-Way or City Property, it shall, at its own expense, promptly remove any obstructions therefrom and restore such Public Right-of-Way or City Property to as good a condition as existed before the work was undertaken, unless otherwise directed by the City. Restoration will be consistent with standards required by the City.

(d) Grantee Insurance for Use of Public Right-of-Way. Unless otherwise provided by the City, any Applicant, as a condition of the grant of authorization to erect Telecommunication Facilities in a Public Right-of-Way, shall secure and maintain comprehensive insurance policies insuring both the Applicant and the City, and its officers, appointed officials, agents, employees, and assigns as coinsured. Such insurance coverage shall include general liability insurance, automobile liability insurance, worker's compensation insurance, employer's liability insurance and premises-operations insurance. Such insurance shall be maintained throughout the duration of the Applicant's authorization to own or operate a Telecommunication Facility in an applicable Public Right-of-Way.

(e) Indemnification. Each Applicant shall, upon receiving authorization form the City to erect or Modify Telecommunication Facilities in a Public Right-of-Way, and to the greatest extent permitted by law, expressly undertake to defend, indemnify, and hold the City and its officers, appointed officials, agents, employees, and assigns harmless from and against any and all damages, losses, and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless, or wrongful acts, omissions, failures to act, or misconduct of the Applicant, its affiliates, officers, employees, agents, contractors, or subcontractors in the construction, operation, maintenance, repair, or removal of any Telecommunication Facilities in Public Rights-of-Way, whether such acts are authorized, allowed, or prohibited by this section.

(f) Transfer of Authorization to Erect, Own, and Operate Telecommunication Facilities in Public Rights-of-Way. Control of an authorized Telecommunication Facility in a Public Right-of-Way may not, directly or indirectly, be transferred, assigned, or disposed of by sale, lease, merger, consolidation or other act of a Grantee, by operation of law or otherwise, without prior consent of the City, which shall not be unreasonably withheld or delayed. A Grantee and the proposed assignee or transferee of an existing permit to erect and operate a Telecommunication Facility in a Public Right-of-Way shall provide and certify, via sworn affidavit, the following information to the City not less than ninety (90) days prior to the proposed date of such transfer or assignment of control:

(1) Information setting forth the nature, terms, and conditions of the proposed transfer or assignment of ownership and/or control;

(2) With respect to the transferer/assignee, all information as outlined in subsection "F" of this section;

(3) Any changes to information provided to the City, as set forth in subsection "F" of this section; and

(4) Any other information reasonably required by the director of planning.

S. Limitations on Municipal Authority. In regulating the erection and maintenance of Telecommunication Facilities, whether located on private lands or in Public Rights-of-Way, the City shall not:

(a) Condition the approval of any application for a new Telecommunication Support Structure or Alternative Telecommunication Support Structure on a requirement that a Modification or Collocation to such structure be subject to a review inconsistent with this section;

(b) Required the removal of an existing Telecommunication Support Structure, Alternative Telecommunication Support Structure, or Telecommunication Facility as a condition of approval of an application for a new Telecommunication Facility unless such existing Telecommunication Support Structure, Alternative Telecommunication Support Structure, or Telecommunication Facility is abandoned and owned by the Applicant;

(c) Require the Applicant to place an Antenna or other Equipment on publicly owned land or on a publicly or privately owned water tank, building, or electric transmission tower as an alternative to the location proposed by the Applicant.

T. Fees. The fees levied and charged for all persons and businesses subject thereto shall be set forth on a schedule which may be amended from time to time by resolution of the Mayor and Council, a copy of which shall be maintained on file in the City Clerk's office and with the director of planning. Said fees are levied and assessed in addition to any business or occupational taxes assessed and levied under the City Code. Applications for Small Cell Installations, whether collocation or erection of new infrastructure, shall not be charged more than $500 for up to the first five (5) locations requested concurrently, and $100 for each additional location therefrom. The City shall not seek reimbursement from an Applicant for fees, consultation fees, registry fees, audit fees, or otherwise payment in connection with an application subject to this section on a contingency fee arrangement.

U. Bond Requirement for new Telecommunication Support Structures. Prior to the issuance of a permit for the erection of a Telecommunication Support Structure or Alternative Telecommunication Support Structure, an Applicant shall procure a bond or an irrevocable letter of credit in an amount not less than twenty-five thousand dollars ($25,000.00) conditioned upon the removal of the Telecommunication Support Structure or Alternative Telecommunication Support Structure, should it be deemed abandoned under the provisions set forth in this section. Such bond or letter of credit (a) shall be renewed at least every two (2) years during the life of the Telecommunication Support Structure, (b) shall not expire unless the City is given sixty (60) calendar days' prior written notice, (c) shall include the name, address, telephone number, and contact for the provider of bond or letter of credit and (d) in the case of a bond, shall include the statement that the provider of the bond is listed in the latest issue of the U.S. Treasury Circular 570.

V. Non-Discrimination. In evaluating any application governed by this section, the City shall not unreasonably discriminate among telecommunication providers of functionally equivalent services and technical capabilities and/or deny an application based solely on the financial status of an Applicant, type of Telecommunication Services to be provided should a prospective application be approved, and/or thee content of telecommunications to be provided by and/or through proposed Telecommunication Facilities.

W. Inspections.

(1) Whenever inspections of the premises used for or in connection with a Telecommunication Support Structure, Alternative Telecommunication Support Structure, or Antenna are provided for or required by ordinance, or are reasonably necessary to ensure compliance with any ordinance provision or to detect violations thereof, it shall be the duty of the Applicant, or the person(s) responsible for the premises to be inspected, to admit thereto for the purpose of making the inspection any officer, agent, or employee of the City who is authorized or directed to make such inspection, at any reasonable time that admission is requested.

(2) In addition to any other penalty which may be provided, the permit granted to any Applicant who refuses to allow any authorized officer, agent or employee of the City to make any inspection provided for in subsection (a) hereinabove, or who interferes with such officer or employee while in the

performance of his duty in making such inspection may be suspended or revoked at the reasonable discretion of the director of planning.

X. Penalties for Violation. In addition to the other remedies available to the City for violation of this section set forth herein or in any other applicable provisions of the City Code, the municipal court of the City, after notice to the Applicant or permittee and hearing, may impose a civil fine for failure to comply with the provisions of this section or a sentence not to exceed sixty (60) days. Such a civil fine shall not exceed one thousand dollars ($1,000.00) per day and may be enforced by the contempt power of the court. In addition, the Applicant or permittee shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing contained in this subsection shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation of this section.

Y. Appeals of Decisions of the Mayor and Council. Appeals of the decisions of Mayor and Council under this section shall be by writ of certiorari to the Superior Court of DeKalb County in accordance with State Law.

Z. *Miscellaneous provisions.*

1. *Fencing.*

   a. Ground-mounted accessory equipment and support structures shall be secured and enclosed with a fence to a height of at least six feet.

   b. Fencing shall be decorative, including brick or concrete columns.

   c. The director of planning may waive the requirement of subsection (j)(1)a. of this section if it is deemed that a fence is inappropriate or unnecessary at the proposed location in order to accomplish the purposes and goals of this section.

2. *Neighborhood identity.* If located in residential area, towers may incorporate features that identify neighborhoods, such as banner arms or monuments.

3. *Abandonment and removal.* If a support structure is abandoned, the director of planning may require that the support structure be removed, provided that the director of planning must first provide written notice to the owner of the support structure and give the owner the opportunity to take such actions as may be necessary to reclaim the support structure within 60 days of receipt of said written notice. In the event the owner of the support structure fails to reclaim the support structure within the 60-day period, the owner of the support structure shall be required to remove the same within six months thereafter at the owner's expense. The city shall ensure and enforce removal by means of its existing regulatory authority.

4. *Multiple uses on a single parcel or lot.* Telecommunications facilities and support structures may be located on a parcel containing another principal use on the same site or may be the principal use itself.

AA. *Telecommunications facilities and support structures in existence on the date of adoption of this chapter.*

1. Telecommunications facilities and support structures that were legally permitted nonconforming uses on or before the date the ordinance from which this chapter is derived was enacted shall be considered a legal, lawful use, subject to the nonconforming use regulation in this chapter and state law.

2. Ordinary maintenance may be performed on a nonconforming support structure or telecommunications facility.

3. Collocation or modifications of telecommunications facilities on an existing nonconforming support structure shall not be construed as an expansion, enlargement or increase in intensity of a nonconforming structure and/or use and shall be permitted through the administrative approval of a building permit process.

(Ord. of 8-2-2017, § 1(4.2.57)) [TM0D-19-004]

Sec. 4.2.58. Party Houses

A. A Single-Family Residential Property may only be utilized as a "Party House" by Special Administrative Permit in the "RE" and "RLG" zoning districts and only on lots with at least 300 feet of frontage on a public street and a primary structure no less than 4,000 square feet in area.

B. An event defined as a "Party House" may only be conducted inside the primary structure and/or in a completely fenced back yard.

C. With exception of traditional internal lighting and porch lights, no other illumination may be utilized during a "Party House" event, including, but not limited to, strobe lighting, disco-ball light, spotlight or any other light used to draw attention to the structure.

D. Any music utilized for the "Party House" event must be contained solely inside the primary structure and shall be subject to the applicable provisions of the City's Noise Ordinance contained in Chapter I 8, Article VII of the City Code.

E. In addition to a Special Administrative Permit, the owner of each "Party House" cannot have such an event at the residence without acquiring an occupation tax certificate from the City. A Special Administrative Permit and Occupation Tax Certificate for a "Party House" may only be granted to the owner of the property.

F. Event guests at a "Party House" must park only on the designated driveway or on the public street directly in front of the residential lot on which the event is taking place, on the same side of the street, and only for the length of the street frontage directly abutting the property.

G. A qualifying event at a "Party House" may not continue past 11 p.m. on Sunday - Thursday, or midnight on Friday-Saturday or any Federal Holiday.

H. Neither a Special Administrative Permit nor an Occupation Tax Certificate may be granted to any property for a "Party House" that is located within 2000 feet of any City or County park facility, senior housing or public or private school, or be within 1,000 feet of more than 2 other residential lots.

I. No alcohol may be sold during a qualifying event of a "Party House" and no more than one (1) drink may be included as part of a cover charge for said event. For purposes of this provision, one drink shall be either a 12 oz. malt beverage, 12 oz. glass of wine or an alcoholic drink featuring no more than 1.5 oz. of any distilled spirit.

J. A Special Administrative Permit and Occupation Tax Certificate for a "Party House" shall authorize the owner of the property no more than ten (10) such qualifying events in any calendar year.

[TMOD-19-005]

Sec. 4.2.59. 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 or more rooms, every room occupied for sleeping purposes by one occupant shall contain not less than 70 square feet of floor area, and every room occupied for sleeping purposes two occupant shall contain at least 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.

G. There shall also be provided at least one 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.

(Ord. No. 2018-09-01, § 1, 9-17-2018)

Sec. 4.2.60. Smoking Lounges

Smoking Lounges shall be subject to the following restrictions:

A. Smoking of hookah in any establishment that serves alcohol or food shall be prohibited.

B. Hours of operation shall not extend past 11:00 p.m.

C. Shall not serve patrons under the age of 19 or as restricted by Georgia statute.

Sec.4.2.61. Eating and Drinking Establishments that also operate another use

Any establishment that serves food and drink, but which also operates as another use under Chapter 4 (the Alcohol Code) with separate parking regulations shall follow the parking regulations in Chapter 27 applicable to that use.

DIVISION 3. TEMPORARY USE REGULATIONS

Sec. 4.3.1. Temporary outdoor uses; general requirements.

A. Temporary outdoor uses shall not be held, unless the necessary special administrative permit is obtained from the planning department, subject to the provisions of article 7 of this chapter, and any other applicable agency which may require review prior to issuance of permits.

B. Any applicant for a permit for temporary outdoor use shall have the written authorization of the owner of the property to use the property for the specific event for which the application was submitted.

C. All applicants for a permit for temporary outdoor use shall obtain a business license, if applicable.

D. All approvals, permits, or licenses granted under this division must be displayed in a conspicuous manner on the premises at all times for inspection by City of Stonecrest.

E. No temporary outdoor use may be located within or encroach upon any drainage easement, public sidewalk or right-of-way, fire lanes, designated loading areas, driveways, maneuvering aisles, or ADA minimum four-foot sidewalk width within private sidewalks or other areas intended for pedestrian movement.

F. Temporary signage is permitted subject to the size and height standards in accordance with chapter 21, signs.

G. No operator, employee, or representative of the operator of a temporary outdoor use shall solicit directly from the motoring public.

H. Any temporary outdoor uses which have not complied with this division shall be a violation of this section. Any person or entity found to be in violation of this section may be punished as provided for in article 7 of this chapter.

I. No temporary outdoor use shall be conducted within any public right-of-way unless permitted by public entity.

J. Merchandise shall only be displayed in a manner that does not obstruct pedestrian or vehicular circulation or flow of traffic.

K. Merchandise shall only be displayed in an area not wider than 50 percent of the total linear frontage of the building occupied by the merchant.

L. The premises for a temporary outdoor use shall be restored to a sanitary condition, i.e., cleaned and cleared of all litter, trash and debris; and all equipment, materials, signs, temporary power poles, etc., associated with the temporary outdoor use shall be removed from the property within two days of the last day specified for such use, except for yard sales. All unsold yard sale merchandise remaining at the conclusion of the sale must be removed immediately. Purchased yard sale merchandise must be removed within 24 hours of conclusion of the sale.

(Ord. of 8-2-2017, § 1(4.3.1))

Sec. 4.3.2. Duration, frequency and hours of operation of temporary outdoor uses.

The maximum duration, frequency and hours of operation for temporary outdoor uses shall be limited as shown in Table 4.3, below:

Table 4.3. Temporary Outdoor Uses Operational Requirements

Operational requirement maximums for temporary outdoor uses				
Temporary Use	Duration	Frequency	Hours of Operation	Special Administrative Permit Required?
Christmas tree sales	Nov. 15 through Jan. 1		Cease at 9:00 p.m. Mon.—Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes
Pumpkin and Halloween sales	Sept. 15 through Oct. 31		Cease at 9:00 p.m. Mon.—Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes
Charitable/non-profit event	7 consecutive days	4 times/calendar year	Daylight hours only	Yes
Temporary Produce stand	One full year	Year round	Daylight hours only	Yes
All other seasonal sales	3 consecutive days	4 times/calendar year	Daylight hours only	Yes
Temporary outdoor retail sales display	30 consecutive days	4 times/calendar year	Cease at 9:00 p.m. Mon.—Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes
Temporary outdoor event	14 consecutive days		Cease at 9:00 p.m. Mon.—Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes
Yard sales	3 consecutive days	Once/6 months	Daylight hours only	No
Farmer's Markets	Year Round	3 consecutive days per month or one day per week	Cease at 9:00 p.m. Mon.—Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes

(Ord. of 8-2-2017, § 1(4.3.2))

Sec. 4.3.3. Temporary outdoor seasonal activities.

Temporary outdoor seasonal activities include the sale of retail merchandise associated only with recognized seasonal and federal holidays, the sale of farm produce, Mother's Day, Easter, and Valentine's Day, subject to the following regulations:

A. *Use regulations.*

1. A special administrative permit shall be required, for all temporary outdoor seasonal activities.
2. Events or sales of retail merchandise not customarily associated with seasonal or federal holidays or farm produce is prohibited.
3. Produce stands in residential areas shall only be located on property of nonresidential uses such as churches, schools, or recreational areas.

B. *Lot and parcel restrictions.*

1. A temporary outdoor seasonal activity may be held on a vacant parcel if within a nonresidential zoning district.
2. A temporary outdoor seasonal activity may be held on parcels where the temporary outdoor seasonal activity is not associated with the principal use of the property.
3. Temporary outdoor seasonal activities shall be permitted only on property where such activities shall not disrupt controlled vehicular ingress and egress.
4. All exterior lighting utilized in conjunction with temporary outdoor seasonal activities shall be directed downward to minimize glare on adjacent properties.
5. Spotlights and high-temperature process lighting for temporary outdoor seasonal activities are prohibited.

C. *Setback and structure requirements.*

1. All temporary outdoor seasonal activities, including installation or erection of associated temporary display and sales structures, shall not be within any public right-of-way, and no display or sales area shall be located within 25 feet of the street.
2. Tents over 200 square feet and canopies over 400 square feet shall require issuance of a building permit and approval by the fire marshal.
3. A sign may be erected on the property in accordance with chapter 21, sign ordinance, for the duration approved by the administrative permit.

(Ord. of 8-2-2017, § 1(4.3.3))

Sec. 4.3.4. Temporary outdoor retail sales displays.

Temporary outdoor retail sales displays and related outdoor storage activities include the exhibition or representation of goods, merchandise, materials, or other items sold or bought at a retail establishment in which the items are displayed or sold outside the confines of a wholly enclosed building, and which are associated with the principal use of an existing business. Temporary outdoor retail sales displays shall not include events for which no business license is required (e.g., cookie sales). Temporary outdoor retail sales displays shall be subject to the following regulations.

A. *Use regulations.*

1. A special administrative permit must be approved in accordance with the provisions of article 7 of this chapter.
2. Temporary outdoor retail sales displays shall include the display and sale of retail merchandise associated only with the principal use of the primary business on the property for a limited period of time.
3. Any object, device, display or structure, or part thereof, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service or event, shall also be considered part of the temporary outdoor retail sales display.
4. Sales transactions associated with the temporary outdoor retail sales display shall be conducted by employees of the principal use, and goods shall be owned by the owner or tenant of the principal use, not a consignment operation or temporary arrangement with a transient merchant/vendor.

5. Sales transactions associated with the temporary outdoor retail sales display must be consummated inside the building housing the principal use located on the site.

B. *Lot and parcel restrictions.*

1. Goods and merchandise may be displayed on public sidewalks only when a sidewalk abuts the store or building. Displays on public or private sidewalks shall not interfere with pedestrian travel, and the minimum ADA-required sidewalk width clearance shall be maintained.

2. Temporary outdoor retail sales display activities are prohibited on a vacant parcel.

3. Temporary outdoor retail sales display activities shall be conducted only on a paved surface, unless approved by the director.

4. Temporary outdoor retail sales display activities shall be permitted only on property where such activities shall not disrupt controlled vehicular ingress and egress and are not permitted within areas required, set aside or designated for loading and maneuvering areas, emergency access ways, driving aisles and driveways.

5. Property zoned M (Light Industrial) and M2 (Heavy Industrial) are exempt from subsections (b)(1) and (b)(2) of this section and the duration limits (Table 4.3). An administrative use permit is required, and duration of use is subject to the approval of the director.

C. *Setback and display requirements.*

1. All temporary outdoor retail sales display activities, including installation or erection of associated temporary display and sales structures, and stand-alone merchandise, display tables, or display racks, must be set back at least ten feet from a city or state right-of-way.

2. A temporary shade structure, tent, tilt-up, umbrella or covering may be erected as a part of the temporary outdoor retail sales display activity. Mobile buildings are prohibited. Tents over 100 square feet shall require issuance of a building permit.

3. Display tables, racks or shelves may be used as part of a temporary outdoor retail sales display activity.

4. Temporary outdoor retail sales display items, excluding shade structures, tents, tilt-ups, umbrellas or coverings, shall not exceed six feet above grade.

5. A sign may be erected on the property in accordance with chapter 21, sign ordinance, for the duration approved by the administrative permit.

(Ord. of 8-2-2017, § 1(4.3.4))

Sec. 4.3.5. Temporary outdoor sales or events.

Temporary outdoor sales or events may include temporary art shows, carnival rides, special outdoor social or religious event, entertainment, athletic events, rodeos, horseshows, and other events of community interest.

A. *Use regulations.* Temporary outdoor sales or events shall be governed by the following regulations:

1. Site conditions.

a. Employees shall be uniformed and identified.

b. Security or off-duty police officers shall be on-site during operating hours.

c. Portable toilets or access to bathrooms shall be provided.

d. Approval from the property owner.

e. Traffic Control Plan must be approved by the fire marshal's office.

2. If the temporary outdoor event involves structures that require issuance of a building permit, a site plan of the event shall be included with the building permit application. The site plan submittal required by article 7 of this chapter shall indicate compliance with all zoning ordinance requirements.

B. *Lot and parcel restrictions.* Temporary outdoor event activities shall be set back at least 100 feet from any residential district or use.

C. *Temporary sites for worship.* The establishment of sites and tents for temporary worship conducted on a site not designated as a place of worship requires the grant of a special administrative permit by the director of planning.

(Ord. of 8-2-2017, § 1(4.3.5))

[TMOD-22-001]

Sec. 4.3.6. Yard sales.

A. Yard sales may be conducted without a permit on private property, but shall not be conducted within the public right-of-way.

B. Goods sold at yard sales must originate as the legal property of the homeowner, other persons participating in the sale, or members of a participating organization. Goods shall not include any items purchased for resale at the yard sale.

1. Two temporary signs are permitted during the yard sale, provided that such signs shall be on private property with permission of the owner, not within the public right-of-way or attached to a utility pole. Signs must be removed immediately following the conclusion of the sale.

2. All unsold yard sale merchandise remaining at the conclusion of the sale must be removed immediately. Purchased yard sale merchandise must be removed within 24 hours of conclusion of the sale.

(Ord. of 8-2-2017, § 1(4.3.6))

Sec. 4.3.7. Temporary buildings, use and construction of.

Except where herein otherwise specifically permitted, temporary buildings, such as a mobile home or trailer, shall not be allowed in any district except:

(1) For caretaker's residence in the industrial districts;

(2) To serve as a home sales office for a subdivision only during such time as a subdivision is under development; or

(3) In conjunction with construction work or pending completion of a permanent building for a period concurrent with approved land disturbance and building permits.

Such temporary buildings shall be sited and permitted in any district upon approval of the director of planning through a special administrative permit. Such temporary buildings shall be removed when the construction has been completed.

(Ord. of 8-2-2017, § 1(4.3.7))

ARTICLE 5. SITE DESIGN AND BUILDING FORM STANDARDS

All development shall comply with this article's site, design, and building form standards, in addition to the requirements in article 2 of this chapter, zoning districts, and chapter 14, land development.

(Ord. of 8-2-2017, art. 5)

DIVISION 1. BLOCK AND LOT REQUIREMENTS

Sec. 5.1.1. Blocks.

A. *Intent.* The intent of this section is to have the lengths, widths and shapes of blocks in residential subdivisions designed with due regard to:

1. Provision of building sites suitable to the special needs of:
   a. The building form contemplated;
   b. The conservation of open space; and/or
   c. Existing historic features.
2. Zoning requirements for lot sizes and dimensions;
3. Needs for convenient access by pedestrians and bicyclists to public transit, nearby schools, and commercial districts, vehicular circulation at safe speeds and adequate access for emergency vehicles;
4. Limitations of, and opportunities for, topography to minimize land disturbance and erosion;
5. Connectivity standards in section 5.3.2.

B. *Block length.*

1. When blocks are subdivided by new streets or created as part of a new development, including mixed-use, the minimum length of resulting new blocks shall be 200 to 300 linear feet.
2. The maximum block length for new subdivisions in the Suburban Neighborhood character area is 600 linear feet.

C. *Blocks and pedestrian access.* If a new development provides for a path with an easement through a block:

1. An easement for pedestrian use only shall be at least five feet wide.
2. An easement for pedestrian and bicycle use shall be at least ten feet wide.

(Ord. of 8-2-2017, § 1(5.1.1))

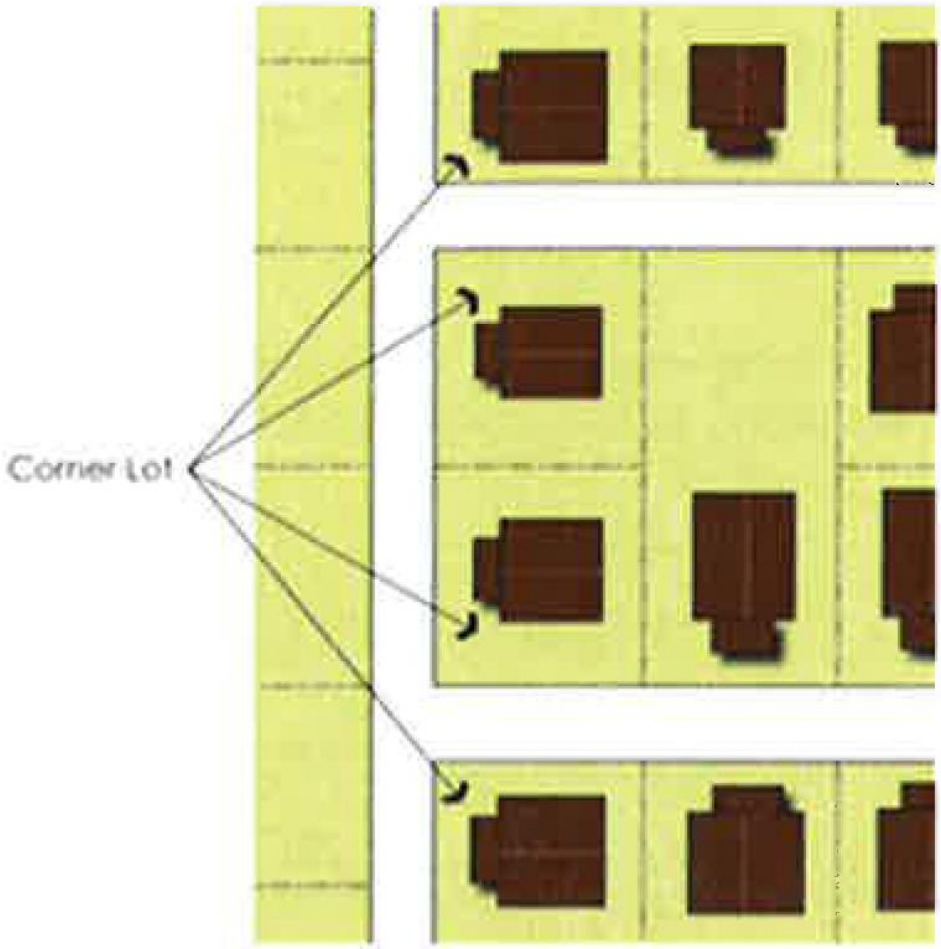
Sec. 5.1.2. Lots.

All lots shall conform to the minimum requirements for the zoning district in which such lot is located, to all applicable requirements of this article, and the requirements of chapter 14 of the Code. In the event of a conflict between the provisions of this chapter and chapter 14 of the Code with respect to regulation of lots, the provisions of this chapter shall prevail.

(Ord. of 8-2-2017, § 1(5.1.2))

Sec. 5.1.3. Lots, access.

Each lot shall have vehicular access to a public or approved private street, or, in the case of townhouses, fee simple condominiums or cottage lots, to an alley or private internal drive, provided the overall townhouse or cottage development site provides access to a public street. In new subdivisions with three or more single-family detached or single-family attached units, lots on minor or major thoroughfares with lot frontages less than 100 feet shall have driveway access via shared driveways.



(Ord. of 8-2-2017, § 1(5.1.3))

Sec. 5.1.4. Lots, corner.

A. *Front yard building setback.* On corner lots, the lot frontage with the shortest distance to a public right-of-way shall be designated as the front yard, and development shall comply with front yard building setback requirements of the zoning district in which the lot is located.

B. *Side corner yard.* Once the front of a corner lot is determined pursuant to subsection A. of this section, the remaining side adjacent to a street is the side corner yard.

C. *Side corner yard building setback.* The minimum side corner yard building setback on corner lots shall be as designated by the zoning district regulations in article 2 of this chapter. Unless otherwise restricted, buildings may face either the front or side corner.

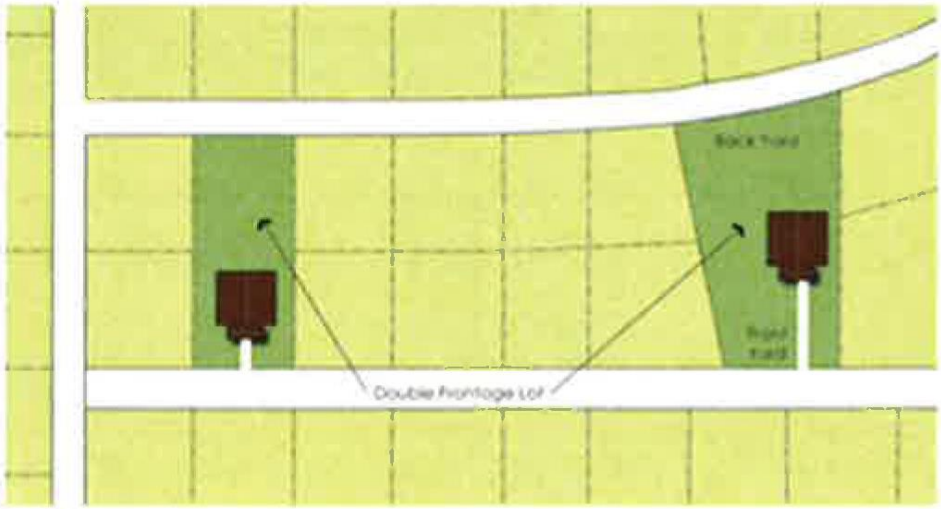
D. *Lot width.* The minimum width of corner lots with residential uses shall be increased by 15 feet above the minimum width required for the zoning district in which the lot is located.

E. *Side corner yard for nonconforming residential.* The side corner yard building setback in residential districts may be reduced to 60 percent of the minimum front yard building setback in the zoning district if:

1. The lot is a legal nonconforming lot; and
2. The lot does not abut a thoroughfare.

(Ord. of 8-2-2017, § 1(5.1.4))

Sec. 5.1.5. Lots, double frontage.



Double Frontage Lot

A. Lots which adjoin public streets in both the front and rear shall provide the minimum required front yard setback on each street.

B. For the purposes of front yard regulations, there shall be only one front yard designated, depending on which street the front of the house is built to face.

C. Driveway access on double frontage lots shall be limited to one street only. A ten-foot, no-access easement shall be provided along the frontage of the street not used for a driveway.

(Ord. of 8-2-2017, § 1(5.1.5))

Sec. 5.1.6. Every use must be upon a lot of record.

No building or structure shall be erected and no use shall be established unless upon a lot of record.

(Ord. of 8-2-2017, § 1(5.1.6))

Sec. 5.1.7. Buildings on single-family and duplex lots.

On all single-family detached and two-family residential lots, only one principal building, together with its permitted accessory structures and uses, shall occupy each lot.

(Ord. of 8-2-2017, § 1(5.1.7))

Sec. 5.1.8. Multiple principal buildings on a lot.

Multiple principal buildings with nonresidential uses, mixed-uses and mixed attached or multi-dwelling residential uses (triplex, duplex, condominium, apartment) may be established on a single unified lot, provided that all other provisions of this article 5 and this chapter are met.

(Ord. of 8-2-2017, § 1(5.1.8))

Sec. 5.1.9. Minimum lot size and minimum lot width.

A. No lot shall be created that fails to meet the minimum lot size and minimum lot width for the zoning district in which the lot is located as established in article 2 of this chapter, except as otherwise provided in article 8 of this chapter.

B. Flag lots are prohibited.

(Ord. of 8-2-2017, § 1(5.1.9))

Sec. 5.1.10. Maximum lot coverage.

No lot shall be developed to exceed the maximum allowable coverage by buildings, structures, driveways or parking areas, or any other impervious surface specified for the zoning district in which the lot is located. In addition to the maximum impervious surface amount, pervious materials may be added up to a maximum amount of 15 percent of the total lot area for non-vehicular uses only, such as walkways, patios and pool decks.

(Ord. of 8-2-2017, § 1(5.1.10))

Sec. 5.1.11. Street frontage for lots.

All lots shall meet the minimum street frontage requirements of the zoning district in which the lot is located.

(Ord. of 8-2-2017, § 1(5.1.11))

Sec. 5.1.12. Lots served by wells and septic tanks; sewer and water connections.

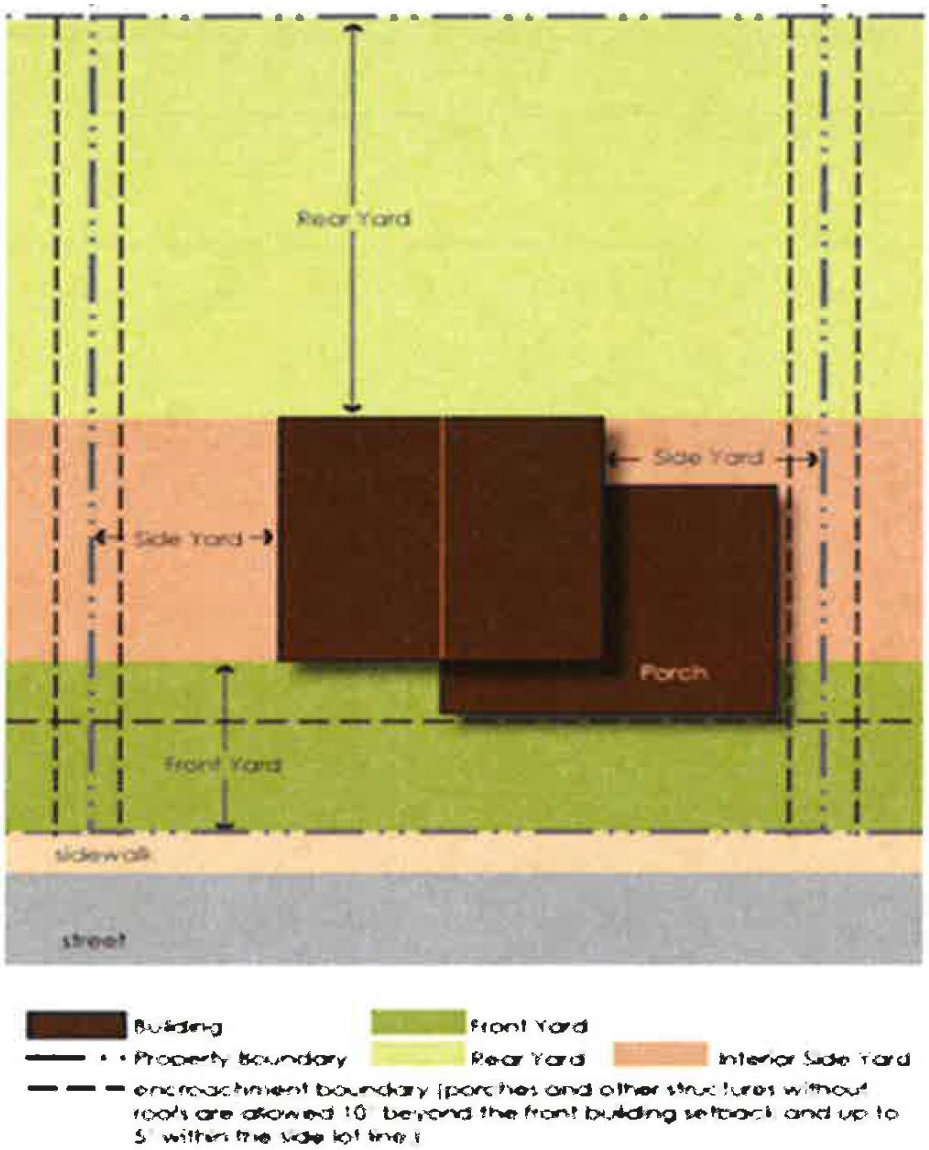
A. Any lot that is to be served by an individual well or septic tank shall have an area of not less than that required by state and DeKalb County health regulations. The site location on the lot of the facility shall be approved by the county board of health in accordance with applicable board of health regulations.

B. Sewer and water facilities and connections shall be approved by the director of planning.

(Ord. of 8-2-2017, § 1(5.1.12))

DIVISION 2. GENERAL YARD AND MEASUREMENT PROVISIONS

Sec. 5.2.1. Minimum required yards and building setbacks.



Projections into Yards

A. *Projections into yards.*

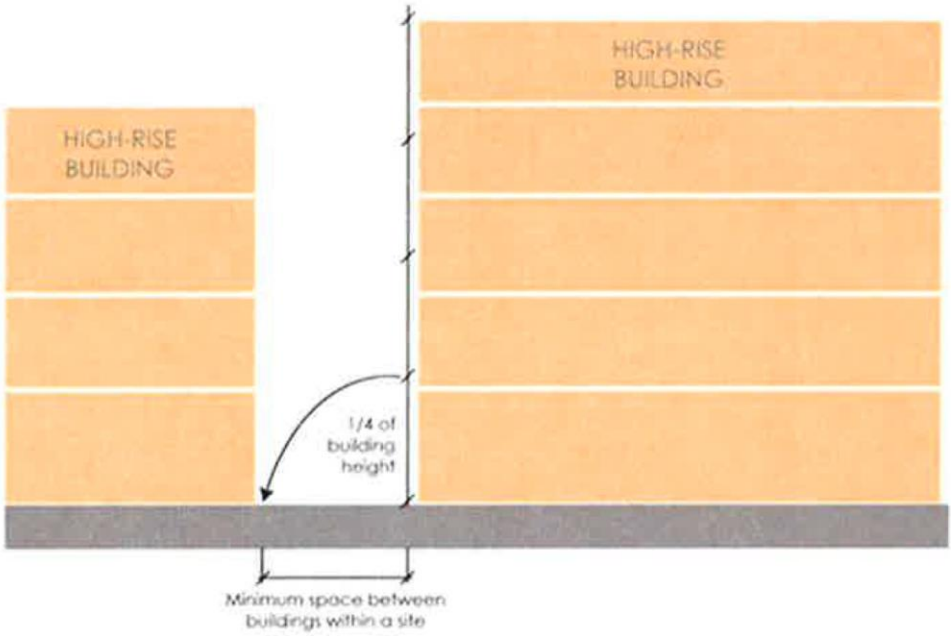
1. Every part of a required yard shall be open to the sky and unobstructed except for the ordinary projections of sills, belt courses, cornices, eaves, awnings, chimneys, buttresses and other ornamental and architectural features, provided that these features do not project more than three feet into any required yard and do not encroach on other lots or rights-of-way.

2. An open, unenclosed porch, balcony or hard-surfaced terrace, steps, stoops and similar fixtures of a building may project into a required front yard or rear yard for a distance not to exceed ten feet, and into a side yard to a point not closer than five feet from any lot line.

3. Enclosed porches may encroach for a distance of up to eight feet into the front or rear yard, but shall be no closer than five feet from the side property line.

B. *Spacing between buildings.* For single-family attached buildings and multifamily buildings:

1. Building shall be separated a distance as required by the International Codes Council (ICC).



High-rise multifamily spacing

C. *Setback averaging.* When a vacant lot located in a zoning district authorized for single-family detached dwellings is proposed for development, and is located where at least 60 percent of the other lots on the same block face are occupied by single-family detached dwellings, then setback averaging shall apply. Where setback averaging applies, the minimum front setback for the vacant lot to be developed shall be the average of the actual front setbacks of the existing dwellings adjacent to the vacant lot and on the same blockface. Where application of setback averaging would require that the proposed dwelling be located closer to the street than the otherwise applicable minimum front setback for the zoning district where the vacant lot is located, then setback averaging shall not be applied. Where application of setback averaging would make it impossible for the proposed dwelling to comply with the applicable zoning district's rear yard setback requirement, then the proposed dwelling may be constructed closer to the street, up to the minimum front setback required in the subject zoning district, only to the extent necessary to satisfy the minimum rear yard setback requirement. If the actual front setbacks of the existing dwellings on the adjacent lots on the same blockface as the vacant lot differ from each other by more than 30 feet, then the minimum front setback for the vacant lot shall be the actual front setback of the dwelling closest to the street.

(Ord. of 8-2-2017, § 1(5.1.1))

Sec. 5.2.2. Minimum floor area per dwelling unit.

A. No new dwelling unit shall have less than the minimum floor area of the applicable zoning district specified in article 2 of this chapter.

B. No existing dwelling unit shall be reduced in size so that its floor area is less than the minimum floor area for a dwelling unit established by the applicable zoning district specified in article 2 of this chapter.

(Ord. of 8-2-2017, § 1(5.1.2))

Sec. 5.2.3. Compatibility of new and existing subdivisions.

A. Lot size variability. Lots created as part of a new or redeveloped single-family detached subdivision, containing 20 or more lots, shall be compatible with existing developed single-family lots to which they are adjacent as described in subsection B. of this section.

B. Compatibility of new lots with adjacent lots shall be demonstrated by at least two of the following:

1. The lot width of the new lot is at least 80 percent of the lot width of an adjacent existing subdivision lot;
2. The lot size of the new lot is at least 80 percent of the lot size of an adjacent existing subdivision lot or eight-tenths of an acre, whichever is less;
3. The new lot provides a minimum transitional buffer of 20 feet;
4. The lot depth of the new lot is at least 20 feet deeper than the depth of the adjacent existing lot.

C. Calculations for measuring compatibility:

1. Only lots with existing residential structures adjacent to the proposed development will be used in the calculation.

Perimeter Lot Diagram

(Ord. of 8-2-2017, § 1(5.1.3))

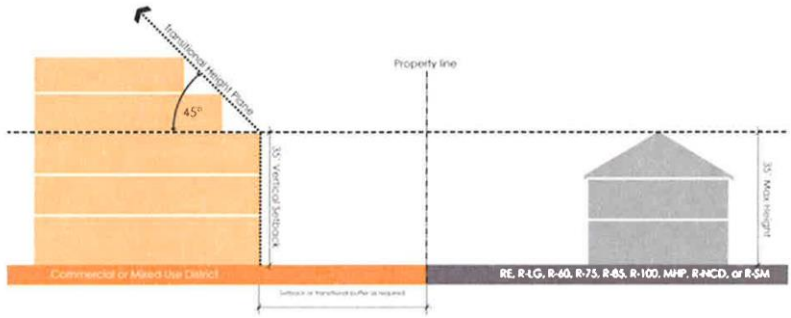
Sec. 5.2.4. Transitional height plane.

A transitional height plane shall apply to commercial or multifamily buildings that is either:

(1) Adjacent to; or

(2) Separated by a street with a width of 50 feet or less from any property zoned RE, RLG, R-60, R-75, R-85, R-100, MHP, RNC or RSM.

No portion of a commercial or multifamily structure shall protrude into a transitional height plane. The transitional height plane shall begin at a point 35 feet above any setback or transitional buffer line, whichever is furthest from the property line, and then extend at an upward angle of 45 degrees over the lot of the commercial or multifamily building.



Transitional Height Plane Diagram

(Ord. of 8-2-2017, § 1(5.1.4))

Sec. 5.2.5. Height measurement requirements and thresholds.

A. Building height of all structures other than single-family detached dwellings shall be measured from average finished grade (determined by averaging the elevations of finished grade around the entire footprint of the structure) to the top of the highest roof beams on a flat roof, to the deck level on a mansard roof, and to the average distance between the eaves and the ridge level for gable, hip, shed and gambrel roofs.

B. Building height for single-family detached dwellings shall be measured from the front-door threshold of the structure to the highest point of the roof of the structure. Threshold means the top of the subfloor in the opening that is designated as the front door of a dwelling.

C. Reserved.

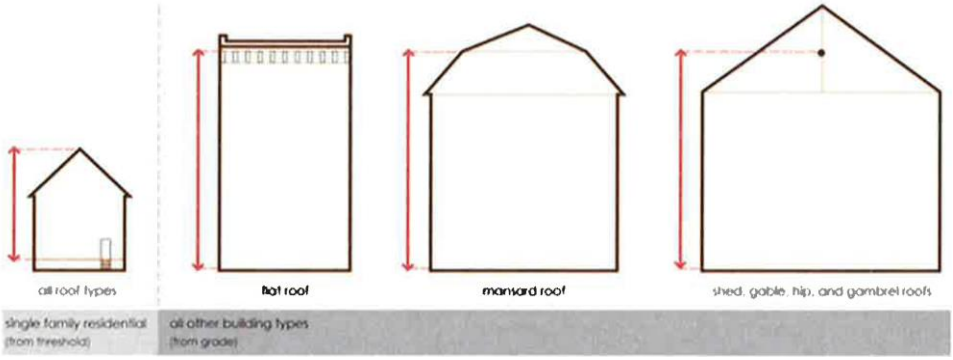
D. Elevation of single-family detached dwelling thresholds. The following standards shall apply to single-family detached dwellings:

1. *Replacement of a single-family detached dwelling.* If new construction of a single-family detached dwelling would require alteration or eradication of the threshold of a previously existing residential structure, the proposed front door threshold elevation for the new single-family detached dwelling shall not be more than two feet higher than the front door threshold elevation of the previously existing residential structure, which shall be measured and certified by a licensed surveyor or engineer.

2. *Construction on vacant or undeveloped lot.* If no dwelling previously existed on the lot, the threshold shall be no higher than the average elevation of the existing natural grade at the front building line.

3. *Sewer conditions.* If the existing residence or lot is not connected to county sewer and if an applicant for a building permit establishes that the minimum threshold height prevents gravity flow connections to county sewer, the director of planning may grant an administrative variance to allow the threshold height to be up to five feet above the threshold of the previously existing residence in order to allow for gravity flow into the existing sewer tap. Should a greater increase in threshold height be required, a variance from the zoning board of appeals must be obtained in accordance with the process set forth in article 7 of this chapter.

4. *Topographical conditions.* If exceptional topographical restrictions exist on the subject lot that were not created by the owner or applicant, then the director of planning may grant an administrative variance to allow the threshold to be up to three feet above the threshold of the previously existing house.



Building Height Measurement

E. Height requirements.

1. The maximum height of a new single-family detached dwelling shall comply with the requirements of Table 2.2.

2. The height limitations established in this chapter shall not apply to the following:

a. Barns, silos or other similar structures when located on farms; belfries, steeples, cupolas and domes; chimneys; and flagpoles.

b. Bulkheads, elevator penthouses, rooftop mechanical equipment, water tanks and scenery lofts and similar structures, provided that these structures shall not cover more than 25 percent of the total roof area of the building on which the structures are located.

c. Telecommunications towers and antennas otherwise permitted by this chapter by special administrative permit or permitted by special land use permit by the city council pursuant to section 4.2.57.

d. Any single-family detached dwelling that exceeds the building height limitations set forth in subsection E.2.a. of this section and has been damaged by fire or other act of nature may be reconstructed to its verifiable original height.

e. When an undeveloped single-family lot is located within a platted subdivision in which at least 60 percent of the lots have had certificates of occupancy issued for single-family detached homes that exceed the building height limitations set forth in subsection E.(1) of this section, a single-family detached residential structure built on the undeveloped single-family lot may be built to a maximum height equal to the average building height of the existing single-family detached homes within the same block in which the undeveloped single-family lot is located.

f. Rooftop mechanical equipment, vent pipes, lightning rods, solar panels, and/or wind vanes that are less than six feet in height measured from top of roof adjacent to such structure.

(Ord. of 8-2-2017, § 1(5.1.5))

DIVISION 3. SUPPLEMENTAL STREET REGULATIONS AND TRAFFIC IMPACT

Sec. 5.3.1. Design standards by street type.

Public and private streets shall be designed according to standards for street classification established in chapter 14 of the Code, except as otherwise provided in section 5.7.6 of this chapter.

(Ord. of 8-2-2017, § 1(5.3.1))

Sec. 5.3.2. Street connectivity.

A. *Connectivity measures.* New streets shall be designed to create an interconnected system of grid-patterned roads, modified only to accommodate topographic conditions. Each new street shall connect to the existing street grid.

B. *Pedestrian connectivity.* Common areas shall be connected by pedestrian pathways in accordance with section 5.1.1.C.

C. *Small area transportation plan conformity.* New streets shall demonstrate conformance with the intent of any and all city adopted transportation plans, thoroughfare plans and subarea plans.

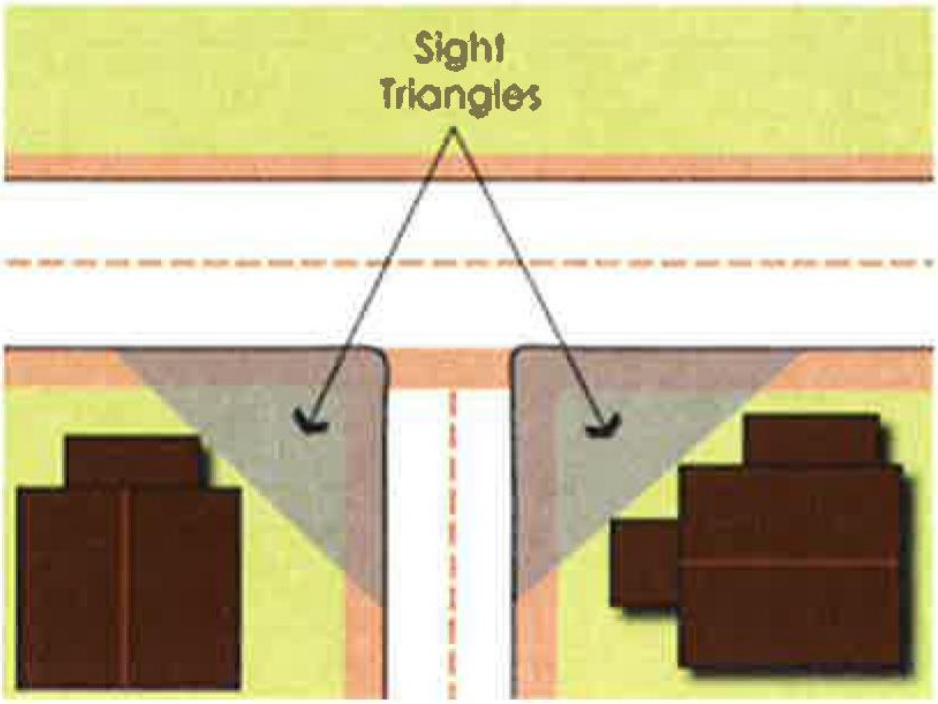
D. *Waivers.* The requirements of subsections A. and B. of this section may be waived by the director of planning in accordance with article 7 of this chapter and as provided below:

1. Waivers may only be granted for hardships resulting from unusual topography or when access constraints or other requirements imposed by city departments impede compliance.

2. As part of the waiver request, the applicant shall prepare and submit a site plan, drawn to scale and showing the existing public and private street network, and shall provide an explanation as to how the proposed street plan supports the intent of this section to design an interconnected system of grid-patterned roads.

(Ord. of 8-2-2017, § 1(5.3.2))

Sec. 5.3.3. Sight visibility triangles.



Sight Triangles

A. No structure, fence, wall, sign, hedge or planting, or any similar improvement will be permitted to obstruct the sight lines or visibility of motorists and/or pedestrians at any intersection of public or private streets or at any driveway intersection with a public or private street. All intersecting streets and driveways must meet the intersection and stopping sight distance requirements as outlined in the American Association of State Highway and Transportation Official's (AASHTOs) A Policy of Geometric Design of Highways and Streets, current edition.

B. For the purposes of this section, obstructions shall be prohibited if any part thereof is more than 30 inches and less than eight feet above local streets and driveways, or more than 30 inches and less than 12 feet above any street classified as collector or higher.

C. Properties requiring GDOT approvals shall also comply with GDOT standards for sight visibility triangles and sight distances.

(Ord. of 8-2-2017, § 1(5.3.3))

Sec. 5.3.4. Traffic impact study.

A traffic impact study, the scope of which shall be determined by the director of the planning department or his designee, necessary to establish the impact of a development project on the surrounding roads and what improvements may be available to mitigate such impacts, is required for any rezoning, special land use permit, sketch plat, and land disturbance or building permit applications for projects reasonably expected to meet any of the following criteria:

A. Multifamily development with over 300 new units at build-out;

B. Single-family developments with over 200 new lots or units at build-out;

C. Retail developments with over 125,000 gross square feet (GSF);

D. Office developments with over 200,000 GSF;

E. Medical office developments with over 55,000 GSF;

F. Industrial/warehouse developments with over 280,000 GSF, employing more than 650 workers, or covering more than 200 acres;

G. Any mixed-use development which could reasonably expect to generate 2,000 or more gross daily trips; or

H. Special traffic generating uses, including truck stops, quarries, landfills, stadiums, etc. which would require development of regional impact review.

(Ord. of 8-2-2017, § 1(5.3.4))

Sec. 5.3.5. Traffic calming features.

New subdivisions may provide a traffic calming structure for every 500 feet of road length. Traffic calming structures, curves and other traffic calming features are subject to the approval of director of the planning department, or his designee, which approval shall be given where the proposed traffic calming structure or traffic calming feature is designed in such a way as to reduce traffic speeds to a reasonably safe speed for the location.

(Ord. of 8-2-2017, § 1(5.3.5))

DIVISION 4. STREETSCAPE AND LANDSCAPING REQUIREMENTS

Sec. 5.4.1. Purpose and intent.

The requirements and regulations for landscaping in the City of Stonecrest are a critical public concern that are necessary in order to preserve and enhance property values, the aesthetic beauty of the city, and the safety and general welfare of its residents. The intent of landscape regulations is to:

A. Provide buffering between non-compatible land uses.

B. Protect, preserve, and promote aesthetic appeal and scenic beauty.

C. Reduce noise pollution and air pollution.

D. Reduce stormwater run-off, erosion and degradation of water quality.

E. Filter and reduce glare from artificial light sources.

F. Provide shaded areas along streets and in parking areas.

G. Reduce solar heat islands.

(Ord. of 8-2-2017, § 1(5.4.1))

Sec. 5.4.2. Applicability.

A. *New developments, principal building or use.* The requirements and regulations for streetscape and landscaping apply to principal buildings, new developments or open uses of land constructed or established after the effective date of this zoning ordinance.

B. *Change of use, expansions or reconstruction.* Where a change of use, expansion to, or reconstruction of an existing building or site improvements (such as parking lots) impact streetscape and/or landscape improvements, the landscaping requirements shall apply only to the area disturbed in the development process.

C. *Publicly-owned buildings.* To the extent allowed by law, the requirements and regulations for streetscape and landscaping apply to improvements to land owned by public agencies except utility rights-of way or easements.

(Ord. of 8-2-2017, § 1(5.4.2))

Sec. 5.4.3. Streetscape elements and dimensions.

All development shall comply with the streetscape element requirements described below and in Table 5.1. Topping of canopy trees within this section is prohibited.

A. *Streetscape dimensions and placement.*

1. *New streets.*

a. *Applicability.* New streets shall be constructed with continuous streetscape zones on both sides of the street, beginning from back of curb.

b. *Streetscape zone elements for new streets.* The streetscape zone on new streets shall consist of a landscape strip, a sidewalk, and, when required per Table 5.1, a supplemental zone.

c. *Sidewalks.* Sidewalks shall be provided between the landscape strip and the supplemental zone, as required in Table 5.1 and the figures following the table.

d. *Landscape strips.*

i. Landscape strips shall be located between the curb and the sidewalk.

ii. Landscape strips shall be designed with street trees and pedestrian scale streetlights as required in Table 5.1 and the figures following the table.

iii. See subsection C. of this section for planting and materials requirements.

iv. Large scale retail has additional landscape standards adjacent to streets as provided in section 5.7.8.

e. *Supplemental zone.* New streetscape zones in nonresidential areas shall provide a supplemental zone outside the right-of-way on a private easement. Private easement agreements shall be submitted to the director of planning. See subsection D. of this section.

(2) *Improvements on existing streets.*

a. *Applicability.* New development and redevelopment occurring on existing streets shall provide a streetscape zone on the side of the street where the development takes its access.

b. *Streetscape zone elements for existing streets.*

i. The streetscape zone for existing streets shall consist of a minimum of 11 feet along the existing shoulder, as indicated in Table 5.1.

ii. The streetscape zone for existing streets shall consist of a landscape strip and a sidewalk, as shown in Table 5.1 and the figures following the table.

c. *Sidewalk and landscape strip dimensions.* The width and location of sidewalks and landscape strips shall be determined by the director of the planning department or his designee, based on GDOT standards, if applicable, and compatibility with existing sidewalks and utilities.

d. *Landscape strips.*

i. Landscape strips shall be located between the curb and sidewalk, and/or between the sidewalk and the property line. The required total width of the landscape strip may be distributed on either side of the sidewalk so as to accommodate existing infrastructure.

ii. Landscape strips shall be designed with street trees and pedestrian scale streetlights as shown in Table 5.1 and the figures following the table.

iii. See subsection C. of this section for planting and materials requirements.

iv. Large-scale retail has additional landscape standards as provided in section 5.7.8.

e. *Programmed road improvement projects.* If DeKalb County, the City of Stonecrest, or GDOT has a programmed road improvement project along the frontage to be developed, then the streetscape shall be constructed consistent with the design standards for such road improvements plans.

f. *Administrative variance.* The director of planning shall have the power to grant administrative variances for streetscape requirements on existing streets upon written request by the property owner and compliance with article 7 of this chapter based on a finding that the requirement of the subsection A.2. of this section would have a significant adverse effect on the historic pattern or cannot be met due to circumstances beyond the control of the applicant, including, but not limited to,

i. Inadequate right-of-way;

ii. Conflicting standards between this section and GDOT design standards;

iii. Unique topographic or subsurface conditions;

iv. Need to relocate existing utilities.

B. *Sidewalks and interior walks.*

1. Sidewalks shall be paved in concrete and paver accents approved by the director of planning and kept clear and unobstructed for the safe and convenient use of pedestrians.

2. Sidewalks shall adhere to ADA guidelines.

3. Sidewalks shall be continued across intervening driveways by continuation of the sidewalk paving materials or other methods of differentiation.

4. Where newly constructed sidewalks abut existing sidewalks, the newly constructed sidewalk shall provide safe transition of pedestrian traffic flow to the adjacent sidewalks. Development that disturbs existing sidewalks on another property shall replace disturbed areas to their pre-disturbance state and condition.

5. For uses other than single-family residential, safe and convenient paved pedestrian pathways shall be provided from sidewalks along streets to each building entrance, including pedestrian access routes to parking decks and through parking lots and between adjacent buildings, transit stops, street crossings within the same development. All such pathways shall have a minimum width of three feet.

C. *Landscape strip materials and maintenance.*

1. *Required mix of materials.* Landscape strips in the streetscape zone shall be planted with a variety of deciduous, over story and understory trees. Species of shrubs, flowering plants, grass and other ground covers, which are well adapted to the local climate, may be included in the landscape strip.

2. *Sidewalks.* Sidewalks shall be paved in concrete and paver accents approved by the director of planning and kept clear and unobstructed for the safe and convenient use of pedestrians.

3. *Pedestrian crossing.* Landscape strips may include brick, concrete, or granite pavers where on-street parking is provided or regular pedestrian crossing of the landscape strip is reasonably anticipated to occur.

4. *Maintenance.* Required landscape strips shall be established and maintained by the owners. Topping of canopy trees is prohibited.

5. *Permanent structures.* Permanent structures such as buildings, driveways that are not perpendicular to the landscape strip, parking spaces, dumpsters, drainage structures and detention facilities shall be prohibited in required landscape strips. The prohibition of this subsection shall not include crossings perpendicular to the strip, necessary retaining walls four feet or lower, bike racks, benches, trash receptacles, signs, mailboxes, and drainage swales.

6. *Planting specifications, all trees.*

   a. Planting areas for trees shall contain a minimum depth of 12 inches of screened topsoil. Below 12 inches the soil shall be uncompacted to a depth sufficient to allow proper drainage and root growth.

   b. Use of root barriers such as U.B.36 or an equivalent is required at the back of the sidewalk or back of the curb if no sidewalk exists.

   c. Trees shall meet the standard for American Nursery Stock ANSI Z60.1.

7. *Street trees.*

   a. Street trees shall be overstory trees unless site constraints prohibit the use of large maturing trees, subject to the approval of the director of planning.

   b. Street trees shall be provided with spacing as depicted in Table 5.1.

   c. Street trees shall not be planted closer than 20 feet from the curb line of intersecting streets and not closer than ten feet from intersecting lines of alleys or private drives.

   d. Street trees shall not be planted closer than 12 feet from light standards. No new light standard location shall be positioned closer than ten feet to any existing street tree.

e. Street trees shall not be planted closer than 2½ feet from the back of the curb.

f. Where there are overhead power lines, street tree species are to be chosen from a list provided by the city arborist that will not interfere with those lines.

g. Street trees, as they grow, shall be pruned to provide at least eight feet of clearance above sidewalks and 12 feet above driveways and roadway surfaces.

h. Street trees shall be a minimum of two-inch caliper measured at six feet above ground level at the time of planting and shall have a mature height of at least 25 feet.

i. Street trees shall be planted in a mulched area of at least 25 square feet.

D. *Supplemental zone.*

1. In supplemental zones in commercial areas where building setbacks are 15 feet or less, the supplemental zone must contain hardscape and street furniture such as trash receptacles, bike racks, and benches.

2. For additional requirements for supplemental zones abutting parking lots, see section 5.4.4.

E. *Street lighting.* Street lighting shall be accomplished with pedestrian scale lighting and street lights. Street lights shall be placed on property lot lines abutting the street. Lighting plans must be approved by the director of the planning department or his designee. Lighting shall be installed by local power company employees or contractors.

F. *Administrative variance.* An administrative variance to streetscape standards may be granted by the director of planning for adaptive reuse and redevelopment projects as specified in this section or to preserve historic patterns. In addition to other required materials, an applicant for an administrative variance to the streetscape standards shall include a site plan, drawn to scale, showing the existing right-of-way and specific conditions of the lot.

Table 5.1. Required Streetscape Dimensions

Required Streetscape Dimensions (Minimum, unless stated)						
New Streets						
Street Type	Streetscape Zone				Landscape Strip Elements	
	Total Width	Landscape Strip	Sidewalk	Supplemental Zone	Light Pole Spacing (Max)	Street Tree Spacing (typical*)
Local Residential	11'	6'	5'	NONE	100'	30'
Local Nonresidential	22'	6'	6'	10'	80'	50'
Arterial and Collector Nonresidential and Mixed Use	20'	10'	6'	4'	80'	40' in Activity Centers
						50' outside Activity Centers
Existing Streets						
Street Type	Streetscape Zone				Landscape Strip Elements	

	Total Width	Landscape Strip	Sidewalk	Supplemental Zone	Light Pole Spacing (Max)	Street Tree Spacing (typical*)
Local Residential	11'	6'	5'	NONE	100'	30'
Local Nonresidential	12'	6'	6'	NONE	80'	50'
Arterial and Collector Nonresidential and Mixed Use	16'	10'	6'	NONE	80'	40' in Activity Centers
						50' outside Activity Centers

* Location of street trees is subject to infrastructure and utility locations and approval by the city arborist and GDOT if state roads.

Streetscape Figure—Local Streets, Single-family Residential Districts

Streetscape Figure—Local Streets, all Other Districts

Streetscape Figure—Arterial and Collector Streets

(Ord. of 8-2-2017, § 1(5.4.3))

Sec. 5.4.4. Site and parking area landscaping.

A. *Single-family residential lots.* Each single-family residential lot on which new development occurs shall be planted with a minimum of three new trees. Street trees along the lot frontage shall count towards this requirement. The species and specifications for the trees to be planted in compliance with this requirement shall meet the requirements of a list approved by the city arborist.

B. *Interior strips.* Interior to nonresidential, mixed-use and multifamily developments, three-foot-wide planted landscape strips shall be required along all interior drives and pedestrian paths.

C. *Property perimeter landscape strip.* Along nonresidential, mixed-use and multifamily development perimeter lot lines, a perimeter landscape strip shall be required, as follows:

1. A five-foot-wide continuous perimeter landscape strip is required along all property lines that are not subject to streetscape requirements. This applies to individual tenant sites interior to a master planned project, even in instances where individual tenant sites do not have separately platted lot lines.

2. A perimeter landscape strip shall include one overstory deciduous shade tree, or three understory or three evergreen trees, for every 50 linear feet at a minimum size of two-inch caliper for deciduous trees and eight-foot height for evergreen trees.

3. A perimeter landscape strip is not required where a transitional buffer is also required.

D. *Parking area landscaping.* All surface parking lots that contain a total of 15 or more parking spaces that are constructed or redeveloped subsequent to the effective date of the ordinance from which this chapter is derived shall comply with the following requirements:

1. A minimum of ten percent of the total lot area of the parking lot shall be landscaped.

2. Non-continuous barrier curbs shall be installed around the perimeter of the parking lot and around landscaped areas that are required herein, except where the perimeter abuts an adjacent building or structure and except at points of ingress and egress into the facility, so as to prevent encroachment of vehicles onto adjacent property, rights-of-way, sidewalks and landscaped areas.

   a. Barrier curbs shall be a minimum of six inches in height and six inches in width, shall be concrete or stone, shall be securely installed, and shall be maintained in good condition.

3. A continuous hedge, berm, or short wall with landscaping thereon, not to exceed three feet in height shall be required between surface parking and an adjacent public street right-of-way.

4. Tree and island quantity. A minimum of one tree per eight parking spaces, and one island per ten parking spaces, shall be provided.
5. Landscape islands. All trees planted in a parking lot shall be planted in a landscape island, which island shall be a minimum of 250 square feet.
6. In addition to trees, ground cover shall also be provided in order to protect tree roots and to prevent erosion. Ground cover shall consist of shrubs, ivy, liriope, pine bark mulch, or other similar landscaping material.
7. Ground cover shrubs in parking area landscaping shall be maintained at a maximum height of 30 inches, except where such shrubs are screening the parking surface from an adjacent residential area.
8. Newly planted trees in parking area landscaping shall be a minimum of two-inch caliper as measured at a height of six inches above ground level, shall be a minimum of ten feet in height at planting, shall have a 30-foot minimum mature height, and shall be drought tolerant. Trees shall be planted at least 30 inches from any barrier curb, so as to prevent injury to trees from vehicle bumpers. A minimum of 75 percent of the trees planted pursuant to these requirements shall be deciduous hardwood shade trees.
9. All landscaped areas shall be properly maintained in accordance with landscape plans approved as part of the land disturbance permit. In the event that a tree or any plant material dies, it shall be replaced within 12 months so as to meet all requirements of this section and to allow for planting in the appropriate planting season.
10. All trees planted pursuant to the requirements of this section shall be counted for the purpose of meeting the tree planting and tree replacement requirements required by chapter 14 of the Code.

(Ord. of 8-2-2017, § 1(5.4.4))

Sec. 5.4.5. Transitional buffers.

A. *Intent.* Transitional buffers are intended to create a visual screen in order to diminish the potential negative impacts of nonresidential and mixed land uses on adjacent residential land uses. Similarly, transitional buffers diminish the potential negative impacts of higher intensity residential development on adjacent single-family residential land uses.

B. *General requirements.* Natural or planted transitional buffers required by this article shall be established and permanently maintained by the property owner as follows:

1. The required transitional buffer shall be depicted in detail on each site plan or plat prior to final approval. Type and location of natural and planted vegetation shall be included.
2. Within the transitional buffer, the natural topography of the land shall be preserved and existing growth shall not be disturbed except where necessary to remove dead or diseased trees and undergrowth or to enhance the buffer with additional landscaping in order to provide a screen so as to prevent view of the higher density development from the lower density development.
3. Grading or construction adjacent to the transitional buffer zone shall not disturb or encroach upon the transitional buffer zone.
4. Notwithstanding subsection B.3. of this section, if grading is required in the transitional buffer in order to prevent or control erosion, the area of such grading shall cover no more than 20 percent of the required transitional buffer, shall be immediately replanted upon completion of easement improvements and shall avoid disturbance of the soil within the dripline of trees within the transitional buffer.

5. Any approved utility crossings shall be perpendicular to the transitional buffer.
6. A pedestrian walkway, a maximum width of five feet, may be located in the buffer to provide pedestrian access to the adjoining property. Where a pedestrian walkway is provided, a gate shall be installed in the required screening fence.
7. If existing vegetation in a buffer area does not meet the transitional buffer standards, a five-foot-high, landscaped berm may be installed subject to the approval of the city arborist. Grading to construct the berm shall not remove significant plants designated by the city arborist as part of the approval of the landscaped berm.

C. *Buffer planting and materials.* When the conditions of the existing natural topography and vegetation are insufficient to achieve the visual screening required by this section, a landscape planting plan to enhance the transitional buffer shall be prepared and implemented to supplement existing natural growth or to provide new plant materials of such growth characteristics as will provide a screen meeting the standards below:

1. *Planting height.* Proposed planting as part of an enhanced transitional buffer shall have a height of at least six feet at the time of planting and planted in a minimum of two rows, with staggered on center spacing such that a continuous opaque screen is created within two years of planting.
2. *Plant types.* Plant species in an enhanced transitional buffer shall be evergreen, native, naturalized or other species well-adapted to the local climate and rainfall patterns, disease and pest-free, healthy and vigorous, and meet standard for American Nursery Stock, ANSI Z60.1.
3. *Plant functions.* Plants shall be approved from a list made available from the planning department, but shall not be exclusive of other plants which may be suitable, provided they can provide a continuous opaque screen.
4. *Fences.* Fences are required with transitional buffers and shall meet the requirements of section 5.4.7.
5. *Wall and fence finishes.* Walls and fences shall be constructed with the finished or decorative side facing outward from the property.

D. *Buffer dimensions and specifications.* Table 5.2(a) identifies the transitional buffer class required for each zoning district based on the zoning district to which it is adjacent. Table 5.2(b) summarizes the minimum width of the required transitional buffer for each transitional buffer class (A-E).

Table 5.2(a). Transitional Buffer Class by District

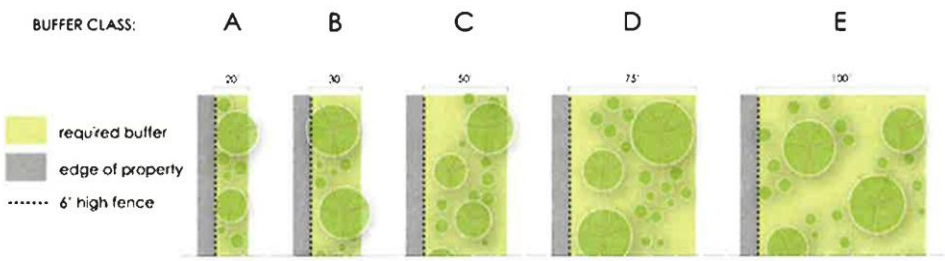
Transitional Buffer Class by District												
Districts	Adjacent District											
Residential Districts	R*	MHP	RNC	RSM	MR-1	MR-2	HR-1-3	MU-1	MU-2	MU-3	MU-4	MU-5
MHP	C	-	-	-	-	-	-	-	-	-	-	-
RNC	B	-	-	-	-	-	-	-	-	-	-	-
Mixed Residential Districts												
RSM**	A	C	A	-	-	-	-	-	-	-	-	-
MR-1**	B	C	B	B	-	-	-	-	-	-	-	-
MR-2**	C	C	C	C	C	-	-	-	-	-	-	-
HR-1-3**	C	C	C	C	B	B	-	-	-	-	-	-
Mixed-Use Districts												
MU-1	B	B	B	B	-	-	-	-	-	-	-	-
MU-2	C	B	B	B	B	-	-	-	-	-	-	-
MU-3	C	C	C	B	A	B	B	B	B	-	-	-
MU-4	C	C	C	B	A	B	B	B	B	-	-	-
MU-5	C	C	C	B	A	B	B	B	B	-	-	-
Nonresidential Districts												
OI	C	C	C	C	C	C	C	B	B	B	-	-
OIT	C	C	C	C	C	C	C	B	B	B	-	-
NS	C	C	C	C	C	C	C	A	A	A	-	-
C-1	C	C	C	C	C	C	C	B	B	B	-	-
OD	D	D	D	D	D	D	D	D	D	D	D	D
C-2	C	C	C	C	C	C	C	B	B	B	B	B
M	D	D	D	D	D	D	D	D	D	D	D	D
M-2	E	E	E	E	E	E	E	E	E	E	E	E

* R= RE, RLG, R-100, R-85, R-75, R-60 (except when R-60 use is single-family attached).

** Where the Mixed Residential District has single-family units along an adjacent residential (R) boundary, then a transitional buffer is not required.

Table 5.2(b). Transitional Buffer Minimum by Buffer Class

Transitional Buffer Minimum Width by Buffer Class	
Buffer Class	Width
A	20'
B	30'
C	50'
D	75'
E	100' with fence



Transitional Buffers Figure

(Ord. of 8-2-2017, § 1(5.4.5))

Sec. 5.4.6. Screening.

Trash and recycling areas, loading areas, mechanical and utility equipment, parking decks, detention facilities, and outdoor storage shall be surrounded by opaque fences, walls, or vegetation. Vegetative screening shall be at least 75 percent evergreen, with a minimum of two rows of plants, and shall grow to a height of six feet in two years.

A. *Loading areas.* All loading areas must be screened from view so as not to be visible from any public street or adjacent property.

B. *Trash and recycling areas.* All dumpsters must be screened from view on all four sides so as not to be visible from adjacent properties and the public street. The screen may incorporate access to the dumpster by using a wood fence or other opaque device to serve as a gate.

C. *Parking decks.* All parking decks and aboveground parking structures shall have a six-foot-wide landscape strip immediately contiguous to the facade of the parking deck or structure, unless otherwise screened from view by an intervening building.

D. *Mechanical and utility equipment.* All mechanical and utility equipment must be screened from view so as not to be visible from any public street.

E. *Detention facilities.* In addition to fencing requirements set forth in chapter 14 of the Code, detention facilities shall be planted with evergreen plant material consistent with buffer standards in section 5.4.5.C. No trees shall be allowed in the ten-foot maintenance shelf. However, detention facilities designed as open space amenities may be approved by the director of planning and in compliance with division 5 of this article. A detention facility located in an historic district that is subject to architectural design review shall require a certificate of appropriateness, for appearance only, from the City of Stonecrest Historic Preservation Commission.

F. *Outdoor storage.* See section 4.2.38 for screening regulations for outdoor storage of materials, supplies, equipment or vehicles regulations.

(Ord. of 8-2-2017, § 1(5.4.6))

Sec. 5.4.7. Walls, fences, and retaining walls.

A. General.

1. When this chapter requires a wall or fence to be constructed, the wall or fence shall be completed prior to the issuance of a certificate of occupancy for the principal structure.

2. No wall or fence shall be constructed in any public right-of-way.

3. See Table 5.3, Fence and Wall Standards for additional requirements.

B. Single-family residential standards.

1. Fences or free-standing walls constructed in a front yard shall not exceed four feet in height.

2. No freestanding wall or fence, other than a retaining wall, shall be more than eight feet high from finished grade.

3. Subdivision or project identification monuments at the entrance to a subdivision or residential development that incorporates a wall or fence shall only be located in a common area or private easement and shall not exceed six feet in height.

4. Retaining walls on lots developed with single-family dwellings shall abide by the following:

(1) The entire wall structure, including footer, shall not encroach on adjacent property;

(2) Drainage shall be properly conveyed on both sides of the wall in conformance with state and city codes; and

(3) A construction/maintenance easement shall be obtained from the adjoining property owner, if applicable.

Newly constructed retaining walls shall not be higher than four feet; however, existing retaining walls may be repaired and replaced so long as the height of the repaired or replaced wall is no greater than the original height of the wall.

a. If exceptional topographical restrictions exist that were not created by the owner or his agent on a lot, and it is established to the reasonable satisfaction of the director of planning that no practical alternative design of such wall is feasible, then the director of planning may, upon application therefor, grant an administrative variance allowing up to two additional feet in the applicable retaining wall maximum height limitation set forth in this subsection B.4 of this section. An applicant for a retaining wall administrative variance shall include with the application a certified field-run site plan or a topographical map certified by an engineer or landscape architect.

b. If exceptional topographical restrictions exist that were not created by the owner or his agent on the lot, and it is established to the satisfaction of the zoning board of appeals that no practical alternative design of such wall is feasible, the zoning board of appeals may, upon application therefor, grant a variance allowing newly constructed retaining walls to be greater than six feet. Notwithstanding any provision in this chapter to the contrary, no variance may be granted to allow the height of a retaining wall above eight feet. In addition to the materials otherwise required for a variance in division 5 of article 7 of this chapter, an applicant for a retaining wall variance shall provide a certified field-run site plan or a topographical map certified by an engineer or landscape architect with the application for the variance.

C. Height. The height of a wall or fence is measured along the adjacent finished grade. However, if located within 15 feet of any street, and if the street grade is above the adjacent finished grade, the fence or wall height may be measured from the street grade.

D. Material composition.

1. No freestanding walls, retaining walls or fences may be composed of exposed common concrete block, tires, junk, pallets, railroad ties, loose stone, vinyl and other discarded materials.

2. With the exception of M and M-2 zoning districts, fences, freestanding walls or retaining walls erected within the front yard shall be constructed of brick, stone, wood, wrought iron, or aluminum that looks like wrought iron. Any other material, including, but not limited to, chain link and other wire fences are prohibited in the front yards of all districts, with the exception of M and M-2 zoning districts.

E. Security gates. Entrance gates for vehicles shall be located at least 50 feet from the property line in order to ensure safe queuing, ingress to and egress from the property.

F. Temporary fencing may be erected during construction for security and public safety purposes.

G. Fences and walls in the M and M-2 zoning districts are exempt from regulations governing the height and materials of fences and walls.

H. No freestanding wall or fence in a multifamily, nonresidential or mixed use zoning district may be more than ten feet in height.

Table 5.3. Fence and Wall Standards

Use	Height	Setbacks	Variance Allowed
Single-family fences in the front yard	Up to four feet from finished or street grade.	Outside right-of-way	May apply for a variance from zoning board of appeals to increase height.
Single-family fences in side or rear yards	Up to eight feet.	Fences may be on property line; retaining walls, including footings, must not encroach over property line.	No variance can be approved to exceed eight feet in height.
Single-family retaining walls	Up to four feet from finished or street grade. Cannot exceed eight feet on side or rear property line.	Retaining walls, including footings, shall not encroach over property line.	Administrative variance allowed to increase wall from four to six feet based on topography.
Single-family and Multifamily identification monument walls	In front yard, cannot exceed ten feet in height.	Cannot be located in right-of-way. Setback varies, depends on sight visibility.	May apply for a variance from zoning board of appeals to increase height.
Nonresidential, multifamily and mixed-use zoning districts	Up to ten feet.	Cannot be located in right-of-way. Setback varies, depends on sight visibility.	May apply for a variance from zoning board of appeals to increase height.
Industrial	No limit.	No limit.	N/A

(Ord. of 8-2-2017, § 1(5.4.7))

DIVISION 5. OPEN SPACE STANDARDS

Sec. 5.5.1. Applicability.

A. All development that is required to have open space shall, upon application for a land disturbance permit, identify all open space by a functional category established pursuant to the requirements of this chapter. Further, in commercial and mixed-use developments, open space requirements of individual parcels may be met by open spaces that are owned, maintained, and held in common for use by multiple properties that are subject to legal agreement for maintenance and association approved by the director of planning.

B. The open space requirements in division 5 of this article do not apply to residential subdivisions with less than five acres or less than 36 residences.

C. The minimum quantity of open space for approved developments is established by zoning district and controlled by Table 5.4.

D. Open space shall be maintained as open space until such time that the entire existing development is proposed for redevelopment and shall be landscaped with trees, shrubs, flowers, grass, stones, rocks or other landscaping materials.

E. Open space may include hardscape elements depending on functional type as described in Table 5.6. If serving a conservation function, open space may be preserved in a natural state without enhancements.

(Ord. of 8-2-2017, § 1(5.5.1))

Sec. 5.5.2. Maintenance, management and ownership.

A. *Ownership and management of open space .* Open space shall be owned by one of the following entities, which shall be responsible for maintenance and management as described herein:

1. *City of Stonecrest.*

   a. Open space agreements may be made with the city to deed the required open space to the city. City of Stonecrest is under no obligation to accept any proposed dedication of open space used to meet the requirements of this division.

   b. Public access easement agreements may be made with the city for open space so dedicated by the owner for city trails, parks or other public recreational amenities, as agreed to by City of Stonecrest and whereby maintenance agreements shall be executed between the owner and city.

2. *Land conservancy or land trust.* The responsibility for maintaining the open space and any facilities located thereon may be transferred to a land conservancy or land trust, subject to prior approval by City of Stonecrest.

3. *Homeowners or property owners association.* A homeowners or property owners association representing residents or property owners of the subdivision may own and be responsible for maintenance and management of open space. Membership in the association shall be mandatory and automatic for all homeowners or property owners, and their successors. The homeowners/property owners association shall have lien authority to ensure the collection of dues from all members. The Homeowners or property owners association organizational documents must first be submitted to the director of planning for review to ensure compliance with this subsection. The homeowners or property owners association shall be formed and maintained in compliance with all applicable state law.

4. *Recording of open space.* Open space shall be shown on the final approved plat as a conservation easement, permanent restrictive covenant or equivalent legal document in a form approved by the City of Stonecrest, which shall include a provision rendering the covenant or document void when a property is being redeveloped or redesigned, in which case applicable zoning standards shall apply to ensure consistency with this chapter. At no time shall the development provide less than the required open space.

B. *Maintenance of open space.*

1. Undeveloped open space used to satisfy the requirements of this division shall be preserved in a natural state except for the removal of litter, dead trees, invasive species and plant materials that obstruct pedestrian movement, as well as other maintenance necessary to preserve the natural state

of the open space as approved by the director of planning. Natural water courses and stream channels shall be kept free of litter and obstructions and shall be maintained so as to not alter floodplain levels, and as required by stream buffer regulations in chapter 14 of the Code.

2. Open space shall be maintained so that there exist no hazards, nuisances or unhealthy conditions.

3. Permitted elements as described in Table 5.6 shall be maintained in good repair.

4. New landscaping in required open space shall be maintained such that planted materials that die within one year of the installation, shall be replaced within six months or the next appropriate planting season as determined by the city arborist.

(Ord. of 8-2-2017, § 1(5.5.2))

Sec. 5.5.3. Standards and design.

Open Space and Enhanced Open Space Calculations

A. Required open space shall meet the standards of Table 5.4, Enhanced Open Space: Minimum Requirements.

B. All deeded open space created shall be platted and provide a public access easement in a form approved by the City of Stonecrest.

C. Prior to issuance of a land disturbance permit or building permit:

1. For development projects with residential uses requiring enhanced open space, no lot or multifamily building shall be more than one-quarter mile distance from a designated enhanced open space. If site constraints limit access to the enhanced open space, the distance may exceed the minimum setback requirement of this subsection, subject to the approval of the director of planning. Measurement of distance shall be based on the distance of road and/or pathway providing connectivity to the enhanced open space.

2. A development project with residential uses not within one-half mile distance to a public park or recreation facility that is required to provide enhanced open space shall incorporate at least one enhanced open space type identified as clubhouse/pool amenity, neighborhood park with active recreation, and/or playground. If a development is intended for senior housing, a passive park with benches and paved paths, common patio, courtyard, barbecue/fire pit shall be considered an enhanced open space.

3. For development projects with residential uses within one-half mile of an existing or programmed public school, park, trail or library, the applicant for a land disturbance permit shall provide for pedestrian access to the school, park, trail or library. If an existing or future

pedestrian network and/or multi-use trail is identified by City of Stonecrest, the applicant may be required to provide a future reservation for such a connection. Where a programmed facility has no current concept design for potential alignment, an applicant for a land disturbance permit requiring connection to a park shall meet with the planning department to determine whether any reasonable spur connection would be possible.

a. For measurement of distance to a qualifying public amenity, measurement shall be taken along an improved walkway or sidewalk to the entrance of the public amenity.

b. For measurement to nearby existing or proposed public trail or greenway, measurement shall be taken from a point along the exterior boundary of the development directly to the nearest point of the trail or greenway.

D. *Enhanced open space.* Enhanced open space shall be required as set forth in Table 5.4. Standards for enhanced open space are found in Tables 5.5 and 5.6. In addition, each function may be designated as either public (subject to the approval of and acceptance by the City of Stonecrest) or private ownership.

E. *Open space and enhanced open space standards.*

1. Required open space shall conform to the zoning district requirements in article 2 of this chapter. Where Table 5.4 conflicts with article 2 of this chapter, article 2 shall prevail. Open space and enhanced open space design within an historic district that is subject to architectural design review shall require a certificate of appropriateness from the City of Stonecrest Historic Preservation Commission.

2. Lakes or ponds may be included as part of the open space requirements in a development, provided they are incorporated as part of enhanced open space design, subject to limitations of the riparian buffer as set forth in chapter 14 of the Code.

3. Dry detention basins shall be designed by a professional engineer and may not count toward open space area requirements unless designed as an amenity or aesthetic feature.

4. Enhanced open space may include hard space surface areas in accordance with the permitted elements identified in Table 5.6.

5. Below ground utilities or facilities may be located in the open space area.

6. Designated wetlands and dedicated conservation areas for native species and/or vegetation may count toward open space requirements in accordance with Table 5.5.

7. Open space adjacent to existing buildings that have historical or cultural significance may be counted toward the minimum required open space if made accessible for the common usage of the development. However, the enclosed building area may not be included in the minimum required open space requirement.

8. Stormwater facilities may be located within open space if the stormwater facility is designed and approved as an amenity and/or low impact stormwater management technique, and is in compliance with applicable regulation of chapter 14 of the Code, including approved best management practices. Such facilities may be exempt from fencing, provided that the public health safety and welfare is not jeopardized by the lack of fencing as determined by the director of planning.

F. *Residential lots and yards.* No residential lots shall be allowed to extend into the required open space nor shall individual residential yards count toward open space requirements.

Table 5.4. Enhanced Open Space: Minimum Requirements

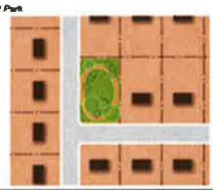
Total and Enhanced Open Space: Minimum Requirements									
	SF-RES Cottage	SF-RES Attached or Detached	Mobile Home Parks	Multifamily	Mixed-Use	Commercial/Retail	Large Retail	Office	Industrial
Open space minimum required percent of total square footage of the development	See section 5.7.5	20 percent	10 percent	See specific zoning district	See specific zoning district	15 percent	20 percent	15 percent	20 percent
Enhanced open space minimum required percent	3,000 sq. ft. minimum. See section 5.8.4.	Minimum 50 percent of total open space	Minimum 25 percent of total open space	See specific zoning district	Site plan specific	N/A	Minimum 50 percent of total open space	N/A	N/A

G. *Enhanced open space standards and types.*

1. Enhanced open space areas are areas readily accessible, practical, and generally acceptable for active or passive recreation uses. If able to meet these characteristics, enhanced open space areas may not include required setback areas, drainage easements required by the City of Stonecrest or DeKalb County, dedications with existing above ground facilities, or contain structures not intended for landscape or recreational purposes.
2. Maintenance of such areas is not the responsibility of the City of Stonecrest unless formally established and approved by the city through legal agreements. Maintenance shall be the responsibility of the owner or homeowner association in a form approved by the City of Stonecrest.
3. Total enhanced open space may be distributed throughout the project, but each individual enhanced open space type shall meet the enhanced open space dimensional standards of Table 5.5.
4. Elements shown under the Permitted Elements column in Table 5.6 are allowed for the various enhanced open space types. Other elements that are not listed may be allowed by the director of planning if they are consistent with the enhanced open space type.
5. Table 5.5 establishes enhanced open space types and minimum dimensional standards. The minimum size for any enhanced open space type shown in Table 5.5 may be reduced below the minimum amount if another enhanced open space type in the same development is increased by a corresponding amount above the minimum size shown in Table 5.5. Table 5.5 is supplemented further by Table 5.6 which provides design requirements for each type.
6. Table 5.6 establishes the requirements for each enhanced open space type and its associated design requirements. Elements may be required by specific development types according to Table 5.6.

Table 5.5. Enhanced Open Space Types with Minimum Size

Enhanced Open Space Dimensional Standards	
Enhanced Open Space Types	Minimum Size (sq. ft.)
Clubhouse*/pool amenity area	N/A
Greens/attached squares	500
Greenway	N/A
Pocket park	2,000
Neighborhood park	43,560
Plaza	3,000
Square	2,000
Playground	3,000
Detention facilities designed and approved to serve as aesthetic amenity	N/A

Enhanced Open Space Type	General Description	Permitted Elements	Design Requirements
Clubhouse/Pool or Tennis Amenity Area	Clubhouses and swimming pools must meet all applicable building and health codes.	Clubhouse Pool Toilet facilities, public or private Ornamental water features and fountains Gazebo/Pavilion/Picnic Areas Accessory concession stands Benches Trash receptacles Tennis courts	Pedestrian connectivity to all residents Parking shall be adjacent to pool and clubhouse facilities and not interfere with pedestrian activity or movement
Green	A Green is an urban open space that is natural in its details. Greens are small, civic, and surrounded by buildings. Tree plantings can be informal and the topography irregular. Greens may be used to protect specimen trees and provide for conservation functions.	Toilet facilities, public or private Ornamental water features and fountains Gazebo/Pavilion/Picnic Areas Benches Trash receptacles Paved walks/trails (not within stream buffer) Urban Garden (50% max of Green)	Landscaped with trees at the edges and lawns at the center No rear facing lots allowed adjacent to a Green
Greenway	Greenways connect residences and recreational areas. Greenways incorporate natural settings, such as creeks and significant stands of trees within neighborhoods. Greenway details are natural (i.e., informally planted), except along rights-of-way, and may contain irregular topography.	Pedestrian trails Picnic tables Benches Trash receptacles Conservation areas for natural, archeological or historic resources Meadows, wetlands, wildlife corridors, game preserves, other	Shall have a minimum width of at least 50' Conserve existing tree canopy and landscape Protect existing natural drainage way and creeks Land shall not be cleared except for trails Water bodies are allowed provided that they do not count toward more than 50% of the required open space
Pocket Park 	A pocket park is a small outdoor space, usually no more than ¼ of an acre, most often located in an urban area that is surrounded by commercial buildings or houses on small lots.	Toilet facilities, public or private Hardscape materials Gazebo/Pavilion/Picnic areas Trash receptacles Ornamental water features and fountains Public art Recreational courts Urban Garden (25% max of Pocket Park)	Rear facing lots are allowed Attractive landscaping Minimize negative impacts on adjacent residents
Neighborhood Park	A neighborhood park, by size, program, and location, provides space and recreation activities for the immediate neighborhood in which it is located. It is considered an extension of neighborhood residents' "out-of-yard" and outdoor use area.	Gazebo/Pavilion/Picnic areas Hardscape materials Toilet facilities, public or private Picnic tables Benches Trash receptacles Paved walks/trails Ornamental water features and fountains Recreational courts and fields Urban Garden (25% max of park) Playground (swings, slides) Dog parks	Shall be bounded by streets on at least 50% of its perimeter Active recreation areas (25% max)

Enhanced Open Space Type	General Description	Permitted Elements	Design Requirements
Community Park	Community Parks are designed for active recreational use. Community Parks create a central open space that services an entire neighborhood or group of neighborhoods, or incorporates physical features that are an asset to the community (e.g., lake or river frontage, high ground, or significant stands of trees). Community Parks may be combined with parkways and greenways.	Gazebo/Pavilion Hardscape materials Toilet facilities, public or private Picnic tables Benches and other outdoor seating Trash receptacles Ornamental water features and fountains Public/private art Promenades and esplanades Playground (swings, slides) Recreational courts Urban Garden (25% max of Community Park)	Trees shall be planted parallel to all perimeter rights-of-way Trees shall be planted at the edge of active recreational use areas Tree spacing shall be a minimum of 15' to a maximum of 50' on center Interior portions of parks may be kept free of tree plantings Active recreation (25% max) Shall be bounded by streets on a minimum of 50% of their perimeter Golf courses shall be allowed but shall not count toward more than 50% of the required open space
Square	A Square provides a means to emphasize important places, intersections, or centers. Squares are bordered on all sides by street(s).	Gazebo Hardscape materials Benches and other outdoor seating Trash receptacles Ornamental water features and fountains	Shall be bound by streets on a minimum of 3 sides or 75% May be bound by front facing lots on 1 side or 25% of their perimeter No rear facing lots allowed adjacent to a square Trees plantings are encouraged parallel to the street right-of-way
Plaza	Plazas are areas for passive recreational use that are entirely bounded by streets and/or lanes. Buildings.	Hardscape materials Toilet facilities, public or private Benches and other outdoor seating Trash receptacles Ornamental water features and fountains Public art	Shall be square or rectangular with a length of not less than 1.5 of its width Shall be level, stepped or gently sloping
Playground	A Playground provides space for parental supervised recreation of toddlers and young children within a neighborhood, or as part of a larger neighborhood or community park and urban center, including retail shopping areas.	Hardscape materials Active recreational, playground equipment Toilet facilities, public or private Benches and other outdoor seating Ornamental water features and fountains Trash receptacles	Shall be designed with commercial grade play equipment for two age groups, ages 1 to 5 and ages 6 to 10 Must have shock absorbing surface with a maximum 2% slope Shall meet all federal, state and local regulations and be compliant with the Americans with Disabilities Act

H. *Phasing provisions.* If a project's required open space is developed in phases, the amount of open space shall be computed separately for each phase, but may be combined with existing open space in earlier phases:

1. The first phase of development shall contain, at a minimum, its pro rata share of the total amount of required open space based on the size and type of the development; and
2. The total amount of open space set aside in each phase shall meet the open space standard as applied to the total area of the phase and previously approved phases.

I. *Conservation or water quality.*

1. No more than 50 percent of required open space may consist of floodplain, wetlands, steep slopes, streams and buffers.
2. Green roofs may contribute to open space minimum area requirements with documentation from a licensed professional that such feature serves a water quality or alternative stormwater function.

J. *Prohibited uses of open space.* The following shall not be considered when calculating open space:

1. Individual wastewater disposal systems, such as septic tanks, septic fields, etc.
2. Private yards that are not subject to an open space or conservation easement.
3. Public street rights-of-way or private street easements, including streetscapes located within those rights-of-way or easements.

(Ord. of 8-2-2017, § 1(5.5.3))

DIVISION 6. SUPPLEMENTAL SITE IMPROVEMENTS

Sec. 5.6.1. Outdoor lighting.

Lighting must provide adequate vehicular and pedestrian visibility and security of on-site areas, such as building entrances, parking, service delivery and pedestrian walkways. A professional outdoor lighting plan shall be required for all non-single-family residential developments of three acres or more and for community recreation that proposes to use outdoor lighting.

A. *Exceptions.* This section shall not apply to the following:

1. Lighting established by a governmental authority within public rights-of-way.
2. Lighting activated by motion sensor.
3. Construction or emergency lighting provided it is temporary and is discontinued immediately upon construction completion or emergency cessation.
4. Security lighting less than two average footcandles.
5. Sites requiring fewer than five lighting fixtures.
6. In subsections A. 1. through A.5. of this section, lighting in all zoning districts shall be established in such a way that no direct light is cast upon or adversely affects adjacent properties and roadways.

B. *All lighting fixtures.*

1. Lighting in all zoning districts shall be established in such a way that no direct light is cast upon or adversely affects adjacent properties and roadways.
2. Light fixtures shall include glare shields to limit direct rays onto adjacent residential properties.
3. All lighting fixtures (luminaries) shall be cutoff luminaries whose source is completely concealed with an opaque housing. Fixtures shall be recessed in the opaque housing. Drop dish refractors are prohibited.
4. Light source shall be light emitting diodes (LED), metal halide, or color corrected high-pressure sodium not exceeding an average of 4½ footcandles of light output throughout the parking area. A single light source type shall be used for any one site. Fixtures must be mounted in such a manner that the cone of the light is not directed at any property line of site.
5. The minimum mounting height for a pole is 12 feet. The maximum mounting height for a pole is 25 feet, excluding a three-foot base.

C. *Lighting plans.* Lighting plans shall include the following:

1. The location and mounting information for each light.
2. Illumination calculations showing light levels in footcandles at points located on a ten-foot center grid, including an illustration of the areas masked out per the requirements regarding points of measurements.
3. A schedule listing the fixture design, type of lamp, distribution and wattage of each fixture, and the number of lumens.
4. Manufacturer's photometric data for each type of light fixture, including initial lumens and mean depreciation values.

5. An illumination summary including the minimum average and maximum footcandle calculation (array values) and the total number of array points (points used on the ten-foot grid calculations).
6. Points of measure shall not include the area of the building or areas which do not lend themselves to pedestrian traffic.
7. Average level of illumination shall not exceed the calculated value, as derived using only the area of the site included to receive illumination.
8. An outdoor lighting plan required within a locally designated historical district that is subject to architectural design review shall require a certificate of appropriateness from the City of Stonecrest Historic Preservation Commission.

Table 5.7. Lighting Level Standards by Footcandle

Location or Type of Lighting	Minimum Level	Average Level	Maximum Level
Nonresidential parking lots	0.6	2.40	10.0
Multifamily residential parking Lots	0.2	1.50	10.0
Walkways, access drives and loading/unloading areas	0.2	2.00	10.0
Landscaped areas	0.0	0.50	5.0

(Ord. of 8-2-2017, § 1(5.6.1))

Sec. 5.6.2. Stormwater detention facilities.

Stormwater detention facilities shall be located on an individual parcel of land not meant for other improvements. A detention facility for a subdivision of fee simple single-family residences shall not be located on the same lot with a single-family home.

(Ord. of 8-2-2017, § 1(5.6.2))

DIVISION 7. BUILDING FORM AND CONFIGURATION STANDARDS

Sec. 5.7.1. Application of standards.

A. This division establishes standards for the form and configuration for the following building types:
   1. Detached and attached houses;
   2. Multifamily;
   3. Live/work; and
   4. Nonresidential except industrial use buildings.

B. Compliance review. Review of proposed development to ensure compliance with the standards of division 7 shall occur concurrent with any zoning compliance review conducted during the process of approving a rezoning, use permit, variance or modification of conditions, a sketch plat, a land disturbance permit, a development permit, or any other applicable permit or license.

C. These standards apply to new buildings as well as to the substantial redevelopment and renovation of such buildings, as applicable per article 8 of this chapter regarding nonconformities.

(Ord. of 8-2-2017, § 1(5.7.1))

Sec. 5.7.2. Exemptions and variances.

A. Historic structures and structures in historic districts that are subject to architectural design review and structures that are individually designated historic are exempt from the requirements of this division 7.

B. New residential infill.

1. Modification of building form. Article 7 of this chapter provides for an administrative procedure that allows an applicant to request a waiver from the building form or materials standards on a case-by-case basis during the compliance review process.

2. Where the architectural style of existing residential development building types on the same block as the proposed project conflicts with the building form standards herein, a land disturbance permit applicant may apply to the director of planning for an administrative waiver from the building form standards in accordance with article 7 of this chapter.

(Ord. of 8-2-2017, § 1(5.7.2))

Sec. 5.7.3. Conflict with other standards and review.

A. *Conflict with overlay standards.* In the event the standards of this division conflict with the overlay district standards in article 3 of this chapter, as determined by the director of planning, the standards in article 3 of this chapter shall prevail.

B. *Conflict with other provisions in the zoning code.* In the event the standards of this division conflict with any other provision of this chapter, the more restrictive provision, as determined by the director of planning, shall prevail.

C. *Conflict with other city standards.* In the event the standards in this division conflict with any city ordinance not included within this chapter, as determined by the director of planning, this division shall prevail.

(Ord. of 8-2-2017, § 1(5.7.3))

Sec. 5.7.4. Materials.

A. *Exterior building materials.*

1. Except for exempted buildings described in subsection A.5. of this section, exterior wall materials of primary buildings shall consist of any of the following types:

a. Brick masonry;

b. Stone masonry;

c. Cement wood or fiber cement siding, including simulated half-timbering;

d. Hard coat stucco;

e. Cedar shingles or fiber cement;

f. Textured face concrete block;

g. Architectural concrete;

h. Precast or tilt-up panel (for industrial buildings only);

i. Glass;

j. Material not listed in this section, which shall contribute to innovative design or green construction as determined by the director of planning on a case-by-case basis; and/or

k. Architectural accent materials as approved by the director of planning.

2. Exterior building material requirements do not preclude solar panel installation on building roofs.

3. The following materials may be used as secondary building material or siding, up to 40 percent of total facing:

a. Standing seam or corrugated metal siding;

b. Exterior insulation and finish system (EIFS). If within three feet of grade or within six feet of grade adjoining a public right-of-way or a parking area, the EIFS shall have ultra-high impact resistance in accordance with ASTM E2468. EIFS is prohibited for use on single-family, two-family, and three-family dwellings.

c. Vinyl siding and other polymeric siding provided the siding shall:

1. Be installed by a certified installer or an individual certified as trained through the VSI certified installer program sponsored by the Vinyl Siding Institute, Inc. (VSI) or an approved equivalent program;

2. Be certified and labeled as conforming to the requirements of ASTM D3679 Standard Specifications for Rigid Poly (Vinyl Chloride) (PVC) Siding by an approved quality control agency:

3. Have a minimum thickness of 0.046 inches;

4. Have panel projections of no less than five-eighths-inch for clapboard and Dutch lap styles;

5. Have double (rolled over) nail hem, up to 0.92-inch nominal thickness strength;

6. Meet or exceed the color retention requirement of ASTM D6864, 3679 or D7251;

7. Be installed in accordance with the manufacturers' instructions and in accordance with ASTM D4756. Polypropylene siding shall be certified and labeled as conforming to the requirements of ASTM D7254 Standard Specification for Polypropylene (PP) siding by an approved quality control agency. Insulated Vinyl Siding shall be certified and labeled as conforming to the requirements of ASTM D7793 Standard Specification for Insulated Vinyl Siding by an approved quality control agency.

4. The following exterior building materials shall be prohibited on all buildings:

a. Plywood;

b. Common concrete block;

c. Oriented strand board (OSB).

5. Universities, and structures located in M or M-2 zoned districts shall be exempt from the requirements of subsections A.1. and A.3. of this section, provided:

a. Such structures are located interior to the site with an intervening building facing the street.

b. If materials in subsection A.3. of this section are used as primary exterior building materials, at least 30 percent of total facade area shall be brick or stone masonry.

B. *Arrangement of materials.*

1. Where two or more materials are proposed to be combined on a facade, the heavier and more massive material shall be located below the lighter material.

2. Material changes on a facade shall occur along a continuous horizontal line or where two building forms meet. Secondary building materials may be used as trim, around windows, doors, cornices, at corners, or as a repetitive pattern within a wall covered in a primary building material.

3. Primary facade materials shall wrap around at outside building corners for at least four feet.

C. *Roof and accessory structure materials.*

1. Sloped roofs on primary buildings shall be clad in wood shingles, standing seam metal, clay or concrete tile, stone coated metal tile, painted metal tile, recycled rubber tile, slate, asphalt shingles or similar material or combination of materials. This regulation does not prohibit the application of solar panels, which shall not be considered an architectural material for the purposes of building form regulations.

2. The exterior of accessory buildings shall be constructed of materials that are similar to those used on the principal structures.

(Ord. of 8-2-2017, § 1(5.7.4))

Sec. 5.7.5. Detached houses.

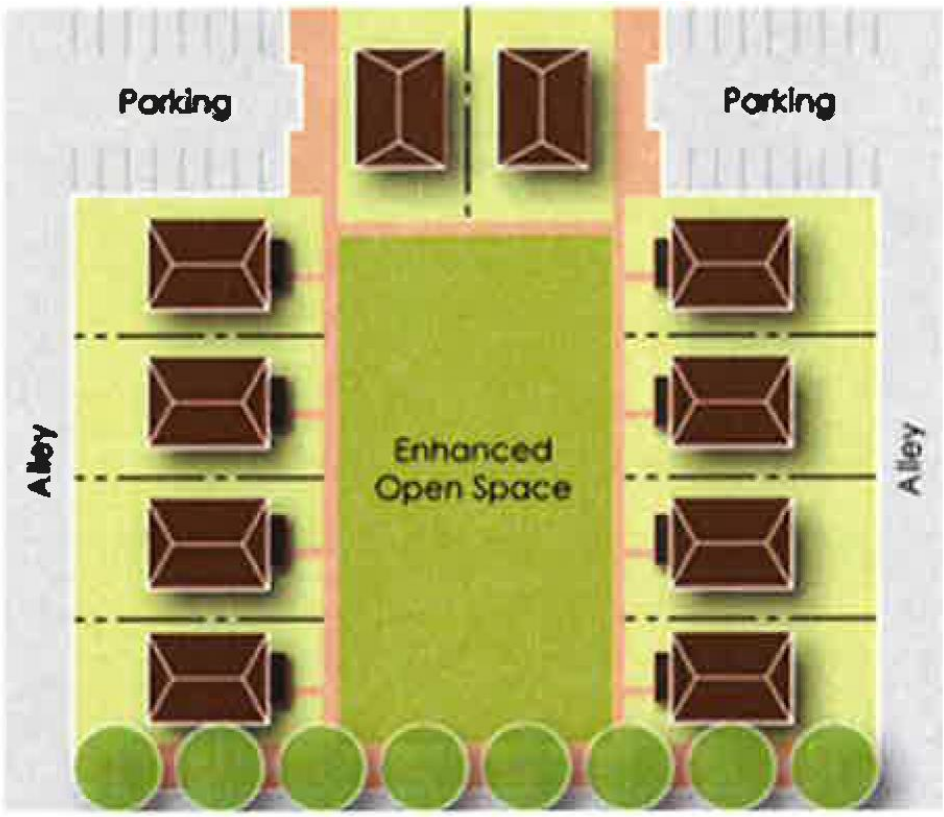
A. This section shall apply to the following housing types:

1. *Conventional single-family detached.* A development with one dwelling unit per lot of record with private yards on all four sides.

2. *Single-family cottage.* A development with one or 1½ story small detached dwelling units arranged whereby cluster around a commonly shared open space and each dwelling unit is located on a separate lot with private rear, side, and front yards.

3. *Urban single-family detached.* A development with single-family detached dwelling units located on small lots. Urban single-family (Urban-SF) residential buildings share similar configurations to townhouse developments; however, they are detached and may have lot lines that coincide with the building envelope, provided that a yard area is provided in the dimensions required by the zoning district.

B. Dimensional and use requirements. Minimum lot size, width, and setbacks shall meet the dimensional requirements set forth for the applicable base zoning district in article 2 of this chapter.



Cottage housing orientation

C. Orientation.

1. Lots along the perimeter of a development of single-family detached residences shall be oriented so that dwellings front internal local streets instead of a thoroughfare. Lots with rear yards abutting a thoroughfare shall provide a ten-foot no access easement and: a 20-foot landscape strip, a six-foot-high decorative fence, or a five-foot-high landscaped berm to screen the rear view of houses from the thoroughfare.

2. Single-family cottage lots shall be oriented toward the enhanced open space.

3. Street frontage requirements in chapter 14 of the Code shall not apply to individual lots within a cottage or urban type residential development, provided the overall site complies with minimum street frontage requirements and an alley or private drive provides access directly to a public street.

D. Each dwelling unit shall be metered for water individually.

E. An easement for water and sewer shall be required and subject to the approval of the director of planning.

F. Access driveway, internal private drive and alley standards.

1. Single-family cottage or urban residences shall have vehicular access from the rear of the property from an alley or similar private drive, or may have an off-street parking area located on the side or rear of the development. Such parking area may not occupy more than 30 feet of frontage and be located no more than 200 feet from the unit's entrance. The alley shall be at least 20 feet in width and meet the standards of International Fire Code (IFC) 503, unless another width is approved by the director for one-way direction only.

2. Single-family detached residences may share a driveway serving two lots, provided that the width of the driveway at the street shall not exceed the width requirements established in chapter 14 of the Code, and that the driveway width not increase for the first ten feet of drive.

G. Urban single-family dwellings may gain access through private drives that meet the standards of section 5.7.6C.4.

H. Driveways shall not exceed ten feet between garage door and sidewalk.

I. Maximum size.

1. Conventional single-family detached residences shall follow the requirements set forth in article 2 of this chapter.

2. Single-family cottages shall not exceed a building footprint of 800 square feet and gross floor area of 1,200 square feet.

J. Architectural variability.

1. Residential subdivisions of three or more lots intended for conventional single-family detached residences shall include distinctly different front facade designs within each phase of the development. The term "distinctly different" shall mean that each front facade must differ from adjacent buildings' front facades in at least four of the following six ways:

a. The use of different primary exterior materials;

b. Variation in the width or height of the front facade by four feet or more;

c. Variation of the type, placement or size of windows and doors on the front facades;

d. Variations in rooflines, including the use of dormers and changes in the orientation of rooflines;

e. Variation in the location and proportion of front porches; and

f. Variation in the location or proportion of garages and garage doors.

2. No conventional single-family detached residence shall be of the same front facade design as any other conventional single-family detached residence along the same block face within eight lots of the subject residence. Mirror images of the same configuration are not permitted on the same block face.

3. No single front facade design may be used for more than 25 percent of the total units of any single phase of a conventional single-family detached residence subdivision.

K. Porches and stoops. Any porch shall have minimum dimensions of four feet by eight feet for porches, and any stop shall have minimum dimensions of and four feet by four feet. Porches and stoops shall be no closer than two feet from a utility easement.

L. Facades. Any conventional single-family detached residence with a front facade width of 40 feet or more shall incorporate wall offsets in the form of projections or recesses in the front facade plane. Wall offsets shall have a minimum depth or projection of two feet so that no single wall plane exceeds 25 feet in width.

M. Roof and overhangs. Conventional single-family detached residences shall incorporate the following standards:

1. Roofs covering the main body of the structure shall be symmetrical gables, hip-style, or mono-pitch (shed) style.

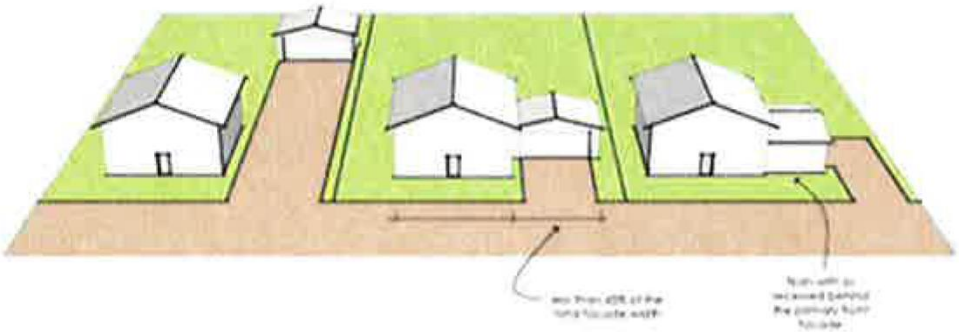
2. Mono-pitch roofs shall have a minimum pitch of 4:12, and all other roofs covering the main body of a detached house shall have a minimum roof pitch of 6:12.

3. Overhanging eaves shall extend at least 12 inches beyond the exterior wall.

4. To the maximum extent practicable, all roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear facades or configured to have a minimal visual impact as seen from an adjacent street.

N. Garages. The following standards shall apply:

1. Street-facing garage facades shall not comprise more than 45 percent of the total width of the conventional single-family detached residence's front facade. Street-facing garages shall be at least two feet behind the primary front facade plane of a conventional single-family detached residence.



Acceptable Garage Configurations

O. Enhanced open space.

1. Clubhouse/pool amenity areas, greens, playgrounds, pocket parks, neighborhood parks, or detention facilities designed to serve as amenities shall meet dimensional requirements in the base zoning district (article 2 of this chapter) and the standards of article 5, division 5 of this chapter, open space standards.

2. Cottage residential development enhanced open space.

a. Single-family cottages shall be clustered around an enhanced open space green that is a minimum of 3,000 square feet or 400 square feet per cottage served by the enhanced open space, whichever is greater.

b. The enhanced open space green shall have a minimum dimension of 20 feet on each side.

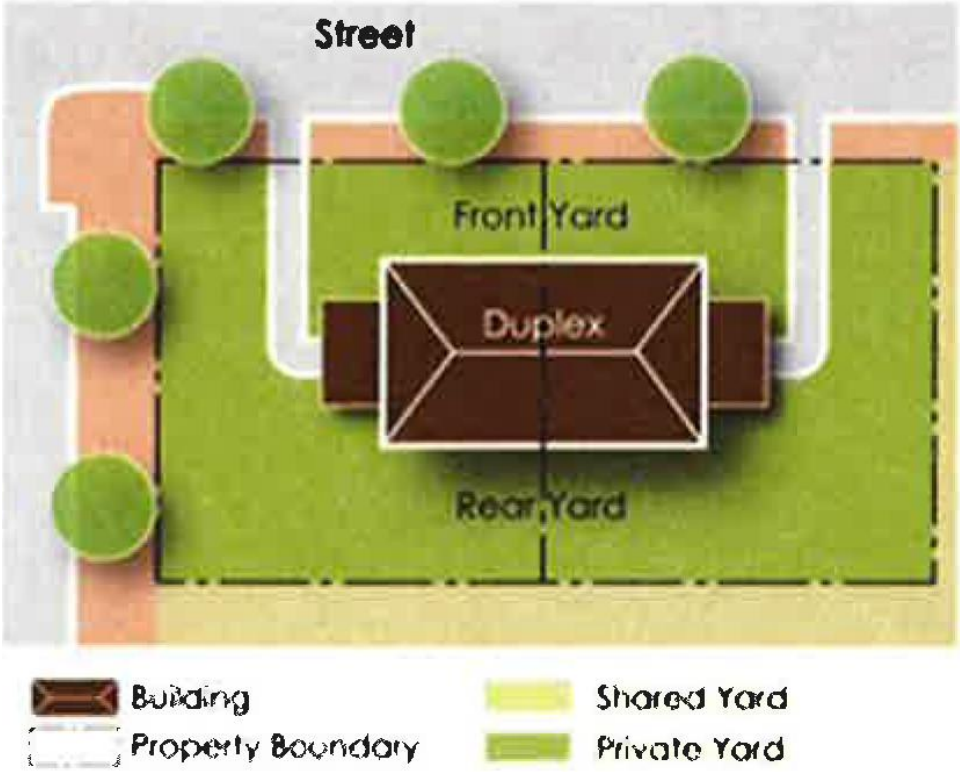
c. At least two sides of the enhanced open space green shall have cottages along its perimeter.

(Ord. of 8-2-2017, § 1(5.7.5))

Sec. 5.7.6. Single-family attached buildings.

Single-family attached residential buildings are buildings in which dwelling units are attached to one another in a variety of ways, each with its own external entrance. Fee simple condominiums share similar configurations to townhouse developments, and they have lot lines that coincide with the building footprint. This section applies to the following development types:

A. Single-family attached, two- or three-family attached (also called duplex or triplex). A house with two or three attached principal dwelling units located on a single lot. The units may be located on separate floors or side-by-side. A side-by-side, single-family attached duplex may also be permitted to be located on two lots, whereby each unit is located on its own lot.



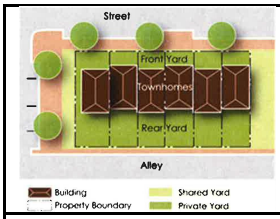
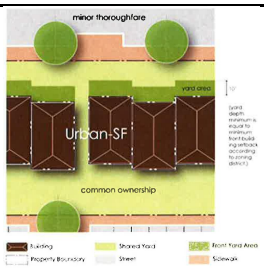
Single-Family Attached Housing on Two Lots

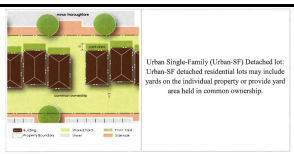
B. Fee simple condominium. One or more single-family attached buildings where the owner has fee simple title to the building and the land beneath the building. The building may or may not have a small yard in front of or behind the building. The remaining land is under common ownership.

C. Single-family attached, and townhouse developments shall meet the following standards.

1. The overall tract of land for townhouse or fee simple condominium development shall have frontage on a public or private street.

2. The overall tract of land for townhouse or fee simple condominium development must meet the dimensional requirements of the zoning district.

	Traditional Townhouse lot: Townhomes which include yards on the individual property.
Urban Single-Family (Urban-SF) Detached lot: Urban-SF lot lines may coincide with the building envelope. Yard area designated for each unit, however, must still be provided even if held in common ownership. Dimensions of yard areas shall equal the setback that is specified by the zoning district (or approved master plan).	

	Urban Single-Family (Urban-SF) Detached lot: Urban-SF detached residential lots may include yards on the individual property or provide yard area held in common ownership.

3. Private drives shall meet the requirements of section 14-189.1 of the Code, except as follows:
   a. Private drives shall provide a ten-foot unobstructed easement on both sides of the drive, measured from back of curb.
   b. Private drives shall have a minimum 22-foot road width measured from back of curb to back of curb.
   c. Private drives shall have the same base and paving specifications as required for public streets.
   d. Roadway shoulders for private drives shall consist of a combination of five-foot sidewalk, five-foot landscape strip for street trees, and may include parallel parking spaces.
   e. Private drives shall be maintained in accordance with chapter 14.
4. The development shall incorporate a pedestrian circulation plan that separates pedestrians from automobiles by providing rear access to the units or designing an alternative location for pedestrian paths or sidewalks.
5. Sidewalks and pedestrian ways shall provide a continuous network that connects each dwelling unit with adjacent public streets and all on-site amenities designed for use by residents of the development.
6. Sidewalks may go to back of curb when adjoining on-street parking space.
7. Street trees shall be planted on both sides of the street 50 feet on center or every other unit, whichever distance is less.
8. Buildings shall be no more than 200 feet in length.
9. Spacing of buildings shall be consistent with International Codes Council (ICC).
10. Alleys.
    a. Alleys shall be at least 12 feet wide, subject to the standards of IFC 503.
    b. Dead end alleys over 150 feet in length are prohibited.
11. Ownership.
    a. There shall be a mandatory property owners association clearly stating the residents' responsibility to share in the ownership and maintenance of common areas including roadways, alleys, parking, utilities, landscaping, and stormwater management facilities subject to chapter 14 of the Code. The city shall have no ownership or maintenance responsibility of any common areas unless expressly agreed otherwise.
    b. Individual ownership of the units shall comply with the Georgia Condominium Act or shall require membership in a property owners association in accordance with Georgia law.
    c. Upon approval of the development plans, a final plat shall be recorded before any units are sold.

D. Building orientation. The primary entrance and front facade of individual buildings within a townhouse development may be oriented toward streets, private drives or enhanced open space, and shall not be oriented toward off-street parking lots, garages, or carports.

E. Each dwelling unit shall be metered for water individually.

F. An easement for water and sewer shall be required with the location subject to approval of the City of Stonecrest, or its designee.

G. Roofs. Roofs of attached residential buildings shall comply with the following standards:

1. Roofs shall be symmetrical gables, flat with parapet, hip-style, or mono-pitch (shed) style, but alternative roof forms or pitches may be used over porches, entryways, and similar features. Overhangs allowed on principal structures shall be no less than 12 inches.

2. Mono-pitch roofs shall have a minimum pitch of 4:12.

3. Gable and hip-style roofs shall have a minimum roof pitch of 6:12.

4. Roof forms shall be designed to shelter building entrances.

H. Roof penetrations and equipment. To the maximum extent practicable, roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear facades or screened from view so as to have a minimal visual exposure as seen from an adjacent street.

I. Facades. For the purposes of this subsection, a building facade shall be considered the entire wall surface on a building side from grade level to underneath an overhanging eave or to the top of a cornice. All single-family attached buildings shall comply with the following facade standards:

1. Facades facing a street shall provide doors, porches, balconies, or windows in the following ratios:

a. A minimum of 60 percent of front facade; and

b. A minimum of 30 percent of side and rear building facades.

2. All front facades shall provide a minimum of three of the following design features for each residential unit:

a. Projections or recesses in the facade plane that contrast with an adjoining unit, with a minimum depth or projection of one foot;

b. Exterior building materials or colors different from the materials or colors of the other units;

c. Decorative patterns on exterior finish (e.g., shingles, wainscoting, window box, and similar ornamental features);

d. A dormer window, cupola, turret, tower, or canopy;

e. A recessed entrance;

f. A covered porch or balcony;

g. Pillars, posts, or pilasters;

h. A box or bay window with a minimum 12-inch projection from the facade plane;

i. Eaves with either exposed rafters or a cornice projecting a minimum 12 inches from the facade plane; or

j. A parapet wall with an articulated design that varies in height.

3. Front facades should be varied to avoid long, flat building fronts so that no more than 20 percent of the front facades of the units in the same building are substantially the same, unless designed as brick row houses.

J. Garages.

1. Garages for dwelling units shall not face public streets, and shall be accessed by alleys or private drives. Garages that face private drives must comply with subsection C.5 of this section for pedestrian and vehicle separation plan.

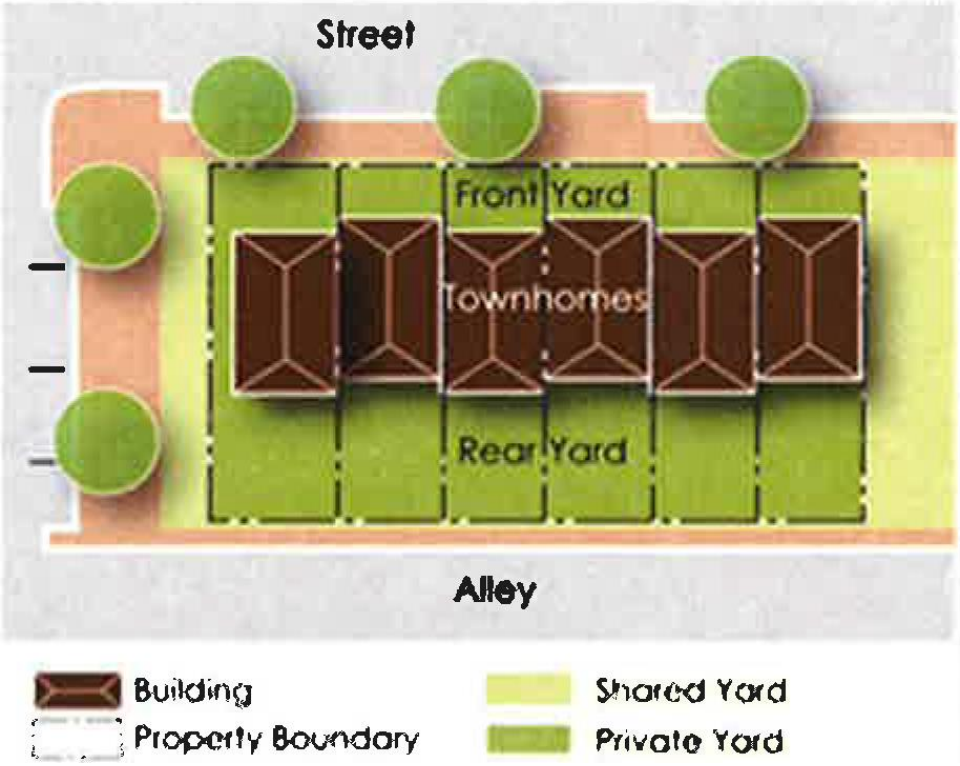
2. Parking spaces for dwelling units shall be located behind buildings, within individual units, on designated on-street spaces or off-street parking lots as provided in subsection K. of this section, off-street parking.

3. Garage entrances shall be set back between three and ten feet from adjacent streets and sidewalks.

4. Garage entrances shall be set back a minimum of three feet and a maximum of ten feet from alleys.

K. Off-street parking.

1. Off-street surface parking lots (including access and travel ways) located on the side of an attached residential building shall not occupy more than 30 percent of the primary street frontage for the attached residential building.



Off-Street Parking on the Side of Attached Residential Buildings

2. Off-street parking required for each attached residential unit is not required on the same lot as the dwelling unit, but the edge of the off-street parking lot shall be no more than 200 feet from the unit's entrance.

L. The architectural features of a parking deck or structure shall be compatible with the primary buildings.

M. Streetscape design. Single-family attached residential developments shall comply with the streetscape design standards in division 4 of this article.

(Ord. of 8-2-2017, § 1(5.7.6))

Sec. 5.7.7. Multifamily, nonresidential, live/work and mixed-use buildings.

A. Multifamily residential building and nonresidential buildings include the following building types: multifamily low rise (three stories and fewer); multifamily high rise (four stories and greater); live/work buildings; and large-scale retail.

1. Multifamily residential buildings contain four or more residential dwelling units consolidated into a single structure. Dwelling units within a building may be situated either wholly or partially over or under other dwelling units, and units share common walls. Structures appearing as townhouses but with internal units that are located one below the other (also known as "stacked townhouses") are also considered multifamily residential buildings.

2. Large-scale retail refers to freestanding buildings containing single-tenant retail sales uses that exceed 60,000 square feet in size.

3. Live/work units incorporate both living and working space in a single unit. A kitchen and a bathroom must be included in each unit. The residential portion may not be less than 33 percent of the unit's total floor area. Within two-story live/work buildings, nonresidential uses shall be located on the ground floor only. Within single story units, the nonresidential use shall be located in the front, with street access. Living space within the live/work unit shall have direct and internal access to work space. Each live/work unit may have a primary entrance from the sidewalk, enhanced open spaces, arcades or public spaces. See also section 4.2.33 for additional live/work use requirements. Multifamily residential orientation shall comply with section 5.7.6.

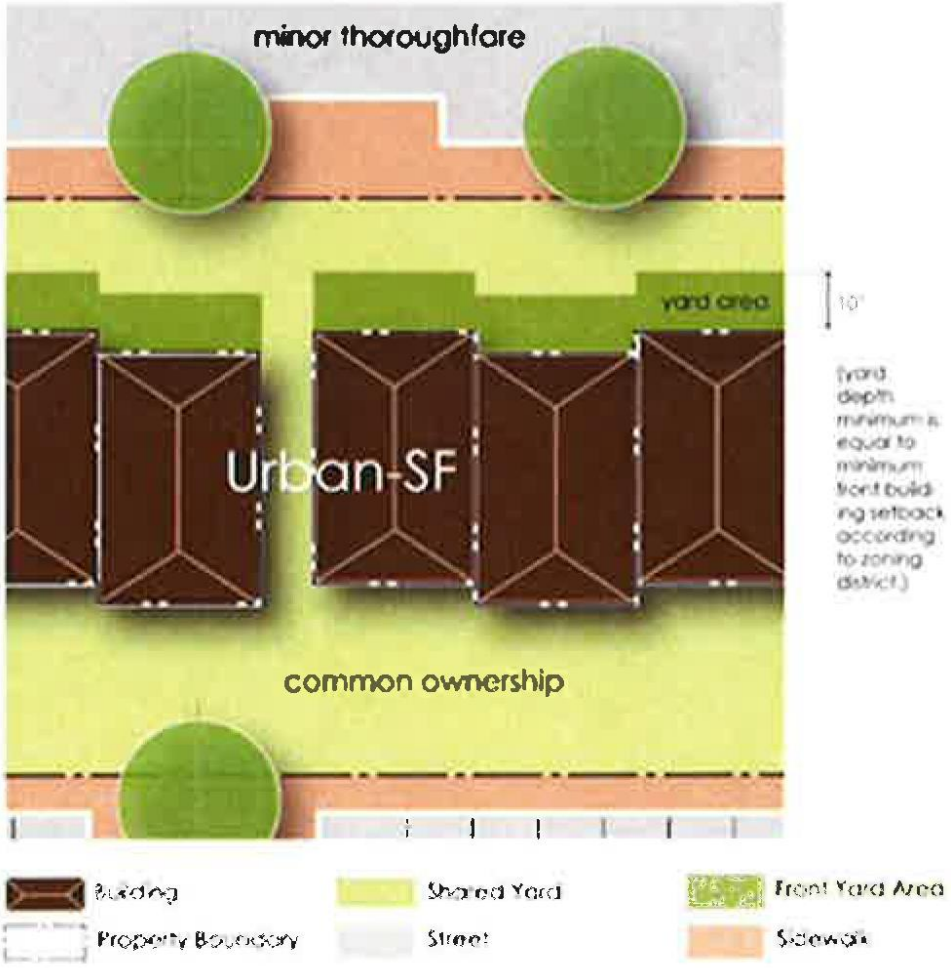
B. All development types other than single-family, shall comply with the following:

1. Dimensional and use requirements. Lot size, width, and setbacks shall meet the dimensional requirements set forth for the applicable base zoning district in article 2 of this chapter.

2. Building plane and scale.

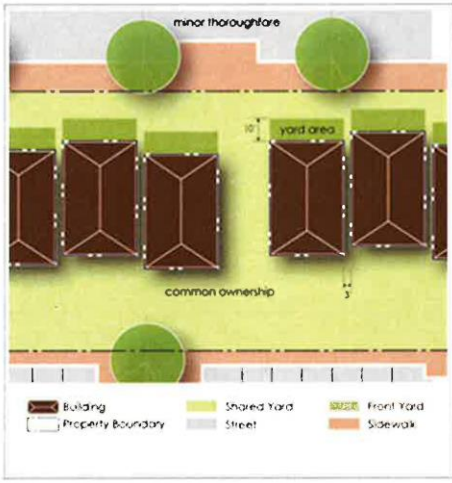
a. Building facades shall not exceed 40 feet in length without projections, recesses or other architectural features.

b. Windows and doorways. Structures built to the edge of the street right-of-way or located within mixed-use and nonresidential districts shall have windows and/or doorways that occupy at least 25 percent of the width of the first floor street-level front facade.



c. All buildings regulated by this section that are four stories or greater shall:

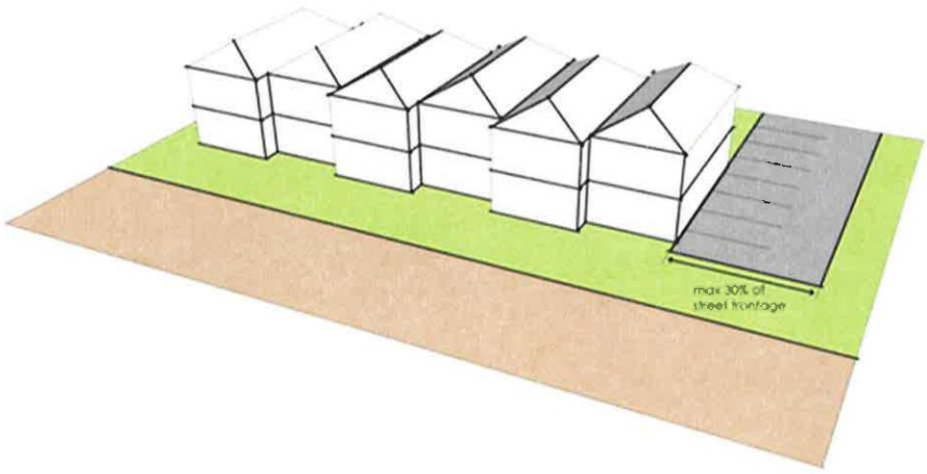
1. Clearly articulate the building base, middle and top through materials, architecture details and/or changes in the plane of the wall (projections and recessions).



Urban Single-Family (Urban-SF) Detached lot: Urban-SF detached residential lots may include yards on the individual property or provide yard area held in common ownership.

Building Articulation: Clearly defined base, middle and top

2. Provide side step-backs at the fourth story when adjacent to the side of another building four stories or greater and along a private or public street.



Side step-backs between mid-and high rise buildings

C. Roofs.

1. Multifamily low-rise buildings regulated by this section shall have roof design and features that comply with section 5.7.6.G.

2. Multifamily buildings adjacent to a courtyard may be designed with a flat roof.

3. Rooflines of large-scale retail buildings shall be varied to add interest and variety to the large building form through the use of parapets, hips, gables, eaves, dormers or other similar features. These features shall be incorporated along a minimum of 50 percent of the length of the roofline facing a public street.

4. Flat roofs shall provide parapets to screen mechanical equipment from street view and from the primary drive facing the front facade.

D. Parking configuration. Nonresidential and mixed-use buildings shall:

1. Have no more than one double row of parking within the front yard where there is no intervening building between parking and the street; and

2. Be allowed to locate parking along the side or rear or as on-street parking dedicated as right-of-way by the applicant for a land disturbance permit or building permit.

E. Multifamily developments shall meet the building separation requirements provided in section 5.2.1.B.

F. Off-street surface parking lots (including access and travel ways) consisting of five or more spaces shall be located on the side or to the rear of a multifamily structure or development.

G. Multifamily housing developments shall provide and maintain outdoor play and recreation areas with a minimum area of five percent of the total area of the lot or 4,000 square feet, whichever is greater.

H. Low-rise multifamily building types. The following low-rise multifamily buildings shall be allowed, provided they meet the requirements set forth herein:

1. *Mansion.* The mansion style low-rise multifamily building shall have four to eight units within the structure, which shall be distinguished as a building designed to appear as a typical single-family detached home.

2. *Courtyard.* The courtyard building shall be oriented such that the courtyard faces the street or roadway and has buildings facing along the other three sides.
    a. Minimum width of the courtyard is 30 feet and depth is 15 feet.
    b. Building walls facing a courtyard may be separated by more than the maximum building separation requirements.
3. *All other.* To reduce massing and promote livability, all other low-rise multifamily building types shall provide:
    a. Functional balconies for all exterior units;
    b. Landscaping around each building within ten feet of building and along both sides of all internal sidewalks.

I. Multi-building nonresidential development, excluding industrial. Buildings in a nonresidential development composed of multiple buildings totaling 100,000 square feet or more for the whole development shall:
1. Be configured to break up the site into a series of smaller blocks defined by streets with pedestrian walkways forming an interconnected circulation route;
2. Face the corner of an existing street intersection or entry point to the development;
3. Frame and enclose:
    a. A main street pedestrian or vehicle access corridor entering the development site;
    b. At least three sides of parking areas, public spaces, or other site amenities; and
    c. Provide outdoor gathering spaces for pedestrians between buildings.

J. Outparcel development.
1. Outparcels and their buildings shall be aligned in order to define continuous street edges with well-defined entry points.
2. Spaces between buildings shall be improved to provide landscaped pedestrian amenities such as plazas, seating areas, arcades, pedestrian connections, and gathering spaces.

(Ord. of 8-2-2017, § 1(5.7.7))

Sec. 5.7.8. Large-scale retail; additional standards.

A. *Entrances.*
1. The primary entryway into a large-scale retail building shall be clearly articulated by greater architectural detail, incorporating no fewer than three of the following elements:
    a. Projecting or recessed, covered entrance;
    b. Distinct roof form above entrance shall include at least one of the following:
        1. Roof overhangs;
        2. Awnings, canopies or porticos;
        3. Raised corniced parapets;
        4. Gabled or peaked roof form;
        5. Arches;

c. Display windows directly adjacent to the entrance;

d. Architectural details and ornamentation emphasizing the building entrance;

e. Arcades connecting the entrance to adjacent pedestrian attractions;

f. Outdoor plaza with a minimum depth of 20 feet adjacent to the entrance and having seating and a water feature or landscaping; or

g. Landscape areas or seating areas.

B. *Off-street parking.*

1. Parking for large-scale retail development shall be distributed around the principal structure on at least two sides.

2. No more than 50 percent of parking may be located between the principal structure and primary street. If located within an activity node, no parking shall be allowed between the principal structure and the primary street, except required parking spaces.

C. *Pedestrian circulation.*

1. Continuous internal sidewalks and pedestrian walkways shall be provided to connect the public sidewalk or right-of-way with the principal building entrance of all principal buildings on the site. Such sidewalks shall also connect key pedestrian focal points such as transit stops, street crosswalks, and building entry points.

2. Internal pedestrian walkways and sidewalks shall be at least five feet in width.

3. Sidewalks shall be provided along all sides of the lot adjacent to a public street.

4. Sidewalks shall be provided for the principal building along any facade featuring a public entrance and along any facade leading to a public parking area.

5. Internal pedestrian walkways and sidewalks shall be differentiated from vehicular driveways and parking spaces through the application of colors and durable surface materials such as pavers, brick, or scored concrete, in order to enhance pedestrian safety and appearance of the pedestrian walkway or sidewalk.

D. *Landscaping.* In addition to the landscape and screening requirements of division 4 of this article, the following requirements shall also apply:

1. *Building frontage.* Beginning 15 feet from the principal customer entrance, along the building facade, a landscape area with trees shall be required for the entire length of the building. Each of the trees required herein shall be at least four and one-half-inch caliper and eight feet tall at installation. Trees required herein shall be spaced no more than 100 feet apart.

2. *Landscape strip.* A landscape strip at least 15 feet wide shall be required along any property line adjacent to a public street. When parking lot landscape strip requirements coincide with this location, the 15 feet shall not be required in addition to the parking lot landscaping, but shall serve as the parking lot dimensional requirement and planted according to parking lot landscaping standards in division 4 of this article.

3. *Walkways.* Pedestrian walkways connecting a public street adjacent to the lot on which the principal building is located and parking aisles shall be provided approximately every 120 feet perpendicular to street frontages.

E. *Open space and enhanced open space areas.*

1. An outdoor gathering space (plaza or square) shall be developed with requirements by open space functional category and enhanced open space types as specified in division 5 of this article.

2. Sites containing one or more large-scale retail building shall include an outdoor gathering space equal to at least three percent of the total square footage of the building.
3. Outdoor gathering spaces shall be connected to the sidewalk and pedestrian walkway network, and shall provide at least three of the following features per space:
    a. Lighted bollards;
    b. Tables and chairs;
    c. Fountains or other water features;
    d. Benches;
    e. Seat walls and/or raised landscape planters;
    f. Shade trees lining the gathering space;
    g. Pots or hanging baskets filled with seasonal plant material;
    h. Information kiosks;
    i. Sculptures or other public art features; or
    j. Other features as approved by the director of planning if the feature enhances the visual impact of the outdoor gathering space.

(Ord. of 8-2-2017, § 1(5.7.8))

ARTICLE 6. PARKING

Sec. 6.1.1. Introduction.

This chapter establishes the standards for the number, location, and development of motor vehicle parking facilities, standards for on-site loading areas, and standards for bicycle parking.

(Ord. of 8-2-2017, § 1(6.1.1))

Sec. 6.1.2. Interpretation.

A. *Fractions.* Where a fractional space results during the calculation of required parking, the required number of parking spaces shall be the next lowest whole number.

B. *Parking space requirement not specified.* Where the parking requirement for a particular use is not described in Table 6.2, and where no similar use is listed, the director of planning shall determine the number of spaces to be provided based on requirements for similar uses, location of the proposed use, the number of employees on the largest shift, total square footage, potential customer use, or other expected demand and traffic generated by the proposed use. If the director of planning reasonably determines that a parking generation study should be prepared by a qualified professional, the director of planning may require submission of such a study to aid the director of planning in making a determination with respect to the number of required parking spaces.

C. *Computations for multiple floor uses within a building.* In cases where a building contains some combination of residential use, office space, retail or wholesale sales area, or bulk storage area, the director of planning may determine on a proportional basis the parking and loading requirements based on separate computations for each use.

(Ord. of 8-2-2017, § 1(6.1.2))

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

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

A. Each application for a development permit or building permit, other than for a detached single-family residence, shall be accompanied by a parking plan showing all required off-street parking spaces, driveways, and the internal circulation system for each such parking lot.

B. All parking lots and spaces shall conform to the following requirements:

1. All vehicles shall be parked on a paved surface that is connected to and has continuous paved access to a public or private street, except as otherwise allowed in this section.

2. Each parking space, except those located on a single-family residential lot, shall comply with the minimum dimensions established in Table 6.1. Each parking lot shall have adequate space for each car to park and exit every parking space and space for internal circulation within said parking lot.

3. Each parking lot, except those parking spaces located on property used for single-family residential purposes, shall comply with section 5.4.4, site and parking area landscaping.

4. All parking lots and parking spaces, except those located on property used for single-family residential purposes, shall conform to the geometric design standards of the Institute of Traffic Engineers.

5. Parking and loading shall not be permitted within the front yard in any MR, HR, O-I, or O-I-T zoning district, except for required handicapped parking. Notwithstanding the previous sentence, parking and loading shall be permitted within the front yard where provision of adequate parking spaces within the rear is impractical and upon issuance of a variance pursuant to article 7 of this chapter.

6. Parking shall not be permitted within the front yard of any property used for single-family residential purposes, except within a driveway, or in a roofed carport or enclosed garage. Within any single-family residential district, not more than 35 percent of the total area between the street right-of-way line and the front of the principal building shall be paved.

7. No parking space, driveway or parking lot shall be used for the sale, repair, dismantling, servicing, or long-term storage of any vehicle or equipment, unless located within a zoning district which otherwise permits such use.

8. The parking of business vehicles on private property located within residential zoning districts is prohibited. This section shall not prohibit:

   (1) Typical passenger vehicles, with or without logos, including automobiles, pickup trucks, passenger vans, and dually trucks;

   (2) Vehicles engaged in active farming, construction activities or contractor services on the private property, or the temporary parking (12 hours or less) of vehicles for the purpose of loading/unloading within residential zoning districts; nor

   (3) The parking of vehicles on property located in residential zoning districts, where such property is used for an authorized nonresidential use such as a church.

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

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

Table 6.1. Minimum Parking Space Dimensions

Minimum Parking Space Dimensions			
Parking Angle	Minimum Stall Width	Minimum Stall Depth	Minimum Parking Aisle Width
Regular-sized vehicles			
90 degrees	9'	18'	24'
75 degrees	9'	19'	21'
60 degrees	9'	17'	14'
45 degrees	9'	15'	11'
Compact vehicles			
90 degrees	8.5'	15'	22'
75 degrees	8.5'	16	20'
60 degrees	8.5'	15'	14'
45 degrees	8.5'	14'	10'

10. Notwithstanding any other provisions of chapter 27 or chapter 14, parking areas and/or parking on unpaved surfaces for transportation equipment and storage or maintenance (vehicle) storage,

without services provided, shall be permitted as a principal use on parcels zoned M or M-2, provided that:

a. The parking area shall be screened from view of the public street with an opaque corrugated metal fence or wall minimum of ten feet in height. Chain link and wooden fences along street frontage are prohibited.

b. The parking area shall be at least 25 feet from the street right-of-way.

c. A ten-foot-wide evergreen landscape buffer shall be planted around the perimeter of the fence along the public street with at least two rows of trees. All trees shall be a least six feet in height and/or two inches caliper, and shall be regularly maintained and watered as necessary. Dead or dying trees shall be promptly replaced. All surfaces between trees shall be mulched.

d. The soil erosion, sedimentation and pollution requirements of chapter 14, article V of the Code of the City of Stonecrest, Georgia are met;

e. Minimum standards of the Georgia Stormwater Management Manual are met in terms of stormwater runoff and water quality; and

f. The parking lot has a minimum of one acre.

g. All parking areas and/or parking on unpaved surfaces for transportation equipment and storage or maintenance (vehicle) storage without services provided which are permitted as a principal use on parcels zoned M or M-2 shall be upgraded to the standards of this Sec. 6.1.3.B.10. no later than at the time of business license renewal in 2022.

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

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

b. The parking area subgrade must meet a minimum compaction of 95 percent as certified by a registered professional engineer;

c. The parking area surface shall be composed of at least eight inches of compacted Graded Aggregate Base;

d. The Graded Aggregate Base shall be stabilized and treated to control dust through approved means, which may include but is not limited to, the effective design and operation of the facility, the periodic application of dust suppressant materials such as calcium chloride, magnesium chloride, or lignin sulfonate, reduced operating speeds on unpaved surfaces, or the periodic replenishment of gravel surfaces;

e. Parking areas shall be inspected by the City of Stonecrest or a third-party inspector approved by the City of Stonecrest every year to ensure continued compliance with the above specifications. Proof of inspection and compliance with the Stonecrest Code of Ordinances is required at time of annual business license renewal, and this inspection report must be approved by the Building Department prior to issuance or renewal of a business license. Additional maintenance such as grading, Graded Aggregate Base, or surface treatment may be required;

(Ord. of 8-2-2017, § 1(6.1.3); Ord. No. 2018-07-02, § 1(6.1.3), 7-16-2018) [TMOD-21-012]

Sec. 6.1.4. Off-street parking ratios.

A. Minimum on-site parking requirements may be reduced through use of shared parking, in accordance with section 6.1.5.

B. In residential districts in which garage space is provided, the garage space may count for no more than one required space per 200 square feet of garage space.

C. Tandem parking is permitted in association with all single-family detached and single-family attached housing types.

D. Minimum and maximum parking ratios. Unless otherwise regulated elsewhere in this chapter, off-street parking spaces shall be provided for all uses listed are specified in Table 6.2. Unless otherwise noted, the parking requirement shall be based on the gross square footage of the building or buildings devoted to the particular use specified. Maximum parking standards shall not apply to existing uses so long as the building or parking lot is not expanded.

E. Phased development. Where a project is intended to be developed in phases, the director of planning may approve phased development of a parking lot intended to serve current and future development.

F. Reduction of minimum parking requirements. The minimum number of required spaces described in Table 6.2 for a particular use may be reduced by ten percent by the director of planning pursuant to an administrative variance in compliance with article 7 of this chapter. If the use is within 1,000 feet of a designated heavy rail, streetcar/light rail or bus rapid transit station, the minimum number of required spaces may be reduced by 25 percent in accordance with article 7 of this chapter.

G. Carpool/vanpool parking. For office, industrial, and institutional uses where there are more than 20 parking spaces on the site, the following standards shall be met:

1. At least five percent of the parking spaces on-site must be reserved for carpool use.

2. Except as otherwise provided by applicable law, parking lots shall be designed so as to provide the most convenient access to building entrances by persons arriving by vanpools and carpools. In the event of a conflict between the priority described in this subsection and section 6.1.16, this subsection shall prevail.

3. Signs shall be posted identifying spaces reserved for carpool use.

Table 6.2. Off-street Parking Ratios

Minimum and Maximum Parking Spaces		
Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
Residential		
Detached single-family dwelling	Two spaces per dwelling unit.	Four spaces per dwelling unit.
Two-family and three-family dwellings	One space per dwelling unit.	Four spaces per dwelling unit.
Detached single-family condominium	Two spaces per dwelling unit.	Four spaces per dwelling unit.
Attached single-family dwelling	1½ spaces per dwelling unit, plus one-quarter space per dwelling unit to accommodate guest parking.	Three spaces per dwelling unit, plus one-quarter space per dwelling unit to accommodate guest parking.

Minimum and Maximum Parking Spaces		
Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
Attached two-family and three-family dwellings	1½ spaces per dwelling unit, not including garage, plus one-quarter space per dwelling unit to accommodate guest parking.	Three spaces per dwelling unit, not including garage, plus one-quarter space per dwelling unit to accommodate guest parking.
Multifamily dwellings	1½ spaces for every dwelling unit.	Three spaces for every dwelling unit.
Mobile Homes	Two spaces per mobile home lot.	Four spaces per mobile home lot.
Multifamily dwellings, supportive living	One-half space per dwelling unit.	One space per dwelling unit.
Fraternity house or sorority house	One space per bed.	1¼ spaces per bed.
Rooming house or boarding house, shelter	One space per four beds.	One space per 1½ beds.
Senior housing	One-half space per dwelling unit, plus one-quarter space per dwelling unit to accommodate guest parking.	Two spaces per dwelling unit, plus one-quarter space per dwelling unit to accommodate guest parking.
Assisted Living	One-half space per dwelling unit.	One space per dwelling unit.
Personal care home, group	Two spaces.	Four spaces
Personal care home, community	One space for every 3 beds.	One space for every 2 beds.
Adult daycare facility	Two spaces.	Four spaces.
Child daycare facility	Two spaces.	Four spaces.
Child care institution, group	Two spaces.	Four spaces.
Child care institution, community	One-half space for each employee and resident.	Three-quarters space for each employee and resident.
Live Work dwelling	Two spaces per unit.	Four spaces per unit.
Institutional		
Ambulance service where accessory to a hospital, ambulance services, delivery services and other similar services	One parking space for each fleet vehicle plus one-half space for each administrative or service employee.	One parking space for each fleet vehicle plus three-quarter space for each administrative or service employee.
Child daycare center	One space for each 400 square feet of floor area.	One space for each 300 square feet of floor area.
Convent or monastery	One space for each 400 square feet of floor area.	One space for each 200 square feet of floor area.
Funeral home	One space for each 400 square feet of floor area	One space for each 200 square feet of floor area.
Hospital and similar institutional use	One space per three beds.	No maximum.
Nursing care facility, nursing or convalescent home, and similar institutional use	One-quarter space per bed	One-half space per bed
Kindergarten	One space per 300 square feet of floor area.	One space per 200 square feet of floor area.

Minimum and Maximum Parking Spaces		
Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
Places of assembly with fixed seating, including places of worship, movie theaters, stadiums, auditoriums, live performance theaters, conference centers and cultural facilities	One space for each four seats in the largest assembly room.	One space for each two seats in the largest assembly room.
Places of Assembly without fixed seating, including conference centers, gymnasiums, Place of Worship, libraries, museums, cultural facilities and art galleries	One space for each 40 square feet of floor space in the largest assembly room.	One space for each 20 square feet of floor space in the largest assembly room.
Private elementary and middle school	1½ spaces for each classroom.	Two spaces for each classroom, plus one space for each 50 square feet in largest assembly room.
Private high school	Three spaces for each classroom.	Five spaces for each classroom, plus one space for each 50 square feet in largest assembly room.
Colleges, including trade, vocational, and commercial vocational schools	Ten spaces per classroom, plus 2½ spaces for each 1,000 square feet of floor area in the library or assembly area.	No maximum.
Recreational		
Athletic Field	20 spaces per field.	60 spaces per field.
Bowling alley	Four spaces for each alley.	Five spaces for each alley.
Driving range	One space per tee	1½ spaces per tee
Miniature Golf	12 spaces	20 spaces
Noncommercial club, lodge, or fraternal or social organization (other than fraternity and sorority houses)	One space for each 200 square feet of floor area.	One space for each 100 square feet of floor area.
Public or private swimming pool, neighborhood recreation club/subdivision clubhouse and amenities (recreation and meeting rooms, swimming, and playground), or similar use	One space per 10 homes.	One space per five homes.
Public or private golf course	15 spaces per nine holes.	30 spaces per nine holes.
Indoor recreational facilities, not including bowling alley, swimming pool, tennis courts, or neighborhood recreation centers	One space for each 300 square feet of floor area.	One space for each 125 square feet of floor area.
Special events facilities	One space for each 200 square feet of space used for such activity.	One space for each 100 square feet of space used for such activity.
Temporary outdoor social, religious, seasonal, entertainment or recreation activity	One space for each 300 square feet of land devoted to such use; or where such use is conducted within	One space for each 200 square feet of land devoted to such use; or where such use is conducted

Minimum and Maximum Parking Spaces		
Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
	a tent one space for each 300 square feet of area within the tent enclosure.	within a tent one space for each 200 square feet of area within the tent enclosure.
Public or private tennis courts	Three spaces per court.	Four spaces per court.
Outdoor recreational uses, waterparks, amusement parks	One space for each 3,000 square feet of gross site area.	One space for each 1,000 square feet of gross site area.
Commercial		
Sexually Oriented Businesses	One parking space for each 400 square feet of floor area in the building.	One parking space for each 25 square feet of floor area in the building.
Automobile repair garage, minor repair, and maintenance establishments	One space for each 400 square feet of floor space.	One space for each 150 square feet of floor space.
Automobile service station	Two spaces for each service bay, with minimum of ten spaces required.	Three spaces for each service bay, with maximum of 15 spaces required.
Bed and breakfast establishment	One space for the owner-operator plus one per guest bedroom.	Two spaces for the owner-operator plus one per guest bedroom.
Car wash	Two stacking spaces for each car wash lane plus two drying spaces per lane.	Three stacking spaces for each car wash lane plus three drying spaces per lane.
Convenience Store without gas pumps	Three spaces for each 1,000 square feet of floor area.	Four spaces for each 1,000 square feet of floor area.
Convenience Store with gas pumps	One space per 500 square feet of floor area	One space per 150 square feet of floor area.
Grocery Store	One space per 500 square feet of floor area.	One space per 200 square feet of floor area.
Hotel or motel	One space per lodging unit, plus one space per each 150 square feet of banquet, assembly, or meeting area.	1 2/10spaces per lodging unit, plus one space per each 100 square feet of banquet, assembly, or meeting area.
Laboratory, research facility	One space for each 1,000 square feet of floor area	One space for each 300 square feet of floor area
Office, Professional	One space for each 500 square feet of floor area.	One space for each 250 square feet of floor area.
Offices, Doctor and Dentist	One space for each 500 square feet of floor area.	One space for each 200 square feet of floor area.
Restaurant with seating for patrons (with or without drive-through)	One space for each 150 square feet of floor area, but not less than ten spaces.	One space for each 75 square feet of floor area, but not less than ten spaces.
Late Night Establishment	One space for each 300 square feet of floor area with a minimum of ten spaces.	One space for each 150 square feet of floor area with a minimum of ten spaces.
Nightclub	One space for each 300 square feet of floor area, but not less than ten spaces.	One space for each 150 square feet of floor are, but not less than ten spaces.

Minimum and Maximum Parking Spaces		
Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
Restaurant, drive-through, without seating area for patrons	One space for each 250 square feet of floor area.	One space for each 150 square feet of floor area.
Restaurant where accessory to hotel or motel	One space for each 300 square feet of floor area, but not less than ten spaces.	One space for each 175 square feet of floor area, but not less than ten spaces.
Retail and personal service uses accessory to high-rise apartment building or high-rise office building	Three spaces for each 1,000 square feet of floor area.	Four spaces for each 1,000 square feet of floor area.
Retail uses, personal service uses, and other commercial and general business uses, but not including Convenience Stores or Grocery Stores or other uses described more particularly herein	One space for each 500 square feet of floor area.	One space for each 200 square feet of floor area.
Storage facilities (mini-warehouse)	One space for each 8,000 square feet of floor area	One space for each 5,000 square feet of floor area.
Industrial		
Heavy and light industrial, manufacturing, and commercial establishments not involving retail sales	One space for each 2,000 square feet of floor area.	One space for each 1,300 square feet of floor area.
Warehouse, distribution	One space for each 2,500 square feet of floor area.	One space for each 500 square feet of floor area.
Wholesale membership club	One space for each 500 square feet of floor area	One space for each 200 square feet of floor area.
Wholesale trade establishments, distribution establishments, offices in conjunction with showrooms, and similar uses	One space for each 200 square feet of floor area devoted to sales or display, plus one space for each 2,000 square feet of gross storage area.	One space for each 150 square feet of floor area devoted to sales or display, plus one space for each 1,500 square feet of gross storage area.

(Ord. of 8-2-2017, § 1(6.1.4)) [TMOD-22-001]

Sec. 6.1.5. Off-street parking reduction for shared parking.

Parking spaces for any existing or new mixed-use development may be based upon a shared parking formula as set forth in Table 6.3.

Shared parking may be utilized for any of the combinations of uses shown in Table 6.3. If shared parking is to be used to satisfy the requirements of this article, an application shall be submitted to the director of planning seeking approval of a shared parking plan. The applicant must submit a scaled site plan for each site that will participate in the shared parking showing zoning, use, and existing parking facilities. Shared parking agreements approved by the director of planning shall be executed prior to issuance of any certificates of occupancy for the development.

In any shared parking agreement, at least 50 percent of shared parking spaces must lie within 700 feet of the main entrance to the principal use for which the parking is provided, and all shared parking spaces must lie within

1,000 feet of the main entrance to the principal use for which the parking is provided. Shared spaces shall not be separated from the site by a roadway with more than four through-travel lanes, unless there is a well-marked, safe pedestrian crossing such as a pedestrian hybrid beacon, a signalized crosswalk, or a refuge median.

Any change in the use of a building, shop or leased area that relies on a shared parking agreement to meet its parking requirements shall require compliance with the parking standards in this article based on the new use in order to obtain a certificate of occupancy. No right to shared parking shall vest in a property where the use of the property changes. In the event that property on which the shared parking is located has a different owner than the owner of the principal development, a written shared parking agreement between all relevant property owners, approved by the director of planning and filed on the deed records in the office of the Clerk of Superior Court for DeKalb County, shall be provided prior to approval of a certificate of occupancy for the principal development. Expiration for any reason of a shared parking agreement, on which compliance with this article is based, shall automatically terminate the related certificates of occupancy and place the property owners in violation of this zoning ordinance.

The steps for determining parking requirements in a mixed use development are:

A. Determine the minimum amount of parking required for each separate use (Table 6.2).

B. Multiply each parking requirement by the corresponding percentage for each of the time periods given below.

C. Calculate the column total parking requirement for each time period.

D. The largest column total is the shared parking requirement.

E. Example of shared parking calculation:

If the following uses were proposed with the following example number of parking spaces in accordance with the individual use:

Office: 400 spaces;

Retail: 300 spaces; and

Restaurant uses: 100 spaces;

With a total parking for individual use on-site: 800 spaces.

Then these same land uses under the provisions for shared parking would require the number of parking spaces shown in the example Table 6.4 (by applying the percent reduction in Table 6.3):

Table 6.3. Shared Parking Reduction Table

Shared Parking Reduction Table					
Land Use Type	Weekdays		Overnight	Weekends	
	6:00 a.m.—5:00 p.m.	5:00 p.m.—1:00 a.m.	1:00 a.m.—6:00 a.m.	6:00 a.m.—5:00 p.m.	5:00 p.m.—1:00 a.m.
Office	100 percent	10 percent	5 percent	10 percent	5 percent
Retail	60 percent	90 percent	10 percent	100 percent	70 percent
Hotel	75 percent	90 percent	100 percent	75 percent	90 percent
Restaurant	50 percent	100 percent	100 percent	100 percent	100 percent
Entertainment/Recreational	40 percent	100 percent	10 percent	80 percent	100 percent
Church	25 percent	60 percent	10 percent	100 percent	100 percent

Table 6.4. Example of Shared Parking Reduction Calculation

Shared Parking Reduction Table EXAMPLE					
Land Use Type	Weekdays		Overnight	Weekends	
	6:00 a.m.—5:00 p.m.	5:00 p.m.—1:00 a.m.	1:00 a.m.—6:00 a.m.	6:00 a.m.—5:00 p.m.	5:00 p.m.—1:00 a.m.
Office	400	40	20	40	20
Retail	180	270	30	300	210
Hotel	0	0	0	0	0
Restaurant	50	100	10	100	100
Entertainment/Recreational	0	0	0	0	0
Church	0	0	0	0	0
Total	630	410	60	440	330

As shown in the weekdays 6:00 a.m.—5:00 p.m. column, 6:30 parking spaces would be needed for this example development. This is a reduction of 170 required spaces.

(Ord. of 8-2-2017, § 1(6.1.5))

Sec. 6.1.6. Shared driveways and interparcel access.

A. *Applicability.* This section shall apply to all new office, commercial, institutional, mixed use, and industrial developments and any building renovations and repaving projects of office, commercial, institutional, or industrial developments for which a land disturbance permit is required.

B. *Shared driveways.* Shared driveways between two parcels along a common property line may be required by the planning commission during subdivision plat review or by the director of planning during the land disturbance permitting process. In such cases, each property owner shall grant an access easement to facilitate the movement of motor vehicles and pedestrians across the site. The property owner's obligation to comply with this requirement shall be limited to the extent legal permission to construct and utilize the required shared drive can be obtained from the neighboring property owner.

C. *Interparcel access requirements.* Interparcel access for vehicles between abutting and nearby properties shall be provided so that access to individual properties can be achieved between abutting and nearby developments as an alternative to forcing all movement onto highways and public roads, unless the director of planning during the land disturbance permitting process determines that it is unnecessary to provide interparcel access due to the unlikelihood of patrons traveling among abutting or nearby sites, or due to inability after reasonable efforts by the property owner to obtain legal permission from the abutting property owners for such interparcel access.

(Ord. of 8-2-2017, § 1(6.1.6))

Sec. 6.1.7. Number of handicapped parking spaces required.

The minimum number of and dimensions for handicapped parking spaces shall comply with the requirements of the Americans with Disabilities Act (ADA) (Public Law 101—136), the State Building Code, and the American National Standards Institute, and any other applicable state or federal law.

(Ord. of 8-2-2017, § 1(6.1.7))

Sec. 6.1.8. On-street parking.

On-street parking spaces located immediately abutting the subject property, entirely within the extension of the side lot lines into the roadway and not within any required clear sight triangle, may be counted toward meeting the required parking ratios for all uses occurring on such abutting lots facing a local street or minor collector street. Where streets have been designated "no parking" by the city, no credit for on-street parking shall be available.

(Ord. of 8-2-2017, § 1(6.1.8))

Sec. 6.1.9. Parking structures.

The following requirements shall apply for parking structures:

A. *Minimum setbacks.* Parking structures shall comply with the setback requirements for accessory structures established for the zoning district in which they are located.

B. *Maximum height.* Parking structures shall comply with the maximum height requirements established in the zoning district in which they are located.

C. *Architectural features and facades.*

1. Parking structures shall utilize materials such as brick, glass, stone, cast stone, poured-in-place concrete, hard coat stucco or precast concrete with the appearance of brick or stone on facades facing public rights-of-way.

2. Architectural features and facades for parking structures shall be compatible with abutting structures.

D. *Orientation.* Parking structures shall be oriented to the interior of the parcel by adhering to the following:

1. Residential dwelling units, retail storefronts or office facades shall line the parking structure along all first floor facades adjacent to a street, excluding alleys and driveways.

2. Parking structures, when added to an existing residential development, shall not be located between the building front and the street.

(Ord. of 8-2-2017, § 1(6.1.9))

Sec. 6.1.10. Parking area landscaping.

See parking area landscaping requirements in section 5.4.4.

(Ord. of 8-2-2017, § 1(6.1.10))

Sec. 6.1.11. Paving surfaces.

A. Typical paving surfaces. The paving surface of required minimum on-site and off-site parking areas shall be a dust-free, all-weather material (e.g., asphalt, concrete, or pavers). The paving surface shall have the parking stalls, loading and unloading zones, fire lanes and any other applicable designations delineated in white or yellow paint.

B. Alternative paving surfaces may be used for the number of spaces that exceed 105 percent of the minimum required spaces subject to the confirmation by the director of planning of the pervious nature of the alternative paving material and the numerical calculations.

1. Alternative paving surfaces may include living turf grass or similar ground cover, pervious pavers or concrete, stabilized grass lawn, or other pervious parking surfaces.

2. Driveways, access aisles and parking spaces (excluding handicapped) may be surfaced with grass lawn or other pervious parking surface serving:

a. Uses within 50 feet of environmentally sensitive areas identified in the comprehensive plan;

b. Uses which require parking for less than five days per week during a typical month; and

c. Parks, playgrounds, and other similar outdoor recreation areas with less than 200 parking spaces.

(Ord. of 8-2-2017, § 1(6.1.11))

Sec. 6.1.12. Stacking spaces.

All driveway entrances, including stacking lane entrances, must be at least 50 feet from an intersection. The distance is measured along the street from the junction of the two street curb lines to the nearest edge of the entrance.

(Ord. of 8-2-2017, § 1(6.1.12))

Sec. 6.1.13. Valet parking requirements.

All valet parking services shall meet the following requirements:

A. Valet parking services shall only use off-street parking to park customer vehicles.

B. A valet parking service shall be allowed only where the business establishment being served possesses the minimum required parking spaces either on-site or through a shared off-site parking agreement.

(Ord. of 8-2-2017, § 1(6.1.13))

Sec. 6.1.14. Off-street loading requirements.

A. Off-street loading spaces shall be provided as indicated in Table 6.5.

Table 6.5. Off-street loading space requirements

Off-street loading requirements		
Type of Use	Gross Floor Area (Sq. Ft.)	Loading Spaces Required
Single retail establishment services	0 to 19,999	0
	20,000 to 49,999	1
	50,000 to 250,000	2
	Over 250,000	3
Shopping centers	0 to 9,999	1

	10,000 to 24,999	2
	25,000 to 39,999	3
	40,000 to 99,999	4
	Each additional 100,000	1 additional
Office buildings, multifamily residential over four stories, hospitals, health care establishments, hotels and motels	10,000 to 49,999	1
	50,000 to 99,999	2
	100,000 to 199,999	3
	200,000 to 999,999	4
	Each additional 1,000,000	1 additional
Manufacturing, warehousing, wholesaling, etc.	10,000 to 24,999	1
	25,000 to 39,999	2
	40,000 to 99,999	3
	Each additional 100,000	1 additional
Recycling centers		2

B. Design and arrangement of off-street loading areas. The following standards shall apply to off-street loading areas, which shall be comprised of loading spaces and maneuvering areas:

1. A loading space shall measure no less than 12 feet by 35 feet and have no less than 14 feet of vertical clearance.
2. For any use required to furnish three or more loading spaces, at least one in every three shall measure no less than 12 feet by 55 feet.
3. For manufacturing and warehousing uses, all loading spaces shall measure no less than 12 feet by 55 feet.
4. Maneuvering areas shall not include required parking spaces or any portion of a public right-of-way. No off-street maneuvering area shall require vehicles to back in from or out to a public street.

C. Off-street loading and maneuvering location limitations. Off-street loading spaces and maneuvering areas shall be located only in those portions of a lot where off-street parking areas are allowed with the following additional limitations:

1. Industrial zoning districts. If the off-street loading spaces and maneuvering areas are across from, or adjacent to, any non-industrial zoning district, a 50-foot landscaped strip shall be established between the nonindustrial zoning district and the off-street loading spaces and maneuvering area.

D. Screening of loading areas. Loading areas shall be paved with impervious materials and shall be screened so as not to be visible from any public plaza, ground-level or sidewalk-level outdoor dining area, public sidewalk, public right-of-way, private street or any adjacent residential use.

E. Enclosure of dumpsters and trash compactors. All external dumpsters and loading areas shall be enclosed with opaque fence or walls at least six feet in height.

(Ord. of 8-2-2017, § 1(6.1.14))

Sec. 6.1.15. Parking of trailers in residential districts.

A. In a residential zoning district, no trailer or recreational vehicle shall be parked in front of the principal structure; within the side yard setback or ten feet from side property line, whichever is less; or within ten feet of the rear lot line.

B. No recreational vehicle or trailer may be occupied for human habitation for more than 14 consecutive days while parked within a residential zoning district.

C. Recreational vehicles and trailers may be parked, for the limited purpose of storage between travel, on unpaved surfaces, including gravel or a similar material that prevents the vehicle's or trailer's tires from making direct contact with the earth, soil, sod or mud, so long as the unpaved surface prevents tracking of earth, soil, sod or mud onto public streets when the vehicle or trailer is moved from the property.

D. Within any residential zoning district, no recreational vehicle, trailer or storage container may be parked on a lot that does not contain a permanent dwelling unit or other structure intended for permanent human habitation as its principal use.

E. No portable storage container may be parked or stored in a residential zoning district for a period of a time exceeding 15 consecutive days, or a total of 30 days during any calendar year. A container used during active construction under a valid permit may remain for the duration of the active construction, counting toward the time restrictions of this subsection.

(Ord. of 8-2-2017, § 1(6.1.15))

Sec. 6.1.16. Alternative fuel vehicles parking.

A. *Where required.* Preferential parking for alternative fuel vehicles shall be provided for all new nonresidential parking areas containing 100 or more parking spaces, and for new parking areas of mixed-use projects where the nonresidential portion of the project requires 100 or more parking spaces. The parking spaces shall be striped with green paint to distinguish the spaces as preferential parking spaces, and in accordance with the Georgia Department of Transportation requirements.

B. *Required number of spaces.* At least two percent of all parking spaces in parking lots identified in subsection A. of this section shall be designated for preferential parking for alternative fuel vehicles.

C. *Location of parking spaces.* The required alternative fuel preferential parking spaces shall be located as close as possible to the primary entrance without conflicting with the Americans with Disability Act requirements, or other state or federal law. In the event the priority described in this subsection shall conflict with the priority described in section 6.1.4, section 6.1.4 shall prevail.

D. *Signage required.* Each alternative fuel preferential parking space shall be provided with a sign that identifies the parking space as designated for use by alternative fuel vehicles. The sign shall be in compliance with chapter 21, signs.

E. *Existing vehicle recharging stations.* Existing parking spaces with vehicle recharging stations may be used to meet the requirements of this section.

(Ord. of 8-2-2017, § 1(6.1.16))

Sec. 6.1.17. Bicycle/moped parking requirements.

A. A building, commercial establishment, recreation area, or other property, whether privately or publicly-owned or -operated, that is required to provide automobile parking facilities, whether free of charge or for a fee, to any employees, tenants, customers, clients, patrons, residents, or other members of the public shall provide at least one bicycle/moped parking space for every 20 required automobile parking spaces. No such building, commercial establishment or other property subject to the provisions of this section shall have fewer than three, nor be required to have more than 50 bicycle/moped parking spaces. The requirements of this section shall not apply to properties being operated primarily as commercial parking facilities, residences, or churches.

B. All bicycle/moped spaces shall be located within 250 feet of a regularly used building entrance and shall not interfere with pedestrian traffic. Each space shall include a metal anchor that will secure the frame and both wheels of a bicycle or moped in conjunction with a user-supplied lock. If bicycle/moped parking is not visible to the general visiting public, then a sign no larger than ten inches by 15 inches shall be displayed that directs cyclists to the bicycle/moped parking.

C. The provisions of this section shall apply to property owners, persons occupying the property pursuant to a leasehold interest, or other managers or operators of buildings, commercial establishments and property subject to the provisions of this section.

D. The provisions of this section shall apply to any building, commercial establishment or property for which a permit for new construction is issued following the effective date of this part, and to the alteration of existing buildings in all cases where sufficient space exists to provide such parking facilities.

(Ord. of 8-2-2017, § 1(6.1.17))

ARTICLE 7. ADMINISTRATION

DIVISION 1. GOVERNING BODIES AND AUTHORITY

Sec. 7.1.1. Purpose and intent; compliance with law.

A. This article is intended to provide certain procedures to govern.

1. Processing of various applications for rezoning, variances, comprehensive plan text amendments, comprehensive plan map amendments, special land use permits, administrative variances, and major and minor modifications to conditions of zoning.
2. The calling and conducting of public hearings pertaining to said applications.
3. Establishing criteria for making decisions on such applications.

B. The city council, planning commission, and zoning board of appeals shall comply with all applicable provisions of state law, now and as they may be amended hereafter, including, but not limited to, state law concerning open records, open meetings and records retention.

(Ord. of 8-2-2017, § 1(7.1.1))

Sec. 7.1.2. Governing bodies.

A. *Director of planning.*

1. The provisions of this zoning ordinance shall be administered by the director of planning or his designee, in conjunction with the planning commission, the zoning board of appeals and the city council as set forth herein. The specific duties of the director of planning shall include, but not be limited to, the following:

   a. Accepting and processing applications for zoning map amendments (rezonings), special land use permits, zoning certifications, continuances of nonconforming uses, text amendments to the zoning ordinance, modifications of zoning conditions, variances, residential lot divisions, amendments to the map and text of the comprehensive plan, or any other such business as may be scheduled for public hearing by the planning commission, zoning board of appeals, or city council.

   b. Researching facts and preparing recommendations for the planning commission and the city council for such applications.

   c. Researching facts and preparing recommendations regarding variances and appeals of error, or any other business as may be scheduled for public hearing by the zoning board of appeals.

   d. Maintenance of permanent records concerning the administration of this zoning ordinance and comprehensive plan, including all maps, amendments, records of public hearings, and any other business of the planning commission and zoning board of appeals.

   e. Review of applications for permits and licensing to ensure conformity with the requirements of this zoning ordinance and other relevant city ordinances.

   f. Upon written request by the property owner or owner's authorized agent and payment of a fee established by the city council, the director of planning may issue a certificate verifying the current zoning of a parcel of land, or a letter confirming a legal nonconforming status.

g. Administratively correct the official zoning map after a graphic or scrivener error has been identified.

h. Other duties as authorized in this zoning ordinance, including, but not limited to, the rendering of administrative decisions authorized by division 6 of this article.

B. Training and Education of Boards and Commissions

1. Members of the Planning Commission and Zoning Board of Appeals shall attend by the 365th day of their term of appointment or re-appointment one (1) or more courses, seminars, or other opportunities of training and education on matters pertaining to the operations, activities, or duties of their respective board or commission (Sec 2.6.17.b).

2. Education and training opportunities include, but are not limited to, any organized training or educational activities that in the opinion of the Planning and Zoning Director are relevant to the activities, operations, and duties of said board or commission. (Sec. 2.6.17.e)

C. *Reserved.*

D. *Planning Commission.*

1. There is hereby established a Planning Commission which shall consist of five members, all residents of the City of Stonecrest, who shall be appointed as follows:

a. The Mayor shall appoint one member from each district, subject to confirmation by the city council.

b. Each member shall serve a term of two years. However, the initial term of all initial planning commissioners first appointed after the effective date of the ordinance from which this section is derived shall expire on December 31, 2018.

2. A planning commissioner shall be removed at any time for failure to attend three consecutive meetings or for failure to attend 75 percent or more of the meetings within any calendar year without the excuse of the chairman of the commission. It shall be the duty of the secretary of the planning commission to keep a record of the attendance of members and to notify the city council when any planning commissioner is removed pursuant to the failure to attend meetings requirement of this section. Such removal shall be effective ten days following notification by the secretary of the planning commission to the city council. The Mayor shall have the authority to remove a planning commissioner for cause by providing written notice to the city council and the planning commissioner proposed to be removed, subject to the majority vote of the city council. Upon request of the planning commissioner proposed for removal for cause other than for failure to attend meetings, the city council shall hold a hearing on the removal prior to the city council's vote on the removal. Planning commissioners may be reappointed to successive terms without limitation. Any vacancy in the membership of the planning commission shall be filled for the unexpired term in the same manner as the initial appointment. Members of the planning commission shall hold no other city office or city compensated position. Members of the planning commission shall hold no elective office in DeKalb County. If a planning commission member moves outside the district from which he was originally appointed, or moves outside the City of Stonecrest, that action shall constitute a resignation from the planning commission, effective immediately.

3. No person shall serve or continue to serve as a member of the planning commission until they have been certified by the director as having completed a training session sponsored by the city or designated by the city.

4. No person shall serve as a member of the planning commission until they have executed and filed with the designated officer of the city an oath, administered by the mayor or a judicial officer authorized to administer an oath, in the following form:

"I do solemnly swear or affirm that I will faithfully execute the office of planning commissioner for the City of Stonecrest, and will to the best of my ability support and defend the Constitution of the United States, the Constitution of Georgia, and the Charter, ordinances, and regulations of the City of Stonecrest. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I, by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office according to the municipal Charter, the Code of the City of Stonecrest, the Constitution and laws of Georgia. I am a resident of district _____ and the City of Stonecrest. I will perform the duties of my office in the best interests of the City of Stonecrest to the best of my ability without fear, favor, affection, reward, or expectation thereof."

5. The governing authority shall determine the amount of compensation, if any, to be paid to the members of the planning commission.

6. No amendment to the text of this chapter, the official zoning map, or the comprehensive plan text or maps shall become effective unless the subject matter of the amendment has been submitted to the planning commission for public hearing and recommendation pursuant to the requirements of this chapter.

7. The planning commission shall further adopt rules of procedure governing the conduct of its meetings; which rules shall be supplemental to and not conflict with this chapter. In any case where the rules do not address a procedural issue which arises before the planning commission, the most recent edition of Robert's Rules of Order shall govern. The planning commission may from time to time amend its rules by majority vote. A copy of the adopted rules of procedure and any subsequent amendment thereto shall be filed by the secretary of the planning commission with the city clerk, and copies of the rules shall be made available to the public by the secretary of the planning commission and the city clerk.

8. All meetings of the planning commission shall be open to the public, and the agenda for each board meeting shall be made available to the public. Notice of all meetings of the public commission shall be given in accordance with section 7.2.4.

9. A quorum of the planning commission shall consist of at least three members of the commission, except that a lesser amount shall be sufficient to recess or adjourn any meeting; but no official action shall be taken except upon the affirmative vote of at least three members of the planning commission. A roll call vote shall be taken upon the request of any member. If there is not a quorum present, all items shall be rescheduled and re-advertised for the next regular meeting.

10. At its first regular meeting and the first regular meeting in each January thereafter, the planning commission shall, by majority vote of its membership elect one of its members to serve as chairperson to preside over the commission's meetings and one member to serve as vice chairperson. The persons so elected shall serve in these capacities for terms of one year or until a replacement is elected. Vacancies may be filled for the unexpired terms only by majority vote of the planning commission membership. The chairperson and vice chairperson may take part in all deliberations and vote on all issues. The chairperson and the vice-chairperson may each be elected to successive terms without limitation.

11. At its first regular meeting and the first regular meeting in each January thereafter, the planning commission shall, by majority vote of its membership, appoint one person to serve as its secretary. The director of planning or his designee may serve as secretary of the planning commission. The planning department staff shall keep minutes of the proceedings of the planning commission, showing the vote of each member upon each item, or, if a member is absent or fails to vote, indicating such fact, and shall keep records of the planning commission official actions and evidence submitted, all of which shall be filed in the office of the planning department and shall be a public record.

E. *Zoning board of appeals.*

1. There is hereby established a zoning board of appeals which shall consist of five members, each of whom shall be a resident of the city. Each member shall serve a term of two years. The Mayor shall appoint one member from each district, subject to confirmation by the city council. A member of the zoning board of appeals shall be removed at any time for failure to attend three consecutive meetings or for failure to attend 75 percent or more of the meetings within any calendar year without the excuse of the chairman of the board. It shall be the duty of the secretary of the zoning board of appeals to keep a record of the attendance of members and to notify the city council when any zoning board of appeals member is removed pursuant to the failure to attend meetings requirement of this section. Such removal shall be effective ten days following notification by the secretary of the zoning board of appeals to the city council. The Mayor shall have the authority to remove a zoning board of appeals member for cause by providing written notice to the city council and the zoning board of appeals member proposed to be removed, subject to the majority vote of the city council. Upon request of the zoning board of appeals member proposed for removal for cause other than for failure to attend meetings, the city council shall hold a hearing on the removal prior to the city council's vote on the removal. Members of the zoning board of appeals may be reappointed to successive terms without limitation. Any vacancy in the membership of the zoning board of appeals shall be filled for the unexpired term in the same manner as the initial appointment. Members of the zoning board of appeals shall hold no other city office or city compensated position. Members of the zoning board of appeals shall hold no elective office in DeKalb County. If a member of the zoning board of appeals moves outside the district from which he was originally appointed or outside the City of Stonecrest, that action shall constitute a resignation from the zoning board of appeals, effective immediately.

2. No person shall serve or continue to serve as a member of the zoning board of appeals until they have been certified by the director as having completed a training session sponsored by the city.

3. No person shall serve as a member of the zoning board of appeals until they have executed and filed with the designated officer of the city an oath, administered by the mayor or a judicial officer authorized to administer an oath, in the following form:

   "I do solemnly swear or affirm that I will faithfully execute the office of planning commissioner for the City of Stonecrest, and will to the best of my ability support and defend the Constitution of the United States, the Constitution of Georgia, and the Charter, ordinances, and regulations of the City of Stonecrest. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I, by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office according to the municipal Charter, the Code of the City of Stonecrest, the Constitution and laws of Georgia. I am a resident of district _____ and the City of Stonecrest. I will perform the duties of my office in the best interests of the City of Stonecrest to the best of my ability without fear, favor, affection, reward, or expectation thereof."

4. Each member shall serve a term of two years. However, the initial term of all initial members first appointed after the effective date of the ordinance from which this section is derived shall expire on December 31, 2018.

5. The governing authority shall determine the amount of compensation, if any, to be paid to the members of the zoning board of appeals.

6. The zoning board of appeals shall meet each month at a standard day and time to be determined by the board. The chairperson may, when necessary, call for special meetings of the board. A meeting may be canceled by the chairperson if there are no matters to be acted upon by the board.

7. The zoning board of appeals shall conduct its meetings in accordance with the procedures contained in this chapter. The board shall further adopt rules of procedure governing the conduct of its meetings, which rules shall be supplemental to and not conflict with this chapter. In any case where the rules do not address a procedural issue which arises before the board, the most recent edition of Robert's Rules of Order shall govern. The board may from time to time amend its rules by majority vote. A copy of the adopted rules of procedure and any subsequent amendment thereto shall be filed by the secretary of the zoning board of appeals with the city clerk, and copies of the rules shall be made available to the public by the secretary of the zoning board of appeals and the city clerk.

8. All meetings of the zoning board of appeals shall be open to the public, and the agenda for each board meeting shall be made available to the public. Notice of all meetings of the zoning board of appeals shall be given in accordance with section 7.2.4.

7. A quorum of the zoning board of appeals shall consist of at least three members of the board, except that a lesser amount shall be sufficient to recess or adjourn any meeting; but no official action shall be taken except upon the affirmative vote of at least three members of the zoning board of appeals. A roll call vote shall be taken upon the request of any member. If there is not a quorum present, all items shall be rescheduled and re-advertised for the next regular meeting.

8. At its first regular meeting first regular meeting each January thereafter, the zoning board of appeals shall, by majority vote of its membership elect one of its members to serve as chairperson to preside over the board's meetings and one member to serve as vice chairperson. The persons so elected shall serve in these capacities for terms of one year or until a replacement is elected. Vacancies may be filled for the unexpired terms only by majority vote of the board membership. The chairperson and vice chairperson may take part in all deliberations and vote on all issues. The chairperson and the vice-chairperson may each be elected to successive terms without limitation.

9. At its first regular meeting of each January, the zoning board of appeals shall, by majority vote, appoint a secretary. The director of planning or his designee may serve as secretary to the zoning board of appeals. The planning department staff shall keep minutes of the proceedings of the board, showing the vote of each member upon each item, or if absent or failing to vote, indicating such fact, and shall keep records of its official actions and evidence submitted, all of which shall be filed in the office of the planning department and shall be a public record.

10. The staff of the planning department shall conduct a site inspection of and shall prepare an analysis of each application for a variance applying the applicable criteria and standards set forth in this chapter to each such application.

(Ord. of 8-2-2017, § 1(7.1.2))

DIVISION 2. GENERAL PROCEDURES

Sec. 7.2.1. Applications and public hearing.

This division establishes procedures that apply to all application submittals and procedures for public hearings required by this zoning ordinance. Prior to the processing of any application for an amendment to the official zoning map, commonly referred to as a rezoning, variance, comprehensive plan text amendment, comprehensive plan map amendment, special land use permit, or modification to conditions of zoning, the applicant shall be required to file documentation and follow certain procedures as set forth in this article. Additional regulations that apply to specific application types may be found in subsequent sections of this chapter.

(Ord. of 8-2-2017, § 1(7.2.1))

Sec. 7.2.2. Applications.

A. *Applications for city action that require a public hearing.* Applications for city action that require a public hearing shall be filed with the director of planning, along with a fee as set by the city council and the campaign disclosure required by O.C.G.A. § 36-67A-3. Applications and procedures shall be made available to the public in the offices of the planning department.

B. *Processing of said applications.* The processing of said applications shall be based upon an annual calendar adopted by the city council. This calendar shall be made available to the public in the offices of the planning department.

1. The director of planning shall be authorized to establish application submittal requirements necessary to obtain sufficient information to allow for a compliance review of the application as well as forms and instructions for each application type or petition.

2. No application shall be processed by the planning and zoning director unless it complies with the procedural requirements of this division and is found to be a complete application.

3. A change to a site plan or proposed condition of zoning associated with an application, which change has been accepted and allowed to be part of the application by the director of planning, may be deferred by the city council for a full-cycle review if the city council determines such review is reasonably necessary as a result of the change. The amended application shall be treated as if it were a new application, for the purposes of publication, review, notice and hearings, as required under this article, including review by the planning commission. An amendment to an application shall not change the original filing date of that application. An amended application shall not require a new application fee. However, in the case of a deferral requested by the applicant, the applicant shall pay a required re-advertising fee.

C. *Application fees.* The application fees for special land use permits, amendments to the official zoning map and comprehensive plan map amendments shall be as established by the city council.

D. *Site plan preparation.* The director of planning shall publish a checklist of requirements for site plans submitted pursuant to this zoning ordinance. All site plans submitted pursuant to this zoning ordinance shall be submitted with the applications to which they apply and shall comply with the checklist requirements.

E. *Notice of applications filed.* The secretary of the planning commission shall provide the city council with a list of all applications and amendments filed. The listing of applications shall be reasonably made available to the public.

F. *Withdrawal of application by applicant.* Applications may not be withdrawn without permission of the city council after they have been filed for advertising for public hearing, except as otherwise provided herein.

G. *City clerk to provide signed copy of final actions taken by the city council to director of planning to be noted on official zoning maps.* The clerk shall, after any final action taken by the city council, provide to the director of planning a signed, certified copy of each such action. The director of planning shall cause all relevant documents to be amended accordingly to reflect the final action approved by the city council.

H. *Resubmittal of rejected or denied applications.*

1. *Rezoning.*

a. If an application for rezoning is denied or assigned a zoning classification other than the classification requested in the application, then no portion of the same property may again be considered for rezoning for a period of 24 months from the date of the city council's final decision.

b. Notwithstanding subsection H.1.a. of this section, the city council may by resolution reduce the 24-month time restriction between applications to a period no less than the minimum required by the O.C.G.A. § 36-66-1 et seq., as it now exists and may be amended hereafter, which currently is six months as of the date of adoption of the ordinance from which this division is derived.

c. An applicant may request that the city council allow withdrawal of an application without prejudice, in which case, if approved, no minimum time period need expire before a subsequent application for rezoning of the property may be accepted by the director of planning.

2. *Variance.*

a. An application for a variance affecting all or a portion of the same property for which an application for variance for the same regulation was denied shall not be submitted before 24 months have passed from the date of final decision by the zoning board of appeals on the previous variance.

b. The zoning board of appeals may reduce this 24-month time restriction by resolution, provided that the time restriction between the date of said denial and any subsequent application affecting the same property shall be no less than six months.

c. An applicant may request that the zoning board of appeals allow withdrawal of an application without prejudice, in which case, if approved, no minimum time period need expire before a subsequent application for rezoning of the property may be accepted by the director of planning.

3. *Special land use permit.*

a. An application for a special land use permit affecting all or a portion of the same property for which an application for the same special land use was denied shall not be submitted before 24 months have passed from the date of final decision by the city council on the previous special land use permit.

b. Notwithstanding section a. above, the city council may by resolution reduce the 24-month time restriction between applications to a period no less than the minimum required by the Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., which is six months as of the date of adoption of the ordinance from which this division is derived.

c. An applicant may request that the city council allow withdrawal of an application without prejudice, in which case, if approved, no minimum time period need expire before a subsequent application for rezoning of the property may be accepted by the director of planning.

(Ord. of 8-2-2017, § 1(7.2.2))

Sec. 7.2.3. Reserved.

(Ord. of 8-2-2017, § 1(7.2.3))

Sec. 7.2.4. Public hearings.

A. *Zoning decisions.* The term "zoning decision" is defined in article 9 of this chapter by reference to the definition of "zoning decision" set forth in state law, O.C.G.A. § 36-66-3, as it now exists and may be amended hereafter.

B. *Zoning decisions initiated by the city.* For any zoning decision initiated by the city at least 15 but not more than 45 days prior to the date of the public hearing before the city council, the city shall cause to be

published within a newspaper of general circulation within the territorial boundaries of the city, a notice of the hearing. The notice shall state the time, place, and purpose of the hearing.

C. *Zoning decisions, appeals to the zoning board of appeals, variances, extensions of special land use permits, and major modifications of conditions initiated by a party other than the city.* For any zoning decision, appeal to the zoning board of appeals, variance, extension of special land use permits, or major modification of conditions initiated by a party other than the city, notice of the public hearing shall be provided as follows:

1. Written notice of each public hearing shall state the nature of the proposed change, and the date, time, and place of the public hearing before either the planning commission, zoning board of appeals or the city council and shall be mailed by first class mail by the director of planning to all owners of property within one thousand (1,000) feet of the boundaries adjoining the subject property, as such property owners are listed on the records of DeKalb tax commissioner, at least 15 days and not more than 45 days prior to said public hearing.

2. Signs shall be posted on the subject property at least 15 days and not more than 45 days prior to the public hearing before the city council, the planning commission or the zoning board of appeals. The required information on each sign shall be as provided in O.C.G.A. § 36-66-1 et seq., as it now exists and may be amended hereafter. At least one sign shall be posted on each street on which the subject property has frontage in a conspicuous location within ten feet of the right-of-way. One additional sign shall be posted for each additional 500 feet of frontage or fraction thereof in excess of 500 feet of frontage on each street on which the subject property has frontage. Signs shall be double-faced and posted so that the face of the sign may be read by the traveling public in both directions, and the applicant shall pay a sign fee, in an amount to be established by the city council, to the planning department.

3. One notice sign may serve both the application for an amendment to the official zoning map and/or the application for a special land use permit, as long as the sign states the relevant information for all hearings relating to those actions.

4. A dated photograph of each sign shall be submitted by the applicant to the director of planning as evidence of its proper posting.

5. The city shall cause a notice of each public hearing regarding a proposed zoning decision to be published in a newspaper of general circulation within the city at least 15 days and not more than 45 days prior to the public hearing. The notice shall include the date, time and place of the hearing before the planning commission, the city council, and/or the zoning board of appeals, the address of the property, the present zoning classification of the property, the proposed zoning classification of the property, the nature of the variance sought, and the proposed special land use, as applicable.

(Ord. of 8-2-2017, § 1(7.2.4))

Sec. 7.2.5 Community Impact Notification

A. Applicability

1. Any development or building project with an aggregate of 12,000 square feet or more of new buildings or a site consisting of two acres or more must meet the Community Impact Notification requirements.

2. This includes any development or building project with an aggregate of 12,000 square feet of construction, or other similar work requiring a building permit within the next 24 months.

B. Requirements

1. *Council notification.* The Chief Building Official shall provide notification to the pertinent district councilmember.

2. *Posted notice.* Applicant shall place one or more signs in a conspicuous location on the property. At least one sign shall be posted along each street on which the subject property has frontage. One additional sign shall be posted for each additional 500 feet of frontage. Each sign shall contain the location and nature of the proposed project and web address to access and view plans.

3. *Written notice.* Written notice shall be mailed by first class mail by the Applicant to all owners of property within 1,000 feet of the boundaries of the subject property. The notice shall state the location and nature of the proposed project.

DIVISION 3. ZONING AND COMPREHENSIVE PLAN AMENDMENTS AND PROCEDURES

Sec. 7.3.1. Initiation of proposals for text and map amendments.

A proposed amendment to the text of this chapter, the official zoning map, or the comprehensive plan may be introduced by the director of planning, one or more members of the city council or by the planning commission. In addition, amendments to the official zoning map (rezoning) and the comprehensive plan may be initiated upon application by the owners of the subject property or the authorized agent of the owners. Before enacting any amendment to this chapter, the official zoning map, or the comprehensive plan maps, the city council shall provide for the public notice and public hearings required by section 7.2.4 of this article.

(Ord. of 8-2-2017, § 1(7.3.1))

Sec. 7.3.2. Consistency with comprehensive plan.

Any applicant seeking to rezone property to a classification that is inconsistent with the comprehensive plan, as established in article 1 of this zoning ordinance, must first obtain approval of an amendment to the comprehensive plan land use map from the city council. The comprehensive plan maps shall be amended according to a schedule approved by the city council. However, exceptions may be granted by the city council in between the regular review cycle in cases of demonstrated hardship, or in cases of large-scale developments that may provide special economic benefits to the community. Requests for exceptions shall be subject to approval by the city council during a city council meeting.

(Ord. of 8-2-2017, § 1(7.3.2))

Sec. 7.3.3. Staff analysis, findings of fact, and recommendations.

A. The staff of the planning department shall conduct a site inspection on all applications for zoning map and comprehensive plan map amendments and shall investigate and prepare an analysis of each proposed text amendment to this chapter or to the comprehensive plan.

B. The findings and recommendations of the planning department staff shall be made based on each of the standards and factors contained in section 7.3.4 or section 7.3.5, below, as applicable. In an application for rezoning, the planning staff may recommend the imposition of conditions in accordance with section 7.3.9. The staff shall present its findings and recommendations to the planning commission and the city council.

C. Within a reasonable amount of time after acceptance of a complete application, the director of planning shall submit the application for review by city departments and external agencies, as may be appropriate. External agencies may include, but are not limited to, DeKalb County, DeKalb County School Board, Georgia

Regional Transportation Authority, Georgia Department of Transportation, and the Atlanta Regional Commission (ARC), and any municipality that abuts the property that is the subject of the application. Any written comments received prior to submittal of the report shall be submitted to the review bodies for consideration and such comments shall become an official public record.

(Ord. of 8-2-2017, § 1(7.3.3))

Sec. 7.3.4. Standards and factors governing review of proposed amendments to the comprehensive plan map.

The following standards and factors are found to be relevant for evaluating applications for amendments to the comprehensive plan map and shall govern the review of all proposed amendments to the comprehensive plan map:

A. Whether the proposed land use change will permit uses that are suitable in consideration of the use and development of adjacent and nearby property or properties.

B. Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property or properties.

C. Whether the proposed land use change will result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

D. Whether the amendment is consistent with the written policies in the comprehensive plan text and any applicable small areas studies.

E. Whether there are potential impacts on property or properties in an adjoining governmental jurisdiction, in cases of proposed changes near municipal boundary lines.

F. Whether there are other existing or changing conditions affecting the use and development of the affected land areas which support either approval or denial of the proposed land use change.

G. Whether there will be an impact on historic buildings, sites, districts or archaeological resources resulting from the proposed change.

(Ord. of 8-2-2017, § 1(7.3.4))

Sec. 7.3.5. Standards and factors governing review of proposed amendments to the official zoning map.

The following standards and factors are found to be relevant to the exercise of the city's zoning powers and shall govern the review of all proposed amendments to the official zoning map:

A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.

B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties.

C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties.

E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.

G. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

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

(Ord. of 8-2-2017, § 1(7.3.5))

Sec. 7.3.6. Reserved.

(Ord. of 8-2-2017, § 1(7.3.6))

Sec. 7.3.7. Action by the planning commission.

The secretary of the planning commission shall provide the members of the planning commission complete information on each proposed application requiring a public hearing by the planning commission, including a copy of the application and all supporting materials. The planning commission, after conducting a public hearing with prior public notice as required by this article, shall consider the proposal and vote on its recommendation to the city council. Any recommendation by the planning commission shall not be binding on the city council. The planning commission may recommend approval of the application, recommend approval to a less intense zoning district or land use category than that requested by the applicant, recommend approval of the application with conditions, recommend denial of the application, recommend deferral of the application, or, upon request of the applicant, recommend withdrawal of the application without prejudice. In its recommendation of any application, the planning commission may recommend the imposition of conditions in accordance with section 7.3.9. All findings and recommendations of the planning commission relating to amendments to the official zoning map shall be made based on each of the standards and factors contained in section 7.3.5. All recommendations of the planning commission relating to amendments to the comprehensive plan maps shall be made based on each of the standards and factors contained in section 7.3.4. The secretary of the planning commission shall make and maintain a written record of the planning commission's consideration and recommendations, which shall be public record.

(Ord. of 8-2-2017, § 1(7.3.7)) [TMOD-21-014]

Sec. 7.3.8. Action by the city council.

At the next scheduled city council meeting pursuant to the applicant zoning calendar following the appearance of the matter on the planning commission agenda, the city council, after conduct of a public hearing with public notice as required by this article, shall vote to approve the proposed amendment pursuant to this division, approve with conditions, approve to a less intense zoning district or land use category than that requested by the applicant, deny the proposed amendment, defer the proposed amendment, or, upon request of the applicant, permit withdrawal without prejudice. In the approval of any proposed amendment to the official zoning map, the city council may impose conditions in accordance with section 7.3.9. For each proposed zoning decision, the analysis submitted by the applicant, if any, the analysis prepared by the planning department, and the record prepared by the planning commission shall be presented to each member of the city council. All decisions of the city council relating to each proposed amendment to the official zoning map shall be made based on each of the standards and factors contained in sections 7.3.4 and 7.5.3 or 7.5.4, as appropriate. All decisions of the city council relating to amendments to the comprehensive plan maps shall be made based on each of the standards and factors contained in section 7.3.4. Any proposed amendment or any proposed substitute ordinance considered by the city council shall be presented in written form prior to being voted on by the city council, or made a part of the motion.

(Ord. of 8-2-2017, § 1(7.3.8))

Sec. 7.3.9. Conditions of zoning.

Conditions of zoning may be requested by an applicant, recommended by the planning department or planning commission, or imposed by the city council, as a part of any proposed change to the official zoning map, in accordance with the following requirements:

A. Conditions of zoning may be imposed so as to ameliorate the effects of the proposed developmental change for the protection or benefit of neighboring persons or properties consistent with the purpose and intent of the zoning districts involved, and the goals and objectives of the comprehensive plan and state law. No condition shall be imposed which reduces the requirements of the zoning districts involved, except as stipulated in section 8.1.12 of this chapter. All conditions shall be of sufficient specificity to allow lawful and consistent application and enforcement. All conditions shall be supported by a record that evidences the relationship between the condition and the impact of the developmental change. No condition in the form of a development exaction for other than a project improvement shall be imposed within the meaning of the Georgia Development Impact Fee Act, as amended.

B. Once imposed, conditions of zoning shall become an integral part of the approved amendment and shall be enforced as such. Changes to approved conditions shall be authorized only pursuant to section 7.3.10.

C. Site plans referenced in the conditions of zoning are conceptual only unless specific aspects of the site plan or the site plan itself are approved as a separate zoning condition. Development shall meet or exceed the imposed zoning conditions and all other applicable law, standards and regulations of the City. Compliance with the conditions of zoning shall be demonstrated prior to the issuance of a land disturbance permit or building permit and conditional improvements shall be in place prior to the issuance of the first certificate of occupancy.

(Ord. of 8-2-2017, § 1(7.3.9))

Sec. 7.3.10. Modifications and changes to approved conditions of zoning.

A. The director of planning shall have sole authority to approve minor changes to conditions attached to an approved zoning amendment. Minor changes are those that implement only slight alterations to the approved conditions made necessary by actual field conditions at the time of development, and that do not alter the impact of the development on nearby properties nor the intent or integrity of the conditions as originally imposed. Any request for minor changes to conditions shall be filed with the director of planning or his designee on a written form which shall include a full description of the documents and/or information necessary for the application to be considered complete. At a minimum, if an approved site plan exists, the request for minor changes shall be accompanied by four copies of the proposed revised site plan. The director of planning shall decide whether to grant or deny the request for minor changes to conditions within 30 calendar days of receipt of a complete application for such minor changes. If the director of planning does not decide within 30 days the request for minor change shall be deemed denied as of the 31st day after receipt of a complete application. After making a decision, the director of planning shall have ten calendar days to post a sign on the subject property which reflects the decision of the director and includes the deadline for taking an appeal of the decision. Persons identified in section 7.5.2.B. shall have 15 calendar days from the posting of the sign to appeal the director of planning's decision by filing an application for appeal with the secretary of the zoning board of appeals. Any major changes to conditions attached to an approved zoning amendment shall require an application and public hearings before the planning commission and the city council, as required in section 7.2.4 of this article for amendments to the official

zoning map without limiting the meaning of the phrase, the following shall be deemed to constitute major changes:

1. The movement of any building or structure adjacent to an exterior boundary line, closer to the boundary line of the property;
2. Any increase in the number of dwelling units or any increase in the total amount of floor space of any nonresidential building;
3. Any decrease in the size of residential units imposed in the original conditional zoning amendment;
4. Any change in any buffer requirements imposed in the original conditional zoning amendment;
5. Any increase in the height of any building or structure;
6. Any change in the proportion of floor space devoted to different authorized uses; or
7. Any change to conditions, except minor changes, as defined in subsection A. of this section, imposed by the city council when approving any change to the official zoning map, commonly referred to as a rezoning or a zoning amendment.

(Ord. of 8-2-2017, § 1(7.3.10)

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DIVISION 4. SPECIAL LAND USE PERMITS

Sec. 7.4.1. Special land use permits generally.

A. A special land use permit is a means by which the city council gives special consideration, pursuant to a clear set of standards and criteria, to those types of uses which may or may not be compatible with uses and structures authorized as a matter of right within a particular zoning district. Special land use permits are required for uses that have operational characteristics and/or impacts that are significantly different from the zoning district's principal authorized uses and therefore require individual review pursuant to the standards and criteria set forth in this division and article.

B. Special land use permit applications shall be authorized only for those uses specifically listed in the applicable zoning district regulations, as permitted by special land use permit, and in compliance with any applicable supplemental regulations, according to article 4 of this chapter or section 7.4.7.

C. An applicant desiring to apply for a special land use permit authorized within a zoning district described in this chapter shall file an application with the planning department in accordance with this division. The city council, following consideration by the planning commission, shall determine whether the proposed use, in the particular location contemplated, meets the standards and criteria set forth in this division and chapter.

D. Such uses may further require, and the city council shall be authorized to impose, special conditions in order to ensure their compatibility with surrounding uses and to minimize adverse impacts on the use of surrounding property.

(Ord. of 8-2-2017, § 1(7.4.1))

Sec. 7.4.2. Initiation of applications and public hearing requirements.

A. Procedures for applications shall comply with section 7.2.2.

B. Applications for special land use permits require a public hearing, as provided for in section 7.2.4.

(Ord. of 8-2-2017, § 1(7.4.2))

Sec. 7.4.3. Initiation of ordinance for application for special land use permit.

Upon receipt of a complete application for a special land use permit, the secretary of the planning commission shall prepare a proposed ordinance to grant the proposed special land use permit, and said proposed ordinance shall be referred to the planning commission for public hearing and consideration pursuant to the requirements of this chapter and presented to the city council at their next scheduled zoning meeting after appearance on the planning commission agenda.

(Ord. of 8-2-2017, § 1(7.4.3))

Sec. 7.4.4. Reserved.

(Ord. of 8-2-2017, § 1(7.4.4))

Sec. 7.4.5. Staff analysis, findings of fact, and recommendation on each application.

An application for a special land use permit shall be filed on forms provided by the planning department and shall not be considered an authorized application unless complete in all respects. Upon receipt of a complete application, the staff of the planning department shall conduct a site inspection and shall prepare an analysis of each application for a special land use permit and shall present its findings and recommendations in written form to the planning commission. Staff analysis and recommendations on each application for special land use permit shall be based on the criteria contained in section 7.4.6 and, in addition, where applicable to the use proposed, on the criteria contained in section 7.4.7.

(Ord. of 8-2-2017, § 1(7.4.5))

Sec. 7.4.6. Special land use permit; criteria to be considered.

The following criteria shall be considered by the planning department, the planning commission, and the city council in evaluating and deciding any application for a special land use permit. No application for a special land use permit shall be granted by the city council unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application, and the application is in compliance with all applicable regulations in article 4 of this chapter:

A. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.

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

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

D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.

E. Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use.

F. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency.

G. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.

H. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.

I. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.

J. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.

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

L. Whether the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.

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

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

O. Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.

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

Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.

R. Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.

S. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.

(Ord. of 8-2-2017, § 1(7.4.6))

Sec. 7.4.7. Additional criteria for specified uses.

In addition to the criteria contained in section 7.4.6 above for which each applicant for a special land use permit is required to provide information, the following additional criteria shall apply to specific uses as specified below. No application for a special land use permit for the uses specified below shall be granted by the city council unless it is determined that, in addition to meeting the requirements contained within the zoning district in which such property is located and the criteria contained in section 7.4.6 above, and complying with applicable regulations in article 4 of this chapter, satisfactory provisions and arrangements have been made concerning each of the following criteria:

A. *Telecommunications towers and antennas.* In determining whether to authorize a special land use permit for a telecommunication tower or antenna, the city council shall comply with and apply the requirements of section 4.2.57.

B. *Reserved.*

C. *Child daycare facility.* In determining whether to authorize a special land use permit for a child daycare facility, the city council shall also consider each of the following criteria:

1. Whether there is adequate off-street parking for all staff members and for visitors to the child daycare facility.
2. Whether the proposed off-street parking areas and the proposed outdoor play areas can be adequately screened from adjoining properties so as not to adversely impact any adjoining land use.
3. Whether there is an adequate and safe location for the dropping off and picking up of children at the child daycare facility.
4. Whether the character of the exterior of the proposed structure will be compatible with the residential character of the buildings in the zoning district in which the child daycare facility is proposed to be located, if proposed for a residential zoned district.

(Ord. of 8-2-2017, § 1(7.4.7))

[TMOD-22-001]

Sec. 7.4.8. Action by the planning commission.

A. Planning staff shall provide the members of the planning commission complete information on each proposed application for a special land use permit that the commission considers, including a copy of the application and all supporting materials. The planning commission, after conducting a public hearing with public notice, as required by this article, shall vote on its recommendation to be provided to the city council.

B. The planning commission may recommend approval of the application, approval of the application with conditions, denial of the application, or deferral of the application.

C. The planning commission may recommend the imposition of conditions based upon the facts of a particular application in accordance with section 7.3.9.

D. The planning commission recommendation on each application shall be based on a determination as to whether or not the applicant has met the criteria contained in section 7.4.6, the criteria contained in section 7.4.7 where applicable to the use proposed, and the requirements of the zoning district in which such use is proposed to be located.

(Ord. of 8-2-2017, § 1(7.4.8))

Sec. 7.4.9. Action by the city council.

A. The city council, after conducting the public hearing with public notice as required by this chapter, shall vote to approve the application, approve the application with conditions, deny the application, defer the application, or, upon request of the applicant, to permit withdrawal of the application without prejudice.

B. The city council may impose conditions based upon the facts of a particular application in accordance with section 7.4.9.

C. The decision of the city council on each application for special land use permit shall be based on a determination as to whether or not the application satisfies the criteria contained in section 7.4.6, the criteria contained in section 7.4.7 where applicable to the use proposed, and the requirements of the zoning district in which such use is proposed to be located.

D. The city council may specify the duration of each such special land use permit approved.

(Ord. of 8-2-2017, § 1(7.4.9))

Sec. 7.4.10. Appeals of decisions of the city council.

All appeals of all final decisions of the city council under the provisions of this division shall be as follows:

A. Any person aggrieved by a final decision of the city council on an amendment to the zoning ordinance which rezones property from one zoning classification to another or which changes zoning conditions, or which denies any such ordinances may seek review of such decision by petitioning the Superior Court of DeKalb County via direct appeal, setting forth plainly the alleged errors. Such petition shall be filed within 30 days after the final decision of the city council is rendered.

B. Any person aggrieved by a final decision of the city council on a special land use permit may seek review of such decision by petitioning the Superior Court of DeKalb County via a writ of certiorari plainly setting forth the alleged errors. Such petition shall be filed within 30 days after the final decision of the city council is rendered.

(Ord. of 8-2-2017, § 1(7.4.10))

Sec. 7.4.11. Limitations of special land use permits.

A. *Development of an approved special use.* The issuance of a special land use permit shall only constitute approval of the proposed use, and development of the use shall not be carried out until the applicant has secured all other permits and approvals required by any applicable law or regulation.

B. *Expiration of a special land use permit.* Unless a building permit or other required approvals is applied for within 12 months of the city council's approval, and construction pursuant to such building permit is promptly begun and diligently pursued thereafter, the special land use permit shall expire automatically, unless the permit is extended upon application to the city council in accordance with subsection C. of this section.

C. *Time extension of a special land use permit.* A time limitation imposed on special land use permits by the city council and the expiration date established pursuant to subsection B. of this section may be extended once for 12 consecutive months upon written request by the applicant and approval by the planning director. Any further time extensions shall be by the city council upon written request by the applicant and approval of the city council after compliance with the public notice provisions of section 7.2.4.C. In considering a request to extend, the planning director and the city council shall consider the criteria described in section 7.4.6.

D. *Limitations on approvals for special land use permits.* A special land use permit shall expire automatically and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of 12 consecutive months.

E. *Modifications to a special land use permit.* Changes to an approved special land use permit, including changes to approved conditions, expansion of the approved use, or expansion of building square footage, shall be subject to the same application, review and approval process as a new application, including the payment of relevant fees.

(Ord. of 8-2-2017, § 1(7.4.11))

Sec. 7.4.12. Transfer of special land use permits.

A special land use permit, including the site plan and any conditions imposed at the time of the grant of the special land use permit by the city council, is granted to the person, corporation or other legal entity that applied for the permit. A special land use permit expires automatically upon change in ownership of the subject property, unless the special land use permit is transferred as authorized in this section. A special land use permit may only be transferred from one person, corporation, or other legal entity to another person, corporation, or other legal entity upon application to the director of planning. Any such application by any person, corporation, or other legal entity to transfer a special land use permit shall be accompanied by an affidavit of the proposed transferee certifying that the new owner or operator is familiar with and will abide by the approved site plan and all of the conditions, if any, imposed by the city council at the time of the grant of the special land use permit.

If an application to the city council for a special land use permit is submitted due to an existing violation of this chapter and such application for special land use permit is denied, the violation shall be required to be corrected within 30 days of such denial. Notwithstanding the foregoing, the director of planning may extend the deadline for correction of the violation for a period up to 90 days following the denial of the special land use permit application upon a showing that the violation cannot reasonably be corrected within 30 days.

(Ord. of 8-2-2017, § 1(7.4.12))

DIVISION 5. VARIANCES AND APPEALS TO THE ZONING BOARD OF APPEALS

Sec. 7.5.1. Testimony and burden of proof.

The chairperson of the zoning board of appeals, or, in his absence, the acting chairperson, may administer oaths and compel the attendance of witnesses by subpoena.

A. *Requirements.* The standards and requirements of this zoning ordinance and decisions made by public officials are presumed to be valid and just. It shall be the responsibility of an applicant seeking relief to assume the burden of proof and rebut this presumption by presenting sufficient facts and evidence to explain how the proposed appeal or variance is consistent with the general spirit and intent of this zoning ordinance and the comprehensive plan.

B. *Review.* It is the duty of the zoning board of appeals to review such facts and evidence in light of the intent of the zoning ordinance to balance the public health, safety and general welfare against the injury to a specific applicant that would result from the strict application of the provisions of this zoning ordinance to the applicant's property.

(Ord. of 8-2-2017, § 1(7.5.1))

Sec. 7.5.2. Appeals of decisions of administrative officials.

A. *General power.* The zoning board of appeals shall have the power and duty to hear and decide appeals where it is alleged by the appellant that there is error in any final order, requirement, or decision made by an administrative official based on or made in the enforcement of this zoning ordinance or as otherwise authorized by local law or the Code of the City of Stonecrest. Administrative officials must make final decisions covered by this section within 180 days of receipt of all necessary information to make such decision. A failure to act prior to the passage of 180 days shall not be construed to be a final order, requirement or decision within the meaning of this division. If a decision is not made by the 181st day, the requested decision is deemed denied, and becomes appealable. All such appeals shall be heard and decided

following the notice requirements of section 7.2.4, and pursuant to the following criteria and procedural requirements.

B. *Appeals of decisions of administrative officials.* Appeals of decisions of administrative officials may be filed by:

(1) Any person aggrieved by; or

(2) An owner of property within 250 feet of the nearest property line of the property that is the subject of any final order, requirement, or decision of an administrative official, based on or made in the enforcement of this zoning ordinance, or as otherwise authorized by local law or the Code of the City of Stonecrest.

By filing with the secretary of the zoning board of appeals an application for appeal, specifying the grounds thereof, within 15 days after the action was taken by the official that is the subject of the appeal.

C. *Appeal stays all legal proceedings.* An appeal of a decision of an administrative official stays all legal proceedings in furtherance of the action or decision appealed from unless the official from whom the appeal is taken certifies to the zoning board of appeals, after notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would, in that official's opinion, cause imminent peril to life or property. In such a case, legal proceedings shall be stayed only pursuant to a restraining order granted by a court of competent jurisdiction directed to the officer from whom the appeal is taken and on due cause shown.

D. *Appeal stays land disturbance or construction activity in certain situations.* If the action or decision appealed from permits land disturbance or construction activity to commence or continue on residentially zoned property, the appeal stays the land disturbance or construction activity until the zoning board of appeals issues a decision on the appeal. Thereafter, land disturbance or construction activity in such cases shall only be stayed by an order from a court of competent jurisdiction. In all cases involving nonresidentially zoned property, the appeal to the zoning board of appeals does not stay land disturbance or construction activity; such activity shall only be stayed by an order from a court of competent jurisdiction.

E. *Order granted by court.* Thereafter, in such situations land disturbance or construction activity shall only be stayed by an order granted by a court of competent jurisdiction.

F. *Time of hearing.* The zoning board of appeals shall fix a reasonable time for the hearing of the appeal and give notice thereof pursuant to the requirements of section 7.2.4 as well as written notice to the appellant. Any party may appear at the hearing in person, by an agent, by an attorney, or by the submission of written documentation.

G. *Decision of the zoning board of appeals.* Following the consideration of all testimony, documentary evidence, and matters of record, the zoning board of appeals shall make a determination on each appeal. The zoning board of appeals shall decide the appeal within a reasonable time, but in no event more than 60 days from the date of the hearing. An appeal shall be sustained only upon an expressed finding by the zoning board of appeals that the administrative official's action was based on an erroneous finding of a material fact, erroneously applied the zoning ordinance to the facts, or that the administrative official acted in an arbitrary manner. In exercising its powers, the zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit, provided all requirements imposed by any applicable laws are met.

(Ord. of 8-2-2017, § 1(7.5.2))

Sec. 7.5.3. Applications for variances; and criteria to be used by the zoning board of appeals in deciding applications for variances.

The zoning board of appeals shall hear and decide applications for variances from the strict application of the regulations of this chapter and chapter 21 where the strict application of any regulation enacted under said chapters would result in exceptional and undue hardship upon the owner of such property. In determining whether or not to grant a variance, the board shall apply the criteria specified in this section to the facts of each case. The board may attach reasonable conditions to any approved variance in accordance with section 7.3.9. Once imposed, conditions shall become an integral part of the approved variance and shall be enforced as such. No changes to an approved condition attached to a variance shall be authorized except by re-application to the zoning board of appeals in full compliance with the applicable provisions of this division. No relief may be granted or action taken under the terms of this division unless such relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of this chapter and the comprehensive plan. The zoning board of appeals shall apply the following criteria to the types of applications specified below as follows:

A. Variances from the provisions or requirements of this chapter other than variances described in section 7.5.4 shall be authorized only upon making all of the following findings:

1. By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as, but not limited to, floodplain, major stand of trees, steep slope), which were not created by the owner or applicant, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district.

2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.

3. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.

4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.

5. The requested variance would be consistent with the spirit and purpose of this chapter and the Comprehensive Plan text.

B. Appeals of decisions regarding building architectural design standards shall be evaluated using the same criteria as section 7.6.7.B.

C. Appeals to the height standards, but not to add stories, shall be evaluated using the criteria as follows:

1. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.

2. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.

3. Adequacy of public services, public facilities, and utilities to serve the proposed use.

4. Whether or not the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.

5. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.
6. Whether or not the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.

(Ord. of 8-2-2017, § 1(7.5.3))

Sec. 7.5.4. Applications for variances to reduce or waive off-street parking or loading space requirements.

The zoning board of appeals shall hear and decide applications for variances to reduce or waive required off-street parking or loading spaces in accordance with the provisions and standards of this section. All such applications shall be heard and decided based on the notice requirements of section 7.2.4. The zoning board of appeals may waive or reduce the required number of parking or loading spaces in any district only upon an expressed finding that:

A. The character of the use of the buildings is such as to make unnecessary the full provision of parking or loading spaces;

B. Reserved;

C. The provision of the full number of parking spaces would have a deleterious effect on an historic building, site, district or archaeological resource;

D. The use has a characteristic that differentiates it from the typical use example used in the formulation of this zoning ordinance;

E. The location of the proposed development is relatively isolated where the opportunity for diversity of use, pedestrian access, and alternative modes is not available; or

F. The developer is providing the additional spaces for general public parking (for hourly or daily parking charges) to serve surrounding development.

(Ord. of 8-2-2017, § 1(7.5.4))

Sec. 7.5.5. Limitations of authority of the zoning board of appeals.

No variance shall be granted by the zoning board of appeals to:

A. Allow a structure or use not listed as a permitted use or a special use in the applicable zoning district or a density of development that is not authorized within such district. This prohibition does not apply to any variance from the supplemental regulations of article 4 of this zoning ordinance or from any other accessory feature or characteristic of a permitted or special use, unless said variance is otherwise prohibited by the regulations of this chapter.

B. Allow any variance which conflicts with or changes any requirement enacted as a condition of zoning or of a special land use permit by the city council.

C. Reduce, waive or modify in any manner the minimum lot width unless the purpose is to reverse a lot merger.

D. Reduce, waive or modify in any manner the minimum lot area established by this chapter.

E. Extend the time period for a temporary outdoor social, religious, entertainment or recreation activity approved by the director of planning.

F. Permit the expansion or enlargement of any nonconforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring special land use permit.

G. Permit the reestablishment of any nonconforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring special land use permit where such use has lapsed pursuant to the requirements and limitations of article 8 of this chapter.

H. Permit customer contact for a home occupation authorized by this chapter.

I. Allow any variance to increase the height of a building which will result in adding a story.

(Ord. of 8-2-2017, § 1(7.5.5))

Sec. 7.5.6. Decision by the zoning board of appeals.

Each application presented to the zoning board of appeals regarding a variance shall be scheduled for a public hearing within 60 days of the filing of a complete application and shall be supported by findings and conclusions which shall be a part of the record established by the zoning board of appeals for each application. The zoning board of appeals shall grant or deny the variance. In its variance decision, the zoning board of appeals must include findings of fact citing evidence of compliance with all applicable criteria imposed by this chapter or other applicable provisions of law. The zoning board of appeals may adopt the findings of fact of the staff or the applicant, they may adopt the findings of fact of the staff or applicant with modifications, or they may adopt a separate set of facts developed by the zoning board of appeals.

(Ord. of 8-2-2017, § 1(7.5.6))

Sec. 7.5.7. Compliance with standards upon denial.

In such case that an application to the zoning board of appeals is initiated due to an existing violation of this chapter and such application is denied, the violation shall be required to be corrected within 30 days of such denial or as specified by the zoning board of appeals if a greater time period is required. The maximum extension of time the board may grant for correction shall be 90 days.

(Ord. of 8-2-2017, § 1(7.5.7))

Sec. 7.5.8. Appeals of decisions of the zoning board of appeals.

All appeals of all final decisions of the zoning board of appeals under the provisions of this chapter shall be as follows:

Only persons aggrieved by a final decision of the zoning board of appeals may seek review of such decision by petitioning the Superior Court of DeKalb County by writ of certiorari, setting forth plainly the alleged errors. Such petition shall be filed within 30 days after the final decision of the zoning board of appeals is rendered.

(Ord. of 8-2-2017, § 1(7.5.8))

Sec. 7.5.9. Fair Housing Act accommodation variance.

Notwithstanding any other provisions in this chapter to the contrary, the zoning board of appeals may grant a variance to the limitations of this chapter that might have a discriminatory impact on a handicapped person, as

that term is defined in the Federal Fair Housing Act, including, but not limited to, sections 4.2.41 and 4.2.28 as well as the terms defined therein. A Fair Housing Act accommodation variance shall be issued if the applicant for such a variance shows a documented need for accommodation based on medical or scientific studies, that the requested accommodation is the minimum necessary variance from the restrictions of the Code, that the requested accommodation does not impose an undue burden or expense on the city or its citizens, and that the requested accommodation does not effectively create a fundamental alteration of the existing zoning scheme. An application for a Fair Housing Act accommodation variance shall comply with all other procedural requirements for consideration and approval of variances in this division.

(Ord. of 8-2-2017, § 1(7.5.9))

DIVISION 6. SPECIAL ADMINISTRATIVE PERMITS; WAIVERS AND VARIANCES

Sec. 7.6.1. Special administrative permits generally.

The director of planning is hereby authorized to consider and decide requests for special administrative permits specifically authorized in this zoning ordinance. All such requests for special administrative permits shall be filed in writing on forms promulgated by the director of planning.

(Ord. of 8-2-2017, § 1(7.6.1))

Sec. 7.6.2. Standards for special administrative permits, criteria to be applied.

All applications filed for special administrative permit with the director of planning shall be considered and decided pursuant to the standards contained in sections 7.4.6 and 7.4.7 of this chapter, and any supplemental regulations, as applicable, in article 4 of this chapter. All special administrative permits approved by the director of planning shall specify the length of time of the duration of each such special administrative permit.

(Ord. of 8-2-2017, § 1(7.6.2))

Sec. 7.6.3. Time limitations.

All applications for special administrative permits shall be considered and decided by the director of planning no later than 30 days from the receipt of a complete application for such special administrative permit, unless an extension of time is agreed to by the applicant and the director of planning. If the director of planning does not render a decision on the application within 30 days the application shall be deemed denied as of the 31st day after receipt of a complete application.

(Ord. of 8-2-2017, § 1(7.6.3))

Sec. 7.6.4. Reserved.

(Ord. of 8-2-2017, § 1(7.6.4))

Sec. 7.6.5. Administrative variances, administrative waivers; authority.

A. The director of planning is hereby authorized to consider and grant or deny, pursuant to the procedures and standards contained in this division, an administrative variance or an administrative waiver from the following regulations and subject to the standard limitations:

1. Reduce by variance any front, side or rear yard setback by an amount not to exceed ten percent of the district requirement, but not including any transitional buffer zone or any setback which is a condition of zoning or special land use permit, pursuant to the standards specified in section 7.5.3.
2. Reduce by variance the required spacing between buildings in districts where multiple buildings are authorized on a single lot in an amount not to exceed ten percent of the requirement, pursuant to the standards specified in section 7.5.3.
3. Reduce by variance the off-street parking or loading requirements imposed by this chapter in an amount not to exceed ten percent of the district requirement, pursuant to the standards specified in section 7.5.4.
4. Reserved.
5. Increase by variance the retaining wall height as set forth in article 5, division 4 of this chapter by an amount not to exceed two feet, but no such variance is allowed for property located in an historic district.
6. Increase by variance the distancing requirements for retaining walls set forth in article 5, division 4 of this chapter by an amount not to exceed two feet.
7. Increase by variance the elevation of residential thresholds as set forth in article 5, division 2 of this chapter by two feet.
8. Reduce by variance, as follows, if necessary to allow reasonable use following a public road right-of-way donation or acquisition:
   a. To reduce required minimum lot size by up to 50 percent only to maintain the pre-determined yield.
   b. To reduce required setbacks for a permitted or existing structure on a lot in the event of public road right-of-way donations or acquisition that would otherwise cause the lot to be nonconforming with respect to the minimum setback standards.
   c. To reduce the number of parking spaces for any existing or permitted structure below the minimum required parking spaces applicable to the use.
9. Waive architectural building standards and designs provided in article 5 of this chapter, building form standards. The planning director shall notify the city council in writing within ten days of granting said waiver.
10. No administrative variance or waiver shall be authorized to delete, modify, or change in any manner any condition imposed by the city council or the zoning board of appeals.

(Ord. of 8-2-2017, § 1(7.6.5))

Sec. 7.6.6. Procedures for applications for administrative variances and administrative waivers.

A. An application for administrative variance or administrative waiver shall be submitted to the director of planning on forms approved by the director of planning, along with any such fees as may be established by the city council.

1. The director of planning shall review and decide upon each complete application pursuant to the applicable standards referred to in section 7.6.7. A written decision on each such application shall be issued no later than 30 days from the date a complete application was filed, unless an extension is agreed to by the applicant and director of planning. If the director of planning does not render a decision on the application within 30 days the application shall be deemed denied as of the 31st day after receipt of a complete application.
2. The application for an administrative variance or administrative waiver shall state the specific regulation from which exception is sought and the reasons the exception is needed. The application shall contain such information as the director of planning deems necessary to evaluate the request.
3. It shall be the applicant's burden to provide sufficient justification for granting the variance or waiver.
4. The director of planning and staff shall prepare an evaluation statement concerning each application showing the impact of the applicable criteria as set forth in this division.
5. No later than ten calendar days after making a decision, the director of planning shall post a sign on the subject property which reflects the decision of the director of planning and the deadline for taking an appeal of the decision to the zoning board of appeals.

(Ord. of 8-2-2017, § 1(7.6.6))

Sec. 7.6.7. Criteria used by the director of planning in deciding administrative variances and administrative waivers.

A. The director of planning shall grant or deny applications for administrative variances from the strict application of the regulations identified in section 7.6.5.A., where the strict application of the associated regulations would result in exceptional and undue hardship upon the owner of such property. In determining whether or not to grant a variance, the director shall apply the criteria specified in sections 7.5.3 and 7.5.4 to the facts of each application.

B. The director of planning shall consider administrative waivers to amend, reduce, or waive architectural, design, or building material standards found in article 5 of this chapter, building form standards using the following criteria:

1. Whether the proposed changes in appearance will have a substantial adverse effect on the design standards set out in article 5 of this chapter.
2. The extent to which the proposed project complies with the design standard in terms of architectural style, general design arrangement, texture and color (non-painted surfaces) material of architectural features, and other site features.
3. The extent to which the proposal is compatible with other structures in the area.

C. When issuing a written decision on an administrative waiver request, the director of planning may make a decision to approve the waiver, approve with conditions, or deny the waiver, and shall cite the grounds relied upon in reaching the decision.

(Ord. of 8-2-2017, § 1(7.6.7))

Sec. 7.6.8. Persons entitled to appeal to the zoning board of appeals.

Any person identified in section 7.5.2.B. shall have the right to appeal by a decision of the director of planning related to administrative permits, variances or waivers to the zoning board of appeals. Such petition shall be filed within 30 days after the decision of the director is rendered.

(Ord. of 8-2-2017, § 1(7.6.8))

DIVISION 7. ENFORCEMENT, VIOLATIONS, AND PENALTIES

Sec. 7.7.1. Administration and enforcement; granting of permits.

The director of planning shall be responsible for the interpretation, administration and enforcement of the provisions of this chapter. The director of planning shall have the duty to issue development permits as required with respect to this chapter.

(Ord. of 8-2-2017, § 1(7.7.1))

Sec. 7.7.2. Development permits.

Unless otherwise exempted by this article, a development permit shall be required for any proposed use of land or buildings in order to ensure compliance with all provisions of this chapter and all other city ordinances and regulations before any building permit is issued or any improvement, grading, or alteration of land or buildings commences.

(Ord. of 8-2-2017, § 1(7.7.2))

Sec. 7.7.3. Building permits and certificates of occupancy required.

A building permit and a certificate of occupancy shall be obtained from the director of planning prior to occupancy of any building or structure. Such permit and certificate of occupancy shall be approved by the director of planning.

(Ord. of 8-2-2017, § 1(7.7.3))

Sec. 7.7.4. Applications for permits and certificates of occupancy.

A. All applications for development permits shall be made to the director of planning.

B. All applications for building permits and certificates of occupancy shall be made to the director of planning.

C. Prior to the release of a development permit, compliance with zoning shall be reviewed and verified by the director of planning.

D. All applications for development permits, building permits and development permits shall require a certificate of appropriateness from the Historic Preservation Commission if the project is located in an historic district or on an historic property.

(Ord. of 8-2-2017, § 1(7.7.4))

Sec. 7.7.5. Development and building permits; plans required.

A. *Plans required.* All applications for development permits shall be accompanied by complete plans, which shall be drawn to scale, filed in duplicate, and which shall contain the following information:

1. The name and signature of the author, and the author's address and telephone number;
2. Plans shall show the actual shape and dimensions of the lot to be built upon, based on an actual survey by a professional engineer or land surveyor registered in the State of Georgia;
3. Plans shall show all required building setback lines, buffer zones, and open space required by this chapter;
4. Plans shall show the exact sizes and locations on the lot of the buildings and accessory buildings then existing and the lines within which the proposed building or structure shall be erected or altered;
5. Plans shall show the current zoning classification of the property including zoning conditions and zoning variances, if any;
6. Plans shall show the existing or intended use of each building or part of building, and the number of families or housekeeping units the building is designed to accommodate;
7. Plans shall show such other information as may be required by the director of planning with regard to the lot and neighboring lots as may be necessary to determine and provide for the application of and enforcement of the requirements of this chapter.

B. Plans shall be returned to the owner when the plans have been approved by the director of planning.

C. Approval of the preliminary subdivision plat and compliance with all applicable provisions of the subdivision regulations contained in chapter 14 and in this chapter shall constitute approval of the development permit for a subdivision.

D. Development permits for individual structures within approved residential subdivisions or developments shall not be required.

(Ord. of 8-2-2017, § 1(7.7.5))

Sec. 7.7.6. Issuance of development permits.

All development permits shall be issued by the director of planning, which shall in no case grant any development permit for the use, construction or alteration of any land or building if the land or building as proposed to be used, constructed or altered would be in violation of any of the provisions of this chapter or any other ordinances and laws of the city or the state, except as provided herein. Development permits issued on properties for which any variance or special exception has been approved by the board of zoning appeals shall be in compliance with all of the terms and conditions of such approval. Development permits issued on properties for which any special land use permit has been approved by the city council shall be in compliance with all of the terms, conditions, and site plans related to such approval. Development permits issued on properties in an R-SM. MR-1, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4 or MU-5 district (or prior classifications of retired districts of CH, TND, or any PC district) shall be in compliance with the final plans approved by the director of planning. Development permits issued on properties for which conditional zoning is approved shall be in compliance with the approved statement of zoning conditions for such application. Minor alterations of conditions shall be authorized only in accordance with the provisions of this chapter.

(Ord. of 8-2-2017, § 1(7.7.6))

Sec. 7.7.7. Duration of validity of development permits.

A development permit shall be valid for two years from its issuance subject to the following provisions:

A. If the work authorized in any development permit has not begun within six months from the date of issuance thereof, the permit shall expire.

B. If the work described in any development permit has not been substantially completed within two years of the date of issuance thereof, the permit shall expire.

(Ord. of 8-2-2017, § 1(7.7.7))

Sec. 7.7.8. Building inspection.

The building inspection duties of the director of planning with respect to this chapter shall include, but not be limited to:

A. Issuance of building permits in accordance with all provisions of this chapter and only after the director of planning has issued a development permit.

B. Making field inspections to determine that the building or structure being constructed, reconstructed or structurally altered or used is being constructed or modified in accordance with the site plan for which a development permit and building permit have been issued. When a violation is found to exist, the director of planning shall immediately initiate appropriate legal action to ensure compliance.

C. Ensuring that all construction has been completed in accordance with all applicable requirements of the Code of the City of Stonecrest prior to allowing occupancy.

(Ord. of 8-2-2017, § 1(7.7.8))

Sec. 7.7.9. Records.

The director of planning shall maintain records of all official administrative actions taken by their department pursuant to their duties as set forth in this division. The director of planning shall further maintain records of all complaints filed with their department pursuant to the requirements of this chapter and of all actions taken with regard to such complaints, and of all violations discovered by whatever means, with remedial action taken and disposition of cases. All such records shall be public records and shall be retained in accordance with Georgia's Records Act, O.C.G.A. § 50-18-90 et seq., and pertinent record retention schedules.

(Ord. of 8-2-2017, § 1(7.7.9))

Sec. 7.7.10. Inspection; right of entry.

Upon presentation of city identification to the developer, contractor, owner, owner's agent, operator or occupant, city employees authorized by the director of planning may enter during all reasonable hours any property for the purpose of making inspections to determine compliance with the provisions of this chapter. Should access to the property be denied, an inspection warrant may be obtained as authorized in section 7.7.11 below.

(Ord. of 8-2-2017, § 1(7.7.10))

Sec. 7.7.11. Inspection; warrants.

The director of planning, in addition to other procedures provided, may obtain an inspection warrant under the conditions specified in this division. The warrant shall authorize the director of planning or his designee to conduct a search or inspection of property, either with or without the consent of the person whose property is to be searched or inspected, under the conditions set out in this section.

A. Inspection warrants may be issued by the municipal court when the issuing judge is satisfied that all of the following conditions are met:

1. The person seeking the warrant must establish under oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection which includes that property or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of that property.

2. The issuing judge determines that the issuance of the warrant is authorized by this section and applicable state and federal law.

B. An inspection warrant shall be validly issued only if it meets all of the following requirements:

1. The warrant is attached to the affidavit required to be made in order to obtain the warrant.

2. The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the owner or possessor of the property can reasonably determine from it the property for which the warrant authorizes an inspection.

3. The warrant indicates the conditions, objects, activities, or circumstances which the inspection is intended to check or reveal.

4. The warrant refers, in general terms, to the ordinance provisions sought to be enforced.

(Ord. of 8-2-2017, § 1(7.7.11))

Sec. 7.7.12. Remedies.

In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of any provision of this chapter, the city may, in addition to other remedies, and after due notice to the owner of the violation, issue a citation for violation of this chapter requiring the presence of the violator in the municipal court. The city may also in such cases institute injunction or other appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use or to correct or abate the violation or to prevent the occupancy of the building, structure or land. Where a violation of this chapter exists with respect to a structure or land, the director of planning may, in addition to other remedies, require that public utility service be withheld therefrom until such time as the structure or premises is no longer in violation of this chapter.

(Ord. of 8-2-2017, § 1(7.7.12))

Sec. 7.7.13. Notice to stop work; revocation of permits.

Whenever any building or premises is being constructed, used, or occupied contrary to the provisions of this chapter or chapter 7, the director of planning may order the work stopped in accordance with the provisions of chapter 7. The director of planning may revoke any building permit or certificate of occupancy for any land,

building or this chapter in order to protect the health, safety and general structure being constructed, used or occupied in violation of welfare of the residents of the city.

(Ord. of 8-2-2017, § 1(7.7.13))

Sec. 7.7.14. Fees.

Fees and charges for permits and inspections shall be as established by official action of the governing authority.

(Ord. of 8-2-2017, § 1(7.7.14))

Sec. 7.7.15. Certificates of occupancy.

Certificates of occupancy are required as follows and shall be issued by the director of planning only after all requirements of this chapter and other applicable parts of the Code of the City of Stonecrest have been met:

A. *For new or altered structures and uses.* No person shall use or permit the use of any building, structure, or premises or part thereof hereafter created, erected, changed, converted, enlarged or moved, wholly or partly, in use or structure, until a certificate of occupancy reflecting the extent and location of the use shall have been issued to the owner or tenant by the director of planning. Where a building permit is involved, such certificate of occupancy shall show that the structure or use, or both, to the affected part thereof, is in conformance with the requirements of this chapter. It shall be the duty of the director of planning to issue such certificate of occupancy if the director of planning finds that all of the requirements of this chapter have been met, and to withhold such certificate of occupancy if the director finds that all of the requirements of this chapter have not been met.

B. *Temporary certificates of occupancy.* A temporary certificate of occupancy for a part of a building or premises may be issued in accordance with the requirements of chapter 7, and the director of planning may impose such additional conditions and safeguards as are necessary in the circumstances of the case to protect the safety of the occupants and of the general public.

C. *Certificates of occupancy for existing uses or structures.* An owner may request a new certificate of occupancy for existing uses or structures. Said requests shall be in the form required by the director of planning and shall require all professional surveys or certifications required by the director of planning to adequately comply with said request. The director of planning shall require as a part of said request, fees to process said requests as are established by the city council. Upon review of the application and other relevant investigation by the director of planning, if in conformance with the requirements of this chapter, the director of planning shall issue a certificate of occupancy for any buildings, premises or use, certifying that the building, premises or use is in conformance with the requirements of this chapter.

(Ord. of 8-2-2017, § 1(7.7.15))

Sec. 7.7.16. Violations of this chapter.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or use any land in the city, or cause the same to be done, contrary to or in violation of any of the provisions of this chapter.

(Ord. of 8-2-2017, § 1(7.7.16))

Sec. 7.7.17. Penalties.

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of an offense and upon conviction in municipal court shall be punished as is provided in section 1-11 of the Code. Where any violation continues, each day's continuance of a violation shall be considered a separate offense. The owner of any buildings or premises or parts thereof, where anything in violation of this chapter exists, and any architect, builder, contractor or any other agent of the owner, or any tenant, who commits or assists in the commission of any violation, shall be guilty of a separate offense. In addition, the city may revoke the business license of any entity found guilty of violating this chapter in accordance with the procedures of this subsection for a period of time not to exceed five years, except to the extent prohibited by law.

(Ord. of 8-2-2017, § 1(7.7.17))

Sec. 7.7.18. Repeal of conflicting ordinances; validity of prior approvals and actions.

Nothing herein shall be construed as repealing the conditions of use, operation, or site development accompanying zoning approvals or permits legally and validly issued under previous zoning ordinances or resolutions in DeKalb County; provided, further, that modification or repeal of these past conditions of approval may be accomplished as authorized and provided by this chapter. All variances and exceptions heretofore granted by the zoning board of appeals shall remain in full force and effect, and all terms, conditions and obligations imposed by the zoning board of appeals shall remain in effect insofar as required for the initiation of any proceedings against these violations and for the prosecution of any violations heretofore commenced.

(Ord. of 8-2-2017, § 1(7.7.18))

Sec. 7.7.19. Reserved.

ARTICLE 8. NONCONFORMITIES

Sec. 8.1.1. Statement of intent and purpose.

Within the zoning districts established by this chapter, or by amendments that may later be adopted, there exist lots, uses of land, uses of land and buildings, uses of land and structures, and characteristics of buildings, structures and sites which were lawful before the effective date of the ordinance from which this chapter is derived's adoption or amendment, but that are now prohibited under the terms of this chapter or due to future amendments, collectively referred to as nonconforming situations. Such nonconforming situations are hereby declared to be incompatible with authorized and permitted uses in the zoning districts involved. It is the intent of the city council to require the cessation of certain nonconforming situations and to permit others to continue until they are otherwise removed or cease. It is further the intent of the city council that nonconforming situations not be used as grounds for adding other buildings, structures, or uses of land prohibited by this chapter, and that no such nonconforming building, structure, or use of land be enlarged, expanded, moved, or otherwise altered in a manner that increases the degree of nonconformity, except where expressly authorized in this zoning ordinance.

(Ord. of 8-2-2017, § 1(8.1.1))

Sec. 8.1.2. Applicability.

A. *Applicability.* Nonconforming regulations apply only to those nonconforming situations that were legally authorized when established or that were subsequently approved through procedures in effect at the time the approval was obtained. Additionally, except as provided in section 8.1.5.B., nonconforming situations must have been maintained continuously and without interruption since the initial existence or subsequent approval of the nonconforming situation. Nonconforming situations which were not authorized when established or have not been continuously maintained over time in accordance with this subsection have no legal right to continue and must terminate as set forth herein.

B. *Documentation.* An owner or applicant may request from the director of planning a determination of nonconforming status. The owner or applicant must provide documentation sufficient to show that the situation was authorized when established and was continuously maintained over time. Upon receipt of the owner or applicant's evidence, the director of planning will determine if the evidence is satisfactory and, if so, shall issue a written determination that the lot, building, structure and/or use is a legal nonconforming situation. The burden of establishing the nonconforming status of a particular lot, building, structure or use is on the applicant or owner of the property or use.

C. *Evidence that a nonconforming situation was authorized when established.* Standard evidence that the proposed nonconforming situation was authorized, or legal, when established, includes, but is not limited to, the following:

1. Building or land disturbance permits;
2. Business licenses;
3. Adopted zoning ordinances or maps in force at the time of permitting;
4. Conditions of zoning;
5. Other appropriate evidence as determined by the director of planning or designee.

D. *Evidence that a nonconforming situation has been continuously maintained since inception.* Standard evidence that the proposed nonconforming use has been continuously maintained without interruption since inception, includes, but is not limited to:

1. Utility bills;
2. Tax records;
3. Business licenses;
4. Advertisements in dated publications;
5. Insurance policies;
6. Leases;
7. Receipts; and
8. Other appropriate evidence as determined by the director of planning or designee.

E. *Evidence of discontinuance or abandonment.* When considering whether a nonconforming situation has been continuously maintained without interruption since inception, the director of planning may consider evidence of the following:

1. Failure to maintain regular business hours, typical or normal for the use;
2. Failure to maintain equipment, supplies or stock-in-trade that would be used for the active operation of the use;
3. Failure to maintain utilities that would be used for the active operation of the use;
4. Failure to pay taxes, including, but not limited to, sales tax, workers' compensation taxes, corporate taxes that would be required for the active operation of the use;
5. Failure to maintain required local, state or federal licenses or other approvals that would be required for the active operation of the use;
6. Failure to maintain applicable business licenses; and
7. Other appropriate evidence as determined by the director of planning.

F. *Change to a conforming situation.* A nonconforming situation may be changed to a conforming situation by right. Once a conforming situation occupies a site that was previously nonconforming, the nonconforming rights are lost, and a nonconforming situation shall not be re-established.

G. *Maintenance.* Normal maintenance and repair of nonconforming situations is allowed and does not alter legal conformity status.

H. *Strengthening and restoring to safe condition.* Nothing in this article shall prevent the strengthening or restoration to a safe condition of any part of a building or structure declared unsafe by the director of planning, and such strengthening or restoration shall not cause the loss of nonconforming status, provided such strengthening or restoration would not constitute a violation of the regulation of section 8.1.15 regarding reconstruction of damaged or destroyed nonconforming structures.

(Ord. of 8-2-2017, § 1(8.1.2))

Sec. 8.1.3. Legal nonconforming lot.

A lot of record that at the effective date of this zoning ordinance does not conform to the applicable minimum road frontage requirement, minimum lot area, or lot width requirements for the zoning district in which it is located may still be used as a building site, provided that the height, buffer, setback, and other dimensional requirements of the zoning district in which the lot of record is located are complied with, or a variance therefrom is obtained.

(Ord. of 8-2-2017, § 1(8.1.3))

Sec. 8.1.4. Legal nonconforming single-family lots; lot merger requirements.

A. In any zoning district in which single-family dwelling units are allowed, a single-family dwelling unit and allowed accessory structures may be erected on any single nonconforming lot of record so long as such single nonconforming lot of record is not in common ownership with any other contiguous lot or lots. A property owner shall not be permitted to erect a structure on a nonconforming lot of record if he could have used his contiguous land to avoid the nonconformity.

B. Two or more contiguous lots of record that are held in common ownership on the effective date of the ordinance from which this section is derived or come into common ownership after the effective date of this section shall be governed by this subsection B. or subsection C. of this section. If any contiguous lots of record held in common ownership do not meet the requirements established in this Code for street frontage, access requirements, lot width or lot size, then all of the contiguous lots of record held in common ownership shall be considered to be an undivided lot for the purpose of compliance with the provisions of this Code. No portion of the resulting undivided lot shall then be considered a separate lot, a nonconforming lot of record or used or conveyed in a manner which is not in compliance with the existing street frontage, access, lot width or lot area requirements established by this Code and/or any amendments thereto. No division of any hereby merged nonconforming lots of record held in common ownership shall be made which creates a substandard lot. If two or more contiguous nonconforming lots of record are in common ownership and, as merged, the property is compliant for development with a single-family dwelling without violating the provisions of this Code, then none of the former nonconforming lots of record may be considered nonconforming and authorized for single-family development. A property owner shall not be permitted to create a nonconforming lot of record if he could have used his contiguous lots to avoid the nonconformity.

C. Two or more nonconforming contiguous lots of record that are held in common ownership as of the effective date of this section, or that come into common ownership after the effective date of this section shall be governed by the requirements of subsection B. of this section unless the owner obtains a variance from the Zoning Board of appeals pursuant to the provisions and the criteria set forth in article 7 of this chapter.

D. Whenever a variance from the strict application of subsection B. of this section is sought with respect to properties located within an historic district, as defined in section 14-410, the variance applicant shall first obtain a certificate of appropriateness from the historic preservation commission finding that the proposed variance allowing the subject lot to retain its legal nonconforming status will not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or the historic district. In approving such a certificate of appropriateness, the historic preservation commission may include a finding that merger of lots pursuant to the strict application of subsection B. would have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or the historic district.

(Ord. of 8-2-2017, § 1(8.1.4))

Sec. 8.1.5. Nonconforming use.

A legal use in existence on the effective date of this zoning ordinance or any amendment thereto may be continued even though such use does not conform with the use provisions of the zoning district in which said use is located, except as otherwise provided in this section.

A. Change of use. A nonconforming use shall not be changed to another nonconforming use. A change in tenancy or ownership shall not constitute termination or abandonment of the nonconforming use, provided that the use itself remains unchanged and is continuously maintained.

B. Discontinuance or abandonment. A nonconforming use shall not be re-established after discontinuance or abandonment for six consecutive months, unless the cessation of the nonconforming use is a direct

result of governmental action impeding access to the property. Vacancy or non-use of a building for six continuous months, regardless of the intent of the owner or tenant, shall constitute discontinuance or abandonment under this subsection.

C. A nonconforming use of land shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.

(Ord. of 8-2-2017, § 1(8.1.5))

Sec. 8.1.6. Nonconforming structures.

A. A legal structure in existence on the effective date of this zoning ordinance or any amendment thereto that could not presently be built under the provisions of this chapter because of restrictions on building area, lot coverage, height, minimum yard setbacks, or other characteristics of the structure or its location on the lot shall be deemed a legal nonconforming structure subject to this article 8 of this chapter.

B. No legal nonconforming structure shall be enlarged, or structurally altered, in a way that increases its degree of nonconformity, except as expressly permitted in this article 8 of this chapter.

C. Alteration of legal nonconforming structures occupied by permitted, conforming uses may be allowed for improvement or modification, provided that the structure may not be enlarged and the alterations must either comply with this chapter or result in a reduction in site or structure nonconformity. See also section 8.1.16.

(Ord. of 8-2-2017, § 1(8.1.6))

Sec. 8.1.7. Landscaping and screening requirements for new or additional parking, service or storage areas.

New or additional automobile parking, service, or storage areas may be added to a legal nonconforming structure or site that contains a conforming use, provided that all required landscaping, lighting, and screening requirements are met in the new or additional parking, service or storage area.

(Ord. of 8-2-2017, § 1(8.1.7))

Sec. 8.1.8. Nonconforming parking.

On an existing structure, no new permitted use may be substituted, nor shall an existing permitted use be expanded unless the requirements for off-street parking and loading shall be met for the proposed use and for any expansion, unless a variance is granted, pursuant to article 7 of this chapter.

(Ord. of 8-2-2017, § 1(8.1.8))

Sec. 8.1.9. Prior nonconformities.

The adoption of this chapter shall not extend the six-month time period of discontinuance or abandonment set forth in section 8.1.5.B. for a legal nonconforming use that was nonconforming prior to the time this chapter was adopted.

A use, lot, building, or structure that was previously legally nonconforming shall become conforming if, as a result of amendments to this chapter, such use, lot, building, or structure complies with the requirements of this chapter.

(Ord. of 8-2-2017, § 1(8.1.9))

Sec. 8.1.10. Nonconforming signs.

See chapter 21, signs for provisions regarding nonconforming signs.

(Ord. of 8-2-2017, § 1(8.1.10))

Sec. 8.1.11. Nonconformities caused by government action.

If a property is required by a federal, state or local government to provide right-of-way or easements that cause an existing structure to have nonconforming yards or setbacks, the property and structure shall be deemed to be legal nonconforming, and, from that time forward, the owner may not expand any existing building in a way to increase the degree of nonconformity or to build new structures that are nonconforming.

(Ord. of 8-2-2017, § 1(8.1.11))

Sec. 8.1.12. Rezoning that results in nonconforming structures.

For structures or lots that become nonconforming due to rezoning, the structure or lot shall be considered legal nonconforming, subject to the requirements of this article.

(Ord. of 8-2-2017, § 1(8.1.12))

Sec. 8.1.13. Nonconforming uses requiring a special administrative permit or special land use permit.

No use, building or structure that was authorized as of right prior to the effective date of the ordinance from which this chapter is derived but would require a special administrative permit or special land use permit upon the effective date of the ordinance from which this chapter is derived, shall be enlarged, expanded, moved, or otherwise altered in any manner except after application for and approval of the required special administrative permit or special land use permit. Normal repair and maintenance of legal nonconforming buildings and structures is authorized without the need for special permits. If the use of a legal nonconforming building or structure is discontinued for a continuous period of six months, it may not be reestablished unless such discontinuance was a direct result of governmental action as provided by section 8.1.11.

(Ord. of 8-2-2017, § 1(8.1.13))

Sec. 8.1.14. Buildings and structures where construction has begun.

To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any legal nonconforming building or structure for which land disturbance or building permits were lawfully applied for or issued, or for which preliminary or final subdivision plats were lawfully submitted, prior to the effective date of the ordinance from which this chapter is derived or amendment thereto, provided:

(i) Any application on which reliance is placed for the existence of nonconforming rights must have been complete as that term is defined in article 9 of this chapter;

(ii) Such permit or approval has not by its own terms expired; and

(iii) Actual building construction is carried on pursuant to said permit or approval and limited to and in strict accordance with said permit or approval.

Notwithstanding any other provisions to the contrary, no renewals or extensions of such permit or approval shall be authorized.

(Ord. of 8-2-2017, § 1(8.1.14))

Sec. 8.1.15. Reconstruction of damaged or destroyed nonconforming structures.

A legal nonconforming building or structure that has been damaged by fire, flood or other natural cause to an extent that the estimated cost of reconstruction does not exceed 60 percent of its fair market value according to the DeKalb County Tax Assessor's valuation for the tax year in which the damage occurred, as determined by the director of planning, may be reconstructed and used as it was prior to being damaged if a complete permit application is submitted for said re-construction within two years of the date of the damage and the work progresses continuously upon issuance of the permit therefor. If said building or structure has been determined by the director of planning to have been damaged to an extent that the estimated cost of reconstruction exceeds 60 percent of its fair market value according to the DeKalb County Tax Assessor's valuation for the tax year in which the damage occurred, then any repair, reconstruction or new construction shall conform to the then existing requirements of the zoning district in which said building or structure is located.

(Ord. of 8-2-2017, § 1(8.1.15))

Sec. 8.1.16. Expansion, redevelopment or improvement of legal nonconforming buildings, structures and/or sites.

A. Major redevelopment. Expansion, alteration or redevelopment of a legal nonconforming building or structure to an extent that the estimated cost of the expansion, alteration or redevelopment exceeds 60 percent of its fair market value prior to expansion, alteration or redevelopment according to the DeKalb County Tax Assessor's valuation of the improvements for the tax year in which the first permit for expansion, alteration or redevelopment is applied for shall require the entire building or structure to conform to Code in every respect, except as approved by variance or special administrative permit as applicable.

B. Minor redevelopment. Expansion, alteration or redevelopment of a legal nonconforming building or structure to an extent that the estimated cost of the expansion, alteration or redevelopment is no greater than 60 percent of its fair market value prior to expansion, alteration or redevelopment according to the DeKalb County Tax Assessor's valuation of the improvements for the tax year in which the first permit for expansion, alteration or redevelopment is applied for shall require the portion of the building or structure comprising the expansion, alteration or redevelopment to conform to all codes that are relevant to the nature of the expansion, alteration or redevelopment.

C. Proposed improvements to access, parking, landscaping, pedestrian systems, lighting, utilities, and stormwater facilities, shall conform in every respect, except as approved by variance or special administrative permit as applicable.

D. Notwithstanding subsections A., B., and C. of this section, no building or structure on property on which a nonconforming use is located shall be expanded, altered, or redeveloped in any way.

(Ord. of 8-2-2017, § 1(8.1.16))

Sec. 8.1.17. Prior variances, special exceptions, and special permits authorized.

Variances and special permits lawfully authorized and granted prior to the effective date of this zoning ordinance shall continue in effect, provided the terms and conditions of said authorization are followed.

(Ord. of 8-2-2017, § 1(8.1.17))

ARTICLE 9. DEFINITIONS

Sec. 9.1.1. Statement of intent and purpose.

The definitions contained herein shall apply to this chapter. Any word or phrase not defined below but otherwise defined in the Code shall be given that meaning. All other words or phrases shall be given their common ordinary meaning unless the context clearly indicates otherwise.

(Ord. of 8-2-2017, § 1(9.1.1))

Sec. 9.1.2. Interpretation.

For the purpose of this chapter, words and terms are to be interpreted as follows:

A. Unless the obvious construction of the terming indicates otherwise, words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; words used in the singular number include the plural; and words used in the plural include the singular. An abbreviated word shall have the same meaning as the unabbreviated word.

B. The term "shall" means "must" or "is mandatory."

C. Unless otherwise specified, all distances shall be measured horizontally and at right angles or radially to the line in relation to which the distance is specified.

D. The term "lot" shall be deemed also to mean "plot"; the term "used" shall be deemed also to include "designed," "intended," or "arranged to be used"; the term "erected" shall be deemed also to include "constructed," "reconstructed," "altered," "placed," "relocated" or "removed."

E. The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of building."

F. Where words are not herein defined, those words, terms and phrases, when used in this article, shall have the meanings ascribed to them as directed above, except where the text clearly indicates a different meaning.

(Ord. of 8-2-2017, § 1(9.1.2))

Sec. 9.1.3. Defined terms.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ADA means the Americans with Disabilities Act.

A-weighted sound level means the sound level reported in units of dB(A) approximating the response of human hearing when measuring sounds of low to moderate intensity as measured using the A-weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors.

Abandonment means the relinquishment, discontinuance and cessation of a use, other than as a result of government action, for any continuous period of time as may be provided in this chapter.

Abutting means having property or district lines in common. This does not include property separated by a road or right-of way.

Accessory building means a building detached from the principal building located on the same lot and customarily incidental and subordinate in area, extent, and purpose to the principal building or use.

Accessory dwelling unit. See *Dwelling unit, accessory.*

Accessory equipment. See section 4.2.57.B.

Accessory structure means a structure detached from the principal building and located on the same lot and customarily incidental and subordinate in area, extent, and purpose to the principal building or use. Compare with *Building, primary.*

Accessory use means a use of land or building or structure or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use. See article 4 of this chapter for supplemental regulations.

Active recreation means leisure activities, usually performed with others, often requiring equipment and taking place at prescribed places, sites, or fields. The term "active recreation" includes, but is not limited to, swimming, tennis, and other court games, baseball and other field sports, golf and playground activities.

Activity center means a character area designed by the Comprehensive Plan.

Adaptive reuse means buildings and sites constructed and developed originally for one use but converted to or repurposed for a use not traditionally occupying the building or development form. For example, the conversion of former hospital or school buildings to residential use, or the conversion of an historic single-family home to office use.

Adjoining property means a property that touches or is directly across a street, easement or right-of-way (other than an interstate, principal arterial, urban freeway/expressway or urban principal arterial) from the subject property.

Adult bookstore or *adult video store* means a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following means books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas. A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:

(1) At least 35 percent of the establishment's displayed merchandise consists of the items;

(2) At least 35 percent of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of the items;

(3) At least 35 percent of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items;

(4) The establishment maintains at least 35 percent of its floor space for the display, sale, or rental of the items (aisles and walkways used to access the items shall be included in the term "floor space" maintained for the display, sale, or rental of the items);

(5) The establishment maintains at least 500 square feet of its floor space for the display, sale, and/or rental of the items (aisles and walkways used to access the items shall be included in the term "floor space" maintained for the display, sale, or rental of the items);

(6) The establishment regularly offers for sale or rental at least 2,000 of the items;

(7) The establishment regularly features the items and regularly advertises itself or holds itself out, in any medium, by using the terms "adult," "adults-only," "XXX," "sex," "erotic," or substantially similar language, as an establishment that caters to adult sexual interests; or

(8) The establishment maintains an adult arcade, which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical areas.

Adult cabaret means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment that regularly features live conduct characterized by semi-nudity. No establishment shall avoid classification as an adult cabaret by offering or featuring nudity.

Adult day care means the provision of a comprehensive plan of services that meets the needs of aging adults, under a social model. This term shall not include programs which provide day habilitation and treatment services exclusively for individuals with developmental disabilities.

Adult day center means a facility serving aging adults that provides adult day care or adult day health services for compensation, to three or more persons. This term shall not include a respite care services program.

~~*Adult daycare center* means an establishment operated by any person with or without compensation for providing for the care, supervision, and oversight only during day-time hours of seven or more adults who are elderly, physically ill or infirm, physically handicapped, or mentally handicapped. The term "adult daycare center" may also include recreational and social activities for said persons.~~

~~*Adult daycare facility* means an establishment operated by any person with or without compensation for providing for the care, supervision, and oversight only during day-time hours of six or fewer adults who are elderly, physically ill or infirm, physically handicapped, or mentally handicapped. The term "adult daycare facility" may also include recreational, cultural and social activities for said persons.~~

Adult day health services means the provision of a comprehensive plan of services that meets the needs of aging adults under a medical model. This term shall not include programs which provide day habilitation and treatment services exclusively for individuals with developmental disabilities.

Adult motion picture theater means a commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five persons for any form of consideration.

Affordable housing means housing that has a sale price or rental amount that is within the means of a household that may occupy middle, moderate, or low-income housing. In the case of dwelling units for sale, housing that is affordable means housing in which mortgage, amortization, taxes, insurance, and condominium or association fees, if any, together constitute no more than 28 percent of such gross annual household income for a household of the size which may occupy the unit in question. In the case of dwelling units for rent, housing that is affordable means housing for which the rent and utilities constitute no more than 30 percent of such gross annual income for a household of the size that may occupy the unit in question.

Aggrieved person means a person who either:

(a) Is the applicant or the owner of property that is the subject of an application or a decision by an administrative official; or

(b) Has a substantial interest in an action appealed from and that is in danger of suffering special damage or injury not common to all property owners similarly situated.

Aging adults means persons 60 years of age or older or mature adults below the age of 60 whose needs and interests are substantially similar to persons 60 years of age or older who have physical or mental limitations that restrict their abilities to perform the normal activities of daily living and impede independent living.

Agricultural activities means activities performed in order to cultivate the soil, produce crops, or raise livestock.

Agricultural produce stand means a temporary building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs, or plants and may include accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces, or baked goods, and home-made handicrafts.

Alcohol outlet means a retail establishment that sells beer, malt beverages, hard cider, and/or wine for off-site consumption. This includes grocery stores and retail stores, less than 12,000 square feet, that may sell beer, malt beverages, hard cider and/or wine for off-site consumption, as well as other products.

All-weather material means a hard surface, dust-free material, capable of withstanding normal weather conditions during ordinary use without substantial deterioration. Gravel, rock, or screenings alone, without use of a petroleum or cement binder, does not meet the definition of an all-weather material.

Alley means a minor way, which is used primarily for vehicular service access to the back or side of properties otherwise fronting on a street.

Alternative energy production means an energy production site or facility that is dedicated to the commercial production of electricity by means of wind, solar, biomass, grease, oil, or other non-petroleum energy source.

Alternative fuel vehicle means a vehicle that runs on a fuel other than traditional petroleum fuels (petrol or diesel) including means biodiesel, denatured alcohol, electricity, hydrogen, methanol, mixtures containing up to 85 percent methanol or denatured ethanol, natural gas, and propane (liquefied petroleum gas).

Amateur radio service means radio communication services, including amateur satellite service and amateur service, which are for the purpose of self-training, intercommunication, and technical investigations carried out by duly licensed amateur radio operators solely for personal aims and without pecuniary interest, as defined in title 47, Code of Federal Regulations, Part 97 and regulated thereunder.

Amateur radio service antenna structure means a tower and antenna for radio transmission and reception which is maintained by a licensed amateur radio operator as an accessory structure.

Ambulance service facility means a privately-owned facility for the dispatch, storage, and maintenance of emergency care vehicles.

Amenity means a natural or manmade feature that enhances a particular property, increasing aesthetics and desirability to the owner or community.

Amplified sound reproduction device means any device capable of producing, reproducing or emitting sounds by means of any loudspeaker or amplifier.

Amusement park means an outdoor recreation facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment.

Animal means any vertebrate member of the animal kingdom, excluding humans.

Animal hospital means a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use of an animal hospital as a kennel shall be limited to short-term boarding and shall be only incidental to such hospital use.

Animal shelter/rescue center means a facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public organization or by an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other non-profit organization devoted to the welfare, protection, and humane treatment of animals.

ANSI means the American National Standards Institute.

Antenna. See section 4.2.57.B.

Antique shop means a place offering antiques for sale. An antique, for the purposes of this chapter, shall be a work of art, piece of furniture, decorative object, or the like, of or belonging to the past, at least 30 years old.

Apartment. See *Dwelling, multifamily.*

Apartment unit means One or more rooms with a private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing four or more dwelling units.

Apiary means a place where beehives of honey bees are kept.

Apiculture. See *Beekeeping.*

Apparel store means a retail store where clothing is sold, such as department stores, dry goods and shoe stores, and dress, hosiery, and millinery shops.

Appeal means a review authorized by this chapter of any final order, requirement, or decision of the planning director or designee that is based on or made in the enforcement of this chapter.

Applicant means a person who acts in his own behalf or as the agent of a property owner, who seeks a zoning decision, or who seeks a decision regarding a permit or approval by the director of planning.

Arcade means an area contiguous to a street or plaza that is open and unobstructed to a height of not less than 12 feet and that is accessible to the public at all times.

Archaeological resource means any material remains of past human culture or activities which are of archaeological interest, including, but not limited to, the following means basketry, bottles, carvings, graves, human skeletal materials, pit houses, pottery, rock intaglios, rock paintings, soapstone quarries, structures or portions of structures, tools, weapons, weapon projectiles, or any portion or piece of any of the foregoing items. Non-fossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources under the regulations of this chapter, unless found in archaeological context. No item shall be deemed to be an archaeological resource under the regulations of this chapter unless such item is at least 200 years of age.

Art, private, means a work or collection, usually displayed in a gallery or curated space, that is owned by a private individual or entity.

Art, public, means any visual work of art located so as to be visible in a public, city-owned area; on the exterior of any city-owned facility; within any city-owned facility in areas designated as public areas, lobbies, or public assembly areas; or on non-city property if the work of art is installed or financed, either wholly or in part, with city funds or grants procured by the city. Such public art shall not contain characteristics of an advertising sign.

Art gallery means an establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. The term "art gallery" does not include libraries, museums, or noncommercial art galleries.

Articulated facade means a building elevation that faces a street and that is constructed with a variety of surfaces, materials, colors, projections, recesses, or similar features.

Asphalt manufacturing means an industrial facility used for the production of asphalt, concrete, or asphalt or concrete products that are used in building or construction, and that includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises, or the storage and maintenance of required equipment, but does not include the retail sale of finished asphalt or concrete products.

Assembly hall means a meeting place at which civic, educational, political, religious, or social groups assemble regularly or occasionally, including, but not limited to, schools, churches, theaters, auditoriums, funeral homes, stadiums, and similar places of assembly.

Assisted living facility means a multifamily structure whose occupants are 55 years of age or older, or where each unit is occupied by at least one person who is 55 years of age, and where occupants receive assistance with daily living activities.

Atrium means an open hall lighted from above, into which rooms open at one or more levels.

Attic means an open space at the top of a house just below the roof; often used for storage.

Authorized (permitted) use means any use allowed by right in a zoning district and subject to the restrictions applicable to that zoning district.

Automobile means a self-propelled, free-moving vehicle, which is licensed by the appropriate state agency as a passenger vehicle. For the purpose of this chapter, the term "automobile" shall include motorcycles, scooters, small trucks used for daily passenger trips, sports utility vehicles (SUVs), and similar passenger vehicles or any vehicle classified by the Georgia Department of Driving Services as a Class "C" vehicle.

Automobile and truck rental and leasing means a business that rents or leases automobile or light trucks, and may store the automobiles and trucks on the same site as the business office.

Automobile brokerage means the business of providing services for the purchase or leasing of a vehicle, whether noncommercial or commercial and including trailers and RVs. The brokered vehicles are not stored on the same lot as that on which the business office is located. A vehicle brokerage may find the desired vehicle, negotiate the price or lease contract, manage paperwork associated with the sale or lease, or secure financing for the sale or lease of the vehicle.

Automobile dealership. See *Automobile sales.*

Automobile mall means a single location that provides sales space and centralized services for a number of automobile dealers and may include related services as auto insurance dealers and credit institutions that provide financing opportunities.

Automobile manufacture means a facility engaged in the manufacture of passenger cars, light trucks, and/or light commercial vehicles.

Automobile parts or tire store means a building that is used for the retail sale of new or used parts or tires for noncommercial vehicles. The term "automobile parts or tire store" does not include outdoor storage yards.

Automobile recovery and storage means a facility that provides temporary outdoor storage of Class "C" passenger vehicles and motorcycles that are intended to be claimed by the titleholders or their agents. Such storage includes vehicles that have been towed, or that will be transported to a repair shop or will be subject to an insurance adjustment after an accident. See *Vehicle storage* and *Tow service.*

Automobile rental and leasing means a business that rents or leases automobiles.

Automobile repair, major, means a business that services passenger vehicles, including the dismantling and repair of engines, transmissions, carburetors, drive shafts, and similar major vehicle parts, the provision of collision repair services including body frame straightening and body part replacement, or the painting or repainting of passenger vehicles and motorcycles. Major automobile repair establishments may also perform minor automobile repairs.

Automobile repair, minor, means a business that repairs, replaces, or services tires, ignitions, hoses, spark plugs, and other minor vehicle parts as part of the regular upkeep of passenger vehicles and motorcycles, and may perform regular maintenance such as brake repair and replacement, lubrication, or replacement of small or incidental automobile parts. Minor automobile repair and maintenance may also, as an accessory function, include automobile detailing, including the application of paint protectors, the cleaning or polishing of a vehicles interior, exteriors, or engine, and the installation of aftermarket parts and accessories such as tinting, alarms, sound systems, spoilers, sunroofs or headlight covers. Minor automobile repair and maintenance does not include the dismantling and repair of engines, transmissions, or drive shafts, the provision of collision repair services including body frame straightening and body part replacement, or the painting or repainting of passenger vehicles. Minor automobile repair does not include automobile car washes where vehicles are washed and/or waxed either by hand or by mechanical equipment.

Automobile sales means a business establishment that engages in the retail sale or the leasing of new or used automobiles, small passenger trucks, motorcycles, or other passenger vehicles. Such merchandise may be stored on the same lot as that on which the business office is located. An automobile sales dealership may be located in an automobile mall. See *Automobile mall*, *Automobile brokerage.*

Automobile service station means a building, structure, or land used primarily for the sale of automotive fuels such as gasoline. This term includes the following accessory uses means convenience stores; the sale of incidental vehicle parts and fluids such as motor oil, coolant, windshield wipers, seat or floor pads; and minor automobile repair, as defined in this chapter.

Automobile upholstery shop means a building in which automobile seats are re-covered or re-upholstered. For the purposes of regulating home occupations, an automobile upholstery shop shall be considered to be major automobile repair.

Automobile wash/wax service means a building, structure, or land that is used for the washing, waxing, cleaning, or detailing of automobiles, as defined in this article. The service may be enclosed in a building or conducted outdoors, includes mobile wash/wax service, and may be a principal or accessory use.

Automobile wrecking yard. See *Salvage yard.*

Awning means a roof-like cover, usually of canvas or plastic, which can fold, collapse and retract, extended over or before places like storefront, window, door or deck as a shelter from the sun, rain, or wind.

Balcony means a horizontal flat surface that projects from the wall of a building, is enclosed by a parapet or railing, and is entirely supported by the building.

Bank, credit unions or other similar financial institutions means any building, property or activity of which the principal use or purpose is for federally insured depository purposes and including the provision of financial services such as loans and automated teller machines, but does not include cash advance, check cashing establishments, short-term loan, and pay day lending.

Barber shop means an establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

Basement means a space having one-half or more of its floor-to-ceiling height below the average finished grade of the adjoining ground and with a floor-to-ceiling height of not less than 6½ feet.

Beauty salon means a commercial building, residence, or other building or place where hair cutting or styling or cosmetology is offered or practiced on a regular basis for compensation. This term includes the training of apprentices under the regulation of such training by the appropriate licensing board.

Bed and breakfast establishment means accessory use of a single-family detached dwelling by the homeowner who resides in the dwelling, to provide sleeping accommodations to customers. Breakfast may also be provided to the customers at no extra cost. For the purpose of this definition, the term "customer" means a person who pays for the sleeping accommodations for fewer than 30 consecutive days.

Bedroom means a private room planned and intended for sleeping, separated from other rooms by a door, accessible to a bathroom without crossing another bedroom, and having a closet.

Beekeeping means the maintenance of honey bee colonies, commonly in hives, by humans.

Beer growler means an alcohol outlet that pours beers from a tap into reusable containers for off-site consumption. The term "beer growler" does not include distilled liquor sales.

Beer or *malt beverage* means any alcoholic beverage obtained by fermentation of any infusion or decoction of barley, malt, hops or any other similar product, or any combination of such products in water, containing up to 14 percent alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer and strong beer. The term "malt beverage" does not include sake, known as Japanese rice wine.

Best management practices (BMP) means activities, procedures, structures or devices, systems of regulations and activities, or other measures that prevent or reduce pollution of the waters of the United States. BMPs are intended to:

a) Control soil loss, protect natural features such as trees, and reduce water quality degradation;

b) Control drainage from outside storage of materials;

c) Minimize adverse impacts to surface and groundwater flow and circulation patterns, and to the chemical, physical, and biological characteristics of streams and wetlands; and

d) control industrial plant site runoff, spillage, leaks, sludge or waste disposal.

Blight means a state or result of being blighted or deteriorated; dilapidation or decay. A structure is blighted when it exhibits objectively determinable signs of deterioration sufficient to constitute a threat to human health, safety, and public welfare such as inadequate public or community services, vacant land with debris, litter, lack of utilities, accumulation of trash and junk or general disrepair, including, but not limited to, peeling paint, broken windows, deteriorating wood. Also see chapter 18, article IV of the Code.

Block means an area of land bounded by a street, or by a combination of streets and public parks, cemeteries, railroad right-of-way, exterior boundaries of a subdivision, shorelines of waterways, or corporate boundaries. In cases where the platting is incomplete or disconnected, the director of planning may delineate the outline of the block.

Blockface means that portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

Boarding house means a building containing one or more lodging units but not more than 20 lodging units, all of which offer non-transient lodging accommodations, available only at weekly or longer rental rates to the general public. Meals may only be provided from a single central kitchen and compensation for such meals, if provided, shall be included in the weekly or longer rental rate. No restaurant, meeting, reception, or banquet facilities shall be provided.

Borrow pit means a pit from which sand, gravel or other construction material is taken for use as fill in at another location.

Brewery, Craft (also known as micro-brewery) means a building or group of buildings where beer is brewed, bottled, packaged, and distributed for wholesale and/or retail distribution, and that produces small amounts of beer or malt beverage, less than 12,000 barrels in a calendar year. Much smaller than large-scale corporate breweries, these businesses are typically independently owned. Such breweries are generally characterized by their emphasis on quality, flavor and brewing technique.

Brewery, Large Scale means a building or group of buildings where beer is brewed, bottled, packaged, and distributed for wholesale and/or retail distribution, and that produces more than 12,000 barrels in a calendar year.

Brewpub means any eating establishment which derives at least 50 percent of its total annual gross food and beverage revenue from the sale of prepared meals and food and in which beer or malt beverages are manufactured or brewed subject to the barrel production limits and regulations under state law. *[TMOD-21-016]*

Broker means a party that mediates between a buyer and a seller.

Buffer means that portion of a lot set aside for open space and/or visual screening purposes, pursuant to a condition or conditions imposed in the enactment of a conditional zoning ordinance or special land use permit or by the zoning board of appeals in the grant of a variance, to separate different use districts, or to separate uses on one property from uses on another property of the same use district or a different use district. Any such buffer shall not be graded or otherwise disturbed, and all trees and other vegetation shall remain, provided that additional trees and other plant material may be added to such landscaped buffer.

Buildable area means the area of a lot remaining after all setback requirements, including buffers, have been met.

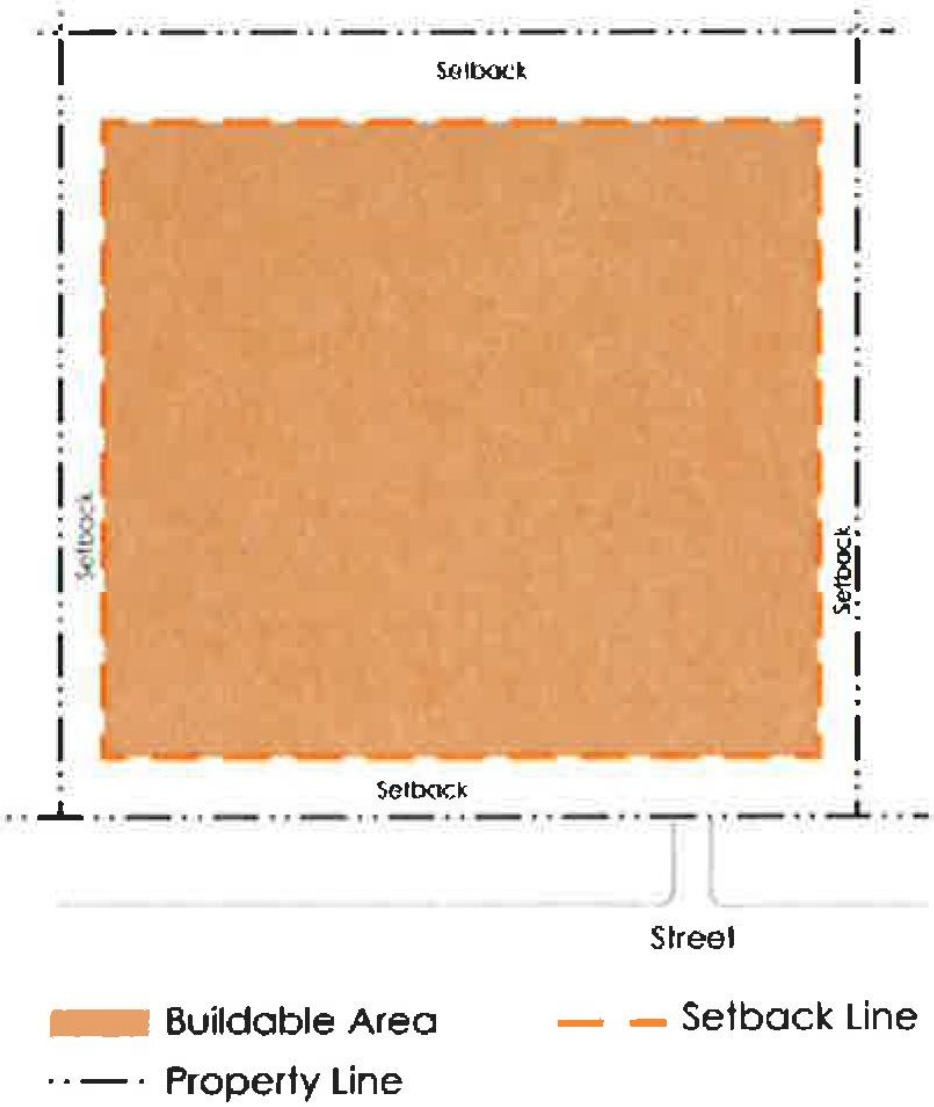

Figure 9.1 Buildable Area

Building means any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building, accessory. See *Accessory building.*

Building coverage means the maximum area of the lot that is permitted to be covered by buildings, including principal structures, structured parking and roofed accessory structures. The term "building coverage" does not include wooden decks, stone walkway and patios set without grout, and pervious, permeable, or porous pavements.

Building entrance feature means an architecturally designed element for entrances and exits of the building.

Building footprint means the outline of the total area covered by a building's perimeter at the ground level.

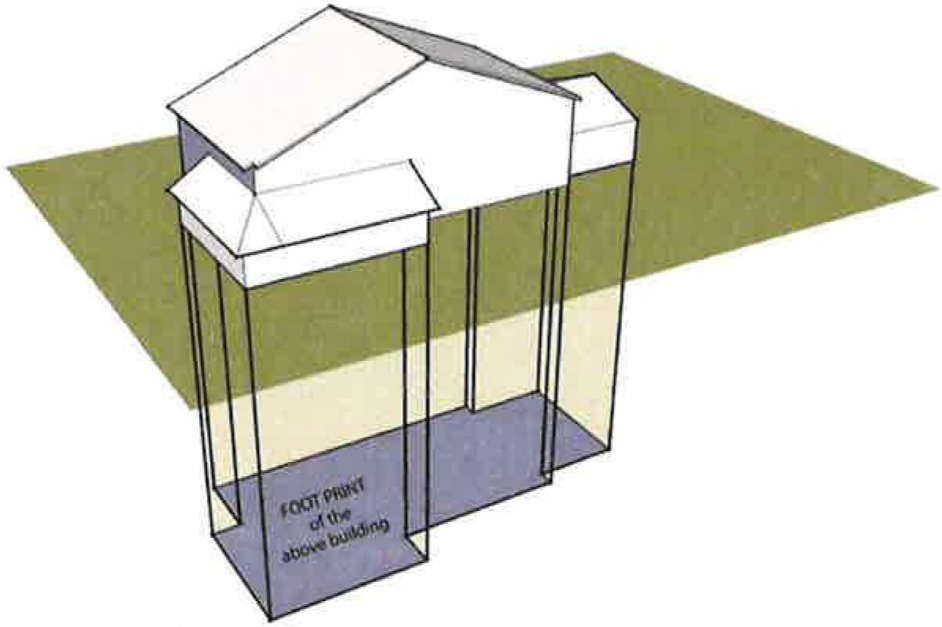

Figure 9.2 Illustration of Building Footprint

Figure 9.2 Illustration of Building Footprint

Building form means a design term that refers to the shape and/or configuration of a building and the space created by the building. Attributes of building form may include means the building relationship to the street, sidewalk, and/or other buildings and uses; the general usage of floors (office, residential, retail) which influence form; height, and/or; physical elements of the building (such as stoops, porches, entrances, materials, window coverage).

Building frontage means the maximum width of a building measured in a straight line parallel with the abutting street or fronts upon a public street, a customer parking area, or pedestrian mall, and has one or more entrances to the main part of the building or store.

Building height (as to all structures with the exception of single-family detached dwellings) means the vertical distance from the average finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs. See article 5 of this chapter.

Building height (as to single-family detached dwellings) means the vertical distance from the front-door threshold of the proposed residential structure to the highest point of the roof of the structure. See article 5 of this chapter.

Building mass means the overall visual impact of a structure's volume; a combination of height and width, and the relationship of the heights and widths of the building's components.

Building materials supply establishment means a facility for the sales of materials used in the construction of a building such as cement, brick, steel, etc.

Building, primary or principal, means a structure in which is conducted the principal use of the lot on which it is located.

Building scale means the relationships of the size of the parts of a structure to one another and to humans.

Building width means the distance from the exterior face of the building siding as measured from side to side.

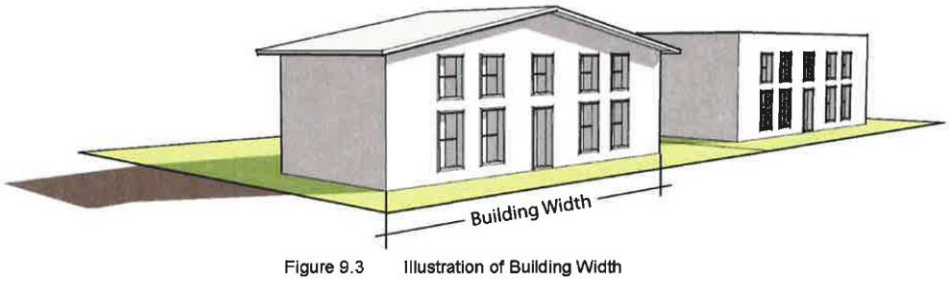

Figure 9.3 Illustration of Building Width

Bulkhead means a structural panel just below display windows on storefronts. Bulkheads can be both supportive and decorative in design. Bulkheads from the 19th century are often of wood construction with rectangular raised panels while those of the 20th century may be of wood, brick, tile, or marble construction.

Bury pit means a place where construction waste or refuse caused by the dismantling of a building or structure is dumped and covered with soil.

Bus or rail station or terminal means a designated place where a bus or train temporarily stops to embark or disembark passengers. A terminal is the location where the bus or train starts or ends its scheduled route.

Bus rapid transit (BRT) means a permanent, integrated transit system that uses buses or specialized vehicles on roadways or dedicated lanes to transport passengers to their destinations.

Business service establishment means an entity primarily engaged in rendering services to businesses on a fee or contract basis, including the following and similar services means advertising and mailing; building maintenance; employment services; management and consulting services; protective services; commercial research; development and testing; photo finishing; and personal supply services.

Business vehicle means vehicle, or heavy construction equipment, or trailer used to transport passengers or property in furtherance of a commercial enterprise. The term "business vehicle" may include, but is not limited to, pick-up trucks with exterior equipment storage, passenger vans, passenger vehicles with or without logos or advertisements identifying the commercial enterprise, ambulances, limousines, taxi cabs, tow trucks, earthmoving machinery such as bobcats and bulldozers, dump trucks, flatbed trucks, box vans, any vehicle with a trailer attached to it, tractors, "dually" trucks (pick-up trucks with four wheels on the rear axle), heavy construction equipment, and semi-tractor cabs whether or not a trailer is attached.

C-weighted sound level means the sound level reported in units of dB(C) as measured using the C-weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors.

Campus style development means a development type which is primarily characterized by having several separate buildings on one site, unified through design and landscape elements.

Canopy means a protective roof-like covering, often of canvas, mounted on a frame over a walkway or door.

Canopy tree means a deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purpose of a canopy tree is to provide shade to adjacent ground areas.

Car wash means a facility for washing, waxing, and cleaning of passenger vehicles, recreational vehicles, or other light-duty equipment.

Car wash, self-service, means a car wash wherein operating functions are performed entirely by an operator owner with the use of washing, waxing, and drying equipment supplemented with manual detailing by the operator owner.

Cat means a feline that has reached the age of six months.

Catering establishment means an establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

Cellar means a space having less than one-half or more of its floor-to-ceiling height below the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than 6½ feet.

Cemetery means property used for the interring of the dead. See *Georgia cemetery regulations.*

Chapel. See *Place of worship.*

Characterized by in the definition of a sexually oriented business means describing the essential character or quality of an item. No business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

Check cashing facility means a person, business or establishment licensed by the State of Georgia pursuant to O.C.G.A. § 7-1-700 et seq. that for compensation engages, as a principal use, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. The term "check cashing facility" does not include a state or federally chartered bank, savings association, credit union, or industrial loan company.

Child care facility means a building(s) in which housing, meals, and twenty-four hour continuous watchful oversight of six (6) or more children under the age of eighteen (18) are provided and which facility is licensed or permitted as a child caring institution by the State of Georgia..

Child care home means a building(s) in which housing, meals, and twenty-four-hour continuous watchful oversight for up to five (5) children under the age of eighteen (18) are provided.

Child day care center means an establishment operated by any person with or without compensation providing for the care, supervision, and protection of seven (7) or more children who are under the age of eighteen (18) years for less than twenty-four (24) hours per day, without transfer of legal custody

Church. See *Place of worship.*

Cistern means an underground reservoir or tank for storing rainwater.

City means the City of Stonecrest, Georgia, a political subdivision of the State of Georgia. When appropriate to the context, the term "city" also includes authorized officers, employees and agents thereof.

Clinic, health services, means a facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human diseases, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, diagnostic center, treatment center, rehabilitation center, extended care center, nursing home, intermediate care facility, outpatient laboratory, or central services facility serving one or more such institutions.

Club, private, means a group of people organized for a common purpose to pursue common goals, interests, or activities and characterized by definite membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws, such as country clubs and golf clubs, but excluding places of worship, personal service facilities, and sexually oriented businesses which shall be defined and regulated as otherwise provided

herein. The term "private club" shall also mean, where the context requires, the premises and structures owned or occupied by members of such group within which the activities of the private club are conducted.

Clubhouse means a structure in which the activities of a private club are conducted.

Cluster housing development means a development that permits a reduction in lot area provided there is no increase in overall density of development, and in which all remaining land area is perpetually and properly protected, maintained and preserved as undivided open space or recreational or environmentally sensitive areas.

Coin Laundry means an establishment with coin-operated clothing washing machines and dryers for public use.

Coliseum means a large building with tiers of seats for spectators at sporting or other recreational events.

Collector street means a street or road designated as a collector street in the DeKalb County Transportation and Thoroughfare Plan.

College means a post-secondary institution for higher learning that grants associate or bachelor's degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. The term "college" shall also include community colleges that grant associate or bachelor's degrees or certificates of completion in business or technical fields.

Collocation. See section 4.2.57.B.

Colonnade means a series of columns placed at regular intervals, usually supporting a roof.

Columbarium means a structure with niches for the placement of cinerary urns.

Commercial district means any parcel of land which is zoned for any commercial use including regional commercial centers, neighborhood and community oriented stores, shopping centers and other developed centers where commercial land uses predominate. Such districts would include O-I, O-I-T, C-2, NS, and C-1.

Commercial entertainment means places of amusement or assembly including but not limited to motion picture theaters or cinemas, live theater, comedy clubs, bowling alleys, dance halls, skating rinks, etc. This definition does not include night clubs, party houses or brewpubs.

Commercial parking garage/structure means a covered or sheltered structure of one or more stories designed, constructed and used for the parking of motor vehicles for profit.

Commercial parking lot means an uncovered or unsheltered structure of one or more stories designed, constructed and used for the parking of motor vehicles for profit.

Commercial solid waste means all types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial wastes.

Common open space means open space designed for common use by all property owners in the development.

Common ownership means ownership as recognized by law of real property by one or more persons, their parents, brothers, sisters, children over the age of 18, spouses or any association, firm, corporation or partnership in which such person or spouse is a corporate officer, partner or is a stockholder with an ownership interest of ten or more percent.

Community garden. See *Urban garden.*

Community living arrangement. See *Personal care home.*

Compact design means the design of a structure and or development that encourages efficient land use and the preservation of open space, usually via building more vertically, and by minimizing surface parking.

Compatible (as used in article 2 of this chapter, purpose and intent for each established district) means land development that is consistent with existing, identified physical elements in proximity to that land development, such as architectural style, building mass, building scale, land uses, and landscape architecture.

Complainant means any person who has registered a noise or code complaint with an authorized enforcement agency that he is the recipient of noise or nuisance on a protected property category. A complainant must have an interest in the protected property as an owner, tenant, or employee.

Complete or*complete application* means When used in conjunction with an application under this zoning ordinance, the term "complete" or "complete application" shall mean containing all of the required elements, information, fees, approvals or other materials as set forth in this zoning ordinance, other applicable provisions of the Code, state law, and in the most recent checklist previously issued by the director of planning.

Composting means the controlled biological decomposition of organic matter into a stable, odor-free humus.

Comprehensive plan means the DeKalb County Comprehensive Plan adopted by the board of commissioners, as adopted by the City of Stonecrest, as it may be amended from time to time, which divides the incorporated areas of the city into land use categories and which constitutes the official policy of the city regarding long-term planning and use of land.

Concert hall means an open, partially enclosed, or fully enclosed facility used or intended to be used primarily for concerts, spectator sports, entertainment events, expositions, and other public gatherings. Typical uses and structures include concerts, conventions, exhibition halls, sports arenas, and amphitheaters.

Conditional approval means the imposition of special requirements, whether expressed in written form or as a site plan or other graphic representation, made a requirement of development permission associated with a particular parcel or parcels of land and imposed in accordance with the terms of this chapter.

Condominium means a building, or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis in compliance with Georgia Law.

Condominium unit means a unit intended for any type of use with individual ownership, as defined in the Georgia Condominium Act, together with the undivided interest in the common elements appertaining to that unit.

Connectivity ratio means a ratio of links to nodes in any subdivision.

1. The connectivity ratio shall be the number of street links divided by the number of nodes or end links, including cul-de-sac heads.
2. A link shall be any portion of a street, other than an alley, defined by a node at either end. Stub-outs to adjacent property shall be considered links. For the purpose of determining the number of links in a development, boulevards, median-divided roadways, and divided entrances shall be treated the same as conventional two-way roadways.
3. A node shall be the terminus of a street or the intersection of two or more streets. Any curve or bend of a street that exceeds 75 degrees shall receive credit as a node. Any curve or bend of a street that does not exceed 75 degrees shall not be considered a node. A divided entrance shall only count once.

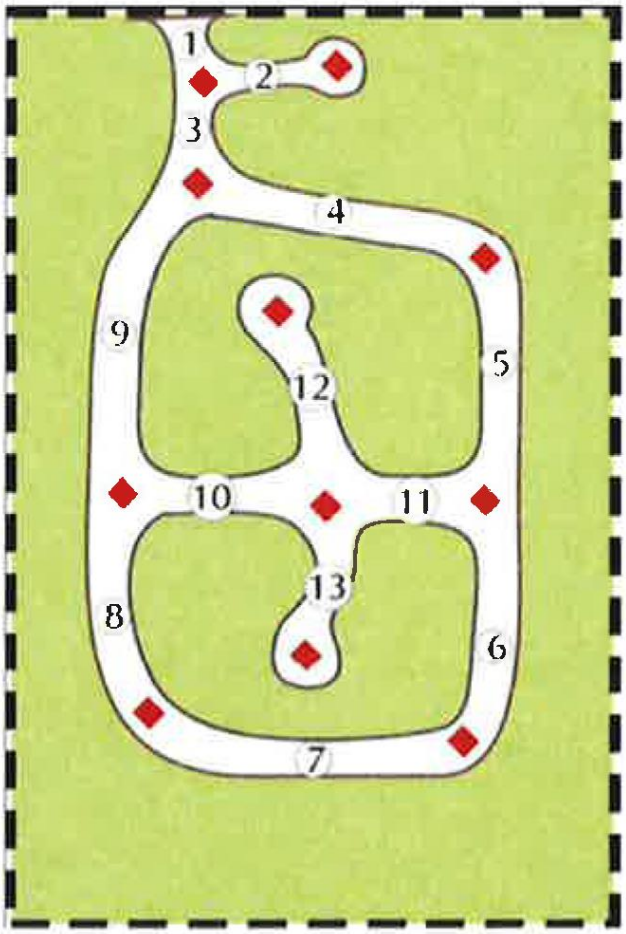

Figure 9.4 Example 1: Does not meet ratio

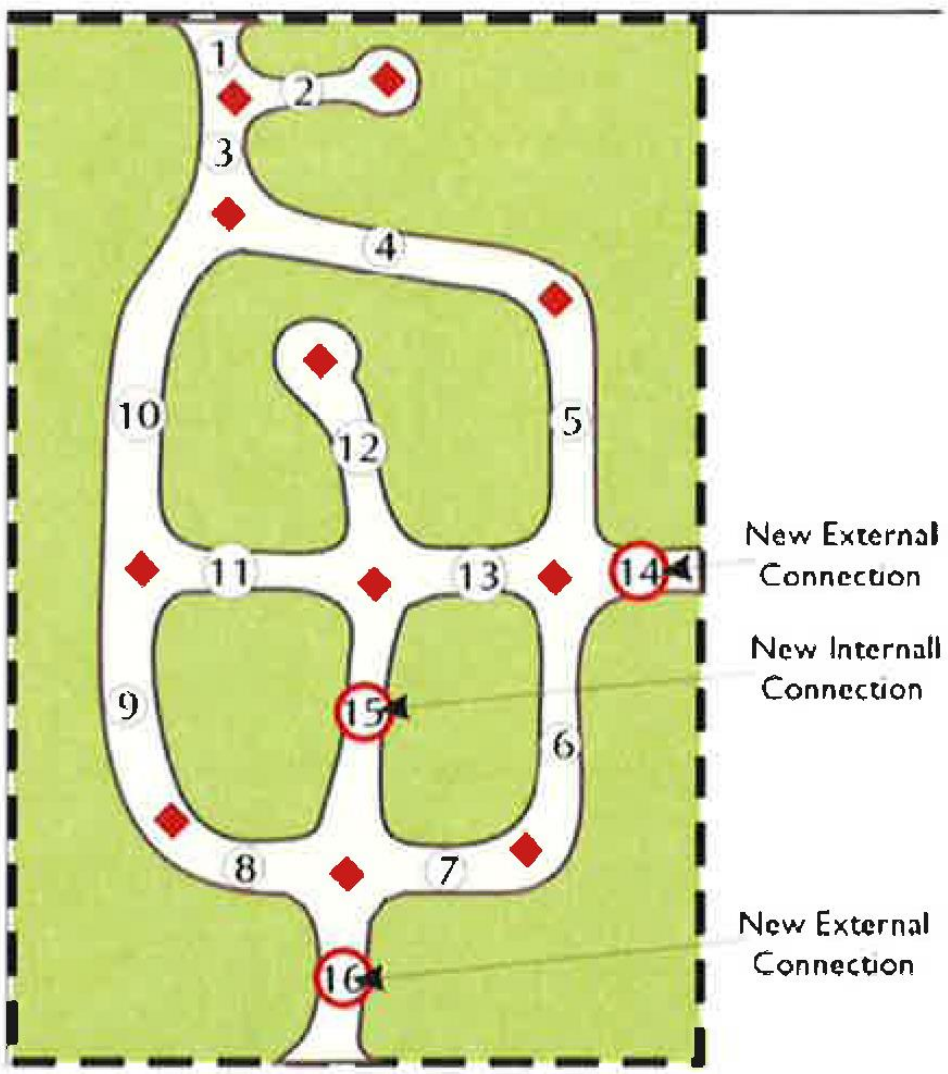

Figure 9.5 Example 2: Modified to meet ratio

Conservation area means any area designated as containing physical features of natural, historical, social, cultural, architectural, or aesthetic significance to be restored to or retained in its original state or enhanced to promote existing natural habitat.

Conservation easement means a restriction or limitation on the use of real property which is expressly recited in any deed or other instrument of grant or conveyance executed by or on behalf of the owner of the land described therein and whose purpose is to preserve land or water areas predominantly in their natural scenic landscape or open condition or in an agricultural farming, forest or open space use.

Construction means any site preparation, assembly, erection, repair, alteration or similar action, including demolition of buildings or structures.

Continuing care retirement community means a residential facility providing multiple, comprehensive services to older adults. Such facility normally contains a combination of independent living units, assisted living, and skilled nursing care units, as defined herein. Such facilities generally provide support services, such as meals, laundry, housekeeping, transportation, and social and recreational activities.

Continuous sound means any sound with duration of more than one second, as measured with a sound level meter set to the slow meter response.

Contractor, general, means a contractor or builder engaged in the construction of buildings like residences or commercial structures.

Contractor, heavy construction, means a contractor or builder engaged in the heavy construction activities such as paving, highway construction, landscaping, and utility construction.

Contractor, special trade, means Industries in the special trade contractors subsector engage in specialized construction activities, such as plumbing, painting, and electrical work.

Convalescent home means a nursing care facility.

Convenience store means any retail establishment offering for sale items such as household items, newspapers and magazines, prepackaged food products, sandwiches and other freshly prepared foods, and beverages, for off-site consumption. When a convenience store sells unopened alcoholic beverages, it is also considered to be an alcohol outlet. The term "convenience store" may also include accessory fuel pumps.

Convent means a building or buildings used as both a place of worship and as a residence, operated as a single housekeeping unit, solely by and for a group of women who have professed vows in a religious order and who live together as a community under the direction of a local supervisor designated by the order.

Cornice means any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.

Corridor means a broad geographical band that follows a general directional flow connecting major sources of trips that may contain a number of streets, highways, and transit route alignments.

County or city solid waste means any solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks and means solid waste from single-family, duplex, and multifamily residences, hotel and motels, picnic grounds and day use recreation areas. The term "county or city solid waste" includes yard trimmings and commercial solid waste but does not include solid waste from mining, agricultural, or silvicultural operations or industrial processes or operations.

County or city solid waste disposal facility means any facility or location where the final deposition of any amount of county or city solid waste occurs, whether or not mixed with or including commercial or industrial solid waste, and, includes, but is not limited to, county or city solid waste landfills and county or city solid waste thermal treatment technology facilities.

Craft brewery (also known as micro-brewery) means a building or group of buildings where beer is brewed, bottled, packaged, and distributed for wholesale and/or retail distribution, and that produces small amounts of beer or malt beverage, less than 12,000 gallons in a calendar year. Much smaller than large-scale corporate breweries, these businesses are typically independently owned. Such breweries are generally characterized by their emphasis on quality, flavor and brewing technique. [TMOD-21-016]

Craft distillery (also known as micro-distillery) means a building or group of buildings where distilled spirits are manufactured (distilled, rectified or blended), bottled, packaged, and distributed for wholesale and/or retail distribution in small quantity, less than 12,000 gallons per calendar year and in which such manufactured distilled spirits may be sold for consumption on the premises and consumption off premises, subject to the limitations prescribed in O.C.G.A. § 3-5-24.2. [TMOD-21-016]

County or city solid waste landfill means a disposal facility where any amount of county or city solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludge, or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon.

Cremation means the reduction of a dead human body or a dead animal body to residue by intense heat.

Crematorium means a location containing properly installed, certified apparatus intended for use in the act of cremation. Crematoriums do not include establishments where incinerators are used to dispose of toxic or hazardous materials, infectious materials or narcotics.

Cultural facility means a building or structure that is primarily used for meetings, classes, exhibits, individual study, referral services, informational and entertainment presentations, and other similar programs oriented around the customs and interests of a specific group of people, including, but not limited to, an immigrant, ethnic, or national minority group, or the heritage of defined geographic region. Movies, theater performances and similar entertainment may occur in a cultural facility, but the purpose of the cultural facility is not to provide a venue solely for such entertainment. A cultural facility may be programmed, managed, or operated by a public, private, or non-profit entity.

Curb cut means a curb break, or a place or way provided for the purpose of gaining vehicular access between a street and abutting property.

Dairy means a commercial establishment for the manufacture, processing, or sale of dairy products.

Dance school means a school where classes in dance are taught to four or more persons at a time.

Day means, unless otherwise stated, calendar days.

Day spa. See *Health spa.*

Decay resistant wood means wood harvested from tree species that are known to have extractives in the heartwood which are toxic to fungi.

Decibel (dB) means the unit for the measurement of sound pressure based upon a reference pressure of 20 micropascals (zero decibels), i.e., the average threshold of hearing for a person with very good hearing.

Deciduous tree means a tree that loses all of its leaves for part of the year.

Deficiencies means exterior conditions or signs of neglect within a conservation subdivision and within the Stonecrest Area Overlay District that contributes to nuisances, hazards, or unkempt appearances, such as, but not limited to, uncut or overgrown grass or weeds, peeling paint, severe corrosion, or wood rot; accumulation of trash or debris; fallen, dead, dying, damaged, or diseased trees or shrubbery; severe erosion; stagnant pools of water; broken inoperable, or severely damaged benches, seating, paving, walls, fences, gates, signs, fountains or other structures, furnishings or equipment which is intended for decoration or use by the public. The term "deficiencies" shall only be applicable to the Stonecrest Area Overlay District regulations and the conservation subdivision regulations.

DeKalb County Transportation and Thoroughfare Plan means the DeKalb County Transportation and Thoroughfare Plan, as adopted by the board of commissioners and by the City of Stonecrest, as amended from time to time.

Demolition means any dismantling, destruction or removal of buildings, structures, or roadways whether manmade or natural occurring both above and below ground.

Demolition of an infill building means the destruction and removal of an existing building or structure in whole or in part whether such destruction and removal involves removal of all or part of the prior foundation.

Density means the number of dwelling units per gross acreage of land.

Dental clinic. See *Office, dental.*

Department of community affairs (DCA) means the state department that provides a variety of community development programs to help the state's communities realize their growth and development goals.

Department store means a business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed enclosed and are exhibited, and sold directly to the customer for whom the goods and services are furnished.

Deterioration means a condition of a building or a portion of a building characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay, neglect, lack of maintenance, or excessive use.

Development permit means any permit that authorizes land disturbance for the use, construction thereon or alteration of any real property within the incorporated limits of the city.

Development of regional impact (DRI) means a large-scale development that is likely to have regional effects beyond the local government jurisdiction in which it is located and meets the DCA requirements for review.

Director of Planning means the Director of the Department of Planning and Zoning, or the City Manager designee.

Dispatch office means an office used exclusively for the communication and dispatch of taxis, ambulances, limousines and similar vehicles, with no fleet parking or storage allowed.

Disposal facility means any facility or location where the final deposition of solid waste occurs, including, but is not limited to, landfills and solid waste thermal treatment technology facilities.

Distillery, Craft (also known as micro-distillery) means a building or group of buildings where distilled spirits are manufactured (distilled, rectified or blended), bottled, packaged, and distributed for wholesale and/or retail distribution in small quantity, less than 12,000 barrels per calendar year and in which such manufactured distilled spirits may be sold for consumption on the premises and consumption off premises, subject to the limitations prescribed in O.C.G.A. § 3-5-24.2.

Distillery, Large-scale means a building or group of buildings where distilled spirits are manufactured (distilled, rectified or blended), bottled, packaged, and distributed for wholesale and/or retail distribution in large quantity, more than 12,000 barrels per calendar year.

District, authorized zoning – a zoning district other than the base or underlying zoning district that is called out in the provisions of an overlay zoning district to described what uses are permitted or authorized to be developed within that overlay zoning district.

District, base zoning– see Underlying District

District, governing zoning – an underlying or authorized zoning district within an overlay zoning district by which the design and dimensional standards of any existing or proposed development must adhere to. Also used to determine site requirements on adjacent properties, such as buffers.

District, overlay zoning – a zoning district where certain additional requirements are superimposed upon an underlying or base zoning district and where the requirements of the underlying or base district may or may not be altered.

District, underlying zoning – Any zoning district that lies within or under the boundaries of an overlay zoning district, also known as base zoning district.

District, Zoning – Any district delineated on the official zoning map under the terms and provisions of this ordinance, or which may be created after the enactment of this ordinance for which regulations governing the area, height, use of buildings, or use of land, and other regulations related to development or maintenance of uses or structures are uniform. [TMOD-21-015]

Dog means a canine that has reached the age of six months.

Dog daycare means any premises containing four or more dogs, where dogs are dropped off and picked up daily between the hours of 7:00 a.m. and 7:00 p.m. for temporary care on-site and where they may be groomed, trained, exercised, and socialized, but are not kept or boarded overnight, bred, sold, or let for hire. Use as a kennel shall be limited to short-term boarding and shall be only incidental to such dog daycare. See *Kennel, commercial.*

Dog grooming means the hygienic care and cleaning of a dog, as well as enhancement of a dog's physical appearance.

Dormitory means a building intended or used principally for sleeping accommodations where such building is related to an educational or public institution, including religious institutions, and located on the campus of that institution.

Dripline means a vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Drive-in theater means an open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures on a paid admission basis to patrons seated in automobiles.

Drive-through facility means a business establishment so developed that its retail or service character includes a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

Drive-through restaurant means a retail establishment where food and/or drinks are prepared and may be consumed by customers within the principal building, or may be ordered and picked up from an exterior service window that serves customers while in their automobiles. The term "drive-through restaurant" includes restaurants that serve customers at an exterior walk-up service window.

Driveway means a private roadway providing access for vehicles to an individual lot, parking space, garage, dwelling, or other structure.

Dry cleaning agency means an establishment or agency maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

Durable materials means Materials that can resist wear, tear and decay from use, time and other conditions like weather.

Dwelling, cottage home means small detached dwelling units arranged on a single site whereby the dwelling units are arranged so that each unit faces a common open space.

Dwelling, mobile home. See *Mobile home.*

Dwelling, multifamily. See *Dwelling unit, multifamily.*

Dwelling, single-family, means a building designed for and containing one dwelling unit.

Dwelling, single-family attached, means a dwelling unit located in a building in which multiple units are attached by a common party wall.

Dwelling, single-family detached,, means a dwelling unit on an individual lot unattached to another dwelling unit.

Dwelling, single-family detached condominiums in the Residential Neighborhood Conservation District, means single-family detached dwelling units which are owned under the condominium form of ownership such that there are no individual lots associated with the units and the common areas are held in common ownership by a condominium association.

Dwelling, three-family or triplex, means a building designed for and containing three dwelling units.

Dwelling, two-family or duplex, means a building designed for and containing two dwelling units.

Dwelling, urban single-family, means residential buildings that share similar configuration to townhouse developments; however, they may be attached or detached and may have lot lines that coincide with the building envelope.

Dwelling unit means one or more rooms, designed, occupied, or intended for occupancy as a separate living quarters, with cooking, sleeping, and bathroom facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

Dwelling unit, accessory, means a dwelling unit located on the same lot as a single-family dwelling, either within or attached to the single-family dwelling, or detached, and is a separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities.

Dwelling unit, efficiency or studio, means a self-contained residential unit consisting of not more than one room together with a private bath and kitchen facilities.

Dwelling unit, multifamily, means one or more rooms with a private bath and kitchen facilities comprising an independent, self-contained residential unit in a building containing four or more dwelling units.

Dyeworks means a facility or workshop where the process of applying a comparatively permanent color to fiber, yarn or fabric takes place.

Eating and drinking establishments, mean those establishments whose primary purpose is to derive income from the sale of food and drink, including malt beverages, wine and/or distilled spirits consumed primarily within the principal building, and without a drive-in or drive-thru component where such establishment is open for use by patrons between 12:30 a.m. Entertainment shall be incidental thereto.

Edifice means a building or a structure, especially one of imposing appearance or size, which has a roof and walls and stands permanently in one place.

Elevation means an architectural term referring to the view of a building seen from one side; it is a flat representation of one facade. This is the most common view used to describe the external appearance of a building. Each elevation is labeled in relation to the yard it faces (front, rear or side).

Elevation height means above sea level or ground level. See *Grade, existing.*

Emergency work means any work or action necessary to deliver essential services, including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions.

Enclosed area means an area surrounded by a fence or walls, sheltered by a structure with a roof and no side walls, but not located within a building.

Encroachment means a building or some portion of it, or a wall or fence, which extends beyond the land of the owner and illegally intrudes upon land of an adjoining owner, a street or an alley.

Environmental contamination means a presence of hazardous substances in the environment. From the public health perspective, environmental contamination is addressed when it potentially affects the health and quality of people living or working nearby.

Essential services means the erection, construction, alteration, or maintenance by public utilities or City departments of overhead, surface or underground gas, electrical steam, or water, distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substation, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such utility or City department or for the public health, safety, or general welfare, shall be exempt from the regulations of this code. The installation shall conform to Federal Communications Commission and Federal Aviation Agency rules and regulations, and those of other authorities having jurisdiction.

Exceptional topographical restrictions means the physical condition of a lot or parcel, determined by the contours of the land itself, which may inhibit or alter the compliant status of an existing or proposed structure.

Explosive manufacture or storage means the manufacture or storage of any chemical compound mixture or device, the primary and common purpose of which is to function by explosion with substantially simultaneous release of gas and heat, the resulting pressure being capable of producing destructive effects.

Exterior insulation and finishing system (EIFS) means a type of building exterior wall cladding system that provides exterior walls with an insulated finished surface and waterproofing in an integrated composite material system.

Extraneous sound means a sound of high intensity and relatively short duration which is neither part of the neighborhood residual sound, nor comes from the sound source under investigation.

Facade means One exterior side of a building, usually, but not always, the front. In this chapter and the design standards, it may be synonymous with architectural elevation. In architecture, the facade of a building is often the most important from a design standpoint, as the facade elements of wall face, parapet, fascia, fenestration, and canopy establish the architectural aesthetic of a building creating the public realm.

Facade, primary, means refers to the exterior building wall considered the front and features the main entrance to the building. The term "facade, primary," is synonymous with front facade.

Fair market value means the price a property would likely bring if offered for sale in the marketplace.

Fairgrounds means an area of land use, including, but not limited to, agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, and theaters. The term "fairgrounds" do not include racetracks or motorized contests of speed.

Family means one or more individuals related by blood, marriage, adoption, or legal guardianship, or not more than three unrelated individuals, who live together in a single dwelling unit and who function as a single housekeeping unit, have established ties and familiarity with each other, jointly use common areas, interact with each other, and share meals, household activities, expenses and responsibilities. The term "family" shall include three or fewer mentally handicapped, developmentally disabled persons, and other handicapped persons, as defined in the Fair Housing Act, 42 USC 3601 et seq., living as a housekeeping unit and otherwise meeting the definition of "family" herein. For the purposes of calculating the number of persons who live in a dwelling, family members who are related by blood or legal status shall count as one person.

Family daycare home means a private residence in which a business, registered by the State of Georgia, is operated by any person who receives pay for supervision and care for fewer than 24 hours per day, not more than six persons who are not residents in the same private residence. For the purposes of this zoning ordinance, a family daycare home may be operated as a home occupation, subject to the requirements of this chapter.

Family-oriented entertainment venues means places of entertainment intended to serve families.

Farm equipment and supplies sales establishment means establishments selling, renting, or repairing agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching.

Farmer's market means a market, usually held out-of-doors, in public spaces, where farmers and other vendors can sell produce or value added products.

Farming, active, means the growing of crops, plants, and trees. The term "farming, active," also includes the maintaining of horses, livestock, or poultry for the residents' needs or use, and the sale of agricultural products grown on the premises.

Fascia means a type of roof trim mounted on exposed rafter ends or top of exterior walls to create a layer between the edge of the roof and the outside.

Fat rendering means any processing of animal byproducts into more useful materials, or more narrowly to the rendering of whole animal fatty tissue into purified fats like lard or tallow.

Feature, in the definition of a sexually oriented business, means to give special prominence to.

Fee simple ownership means absolute title to land, free of any other claims against the title, which one can sell or pass to another by will or inheritance. The term "fee simple ownership" includes the land immediately underneath a unit, and may or may not include land in front of and behind a building.

Fee simple condominium declaration means an official affidavit filed attesting to the fact that the owner of a condominium development that was the subject of a site development plan approved prior to August 31, 2012, no longer intends to sell units in the subject development as condominiums and will offer for sale such units as fee simple condominium units and that otherwise the development shall conform to a previously approved condominium development plan consisting of the same units along with the same related facilities on the same tract of land as the previously approved condominium development.

Fee simple condominium development means a development where the owner of a unit possesses fee simple interest to the exterior walls and roof of the unit, as well as fee simple interest to the land lying immediately beneath the unit and coincident with the external walls of such unit as depicted on a recorded final plat. A fee simple condominium unit must be a part of an approved development in which all other land consists of privately-owned common areas, utilities, streets, parking, stormwater management, landscaping and other facilities that are owned by all unit owners on a proportional, undivided basis in compliance with Georgia law and subject to a mandatory property owners association organized in accordance with Georgia law.

Fence means a structure designed to provide separation and security constructed of materials including chain link, wire, metal, artistic wrought iron, vinyl, plastic and other such materials as may be approved by the director of planning.

Fenestration means the arrangement, proportioning, and design of windows and doors in a building.

Fertilizer manufacture means the manufacture and storage of organic and chemical fertilizer, including manure and sludge processing.

Fitness center means building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary and usual recreational activities, operated for profit or not-for-profit and which can be open only to bona fide members and guests of the organization or open to the public for a fee but specifically excluding sexually oriented businesses. Accessory uses which support the principal use can include therapy treatments such as massage, mediation and other healing arts. The term "fitness center" shall not include hospitals or other professional health care establishments separately licensed as such by the State of Georgia.

Flea market means an occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

Floodplain means land within the special flood hazard area (SFHA) or covered by the future conditions flood, as defined in chapter 14 of the Code.

Floodway means the channel of a stream, river, or other watercourse and the adjacent areas that must be reserved in order to discharge the special flood hazard area (SFHA) flood without cumulatively increasing the water surface elevation more than a designated height.

Floor area means the gross heated horizontal areas of the floors of a building, exclusive of open porches and garages, measured from the interior face of the exterior walls of the building. For nonresidential construction, net floor area is measured as the usable, heated floor space and gross floor area is measured as the total floor space.

Floor area of accessory building means the gross horizontal areas of the floors of an accessory building, measured from the exterior faces of the exterior walls of the accessory building.

Floor area ratio (FAR) means the relationship between the amount of gross floor area permitted in a building (or buildings) and the area of the lot on which the building stands. FAR is computed by dividing the gross floor area

of a building or buildings by the total area of the lot. For the purposes of this calculation, parking areas or structures shall not be included in floor area.

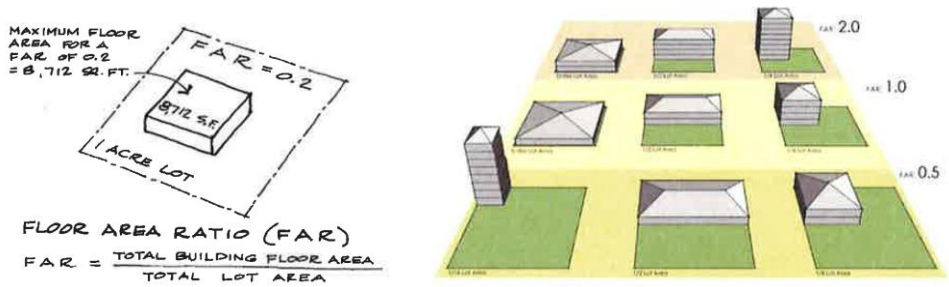

Figure 9.6 Illustration of Floor Area Ratio (FAR)

Floor space, as referenced in the definition of the terms "adult bookstore" or "adult video store," means the floor area inside an establishment that is visible or accessible to patrons for any reason, excluding restrooms.

Florist means an enclosed retail business whose principal activity is the selling of plants which were grown off-site.

Forestry means establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.

Fortunetelling means and includes all forms of foretelling, including, but not limited to, palm reading, casting of horoscopes, and tea leaf reading.

Fraternal organization means a group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings and formal written membership requirements. See also *Club.*

Fraternity house means a building containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for fraternity members and their guests or visitors and affiliated with an institution of higher learning.

Freestanding wall means a wall or an upright structure of masonry, wood, plaster, or other building material standing on its own foundation and not attached to any part of a building.

Freeway means a multiple-lane roadway carrying local, regional, and interstate traffic of relatively high volumes which permits access only at designated interchanges and is so designated in the comprehensive plan.

Freight service means an establishment primarily engaged in undertaking the transportation of goods and people for the compensation, and which may, in turn, make use of other transportation establishments in effecting delivery. The term "freight service" includes parking lots for overnight truck storage, and such establishments as commercial distribution services, freight forwarding services, and freight agencies.

Frequency means the time rate of repetition of sound waves in cycles per second, reported as Hertz (Hz), also referred to as "pitch."

Frontage, lot, means the horizontal distance for which the boundary line of a lot and a street right-of-way line are coincident.

Front facade. See *Facade, primary.*

Fuel and ice dealer, manufacturer and wholesaler means an establishment primarily engaged in the sale to consumers of ice, bottled water, fuel oil, butane, propane and liquefied petroleum gas, bottled or in bulk, as a principal use.

Funeral home means a building used for the preparation of deceased humans for burial or cremation and display of the deceased and rituals connected therewith before burial or cremation, including the storage of

caskets, funeral urns, funeral vehicles, and other funeral supplies, and where allowed by use standards, crematoriums. See *Crematorium.*

Furniture sales and showroom means a retail trade establishment primarily engaged in the sale and exhibition of furniture or home decoration items.

Garage means a part of a residential building or a separate structure on the same lot as the residence designed to be used for the parking and storage of vehicles that belong to the residents or visitors of the building.

Garage, parking. See *Parking garage* or *Parking structure.*

Gas regulator station means an assemblage of equipment which reduces, regulates, and meters natural gas pressure in the transmission line, holder, main, pressure vessel, or the compressor station piping. The term "gas regulator station" may include auxiliary equipment such as valves, control instruments, or control lines as well as piping.

General business office, see Office, professional.

Gift shop means a retail store where items such as art, antiques, jewelry, books, and notions are sold.

Glue manufacture means the manufacturing of glue, epoxy, sealant or other adhesives.

Go-cart means a small low motor vehicle, with four wheels and an open framework, used for racing.

Go-cart concession means a place, usually sheltered, where patrons can purchase snacks or food accessory to go-cart racing.

Go-cart track means a track or network of tracks used for the racing of go-carts.

Golf course means a tract of land laid out with at least nine holes for playing a game of golf and improved with tees, green, fairways, and hazards. A golf course may include a clubhouse, restrooms, driving range and shelters as accessory uses.

Government facilities means buildings or office space utilized for the provision of services by the City of Stonecrest, DeKalb County, the State of Georgia, or the Federal Government including outdoor activities and parking. Such uses include, but are not limited to, the municipal building, fire stations, police stations, government offices, public parks and recreation related facilities and other similar us*es*

Grade, average finished, means the average level of the finished surface of the ground adjacent to the exterior walls of the building determined by dividing the sum of the elevation of the highest point and the elevation of the lowest point by two.

Grade, existing, means the elevation of the ground surface before development.

Grade, finished, means the final grade of the ground surface after development.

Grassed playing fields means reasonably flat and undeveloped recreation areas intended for a variety of informal recreational uses, including, but not limited to, walking, kite-flying, flying disc-throwing, and recreational games of soccer, softball, or cricket. In the creation of grassed playing fields, minimal grading may be used; however, specimen trees may not be damaged or removed. Grassed playing fields may not include recreation areas with amenities for a particular sport, such as baseball diamonds or golf courses.

Gravel pit means an open land area where sand, gravel, and rock fragment are mined or excavated for sale or off-site use. Gravel pit includes sifting, crushing, and washing as part of the primary operation. To excavate the rock, blasting also may be necessary.

Grazing land, pasture land means any open land area used to pasture livestock in which suitable forage is maintained over 80 percent of the area at all times of the year.

Greenhouse, commercial, means a retail or wholesale business whose principal activity is the selling of plants grown on the site and having outside storage, growing, or display.

Greenspace means undeveloped land that has been designated, dedicated, reserved, or restricted in perpetuity from further development, which is not a part of an individual residential lot.

Grid pattern means a continuous web of streets in which most streets terminate at other streets to form multiple vehicular and pedestrian connections. Streets are to be laid out with primarily linear features, but the grid may be broken by circles, ovals, diagonals, and natural curves to add visual interest.

Grocery store means a store where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers other home care and personal care products, and which is substantially larger and carries a broader range of merchandise than convenience stores.

Ground cover means small plants such as salal, ivy, ferns, mosses, grasses, or other types of vegetation, that normally cover the ground and include trees of less than six-inch caliper.

Group homes. See *Child care institution*, *Personal care homes*, *Transitional housing facility.*

Growler means a professionally sanitized reusable container not exceeding 64 ounces in volume used to transport draft beer for off-premises consumption. [TMOD-21-016]

Growler Store means a retail store that sales growlers. [TMOD-21-016]

Gym. See *Fitness center.*

Hardscape means the inanimate elements of landscaping, especially any masonry work or woodwork. For instance, stone walls, concrete or brick patios, tile paths, wooden decks and wooden arbors would all be considered part of the hardscape.

Hardship means a condition of significant practical difficulty in developing a lot because of physical problems relating solely to the size, shape or topography of the lot in question, which are not economic difficulties and which are not self-imposed.

Hardware store means a facility of 30,000 or less square feet gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, house wares and household appliances, garden supplies, and cutlery.

Health spa means a nurturing, safe, clean commercial or not-for-profit establishment, which employs professional, licensed therapists whose services include massage and body or facial treatments. Private treatment rooms are provided for each client receiving a personal service. Massage treatments may include body packs and wraps, exfoliation, cellulite and heat treatments, body toning, waxing, aromatherapy, cleansing facials, medical facials, nonsurgical face lifts, electrical toning, and electrolysis. Hydrotherapy and steam and sauna facilities, nutrition and weight management, spa cuisine, and exercise facilities and instruction may be provided in addition to the massage and therapeutic treatment services. Full-service hair salons, make-up consultation and application and manicure and pedicure services may be provided as additional services. This specifically excludes sexually oriented businesses.

Heavy equipment repair, service or trade means a building or lot used for the repair, servicing, lease or sale of heavy equipment.

Heavy industrial. See *Industrial, heavy.*

Heavy manufacturing. See *Industrial, heavy.*

Heavy vehicle repair means major or minor repair of non-passenger vehicles that are classified by the Georgia Department of Driving Services as a Class E, F, or Commercial vehicle.

Heliport means an area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate state agency and approved for the loading, landing, and takeoff of helicopters and including auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment.

High-rise building or structure means a building of any type of construction or occupancy having floors used for human occupancy located more than 55 feet above the lowest floor level having building access of three stories or greater unless otherwise defined by individual zoning or overlay district.

High-rise in the I-20 Corridor Overlay District means a building in the I-20 Corridor Overlay District that is nine or more stories in height.

High-rise in the Stonecrest Area Overlay District means a building in the Stonecrest Area Overlay District that is 11 or more stories in height.

Historic means a building, structure, site, property or district identified as historic by the Stonecrest City Historic Preservation Commission, by listing on the Georgia or National Register of Historic Places, by listing as a National Historic Landmark, or determined potentially eligible for listing in the National Register of Historic Places as a result of review under section 106 of the National Historic Preservation Act, as amended.

Hobby, toy and game store means a retail establishment for sale and exhibition of items related to hobbies such as arts and crafts materials, toys, or items related to games.

Home improvement center means a facility greater than 30,000 square feet gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, house wares and household appliances, garden supplies, and cutlery.

Home occupation means an occupation carried on by an occupant of a dwelling unit as a secondary use of the dwelling that is incidental to the primary use of the dwelling unit for residential purposes and is operated in accordance with the provisions of this chapter. The term "home occupation" does not include private educational use, as defined in this chapter.

Hospice means any facility that provides coordinated program of home care with provision for inpatient care for terminally ill patients and their families. This care is provided by a medically directed interdisciplinary team, directly or through an agreement under the direction of an identifiable hospice administration. A hospice program of care provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of patients and their families, which are experienced during the final stages of terminal illness and during dying and bereavement.

Hospital means an institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

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

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

Household pet means a domestic animal that is customarily kept for pleasure rather than utility or profit and that is normally kept within a residence for personal use and enjoyment, including domestic dogs, domestic cats, domestic potbellied pigs, canaries, parrots, parakeets, domestic tropical birds, hamsters, guinea pigs, lizards and turtles. Household pet does not include livestock, poultry, and snakes, nor does it include hybrids of animals normally found in the wild.

INCE means the Institute of Noise Control Engineering.

Impervious surface means a surface that either prevents or retards the entry of surface water into the soil mantle and causes surface water to run off in greater quantities or at an increased flow rate when compared to

natural, undeveloped soil mantle. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, paved areas, pavement graveled areas, packed or oiled earthen materials or other surfaces which similarly impede the natural infiltration of surface waters. Open uncovered flow control or water quality treatment facilities shall not be considered as impervious surfaces. See *Lot coverage* for exemptions.

Impulsive sound means a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second characterized with an abrupt onset and rapid decay.

Industrial district means any parcel of land which is zoned for industrial use including property used for light and heavy distribution, warehouses, assembly, manufacturing, quarrying, and truck terminals. Such districts include M and M-2 districts.

Industrial, heavy, means the building or premises where the following or similar operations are conducted means processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise, or equipment, including the wholesale or distribution of said goods, merchandise, or equipment when not conducted wholly within a building or other enclosed structure or when such operations generate measurable dust, vibrations, odor, glare or emissions beyond the property on which said building or structure is located.

Industrial, light, means the following or similar operations means processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise, or equipment, other than light malt beverages, including the wholesale or distribution of said goods, merchandise, or equipment, when conducted wholly within a building or other enclosed structure, and when such operations generate no measurable dust, vibrations, odor, glare or emissions beyond the property on which said building or structure is located.

Industrial solid waste means solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste, as defined herein. Such wastes include, but are not limited to, waste resulting from the following manufacturing processes means electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textiles; transportation equipment; and water treatment. The term "industrial solid waste" does not include mining waste or oil and gas waste.

Industrialized building means any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation-site without disassembly, damage to, or destruction thereof.

Infill building means any building built or proposed to be built on an infill lot.

Infill development means a development surrounded by or in close proximity to areas that are substantially or fully developed.

Intermediate care home means a facility which admits residents on medical referral; it maintains the services and facilities for institutional care and has an agreement with a physician or dentist who will provide continuing supervision including emergencies; it complies with rules and regulations of the Georgia Department of Human Resources or state agency as may have jurisdiction. The term "intermediate care" means the provision of food, including special diets when required, shelter, laundry and personal care services, such as help with dressing, getting in and out of bed, bathing, feeding, medications and similar assistance, such services being under appropriate licensed supervision. Intermediate care does not normally include providing care for bed-ridden patients except on an emergency or temporary basis.

Intermodal freight terminal means an industrial establishment in which freight is transferred in containers from truck to railroad cars for transportation.

Interparcel access means a physical way or means to facilitate movement of pedestrians and/or vehicles between adjacent lots (that is, "lot-to-lot access") without generating additional turning movements on a public street.

Jewelry repair shop means Establishment primarily engaged in the provision of jewelry repair services to individuals.

Junk vehicle means any vehicle that is in such a state of disrepair as to be inoperable and does not bear a current license plate.

Junkyard means any lot or lot and buildings in combination which is utilized for the parking, storage or disassembling of junk vehicles; storage, bailing or otherwise dealing in bones, animal hides, scrap iron and other metals, used paper, used cloth, used plumbing fixtures, old refrigerators and other old household appliances, and used brick, wood or other building materials. These uses shall be considered junkyards whether or not all or parts of these operations are conducted inside a building or in conjunction with, in addition to or accessory to other uses of the premises.

Keeping of chickens means the breeding, boarding, and caring of chickens for personal or agriculture use, or raised for sale and profit.

Keeping of livestock means the breeding, boarding and caring of livestock for personal or agricultural use, or raised for sale and profit.

Keeping of pigeons means the breeding, boarding, and caring of pigeons for personal or agriculture use, or raised for sale and profit.

Kennel, breeding, means a kennel where no more than ten dogs, registered with a nationally recognized registration organization, over the age of six months are owned, kept or harbored for the purpose of breeding purebred or pedigreed dogs; provided, however, this definition shall not apply to zoos or to animal hospitals operated by a veterinarian, duly licensed under the law.

Kennel, commercial, means an establishment for the boarding, caring for and keeping of dogs over the age of six months other than a breeding kennel or a noncommercial kennel.

Kennel, noncommercial, means an establishment for the boarding, caring for and keeping of more than three but not more than ten dogs over the age of six months, not for commercial purposes.

Kidney dialysis center means an establishment where a process of dialysis, an artificial process of getting rid of waste and unwanted water from blood, is carried out for the patients whose kidneys have been damaged or lost kidney function.

Kindergarten means an establishment operated by any person wherein compensation is paid for providing for the care, supervision, instruction, and protection of seven or more children who are under the age of seven years for less than 24 hours per day, without transfer of legal custody. For the purpose of this zoning ordinance, a kindergarten school is considered to be a child daycare center or facility.

Kiosk means a freestanding structure upon which temporary information and/or posters, notices, and announcements are posted.

Kitchenette means a small, compact apartment kitchen, often part of another room utilized for different activities.

Kitchen facilities means a room used to prepare food containing, at a minimum, a sink and a stove or oven.

Laboratories (medical/dental) means a facility offering diagnostic or pathological testing and analysis of diagnostic tests related to medical or dental care industry.

Land use means a description of how land is occupied or utilized.

Landfill means an area of land on which or an excavation in which solid waste is placed for permanent disposal and which is not a land application unit, surface impoundment, injection well, or compost pile.

Landscape area means an area set aside from structures and parking which is developed with natural materials (i.e., lawns, trees, shrubs, vines, hedges, bedding plants, rock) and decorative features, including paving materials, walls, fences, and street furniture.

Landscape business means a business whose primary operation is the sale and installation of organic and inorganic material, plants, pine straw and other limited accessory products for the landscape industry and the storage and use of associated landscape vehicles and equipment.

Landscape strip means a strip intended to be planted with trees, shrubs, or other vegetation. Same as landscape zone.

Landscaped space means the areas of a parking lot which are planted with trees, shrubs and ground cover, plazas, fountains and other hardscape elements and similar features which are located within such parking lot and which are generally accessible to patrons or the general public during normal business hours.

Large-scale brewery means a building or group of buildings where beer is brewed, bottled, packaged, and distributed for wholesale and/or retail distribution, and that produces more than 12,000 gallons in a calendar year. [TMOD-21-016]

Large-scale distillery means a building or group of buildings where distilled spirits are manufactured (distilled, rectified or blended), bottled, packaged, and distributed for wholesale and/or retail distribution in large quantity, more than 12,000 gallons per calendar year. [TMOD-21-016]

Large-scale retail means a singular retail or wholesale user who occupies no less than 60,000 square feet of gross floor area.

Late-night establishment means any establishment licensed to dispense alcoholic beverages for consumption on the premises where such establishment is open for use by patrons beyond 12:30 a.m.

Laundry means a facility used or intended to use for washing and drying of clothes and fabrics.

Laundry, coin operated, means a self-service laundry facility where clothes are washed and dried by washing and drying machines that require coins to operate.

Laundry pick-up station means a facility where clothes and linens are dropped off for laundry or dry cleaning and where clothes and linen are picked up once they are cleaned. These facilities do not perform dry cleaning on-site. See *Dry cleaning agency.*

Leachate collection system means a system at a landfill for collection of the leachate which may percolate through the waste and into the soils surrounding the landfill.

Leasing office means a facility where commercial or residential spaces available for renting are exhibited, or where documents related to the lease agreements are prepared. This facility may also be used to collect rent or used by occupants to report needs of services or other support.

Library means a public facility, a room or building, for the exhibition and use, but not sale of literary, scientific, historical, musical, artistic or reference materials.

Light industrial. See *Light manufacturing establishment.*

Light malt beverage manufacturer means a malt beverage manufacturer licensed as a brewpub per O.C.G.A. § 3-5-36 or licensed as a brewery per O.C.G.A. § 3-5-24. All state and federal licensing and regulatory requirements shall be met prior to the approval of a certificate of occupancy for this use. See also *Brewpub.*

Light manufacturing. See *Industrial, light.*

Liner building means a specialized building, parallel to the street, which is designed to conceal areas like a parking lot, parking deck or loading docks.

Liquor store. See *Alcohol outlet.*

Live-work unit means a structure or portion of a structure that combines residential living space with an integrated work space used principally by the occupant of the unit.

Livestock means domestic animals and fowl customarily kept on a farm, including horses, mules, donkeys, cows, cattle, sheep, goats, ducks, geese and turkeys.

Livestock sales pavilion means any place or establishment conducted or operated for compensation or profit consisting of pens, or other enclosures, in which house horses, cattle, mules, burros, swine, sheep, goats and poultry are temporarily received, held, assembled and/or slaughtered for either public or private sale.*Lodge* means a membership organization that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests. There are no sleeping facilities. The term "lodge" shall not include fraternities or sororities. (See also *Fraternal organization.*)

Lodging unit means one or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with sleeping, and bathroom facilities provided within the lodging unit for the exclusive use of a single family maintaining a household.

Lot means a portion or parcel of land intended as a unit for transfer of ownership or for development or both, intended to be devoted to a common use or occupied by a building or group of buildings devoted to a common use, and having principal frontage on a public road or an approved private road or drive.

Lot area means the total area within the lot lines of a lot, excluding any street rights-of-way.

Lot area, net means the total area of a proposed subdivision on an approved subdivision plat dedicated to individual lots, excluding any area dedicated to public or private street rights-of-way or utility easements.

Lot, buildable area of. See *Buildable area.*

Lot, conforming, means a designated parcel, tract, or area of land which meets the lot area, lot width and street frontage requirements of this chapter.

Lot, contiguous, (as used in section 8.1.4) means lots adjoining the rear or either side of the lots.

Lot, corner, means a lot abutting upon two or more streets at their intersection or upon two parts of the same street.

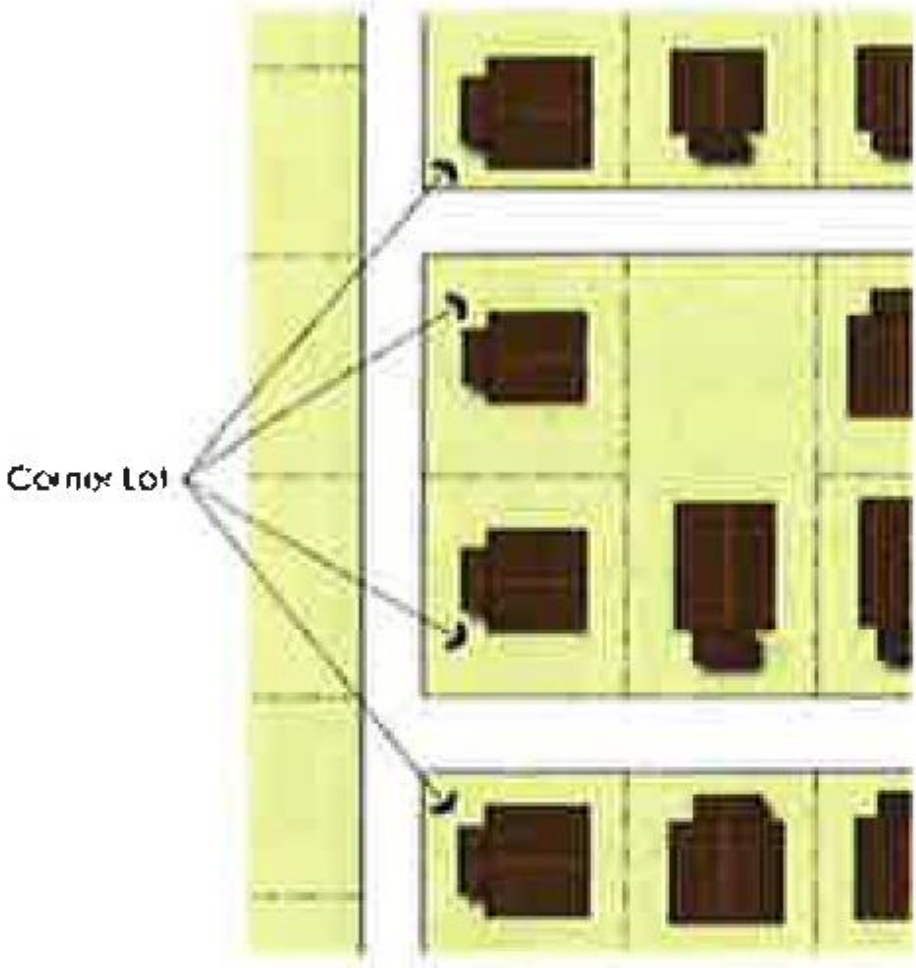

Figure 9.7 Corner Lots

Lot coverage means that portion of a lot that is covered by buildings, structures, driveways or parking areas, and any other impervious surface. For the purposes of calculating lot coverage, wooden decks, stone walkways and patios set without grout, or pervious, permeable, or porous pavements shall be considered pervious.

Lot, double-frontage, means a lot that abuts two parallel streets or that abuts two streets that do not intersect at the boundaries of the lot. A double-frontage lot may also be referred to as a through lot.

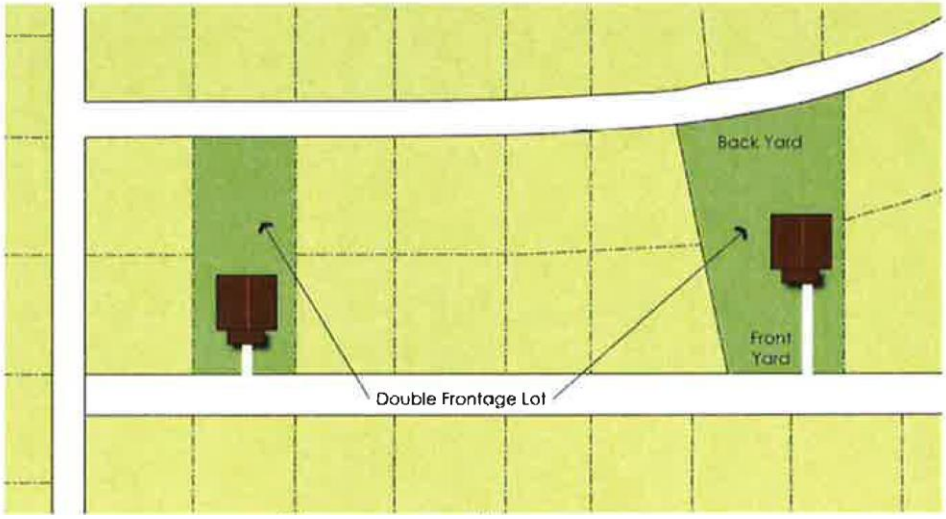

Figure 9.8 Double Frontage Lots

Lot, flag, means a tract or lot of land of uneven dimensions in which the portion fronting on a street is less than the required minimum width required for construction of a building or structure on that lot. A flag lot may also be referred to as a panhandle lot.

Lot, interior, means a lot, other than a corner lot, abutting only one street.

Lot, irregular, means a lot of such a shape or configuration that technically meets the area, frontage, and width to depth requirements of this article but meets these requirements by incorporating unusual elongations, angles, curvilinear lines unrelated to topography or other natural land features.

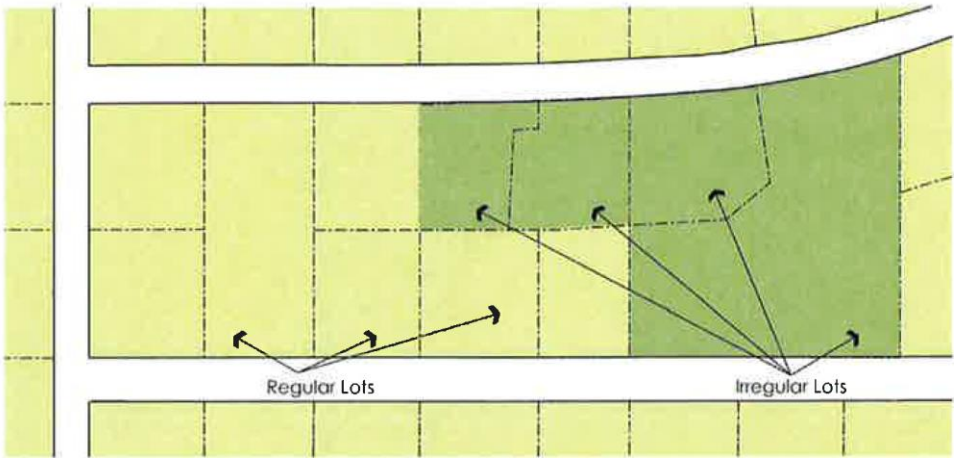

Figure 9.9 Irregular lots

Lot of record means a lot which is part of a subdivision, a plat of which has been recorded in the Office of the Clerk of Superior Court of DeKalb County, Georgia, or a parcel of land described by metes and bounds, the plat or description of which has been recorded in said office.

Lot of record, nonconforming, means a designated parcel, tract, or area of land legally existing at the time of the enactment of this chapter or amendment of this chapter which does not meet the lot area, lot width, or public or private street frontage and access requirements of this chapter.

Lot remnant means any portion or portions of a lot not suitable for building because of its size and remaining after the transfer of other portions of said lot to adjoining lots.

Lot, substandard, means a designated parcel, tract, or area of land created after the time of enactment of this chapter or amendment of this chapter which does not meet the lot area, lot width, or public or private street frontage and access requirements of this chapter. Such a lot is illegal except where created by governmental action in which case such lot shall have the status of a nonconforming lot of record.

Lot width means the horizontal distance measured at the building line between the side lines of a lot, measured at right angles along a straight line parallel to the street, or in case of a curvilinear street, parallel to the chord of the arc.

Low-rise in the I-20 Corridor Overlay District means a building in the I-20 Corridor Overlay district that is one to four stories in height.

Low-rise in the Stonecrest Area Overlay District means a building in the Stonecrest Area Overlay district that is one to three stories in height.

Lumber supply establishment means a facility for manufacturing, processing, and sales uses involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes.

Mail room means a room in an office which mail and package shipments are prepared and deliveries accepted.

Major automobile repair and maintenance shop. See *Automobile repair, major.*

Major intersection means the intersection of a major arterial striate with a major or minor arterial street.

Major modification. See section 4.2.57.B.

Major modification to zoning conditions. See article 7 of this chapter.

Major thoroughfare means a street, road or highway shown as a major thoroughfare in the DeKalb County Transportation and Thoroughfare Plan.

Manufactured home, Class I, means a single-family dwelling unit that is constructed in accordance with the Federal Manufactured Home Construction and Safety Standards and bears an insignia issued by the U.S. Department of Housing and Urban Development, or a single-family dwelling unit that, if constructed prior to applicability of such standards and insignia requirements, was constructed in conformity with the Georgia State Standards in effect on the date of manufacture.

Manufactured home, Class II, means a single-family dwelling unit meeting the requirements of a Manufactured Home Class I and, in addition, bears the insignia of the Southern Standard Building Code Congress International.

Manufacturing, heavy. See *Industrial, heavy.*

Manufacturing, light. See *Industrial, light.*

Massage establishment means any business properly licensed under chapter 15, article VIII that is established for profit and employs one or more massage therapists, operates or maintains for profit one or more massage apparatus, and which, for good or valuable consideration, offers to the public facilities and personnel for the administration of massages, within the meaning of said chapter 15, article VIII. The term "massage establishment" shall not include hospitals or other professional health care establishments separately licensed as such by the State of Georgia.

Materials recovery facility means a handling facility that provides for the extraction of recoverable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

Mausoleum means a building containing aboveground tombs.

Meat processing means a building where live animals are killed and processed; and/or a building where meat, poultry, or eggs are cooked, smoked, or otherwise processed or packed but does not include a butcher shop or rendering plant.

Medical model means a comprehensive program that provides aging adults with the basic social, rehabilitative, health, and personal care services needed to sustain essential activities of daily living and to restore or maintain optimal capacity for self-care. Such program of care shall be based on individual plans of care and shall be provided for less than 24 hours per day.

Medium and high density residential zoning districts. Any of the following zoning districts means r-SM, MR-1, MR-2, HR-1, HR-2, and HR-3.

Microbrewery, see Craft Brewery. [TMOD-21-016]

Mid-rise in the I-20 Corridor Overlay District means a building in the I-20 Corridor Overlay district that is five to eight stories in height.

Mid-rise in the Stonecrest Area Overlay District means a building in the Stonecrest Area Overlay district that is four to ten stories in height.

Mine:

1. A cavity in the earth from which minerals and ores are extracted; and
2. The act of removing minerals and ores from the earth.

Mineral extraction and processing means extraction and processing of metallic and nonmetallic minerals or materials, including rock crushing, screening, and the accessory storage of explosives.

Mini-warehouse means a building or group of buildings in a controlled-access and secured compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the storage of customers' goods or wares, and may include climate control.

Miniature golf course means a novelty version of golf played with a putter and a golf ball on a miniature course, typically with artificial playing surfaces, and including obstacles such as bridges and tunnels.

Mining means extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term "mining" includes quarrying; ground-water diversion; soil removal; milling, such as crushing, screening, washing, and floatation; and other preparation customarily done at the mine site as part of a mining activity.

Minor automobile repair and maintenance shop. See *Automobile repair, minor.*

Minor modification to zoning conditions. See article 7 of this chapter.

Minor thoroughfare means a street, road or highway shown as a minor thoroughfare in the DeKalb County Transportation and Thoroughfare Plan.

Mixed-use building or development means a development which incorporates a variety (two or more) of land uses, buildings or structures, that can include both primary residential uses and primary nonresidential uses which are part of the same development. Such uses may include, but not be limited to, residential, office, commercial, institutional, recreational or public open space, in a compact urban setting that encourages pedestrian oriented development that can result in measurable reductions in traffic impacts. Such a development would have interconnecting pedestrian and vehicular access and circulation.

Mixed-use zoning districts means any of the following zoning districts: MU-1, MU-2, MU-3, MU-4, and MU-5.

Mobile home means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, when erected on-site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; and manufactured prior to June 15, 1976.

Mobile home lot means a parcel of land, approved pursuant to the subdivision requirements of chapter 14 of the Code, in a mobile home park which is intended and used for the placement of a single mobile home and for the exclusive use of its occupants.

Mobile home park means a parcel of land which has been planned and improved pursuant to the requirement of this chapter and chapter 14 of the Code for the placement of mobile homes for non-transient use.

Mobile home sales means Exhibition and sale of mobile homes.

Mobile home stand means that part of a mobile home lot which has been reserved for the placement of a mobile home for non-transient use.

Modular home means a factory-manufactured single-family dwelling which is constructed in one or more sections and complies with the definition of "industrialized building."

Monastery means a building or buildings used as both a place of worship and as a residence, operated as a single housekeeping unit, solely by and for a group of men who have professed vows in a religious order and who live together as a community under the direction of a local supervisor designated by the order.

Monopole. See section 4.2.57.B.

Mortuary means an establishment in which the deceased are prepared for burial or cremation. The facility may include a crematory, a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings or display of funeral equipment.

Mosque. See *Place of worship.*

Motel. See *Hotel.*

Muffler means a sound-dissipative device or system for lessening the sound of the exhaust of an internal combustion machine where such a device is part of the normal configuration of the equipment.

Multifamily dwelling. See *Dwelling unit, multifamily.*

Multifamily dwelling, supportive living, means Four or more dwelling units in a single building or group of buildings which are designed for independent living for persons with disabilities of any kind and in which are provided supportive services to the residents of the complex but which supportive services do not constitute continuous 24-hour watchful oversight, and which does not require licensure as a personal care home by the Office of Regulatory Services of the State of Georgia Department of Human Resources.

Multi-use property means any distinct parcel of land that is being used for more than one land use purpose.

Museum means a building or structure that is primarily used as a repository for a collection of art or natural, scientific, or literary objects, and is intended and designed so that members of the public may view the collection, with or without an admission charge, and which may include as an accessory use the sale of goods to the public or educational activities.

Natural state means that condition that arises from or is found in nature and not modified by human intervention; not to include artificial or manufactured conditions.

Nature preserve means an area or a site with environmental resources intended to be preserved and remain in a predominately natural or undeveloped state to provide resource protection and possible opportunities for passive recreation and environmental education for present and future generations in their natural state.

Neighborhood means an area of the city within which residents share a commonality of interests including distinct physical design and street layout patterns, a shared developmental history, distinct housing types, or boundaries defined by physical barriers such as major roads and railroads or natural features such as creeks or rivers.

Neighborhood residual sound level means that measured value that represents the summation of the sound from all of the discrete sources affecting a given site at a given time, exclusive of extraneous sounds, and those from the source under investigation. The term "neighborhood residual sound level" is synonymous with background sound level. Neighborhood residual sounds are differentiated from extraneous sounds by the fact that the former are not of a relatively short duration, although they are not necessarily continuous.

Net lot area, see Lot area, net.

New construction on an infill lot means the replacement of an existing residential building or structure with a new building, structure or an addition that increases the usable square footage in the building, structure or addition.

News dealer means a person who sells newspapers and magazines as a retailer.

News stand means a temporary structure, manned by a vendor that sells newspapers, magazines, and other periodicals.

Nightclub means a place of entertainment open at night serving food and/or liquor with all booths and tables unobstructed and open to view, dispensing alcoholic beverages and in which music, dancing or entertainment is conducted with or without a floor show. The principal business of a nightclub shall be entertaining, and the serving of alcoholic beverages shall be incidental thereto.

Node means a concentration of population, retail, and employment within a well-defined area that has a diverse mix of land uses and a pedestrian and transit orientation.

Noise control officer means a city employee or agent who has received noise enforcement training and is currently certified in noise enforcement.

Noise sensitive facility means any facility whose operations may be detrimentally impacted by excessive sound levels. Such facilities include, but are not limited to, schools, hospitals, and places of worship.

Nonconforming characteristics of building or structure means a building or structure, legally existing on the effective date of the ordinance from which this chapter is derived, but which fails to comply with one or more of the district or general non-use development regulations adopted under the terms of this chapter which are applicable to said building or structure, including, but not limited to, setbacks, lot frontage, lot area, building height limitations, off-street parking or loading, buffers, landscaping or any other applicable development regulation.

Nonconforming use of land means a use of land, legally existing on the effective date of the ordinance from which this chapter is derived, but which is not an authorized use under the terms of this chapter in the district in which such land is located.

Nonconforming use of land and buildings, or nonconforming use of land and structures means a use of land and buildings or land and structures, in combination, legally existing on the effective date of the ordinance from which this chapter is derived, but which is not an authorized use of land and buildings or land and structures, in combination, under the terms of this chapter in the district in which such use is located.

Nonconforming use requiring special exception or special land use permit means a use of land, or land and buildings or structures in combination, legally existing on the effective date of the ordinance from which this chapter is derived, but which is not an authorized use under the terms of this chapter in the district in which such use is located but is permitted only upon approval of a special exception or special land use permit by the appropriate body.

Nonresidential development means all commercial, office, institutional, industrial and similar lands and uses.

Nonresidential zoning district means any of the following zoning districts means NS, C-1, C-2, O-I-T, O-I, O-D, M and M-2.

Non-transient lodging accommodations means long-term or permanent sleeping accommodations offered to persons as a residence, domicile, or settled place of abode.

Nudity means the showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

Nursery, plant, means an establishment for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed building.

Nursing care facility means an establishment providing inpatient nursing and rehabilitative services to patients who require health care but not hospital services, where such services have been ordered by and under the direction of a physician and the staff includes a licensed nurse on duty continuously with a minimum of one full-time registered nurse on duty during each day shift. Included are establishments certified to deliver skilled nursing care under the Medicare and Medicaid programs. The term "nursing care facility" includes convalescent homes with continuous nursing care, extended care facilities, skilled nursing homes and intermediate care nursing homes.

Nursing home means a facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision; maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has an agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the patients; and complies with rules and regulations of the Georgia Department of Human Resources or state agency with jurisdiction as may be reorganized.

Office, building or construction means a temporary structure used as an office or storage for construction operations and is located at the construction site.

Office, dental, means a building used exclusively by dentists and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.

Office, medical, means a building or floor used exclusively by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.

Office, professional, means an office for the use of a person or persons generally classified as professionals, such as architects, engineers, attorneys, accountants, doctors, dentists, chiropractors, psychiatrists, psychologists, and the like.

Office park means a large tract of land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

Office supply store means a facility established where office supplies, furniture and technology regularly used in offices are exhibited and sold.

Official zoning map or maps means the zoning maps of the City of Stonecrest which are adopted with and incorporated by reference as a part of this chapter and amendments to the official zoning map are synonymous with and commonly referred to as rezonings.

One-part commercial block style means a single-story building that has a flat roof, a facade that is rectangular in shape, and in which the fenestration in the facade is equal to 75 percent of the width of the front facade of the building.

Open space means a portion of a development project or lot that is intended to be free of buildings or parking lots. Open space may be in its natural state or improved with recreation amenities.

Open space, clubhouse or pool amenity area, means an open space that can be found in a neighborhood park, mini-park or alone as an amenity area for the residents of a developed community. Clubhouse/pool areas can include swimming pools, group activity rooms, outdoor eating areas, and/or exercise stations, and must meet all applicable building and health codes.

Open space, enhanced, means a planned open area suitable for relaxation, recreation or landscaping which may be held in common or private ownership, provided that all residents of the development in which the open space is located shall have a right to enter and use the open space. Such enhanced open spaces may include walkways, patios, recreational amenities, picnic pavilions, gazebos and water features. See article 5 of this chapter for types of open space functions considered enhanced.

Open space, green, means an informal area for passive use bound by streets or front facing lots, typically between 500 square feet and one acre, which is small, civic, surrounded by buildings, natural in its details, and may be used to protect specimen trees and provide for conservation functions.

Open space, greenway, means an open space that typically follows natural or constructed features such as streams or roads and is designed to incorporate natural settings such as creeks and significant stands of trees, and is used for transportation, recreation, and environmental protection. Greenways are natural (i.e., informally planted) in their details except along rights-of-way, and may contain irregular topography.

Open space, neighborhood park, means an open space designed for active or passive recreation use.

Open space, playground or tot lot, means an open space that provides play areas for toddlers and children as well as open shelter and benches, which is located in a neighborhood, or as part of a larger neighborhood or community park and urban center, including retail shopping areas.

Open space, plaza, means an open space paved in brick or another type of impervious surface that provides passive recreation use adjacent to a civic or commercial building.

Open space, pocket park, means an open space that provides active recreational facilities, most often in an urban area that is surrounded by commercial buildings or houses on small lots, and is typically less than one-quarter of an acre.

Open space, square, means an open space used to emphasize important places, intersections, or centers, bounded by streets or front-facing lots, typically between 500 square feet and one acre.

Operator means a person who conducts a home occupation, has majority ownership interest in the home occupation, lives full-time in the dwelling on the subject property, and is responsible for strategic decision and day to day operation of the home occupation.

Ordinary maintenance. See section 4.2.57.B.

Ornamental metal means any metalwork that serves as adornment and/or non-structural purposes during construction of a building.

Outdoor advertising service means a service to provide advertisements visible in the outdoors such as billboards.

Outdoor amusement enterprise means any outdoor place that is maintained or operated for provision of entertainment or games of skill to the general public for a fee where any portion of the activity takes place outside of a building, including, but not limited to, a golf driving range, archery range, or miniature golf course. This use does not include a stadium or coliseum.

Outdoor amusement service facility, in the Stonecrest Area Overlay District, means any outdoor place that is maintained or operated for a fee to the general public where one or more of the following activities take place means miniature golf, paint ball, vehicle racing, vehicle performances, skeet range, shooting range, rides, carnival, water park, circus, rodeo, bull riding, go-carts, or zoo.

Outdoor display means an outdoor arrangement of items or products for sale, typically not in a fixed location capable of rearrangement, designed for advertising or identifying a business, product or service.

Outdoor manufacturing means a facility established for manufacturing activities that takes place outside an enclosed building.

Outdoor storage means the keeping, in an unenclosed area, of any goods, material, or merchandise associated with a land use. Storage does not include the parking of any vehicles or outdoor display of merchandise. The term "outdoor storage" includes outdoor work areas. See *Vehicle storage yard.*

Outdoor storage, commercial means the keeping, in an unenclosed area, of any goods, materials, or merchandise associated for a daily, monthly or annual fee. This term does not include the parking of any vehicles or outdoor display of merchandise.

Outdoor theater means an outdoor open space where dramatic, operatic, motion picture, or other performance, for admission to which entrance money is required takes place.

Overstory tree means any self-supporting woody plant of a species that normally achieves an overall height at maturity of 30 feet or more.

Package store means a retail establishment that sells distilled spirits for off-site consumption.

Parapet means that portion of a wall that extends above the roof line.

Parcel. See *Lot.*

Parking or *park* means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading of property or passengers.

Parking, valet, means Parking of vehicles by an attendant provided by the establishment for which the parking is provided.

Parking aisle means an area within a parking facility intended to provide ingress and egress to parking spaces.

Parking bay means the clear space containing one or two rows of parking stalls and a parking aisle.

Parking garage means a covered or sheltered structure designed, constructed and used for the parking of motor vehicles.

Parking garage/structure, commercial means a covered or sheltered structure of one or more stories designed, constructed and used for the parking of motor vehicles for profit.

Parking lot, commercial means any area designed for temporary storage of motor vehicles by the motoring public in normal operating condition, for profit.

Parking lot means any area designed for temporary storage of motor vehicles by the motoring public in normal operating condition.

Parking space means a paved area of not less than 120 square feet (small car space) or not less than 153 square feet (large car space) space with dimensions of not less than eight feet wide by 15 feet deep (small cars) or eight feet six inches wide by 18 feet deep (large cars), the exclusive purpose of which is for the parking of a vehicle.

Parking structure means a structure or portion thereof composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an

underground parking garage) or either partially or totally above grade with those levels being either open or enclosed.

Party House: A single-family detached dwelling unit, including all accessory structures, which is used for the purpose of hosting a commercial event. For this definition, commercial event includes parties, ceremonies, receptions or similar-scale gatherings where the attendees are charged entry to the event, either in cash money or other remuneration, or the structure and its curtilage otherwise functions as a commercial recreation facility. An event produced by an owner-occupier of the property, or a long-term lessee residing on the property for a period not less than one year, where no remuneration is charged to guests shall not qualify under this definition.

[TMOD-19-005]

Pasture land. See *Grazing land.*

Path means a paved or structurally improved walkway that provides access to areas within a development.

Paved means a structurally improved surface supporting the intended or allowed uses of traffic. An area may be covered by asphalt, concrete, permeable pavement or permeable pavement system that is acceptable to the director of planning. For the purposes of a driveway for the parking of automobiles, two paved tire tracks with an unpaved area between them shall be considered paved.

Pavement, permeable, means pavement materials including pervious asphalt and concrete, interlocking pavers, modular pavers, and open-celled paving or similar materials that allow the infiltration of water below the pavement surface. Pavement must support the expected loading and traffic.

Pawn shop means any entity engaged in whole or in part in the business of lending money on the security of pledged goods (as that term is defined in O.C.G.A. § 44-12-130(5)), or in the business of purchasing tangible personal property on a condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from persons or sources other than manufacturers or licensed dealers as part of or in conjunction with the business activities described in this section. The term "pawn shop" includes title pawn.

Pedestrian oriented means a density, layout and infrastructure that encourages walking and biking within a subdivision or development, including short setbacks, front porches, sidewalks, and bike paths.

Permitted use means any use which can be undertaken without approval by the designated authority of a special land use permit, special exception, or special administrative permit which is required by the terms of this chapter.

Personal assistance services means assistance to an individual with, or supervision of self-administration of, medication, ambulation, and transfer from location to location, and/or essential activities of daily living, such as eating, bathing, grooming, dressing, and toileting.

Personal care home means a building(s) in which housing, meals, personal assistance services, and twenty-four-hour continuous watchful oversight to seven (7) or more persons are provided and which facility is licensed or permitted as a personal care home by the State of Georgia. The term "personal care home" shall not include a "transitional housing," a "rehabilitation housing facility," a "rooming house," or a "boarding house." "Personal care home" includes a "community living arrangement," which is an establishment licensed by the State of Georgia and providing a residence for adults receiving care for mental health, development disabilities, and/or addictive diseases.

Personal care home, group, means a personal care home that offers care to up to six (6) persons.

Personal services establishment means an establishment primarily engaged in providing services involving the care of a person or providing personal goods where the sale at retail of such goods, merchandise, or articles is only accessory to the provision of such services, including barber shops, beauty shops, tailor shops, laundry shops, dry cleaning shops, shoe repair shops, and similar uses, but specifically excluding sexually oriented businesses.

Pervious area means an area maintained in its natural condition, or covered by a material that permits infiltration or percolation of water into the ground.

Pervious pavers means a range of sustainable materials and techniques for permeable pavements with a base and sub-base that allow the movement of stormwater through the surface.

Pet. See *Household pet.*

Pet cemetery means property used for the interring of dead domestic animals.

Pet shop means a retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and livestock.

Pharmacy (retail) means a place where drugs and medicines are legally prepared and dispensed and which is licensed by the state.

Phased development means a development project that is constructed in increments, each stage being capable of meeting the regulations of this chapter independently of the other stages.

Physical therapy facility means a facility where service of developing, maintaining, and restoring maximum movement and functional ability is provided to individuals.

Pitch of roof lines means the ratio of the rise to the run of a roof.

Place of worship means a lot or building wherein persons assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship. The term "place of worship" shall also include any of the following accessory uses and buildings means schools, religious education, social gathering rooms, food service facilities, indoor and outdoor recreation facilities, child daycare center, kindergarten, parsonage, rectory or convent and columbarium.

Plainly audible means any sound that can be detected by a person using his unaided hearing faculties.

Planned industrial center means an industrial development planned with multiple buildings for industrial users.

Planning director. See *Director of planning.*

Plant material means material derived from plants.

Planting strip means a strip of land intended to contain plant materials for the purpose of creating visual and physical separation between uses or activities.

Plat:

1. A map representing a tract of land, showing the boundaries and location of individual properties and streets;
2. A map of a subdivision or a site plan.

Pervious surface means an area that allows water to enter the soil mantle at a natural rate of flow. Compare with *Impervious surface.*

Porch, enclosed, means a porch attached to the main building, which is covered by a roof.

Porch, open, means a porch that is not covered by a roof.

Portable storage container means any non-motorized vehicle, trailer or fully enclosed container intended for the temporary storage of items until relocated to another location or a long-term storage facility. Storage containers include, but are not limited to, PODS, Pack-Rats and similar containers.

Porte-cochere means a porch or a structure attached to a residence and erected over a driveway, not exceeding one story in height and open on two or more sides.

Post office means a public facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

Poultry means domestic fowl including chickens, duck, turkeys and geese raised for food (either meat or eggs) or profit.

Premises means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a sexually oriented business license.

Primary building. See *Building, primary or principal.* Compare with *Accessory structure.*

Primary conservation area means that portion of a site in the R-NC (Neighborhood Conservation) District for which application is made for cluster housing development which consists of areas that are unbuildable due to the presence of wetlands, floodplains, steep slopes, or other similar environmental conditions.

Primary material means the building material comprising the acceptable, dominant portion of a building exterior facade, as defined by standards within this article. Compare with *Secondary material.*

Primary street means a street with access control, channelized intersections, and restricted parking that collects and distributes traffic to and from minor arterials.

Principal structure means the building in which the principal use of the lot is located.

Principal use means the primary or predominant use of any lot.

Printing and publishing establishment means an establishment providing printing, blueprinting, photocopying, engraving, binding, or related services.

Printing and publishing establishment (limited) means a printing establishment providing convenience mailing, photocopying and accessory retail-oriented services, not exceeding 5,000 square feet of floor area.

Private ambulance service means a privately-owned facility for the dispatch, storage and maintenance of emergency medical care vehicles; transportation via ambulance; the provision of out-of-hospital emergency medical care to a patient from or in an ambulance; the trip to the site of a patient for the purpose of providing transport or out-of-hospital emergency medical care; the trip to or from any point in response to a medical emergency dispatch from the 9-1-1 Center.

Private club. See *Club, private.*

Private drive means a drive or road on privately-owned property, by an individual or a group of owners who share the use and maintain the road without assistance from a government agency. A private drive has not been transferred to a governing entity. An easement of use on the private drive or road shall permit use by the public. A private drive is allowed to be exempt from the public street regulations of chapter 14 of the Code, but shall meet dimensional requirements established in article 5 of this chapter.

Private educational use means the instruction, teaching or tutoring of students by an occupant of a residential dwelling as a secondary use of the dwelling that is incidental to the primary use of the dwelling unit for residential purposes. No articles or products shall be sold on the premises other than by telephone. Such instruction, teaching or tutoring shall be limited to a maximum of three students at a time, excluding children residing in the dwelling, and shall be limited to the hours of 9:00 a.m. to 9:00 p.m. Such private educational use shall be allowed as a permitted use in all districts where home occupations are allowed but private educational uses shall be subject to the supplemental regulations in article 4 of this chapter.

Private industry solid waste disposal facility means a disposal facility which is operated exclusively by and for a private solid waste generator for the purpose of accepting solid waste generated exclusively by said private solid waste generator.

Private restrictive covenants means private restrictions on the use of land or structures imposed by private contract, such as subdivision covenants.

Private right-of-way means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is not owned, leased, or controlled by a governmental entity.

Private road. See *Private drive.*

Private street means an access way similar to and having the same function as a public street, providing access to more than one property but held in private ownership. Private streets, when authorized, shall be developed in accordance with the specifications for public streets established in the Code.

Produce means products from farms and gardens such as fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.

Production, field crops, means establishment for commercial agricultural field and orchard uses including production of field crops; may also include associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, crop processing, and sales in the field not involving a permanent structure.

Production, fruits, tree nuts, and vegetables, means establishment for commercial agricultural field and orchard uses including production of fruits, tree nuts and vegetables.

Prohibited uses means anything not expressly permitted within this zoning ordinance or by resolution. Examples may include structures, land uses, materials, or development control parameters.

Public art. See *Art, public.*

Public right-of-way means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

Public space in the I-20 Corridor Overlay District means space located on the exterior of buildings in the I-20 Corridor Overlay District that is available and accessible to the general public. Public space may include, but is not limited to, natural areas, green space, open space, riparian zones, lakes and pools, paths, multipurpose trails, outdoor recreation areas, lawns, landscape strips and other improved landscaped areas, common areas, plazas, terraces, patios, observation decks, fountains, sidewalks, transitional buffer zones and other outdoor public amenities. Space provided as result of the pedestrian circulation requirement shall be credited to the requirement for public space. Such public space is required at ground level, and buildings may not occupy such public space above a height of one story. Exterior public spaces shall not include areas used for vehicles, except for incidental service, maintenance or appropriate emergency access only.

Public space in the Stonecrest Area Overlay District means space located on the exterior of buildings in the Stonecrest Area Overlay District that is available and accessible to the general public. Public space may include, but is not limited to, natural areas, greenspace, open space, riparian zones, lakes and ponds, paths, multipurpose trails, outdoor recreation areas, lawns, landscape strips and other improved landscaped areas, common areas, plazas, terraces, patios, observation decks, fountains, sidewalks, transitional buffer zones and other outdoor public amenities. Space provided as a result of the pedestrian circulation requirement shall be credited to the requirement for public space. Such public space is required at ground level, and buildings may occupy such space above a height of one story. Exterior spaces shall not include areas used for vehicles, except for incidental service, maintenance or appropriate emergency access only.

Public uses means land or structures owned by a federal, state or local government, including, but not limited to, a board of education, and used by said government for a necessary governmental function.

Quarry means a mine where rock, ore, stone, or similar materials are excavated for sale or for off-site use. Quarry includes rock crushing, asphalt plants, the production of dimension stone, and similar activities.

Quick copy and printing store means a facility established for the reproduction and printing of written or graphic materials on a custom order basis for individuals or businesses.

Radio or television broadcasting studio means an establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic, fiber optic, satellite, and telephonic mechanisms, including film and sound recording, a radio station, television studio or a telegraphic service office.

Radio or television broadcasting transmission facility means an installation or facility used for transmitting terrestrial radio frequency and video signals for radio, television, wireless communication, broadcasting, microwave link, mobile telephone or other similar purposes.

Railroad car classification yard or team truck yard means an area used to separate rail cars onto one of several tracks or reconfigure team trucks into different configurations.

Rainwater harvesting means gathering, or accumulating and storing, of rainwater from roof, ground or other catchments in order to reduce or avoid use of water from mains or from water sources like lakes and rivers.

Recovered materials means those materials which have a known use, reuse, or recycling potential; can be feasibly used, reused, or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

Recovered materials center means a facility in which materials that would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

Recovered materials processing means activity of preparing source-separated recoverable materials, such as newspapers, glassware, and metal cans, including collecting, storing, flattening, crushing, or bundling prior to shipment to others who will use those materials to manufacture new products. The materials are stored on-site in bins or trailers for shipment to market. The term "processing" shall mean the preparation of material for efficient shipment by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting, or cleaning.

Recreation means the refreshment of body and mind through forms of play, amusement, or relaxation. The recreational experience may be active, such as boating, fishing, and swimming, or may be passive, such as enjoying the natural beauty of the shoreline or its wildlife.

Recreation, active. See *Active recreation.*

Recreation, indoor, means a commercial recreational land use conducted entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletic and health clubs, auditorium, bowling alley, club or lounge, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, pool or billiard hall, skating rink, swimming pool, tennis court.

Recreation, outdoor, means a recreational land use conducted outside of a building, including athletic fields; miniature golf, skateboard park; swimming, bathing, wading and other therapeutic facilities; tennis, handball, basketball courts, batting cages, trampoline facilities.

Recreation, passive, means recreation that involves existing natural resources and has a minimal impact on the existing condition of the resources.

Recreation club means a not-for-profit association of people organized for the purpose of providing recreation facilities and programs and characterized by certain membership qualifications, payment of fees and dues, and a charter or bylaws. Recreation club shall also mean, where the context requires, the premises and structures owned or occupied by members of such association within which the activities of the recreation club are conducted.

Recreational vehicle means any vehicle, whether or not motorized, that is intended for personal recreational use and not intended for daily transportation. Such vehicles may include, but are not limited to, Class A and C motor homes, campervans, bus conversions, boats, military surplus vehicle, all-terrain vehicles (ATVs), and similar

vehicles intended for recreational purposes. Pick-up trucks with a fully enclosed bed that are used for daily transportation do not qualify as recreational vehicles.

Recreational vehicle park means a commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included.

Recreational vehicle/boat and trailer sales and service means a facility established for the exhibition, sale, and repair of recreational vehicles/boats and personal use trailers.

Recycling collection point means a neighborhood drop-off point for the temporary storage of recyclables.

Recycling plant. See *Recovered materials center* or *Recovered materials processing.*

Regularly means the consistent and repeated doing of an act on an ongoing basis.

Rehabilitation housing facility means an establishment primarily engaged in inpatient care of a specialized nature with staff to provide diagnosis and/or treatment.

Repair, small household appliance, means a business established to provide a service of repairing small household appliances like microwaves, etc.

Replacement. See section 4.2.57.B.

Research and training facility means any facility owned by a private party, institution or government where research and training activities related to various fields like science, arts, etc. are conducted.

Residence hall. See *Dormitory.*

Residential component means the primarily residential portion of a development that may contain a mix of single-family detached, single-family attached and multifamily dwelling units and may include small scale, nonresidential uses.

Residential zoning district means any of the following zoning districts: RE, R-LG, R-100, R-85, R-75, R-60, MHP, R-NC, R-SM, MR-1, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4, and MU-5.

Residential use means the occupation of a building and land for human habitation.

Restaurant means an eating and drinking establishment where food and drink are prepared, served, and consumed primarily within the principal building.

Restaurant, drive-through, means an establishment where food and drink are prepared which may be consumed within the principal building or which may be ordered and picked up from a service window for off-site consumption.

Retail means the sale of goods, wares or merchandises directly to the end-consumer.

Retail warehouse/wholesale means an establishment exceeding 70,000 square feet of gross floor area and offering a full range of general merchandise to the public, and may include gasoline.

Retaining wall means a structure constructed and erected between lands of different elevations to protect structures and/or to prevent erosion.

Riding academies or stable means a building where horses and ponies are sheltered, fed, or kept and where riding lessons may be provided.

Right-of-way line means the limit of publicly-owned land or easement encompassing a street or alley.

Rooming house. See *Boarding house.*

Salvage yard means land and/or buildings used for the dismantling, cutting up, compressing or other processing of waste items or materials, such as scrap, paper, metal, tires, large household appliances, such as

washing machines or refrigerators, automobiles or other vehicles, or inoperable machinery. Salvaged materials may be stored outdoors or in a building and may be sold wholesale or retail. Typical uses include paper and metal salvage yards, used tire storage yards, or retail and/or wholesale sales of used automobile parts and supplies. This term includes junkyards.

Sand pit means a surface mine or excavation used for the removal of sand, gravel, or fill dirt for sale or for use off-site.

Satellite television antenna means an apparatus capable of receiving but not transmitting television, radio, or cable communications from a central device transmitting said communications.

Sawmill means a facility where logs or cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

Sawmill, temporary or portable, means a facility where sawing related machines are installed on the site temporarily to run as sawmill, but which can be moved by removing and reinstalling the machines to some other site.

School, elementary, means public, private or parochial school offering education for first through fifth grade.

School, high, means public, private or parochial school for the ninth through 12th grades.

School, middle, means public, private or parochial school offering education for sixth through eighth grade.

School, parochial, means school run by a church or parish and engages in religious education in addition to the conventional education.

School, private, means any building or group of buildings, the use of which meets state requirements for elementary, middle, or high school education and which use does not secure the major part of its funding from any governmental agency.

School, public, means a building or group of buildings used for educational purposes, which meets state requirements for elementary, middle, or high school education, and that is funded by a government agency.

School, specialty, means a school specializing in teaching martial arts, dance, music, visual arts and similar fields.

School, vocational, means a specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills or specialized curriculum for special needs individuals or the arts. This classification excludes establishments providing training in an activity that is not otherwise permitted in the zone.

Screening fence means an opaque structure designed to provide a visual barrier constructed of materials, including wood, chain link with wood or plastic inserts, metal, vinyl, plastic and other such materials as may be approved by the director of planning.

Secondary conservation area means that portion of a site for which application is made for cluster housing development which consists of those areas of land which are outside the primary conservation area but which are environmentally sensitive, historically or culturally significant, scenic, or which possess other unusual attributes that merit conservation.

Secondary material means complimentary building material allowed by zoning standards. Compare with *Primary material.*

Secondhand store means a facility for retail or consignment sales of previously used merchandise, such as clothing, household furnishings or appliances, sports/recreational equipment. This classification does not include secondhand motor vehicles, parts, or accessories.

Self-service car wash. See *Car wash, self-service.*

Semi-nude or *semi-nudity* means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. The term "semi-nude" or "semi-nudity" shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

Semi-nude model studio means a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. The term "semi-nude model studio" does not apply to any place where persons appearing in a state of semi-nudity did so in a class operated:

1. By a college, junior college, or university supported entirely or partly by taxation;
2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
3. In a structure:
    a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and
    b. Where, in order to participate in a class a student must enroll at least three days in advance of the class.

Senior housing means a multiple-family building or detached dwelling unit, or a combination of both housing types, which is occupied by at least one person who is 55 years of age or older per dwelling unit. Also called *Senior Living.*

Senior living. See *Senior housing.*

Service area means an outdoor work area associated with a commercial use, including work areas where goods and products are assembled, constructed, or repaired but not permanently stored.

Service organization means a voluntary non-profit service club or organization where members meet regularly to perform charitable works or raise money for charitable works.

Setback means the minimum horizontal distance required between the property line and the principal building or structure on a lot or any projection thereof except the projections allowed pursuant to article 5 of this chapter.

Sexual device means any three dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

Sexual device shop means a commercial establishment that regularly features sexual devices. The term "sexual device shop" shall not be construed to include any pharmacy, drug store, medical clinic, or any establishment primarily dedicated to providing medical or healthcare products or services,

Sexually oriented business means an adult bookstore or adult video store, an adult cabaret, an adult motion picture theater, a semi-nude model studio, or a sexual device shop.

Sexually oriented business employee means only such employees, agents, independent contractors, or other persons, whatever the employment relationship to the business, whose job function includes posing in a state of nudity, or semi-nudity, or exposing to view within the business the specified anatomical areas, as defined by this section.

Shared parking means parking shared by two or more lots or uses for which the peak parking demands are not at the same time, and parking that can reasonably be shared by such lots or uses. The number of parking spaces in a shared parking facility is less than the combined total of the required minimum number of spaces for each individual use.

Shelter for homeless persons means a building or buildings in which is provided overnight housing and sleeping accommodations for one or more persons who have no permanent residence and are in need of temporary, short-term housing assistance, and in which may also be provided meals and social services including counseling services. Compare with *Transitional housing facility.*

Shoe repair means an establishment where shoes and boots are repaired remodeled or rebuilt by skilled shoe repairers. The establishment may also mend items like handbags and luggage.

Shopping center means a group of at least two commercial establishments typically planned, constructed, and managed as a single entity, with on-site parking for customers and employees, and with delivery of goods separate from customer access.

Short-term vacation rental means any dwelling unit, single-family dwelling, multifamily dwelling unit, two-family dwelling, three-family dwelling, duplex, triplex, urban single-family dwelling, condominium, townhouse, cottage development, dwelling unit, and structure used for residential dwelling that permits any portion of the premises or dwelling unit to be used for the accommodation of transient guests, for a fee, for less than 30 consecutive days. This is also identified as "STVR."

Shrub means a woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground. It may be deciduous or evergreen.

Sidewalk means a hard surface, ADA compliant, clear pathway that does not include any street furniture.

Sight triangle means a triangular area of visibility required on a corner of a roadway intersection to allow for the safe operation of vehicles, trains, pedestrians, and cyclists in the proximity of intersecting streets, rail lines, sidewalks, and bicycle paths.

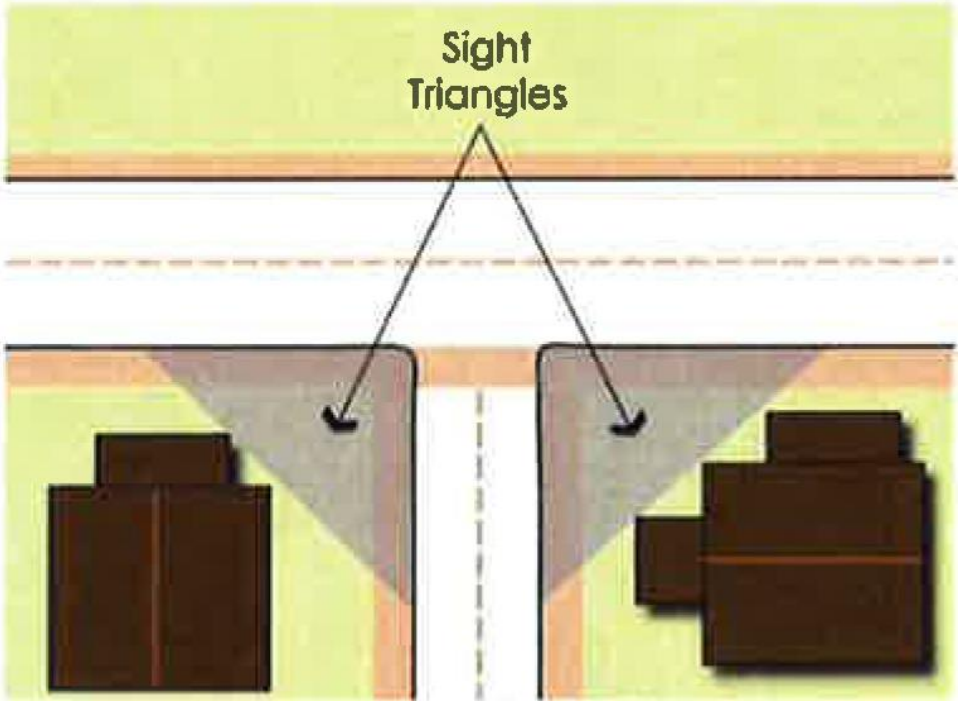

Figure 9.10 Sight Triangles

Single-family attached. See *Dwelling unit, single-family attached.*

Single-family zoning district means any of the following zoning districts means RE, R-LG, R-100, R-85, R-75, R-60, MHP, and R-N(c).

Site means the lot, area of a lot, or assemblage of lots subject to development.

Site plan means that plan required to acquire a development, construction or building permit which shows the means by which the developer will conform to applicable provisions of this chapter and other applicable ordinances.

Small Box Discount Store: A retail establishment with a floor area less than 12,000 square feet that offers for sale a combination and variety of convenience shopping goods and consumer shopping goods, and continuously offers a majority *of the items in their inventory for sale at a price per item of $5.00 or less. This definition shall control any use that fits into same despite otherwise being termed "Grocery Store," "Retail, 5000 sf or less," "Retail, over 5000 sf," or "Variety Store" under the provisions of the City of Stonecrest Zoning Ordinance and Use Table. Small Box Discount Stores shall be a prohibited use in every zoning district of the City of Stonecrest. [TMOD-19-006]*

Smoking Lounge means an establishment which sells tobacco and/or promotes the smoking of tobacco products or any other substance on its premises. The term “smoking lounge” includes but, is not limited to cigar lounges, hookah cafes, tobacco lounges, tobacco clubs, or tobacco bars.

Social model means a program that addresses primarily the basic social and recreational activities needed to be provided to aging adults, but also provides, as required, limited personal care assistance, supervision, or assistance essential for sustaining the activities of daily living. Such programs of care shall be based on individual plans of care and shall be provided for less than 24 hours per day.

Soldier course means a course of upright bricks with their narrow faces showing on the wall surface.

Solid waste means any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material, including solid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 USC 1342; or source, special nuclear, or byproduct material, as defined by the Federal Atomic Energy Act of 1954, as amended (68 State 923).

Solid waste handling means the storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste or any combination of such activities.

Solid waste handling facility means a facility primarily used for the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste.

Solid waste thermal treatment technology facility means any solid waste handling facility, the purpose of which is to reduce the amount of solid waste to be disposed of through a process of combustion, with or without the process of waste to energy.

Solid waste transfer facility means a facility or site at which temporary storage and transfer of solid waste from one vehicle or container to another, generally of larger capacity, occurs prior to transportation to a point of processing or disposal. A solid waste transfer facility is an intermediary point between the locations of waste generation (e.g., households, businesses, industries) and the sites of ultimate processing or disposal.

Sorority house means a building containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for sorority members and their guests or visitors and affiliated with an institution of higher learning.

Sound level meter means an instrument that conforms to ANSI S1.4-1983 or its successors.

Special administrative permit means a written authorization granted by the director of planning for a use of land pursuant to an application which that official is authorized to decide, in cases where a permit is required, pursuant to the procedures and criteria contained in article 7 of this chapter.

Special events facility means a building and/or premises used as a customary meeting or gathering place for personal social engagements or activities, where people assemble for parties, weddings, wedding receptions, reunions, birthday celebrations, other business purposes, or similar such uses for profit, in which food and beverages may be served to guests.

1. The term "special events facility" shall not include places of worship.
2. Small Special Event Facility shall mean assembly and entertainment uses with a seating or occupant capacity of no more than 100 persons.
3. Large Special Event Facility shall mean assembly and entertainment uses with a seating or occupant capacity of more than 100 persons

Special exception means the approval by the zoning board of appeals of an application which that board is authorized to decide as specified within a zoning district pursuant to the procedures and criteria contained in article 7 of this chapter.

Special land use permit means the approval of a use of land that the city council is authorized to decide as specified within a zoning district pursuant to the procedures and criteria contained in article 7 of this chapter.

Special permit means a special administrative permit, special exception, or special land use permit.

Specialty store means a store, usually retail, that exhibits and sells specific or specialized types of items or brand. For example, a specialty store may sell cellular phones or organic food, or video games exclusively.

Specified anatomical areas means and includes:

1. Less than completely and opaquely covered means human genitals, pubic region; buttock; and female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Sporting goods store means a store that exclusively exhibits and sells items related to sports, including, but not limited to, instruments, gears, shoes, and clothes.

Stadium means a structure with tiers of seats rising around a field or court, intended to be used primarily for the viewing of athletic events. The structure may also be used for entertainment and other public gathering purposes, such as conventions, circuses, or concerts.

State means the State of Georgia.

Steady tonal quality means sound emissions comprised of a single frequency or a narrow cluster of frequencies, which may be referred to as a whine, hum or buzz, with measured sound levels not fluctuating by more than plus or minus three dBA.

Stealth telecommunications facility. See section 4.2.57.B.

Stepback means a step-like recession in the profile of a building, whereby the exterior wall surface of each successive story is located farther towards the interior of the building than the exterior wall of the story below it. Stepbacks may result from the transitional height plane requirement. See *Transitional height plane.*

Stoop means a small porch, platform, or staircase leading to the entrance of a house or building.

Storage building means any structure that is used for storage and does not have a door or other entranceway into a dwelling unit and that does not have water fixtures within its confines, the use of which is limited solely to storage of inanimate objects.

Stormwater management facility means those structures and facilities that are designed for the collection, conveyance, storage, treatment and disposal of stormwater runoff into and through the drainage system.

Story means that portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above or, if there is no floor above, the space between the floor and the ceiling next above. Each floor or level in a multistory building used for parking, excluding a basement, shall be classified as a story.

Street, public, means any right-of-way set aside for public travel deeded to the county or city and any right-of-way which has been accepted for maintenance as a street by the county or city.

Street right-of-way line means the dividing line between a lot, tract or parcel of land and a street right-of-way.

Structure means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on or in the ground. This does not include telephone poles and utility boxes.

Structure, accessory. See *Accessory structure.*

Subdivision means as defined in chapter 14 of the Code.

Subdivision, major, means all subdivisions not classified as minor subdivisions, including, but not limited to, subdivisions of five or more lots, or any size subdivision requiring any new street, public or private.

Subdivision, minor, means a division of land into not more than four lots, provided:

1. A minor subdivision does not require the construction of any public improvements including street, sidewalks, sewer or water lines and street trees.
2. All lots and any remaining tract shall be consistent with all applicable requirements of this zoning ordinance, including lot size, setbacks, frontage on a public road, width to depth ratio, and lot width.
3. At the time of filing of a subdivision plat, the property owner shall be required to show all possible lots which are permitted to be created through minor subdivision provisions of this zoning ordinance.

Supplemental zone means the additional sidewalk area other than the required sidewalk used to support outdoor dining or other amenities.

Support structures. See section 4.2.57.B.

Supportive living means a non-institutional, independent group living environment that integrates shelter and service needs of functionally impaired and/or socially isolated elders who do not need institutional supervision and/or intensive health care.

Sustainable development means a development that maintains or enhances economic opportunity and community well-being while protecting and restoring the natural environment upon which people and economies depend. Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs.

Swimming pools, commercial means any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing that is intended to be used for such purposes and is operated for profit through a membership or daily fee.

Synagogue. See *Place of worship.*

Tandem parking means a parking space within a group of two or more parking spaces arranged one behind the other such that the space nearest the street serves as the only means of access to the other spaces.

Taproom means an establishment operated by a brewpub or microbrewery for the promotion of a brewpub or microbrewery's malt beverages by providing complimentary samples of malt beverages to the public and for the sale of such malt beverages. Samples of malt beverages can be given free of charge or for a fee.

Tasting room means an outlet operated by a farm winery or microdistillery for the promotion of wine or distilled spirits by providing complimentary samples of wine or distilled spirits to the public and for the sale of such wine or distilled spirits. Samples of wine or distilled spirits can be given free of charge or for a fee.

Tattoo parlors and piercing studios means an establishment whose principal business activity, is the practice of one or more of the following:

(1) Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin;

(2) Creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Taxi stand means a reserved area where taxis or cabs are parked.

Telecommunications antenna. See section 4.2.57.B.

Telecommunications facility/tower. See section 4.2.57.B.

Telecommunications tower. See section 4.2.57.B.

Telecommunications tower or antenna height. See section 4.2.57.B.

Telephone exchange building means a building used exclusively for the transmission and exchange of telephone messages. The term "telephone exchange building" shall not include wireless telecommunication towers or antennas.

Temple. See *Place of worship.*

Temporary outdoor sales or event, seasonal, means outdoor sales of products associated with seasons, holidays and agricultural seasons.

Temporary produce stand means a temporary vending structure used for the sale and/or display of seasonal produce.

Temporary trailer means an enclosed or unenclosed structure, on wheels, that is used for temporary storage purposes.

Tennis courts, play and recreation areas, community, means a public or private facility for the playing of tennis, swimming, or other type of outdoor recreation, including related retail sales and an accessory restaurant. The term "tennis courts, play and recreation areas, community," does not include amenities for a subdivision or other form of housing.

Theater means a structure used for dramatic, operatic, dance, or music performances, or the rehearsal and presentation of other similar performing arts events, or for motion pictures, for which an admission fee is charged. Such establishments may include related services such as food and beverage sales and other concessions.

Threshold means the top of the subfloor in the opening that is designated as the front door of a dwelling.

Thrift store means a for-profit or non-profit business or organization that engages or specializes in the sale or resale of previously-owned or used goods. The term "thrift store" includes antique shops, consignment stores, and secondhand stores.

Tire retreading and recapping means businesses that primarily repair and retread automotive tires.

Total sound level means that measured level which represents the summation of the sounds from the sound source under investigation and the neighborhood residual sounds which affect a given place at a given time, exclusive of extraneous sound sources.

Towing or wreckage service means a business engaged in the transport or conveyance of vehicles from one point to another, for a fee, by use of a flatbed truck, tow truck or wrecker truck but does not include disposal, permanent disassembly, salvage, or accessory storage of inoperable vehicles.

Townhouse means one of a group of three or more single-family dwelling units, attached side-by-side by a common wall. See *Dwelling, single-family.*

Townhouse, stacked, means multifamily building with the appearance of a townhouse (side-by-side attached), but which has multiple dwelling units whereby a unit is located above or below another.

Trade shops means a building designed and equipped for carrying on the trades of metal working, woodworking, welding, plumbing, HVAC, machine work, electrical work, roofing or siding and glasswork and includes contracting in these trades.

Trailer means any non-motorized vehicle or wheeled attachment designed to be towable, including, but not limited to, landscape utility trailers, horse trailers, storage trailers, campers, recreational vehicle trailers designed for temporary living quarters while traveling or camping, fifth-wheel trailers, pop-up campers, transport trailers, and boat trailers.

Transit means the conveyance of persons or goods from one place to another by means of a local, public transportation system.

Transit oriented development (TOD) means moderate and high-density mixed-use development which is located along transit routes and encourages pedestrian use of public transportation.

Transitional buffer zone means a natural or planted buffer area between two different land uses which is intended to provide protection between said land uses and which meets the criteria for said buffer specified in article 5 of this chapter.

Transitional height plane means a geometric plane that establishes the maximum permitted height of a building in a district that allows a greater density than that of an adjoining lower-density residential district. The transitional height plane shall begin at a point 35 feet above setback or transitional buffer line, whichever is furthest from the property line, then extend at an upward angle of 45 degrees over the lot of the building.

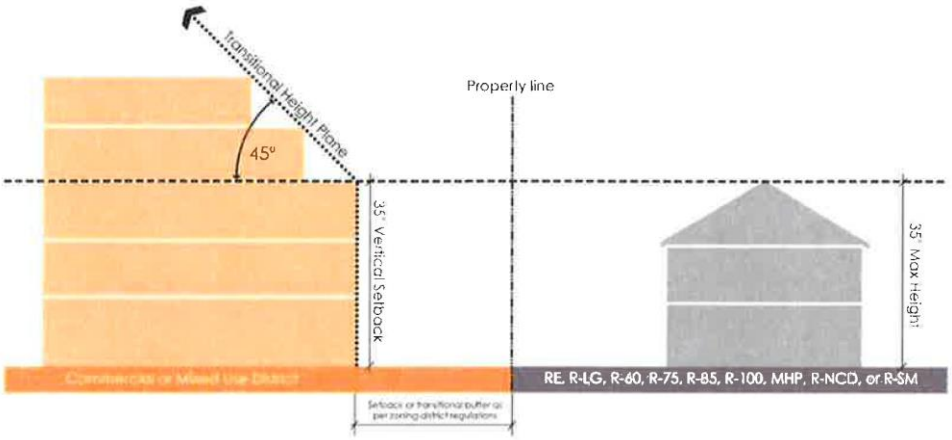

Figure 9.11 Transitional Height Plane

Transitional housing facility means a building or buildings in which is provided long-term but no permanent living accommodations for more than six persons who have no permanent residence and are in need of long-term housing assistance. Compare with *Homeless shelter.*

Transparent material means any material which allows light to be transmitted and objects to be seen clearly and with definition.

Transportation equipment and storage or maintenance (vehicle) means any building, premises or land in which or upon which is the storage or maintenance of motor freight vehicles or equipment, without services provided, such as those provided by a truck stop. Compare with *Truck terminal.*

Tree means any living, self-supporting, woody perennial plant which has a trunk caliper of two inches or more measured at a point six inches above the ground and which normally attains a height of at least ten feet at maturity usually with one main stem or trunk and many branches.

Tree canopy means the area directly beneath the crown and within the outermost edges of the branches and leaves of a tree.

Truck stop means any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into such commercial vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may also include overnight accommodations and restaurant facilities primarily for the use of truck crews.

Truck terminal means a building, structure or place at an industrial facility where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other trucks or modes of transportation. This is not intended for long term warehousing or storage of inventory or for retail sales, but to serve solely as a transfer facility. [TMOD-21-001]*Turnaround* means a space, as in a driveway, permitting the turning around of a vehicle.

Two-part commercial block style means a building of two stories or greater in height that has a flat roof and is characterized by a horizontal division of the building facade into two distinct zones. These zones may be similar in design but shall be clearly separated from one another. The ground floor level of the building shall contain fenestration equal to 75 percent of the width of the front facade of the building.

Universal barrier means a type of root barrier for street trees.

Understory tree means a deciduous or evergreen tree which attains a mature height of no greater than 30 feet.

University. See *College.*

Urban garden means a lot, or any portion thereof, managed and maintained by a person or group of persons, for growing and harvesting, farming, community gardening, community-supported agriculture, or any other use, which contributes to the production of agricultural, floricultural, or horticultural products for beautification, education, recreation, community or personal use, consumption, sale, or donation. An urban garden may be a principal or accessory use on lots, including, but not limited to, those owned by individuals, non-profit organizations, and public or private institutions like universities, colleges, school districts, hospitals, and faith communities. The term "urban garden" excludes gardens accessory to an individual's residence.

Usable satellite signals means satellite signals from all major communications satellites that, when viewed on a conventional television set, are at least equal in picture quality to those received from local commercial television stations by way of cable television.

Usable open space. See *Open space, usable.*

Use means the purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

Utility means any public or private agency that provides for the generation, transmission or distribution of electricity, gas, water, stormwater, wastewater, communication, transportation, or other similar service, excluding those utilities that are public uses.

Valet. See *Parking, valet.*

Value added products means prepared farm products such as baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, smoked or canned meats or fish, sausages, or other prepared foods.

Van service means a commercial or not-for-profit service in which the provider offers transportation service to clients from their home to another destination, such as a medical service facility or other destination.

Variance means permission to depart from the requirements of this chapter pursuant to the requirements of article 7 of this chapter.

Vehicle storage yard means a building or land that is used principally for long-term parking of any class of passenger or non-passenger vehicles, including, but not limited to, automobile fleets associated with commercial business, delivery trucks or other commercial vehicles, or associated with government operations such as school buses, postal delivery trucks, or sanitation trucks. The term "vehicle storage yard" includes off-site parking of commercial vehicles such as those used in light or heavy landscaping or construction, but does not include transportation vehicle such as semi-tractor trailers. A vehicle storage yard may include minor repair of the vehicles as an accessory use. Compare with *Auto recovery and storage.*

Vehicle trip means a vehicular movement either to or from the subject property by any vehicle used in a home occupation, any vehicle associated with a home occupation, or any customer or client vehicle.

Vehicular use area means any portion of a site or a property, paved or unpaved, designed to receive or accommodate vehicular traffic, including the driving, parking, temporary storage, loading, or unloading of any vehicle.

Veterinary clinic. See *Animal hospital.*

Videotape sales and rental store means an establishment primarily engaged in the retail rental or lease of video tapes, films, CD-ROMs, laser discs, electronic games, cassettes, or other electronic media. Sales of film, video tapes, laser discs, CD-ROMs, and electronic merchandise associated with VCRs, video cameras and electronic games are permitted accessory uses.

Viewshed means the total visible area from an identified observation position.

Village center means the central shopping or gathering place within a traditional neighborhood which contains commercial uses and open space and which may contain public space.

Wall means a structure used as a solid retaining, screening, or security barrier constructed of materials including brick, stone, concrete, concrete block, ceramic tile or other aggregate materials and other such materials.

Wall plane means an area of a wall between a wall offset and another wall offset or a corner.

Warehousing or storage means a business establishment primarily engaged in the indoor or enclosed storage of merchandise, goods, and materials, not including “mini-warehouses”, “self-storage facilities”, and “truck terminals.”

Waste to energy facility means a solid waste handling facility that provides for the extraction and utilization of energy from county or city solid waste through a process of combustion.

Weekday means the time period of the week that begins at 7:00 a.m. on each Monday and ends at 6:00 p.m. on each Friday.

Weekend means the time period of each week that begins at 6:00 p.m. on each Friday and ends at 7:00 a.m. on each Monday.

Wetlands means an area of land meeting the definition of "wetlands" set forth in 33 CFR Part 328.3(b) of the Code of Federal Regulations, as amended, and that is subject to federal, state or local regulations governing land meeting that definition.

Wind turbine means a turbine, a rotating machine which mounted on a tower, is used to capture energy from the wind to produce electricity.

Wireless Telecommunication Facilities – See Sub-section 4.2.57.B. – Supplemental Uses, Wireless telecommunications for the meaning of terms used in that section, including the following:

1. *Accessory-equipment (or Equipment)*
2. *Administrative approval*
3. *Administrative review*
4. *Alternative Telecommunication Support Structure*
5. *Antenna*
6. *Applicant*
7. *Application*
8. *Attached wireless telecommunications facility*
9. *Carrier on wheels or cell on wheels (COW)*
10. *Collocate or collocation*
11. *Commission*
12. *Distributed antenna systems (DAS)*
13. *Equipment compound*
14. *FAA*
15. *FCC*
16. *Geographic search area (GSA)*
17. *Grantee*
18. *Guyed Structure*
19. *Height*
20. *Modification*
21. *Ordinary maintenance*
22. *Provider*
23. *Public Right(s)-of-Way*
24. *Public Street*
25. *Small Cell or Small-Cell Installation*
26. *Substantial increase in size*
27. *Telecommunications Facility*
28. *Telecommunications Service(s)*
29. *Telecommunications Support Structure*
30. *Utility*
31. *Visual Quality*

Workforce housing means for-sale housing that is affordable to those households earning 80 percent of median household income for the Atlanta Metropolitan Statistical Area (MSA) as determined by the current fiscal year HUD income limit table at the time the building is built.

Xeriscape means a landscape designed and maintained with the principles that promote good horticultural practices and efficient use of water and is characterized by the use of vegetation that is drought-tolerant or of low water use in character.

Yard means that area of a lot between the principal building and adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

Yard sale means the temporary residential sale of tangible personal property, such as, but not limited to, household items, clothing, tools, toys, recreational equipment, or other used or secondhand items normally found in and about the home. The term "yard sale" includes the term estate sale, if held outside, garage sale, basement sale, carport sale, moving sale, or rummage sale. This temporary use may be conducted by an individual, multiple persons, churches, social civic or charitable organizations, a neighborhood group, church or civic association.

Yard, corner side, means an open-space area of a corner lot between the exterior side lot line and the required exterior side building setback line, extending between the front building setback line and the rear building setback line.

Yard, front, means an area extending across the total width of a lot between the front lot line and the building. With respect to limitations within the front yard, there can only be one Front yard:

Yard, interior side, means a yard extending between the front and rear yards and being that area between the side lot line, where the side lot line is coincidental with the side or rear lot line of an adjacent lot, and those lines established by the side walls of the principal structure.

Yard, rear, means a yard extending across the total width of a lot between side lot lines and being that area between the rear lot line and those lines established by the rear walls of the principal structure projected to intersect the side lot lines.

Yard, side, means a yard extending between the front and rear yards and being that area between the side lot lines and the principal structure.

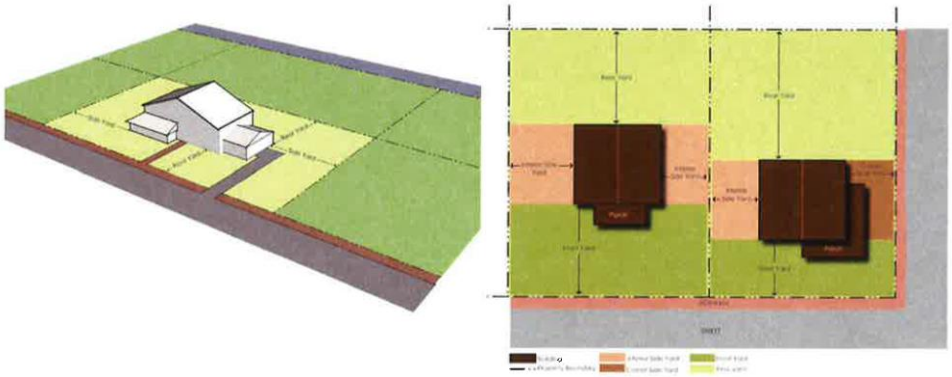

Figure 9.12 Illustration of Yard

Zero lot line means when location of a building in such manner that one or more of building's exterior wall is allowed to rest directly on the lot line or property boundary.

Zoning decision means final legislative action by a local government which results in:

1. The adoption of a zoning ordinance;
2. The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance;

3. The adoption of any amendment to a zoning ordinance which rezones the property from one zoning classification to another;
4. The adoption of an amendment to a zoning ordinance by a municipal local government which zones property to be annexed into the municipality;
5. The grant of a permit relating to a special use of property, as defined in O.C.G.A. § 36-66-3, and as may hereafter be amended by Georgia law; or
6. Denial of the aforementioned ordinances or permits.

(Ord. of 8-2-2017, § 1(9.1.3); Ord. No. 2018-07-04, § 1, 7-16-2018) [TMOD-19-004. TMOD-19-005, TMOD-19-006, TMOD-21-002, TMOD-21-003, TMOD-21-009, TMOD-015, TMOD-22-001]

Sec. 9.2. Official zoning maps.

Now, therefore, be it ordained by the Mayor and Council of the City of Stonecrest, Georgia, the Code of the City of Stonecrest, Georgia, is hereby amended by adding the official zoning maps entitled "Official Zoning Map, Stonecrest, Georgia" (the "official zoning maps"). The official zoning maps, adopted contemporaneously with chapter 27, together with all explanatory information contained or referenced thereon, in digital format and contained on a compact disk to be maintained in its original, unedited and unaltered form by the clerk to the city council, attached as Exhibit A. A printed copy of the compact disk's contents depicting the official zoning maps on the date of its initial adoption shall also be maintained in its original, unedited and unaltered form by the clerk to the city council.

(Ord. of 8-2-2017, § 2)

Sec. 9.3. Stonecrest overlay maps.

Now, therefore, be it ordained by the Mayor and Council of the City of Stonecrest, Georgia, the Code of the City of Stonecrest, Georgia, is hereby amended by adding the official zoning maps entitled "Official Zoning Map, Stonecrest, Georgia, Stonecrest Area Overlay District")(the Stonecrest overlay maps). The Official Zoning Map, Stonecrest, Georgia, Stonecrest Area Overlay District, to be adopted contemporaneously with chapter 27, together with all explanatory information contained or referenced thereon, is hereby adopted by reference and declared to be a part of this chapter. The Stonecrest overlay maps shall be adopted contemporaneously with this chapter in digital format and contained on a compact disk to be maintained in its original, unedited and unaltered form by the clerk to the city council, attached as Exhibit B. A printed copy of the compact disk's contents depicting the official zoning maps on the date of its initial adoption shall also be maintained in its original, unedited and unaltered form by the clerk to the city council.

(Ord. of 8-2-2017, § 3)

Sec. 9.4. I-20 Corridor overlay maps.

Now, therefore, be it ordained by the Mayor and Council of the City of Stonecrest, Georgia, the Code of the City of Stonecrest, Georgia, is hereby amended by adding the official zoning maps entitled "Official Zoning Map, Stonecrest, Georgia, I-20 Corridor Overlay District")(the I-20 Corridor overlay maps). The Official Zoning Map, Stonecrest, Georgia, I-20 Corridor Overlay District, to be adopted contemporaneously with this chapter, together with all explanatory information contained or referenced thereon, is hereby adopted by reference and declared to be a part of this chapter. The I-20 Corridor overlay maps shall be adopted contemporaneously with this chapter in digital format and contained on a compact disk to be maintained in its original, unedited and unaltered form by the clerk to the city council, attached as Exhibit C. A printed copy of the compact disk's contents depicting the

official zoning maps on the date of its initial adoption shall also be maintained in its original, unedited and unaltered form by the clerk to the city council.

(Ord. of 8-2-2017, § 4)

Sec. 9.5. Transition period.

During the transition period, any department, employee, or official referenced in the Comprehensive Plan which has not yet been established or appointed shall refer to the City Manager or his designee. During and after the transition period, any reference to the director or planning director shall also refer to the Planning & Zoning Director. During and after the transition period, any reference to the planning department shall refer to the Planning & Zoning department or the similar department created by the City Council during the transition period.

(Ord. of 8-2-2017, § 5)

STATE OF GEROGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. ____-_____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STONECREST, GEORGIA, BY AMENDING THE TABLE OF CONTENTS, ARTICLE 2 (DISTRICT REGULATIONS) IN ITS ENTIRETY, DIVISION 1 (OVERLAY DISTRICTS), DIVISION 4 (ARABIA MOUNTAIN CONSERVATION OVERLAY DISTRICT), DIVISION 5 (STONECREST AREA OVERLAY DISTRICT) AND DIVISION 33 (INTERSTATE 20 CORRIDOR COMPATIBLE USE OVERLAY DISTRICT) OF ARTICLE 3 (OVERLAY DISTRICT REGULATIONS), DIVISION 1 (OVERVIEW OF USE CATEGORIES AND USE TABLE), DIVISION 2 (SUPPLEMENTAL USE REGULATIONS) AND DIVISION 3 (TEMPORARY USE REGULATIONS OF ARTICLE 4 (USE REGULATIONS), ARTICLE 6 (PARKING), DIVISION 3 (ZONING AND COMPREHENSIVE PLAN AMENDMENTS AND PROCEDURES) AND DIVISION 4 (SPECIAL LAND USE PERMITS) OF ARTICLE 7 (ADMINISTRATION) AND ARTICLE 9 (DEFINITIONS) WITHIN CHAPTER 27 (ZONING ORDINANCE); TO STANDARDIZE LAND USE DEFINITIONS AND TERMS; TO CLARIFY AND UPDATE THE USES ALLOWED IN EACH ZONING DISTRICT WITHIN CITY LIMITS; TO PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PUPOSES.

WHEREAS, the governing body of the City of Stonecrest ("City") is the Mayor and

City Council thereof; and

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

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

WHEREAS, the Mayor and City Council desire to amend Chapter 27 (Zoning Ordinance) in its entirety; and

WHEREAS, the City desires to standardize land use definitions and terms for the sake of consistency, readability and minimization of Scribner's errors; and

WHEREAS, the City desires to clarify and update the uses allowed in each zoning district within City limits to reduce conflict in interpreting definitions and terms; and to remove land uses that does not fit the characterization and the zoning intent of the zoning district.

WHEREAS, from time-to-time amendments may be proposed for public necessity, general welfare, or sound zoning practice that justify such action; and

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

WHEREAS, a public hearing pursuant to the provisions of the Zoning Procedures Act has been properly held prior to the adoption of this Ordinance; and

WHEREAS, the health, safety, and welfare of the citizens of the City will be positively impacted by the adoption of this Ordinance.

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

Section 1. The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended by amending the Table of Contents, Article 2 (District Regulations) in its entirety, Division 1 (Overlay Districts),

Division 4 (Arabia Mountain Conservation Overlay District), Division 5 (Stonecrest Area Overlay District) and Division 33 (Interstate 20 Corridor Compatible Use Overlay District) of Article 3 (Overlay District Regulations), Division 1 (Overview of Use Categories and Use Table), Division 2 (Supplemental Use Regulations) and Division 3 (Temporary Use Regulations of Article 4 (Use Regulations), Article 6 (Parking), Division 3 (Zoning and Comprehensive Plan Amendments and Procedures) and Division 4 (Special Land Use Permits) of Article 7 (Administration) and Article 9 (Definitions) within and adopting the provisions set forth in Exhibit

"A" attached hereto and made a part by reference.

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

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

Section 4. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional. (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually

dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.

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

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

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

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

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

ORDAINED this _____ day of _____, 2022.

[SIGNATURES TO FOLLOW]

CITY OF STONECREST, GEORGIA

_____

George Turner, Mayor Pro Tem

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

EXHIBIT "A"
(SEE ATTACHED)

CHAPTER 27: ZONING ORDINANCE

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CHAPTER 27: ZONING ORDINANCE

ARTICLE 2. DISTRICT REGULATIONS

DIVISION 3. RE (RESIDENTIAL ESTATE) DISTRICT

Sec. 2.3.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.3.2))

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   - a. Dairy; see section 4.2
   - b. Keeping of livestock; see section 4.2
   - c. Keeping of poultry/pigeons; see section 4.2
   - d. Livestock sales pavilion; see section 4.2
   - e. Riding academies or stables; see section 4.2
   - f. Sawmill, temporary or portable; see section 4.2
   - g. Urban Community Garden, up to 5 acres; see section 4.2
2. Residential
   - a. Dwelling, single-family (detached)
3. Institutional/Public
   - a. Golf course or clubhouse, public or private; see section 4.2
   - b. Government facilities
   - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   - d. School, public kindergarten, elementary, middle or high schools
4. Commercial
   - a. Kennel, noncommercial
5. Communications – Utility
   - a. Essential services
   - b. Satellite television antenna; see section 4.2
6. Wireless Telecommunications
   - a. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural

   a. Urban, community garden, over 5 acres

2. Residential

   a. Home occupation, no customer contact; see section 4.2

   b. Party house

3. Commercial

   a. Farmer's market, temporary/seasonal; see section 4.2

   b. Temporary outdoor retail sales; see section 4.2

   c. Temporary outdoor sales or events, seasonal; see section 4.2

   d. Temporary produce stand; see section 4.2

   e. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications

   a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential)

   b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2

   c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential

   a. Bed and breakfast establishment; see section 4.2

   b. Home occupation, with customer contact; see section 4.2

   c. Child care home, 5 or less; see section 4.2

   d. Convents or monasteries; see section 4.2

   e. Personal care home, 6 or less; see section 4.2

   f. Senior housing; see section 4.2

   g. Short-term vacation rental

2. Institutional/Public

   a. Cemetery, columbarium, mausoleum; see section 4.2

   b. Places of worship; see section 4.2

   c. Recreation club; see section 4.2

d. School, private kindergarten, elementary, middle or high schools; see section 4.2

e. Special events facility

f. Swimming pools, commercial; see section 4.2

3. Commercial

a. Adult daycare facility, up to 6; see section 4.2

b. Animal shelter/rescue center; see section 4.2

c. Child day care facility, up to 6; see section 4.2

d. Kennel, breeding; see section 4.2

e. Kennel, commercial

4. Communication – Utility

a. Amateur radio service or antenna; see section 4.2

5. Wireless Telecommunication

a. New support structure from 51 feet to 150 feet; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential

a. Accessory uses and structures

b. Dwelling, single-family , accessory (guesthouse, in-law suite); see section 4.2

2. Institutional/Public

a. Educational use, private; see section 4.2

b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

3. Commercial

a. Fitness center

DIVISION 4. RLG (RESIDENTIAL LARGE LOT) DISTRICT

Sec. 2.4.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.4.2))

A. Permitted Uses
The following uses are permitted as of right under this code:
1. Agricultural Activities
   a. Keeping of livestock; see section 4.2
   b. Keeping of poultry/pigeons; see section 4.2
   c. Riding academies or stables; see section 4.2
   d. Urban Community Garden, up to 5 acres; see section 4.2
2. Residential
   a. Dwelling, single-family (detached)
3. Institutional/Public
   a. Golf course or clubhouse, public or private; see section 4.2
   b. Government facilities
   c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   d. School, public kindergarten, elementary, middle or high schools
4. Communications – Utility
   a. Essential services
   b. Satellite television antenna; see section 4.2
5. Wireless Telecommunications
   a. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses
The following uses are permitted only with administrative approval:
1. Agricultural
   a. Urban, community garden, over 5 acres
2. Residential
   a. Home occupation, no customer contact; see section 4.2
   b. Party house
3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary outdoor sales or events, seasonal; see section 4.2
   d. Temporary produce stand; see section 4.2
   e. Temporary trailer, as home sales office or construction trailer; see section 4.2
4. Wireless Telecommunications
   a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential)
   b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Bed and breakfast establishment; see section 4.2
   b. Home occupation, with customer contact; see section 4.2
   c. Child care home, 5 or less; see section 4.2
   d. Convents or monasteries; see section 4.2
   e. Personal care home, 6 or less; see section 4.2
   f. Senior housing; see section 4.2
   g. Short-term vacation rental
2. Institutional/Public
   a. Cemetery, columbarium, mausoleum; see section 4.2
   b. Places of worship; see section 4.2
   c. Recreation club; see section 4.2
   d. School, private kindergarten, elementary, middle or high schools; see section 4.2
   e. Swimming pools, commercial; see section 4.2
3. Commercial
   a. Adult daycare facility, up to 6; see section 4.2
   b. Child day care facility, up to 6; see section 4.2
   c. Kennel, noncommercial
4. Communication – Utility
   a. Amateur radio service or antenna; see section 4.2
5. Wireless Telecommunication
   a. New support structure from 51 feet to 150 feet; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

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

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

Sec. 2.5.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.5.2))

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Keeping of livestock; see section 4.2
   b. Keeping of poultry/pigeons; see section 4.2
   c. Riding academies or stables; see section 4.2
   d. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Dwelling, single-family (detached)

3. Institutional/Public
   a. Golf course or clubhouse, public or private; see section 4.2
   b. Government facilities
   c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   d. School, public kindergarten, elementary, middle or high schools

4. Communications – Utility
   a. Essential services
   b. Satellite television antenna; see section 4.2

5. Wireless Telecommunications
   a. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Residential
   a. Home occupation, no customer contact; see section 4.2

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary outdoor sales or events, seasonal; see section 4.2
   d. Temporary produce stand; see section 4.2
   e. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential)
   b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Bed and breakfast establishment; see section 4.2
   b. Home occupation, with customer contact; see section 4.2
   c. Child care home, 5 or less; see section 4.2
   d. Convents or monasteries; see section 4.2
   e. Personal care home, 6 or less; see section 4.2
   f. Senior housing; see section 4.2
   g. Short-term vacation rental
2. Institutional/Public
   a. Cemetery, columbarium, mausoleum; see section 4.2
   b. Places of worship; see section 4.2
   c. Recreation club; see section 4.2
   d. School, private kindergarten, elementary, middle or high schools; see section 4.2
   e. Swimming pools, commercial; see section 4.2

3. Commercial
   a. Adult daycare facility, up to 6; see section 4.2
   b. Child day care facility, up to 6; see section 4.2
   c. Kennel, noncommercial

4. Communication – Utility
   a. Amateur radio service or antenna; see section 4.2

5. Wireless Telecommunication
   a. New support structure from 51 feet to 150 feet; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential
   a. Accessory uses or structures
   b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2

2. Institutional/Public
   a. Educational use, private; see section 4.2
   b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

3. Commercial
    a. Fitness center

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

Sec. 2.6.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.6.2))

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Keeping of livestock; see section 4.2
   b. Keeping of poultry/pigeons; see section 4.2
   c. Riding academies or stables; see section 4.2
   d. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Dwelling, single-family (detached)

3. Institutional/Public
   a. Golf course or clubhouse, public or private; see section 4.2
   b. Government facilities
   c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   d. School, public kindergarten, elementary, middle or high schools

4. Communications – Utility
   a. Essential services
   b. Satellite television antenna; see section 4.2

5. Wireless Telecommunications
   a. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Residential
   a. Home occupation, no customer contact; see section 4.2

3. Commercial
   f. Farmer's market, temporary/seasonal; see section 4.2
   g. Temporary outdoor retail sales; see section 4.2
   h. Temporary outdoor sales or events, seasonal; see section 4.2
   i. Temporary produce stand; see section 4.2

j. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential)
   b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Home occupation, with customer contact; see section 4.2
   b. Child care home, 5 or less; see section 4.2
   c. Convents or monasteries; see section 4.2
   d. Personal care home, 6 or less; see section 4.2
   e. Senior housing; see section 4.2

2. Institutional/Public
   a. Cemetery, columbarium, mausoleum; see section 4.2
   b. Places of worship; see section 4.2
   c. Recreation club; see section 4.2
   d. School, private kindergarten, elementary, middle or high schools; see section 4.2
   e. Swimming pools, commercial; see section 4.2

3. Commercial
   a. Adult daycare facility, up to 6; see section 4.2
   b. Child day care facility, up to 6; see section 4.2
   c. Kennel, noncommercial

4. Communication – Utility
   b. Amateur radio service or antenna; see section 4.2

5. Wireless Telecommunication
   a. New support structure from 51 feet to 150 feet; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential
   a. Accessory uses or structures
   b. Dwelling, single-family , accessory (guesthouse, in-law suite); see section 4.2

2. Institutional/Public
   a. Educational use, private; see section 4.2
   b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

3. Commercial
   a. Fitness center

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

Sec. 2.7.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.7.2))

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Keeping of livestock; see section 4.2
   b. Keeping of poultry/pigeons; see section 4.2
   c. Riding academies or stables; see section 4.2
   d. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Dwelling, single-family (detached)

3. Institutional/Public
   a. Golf course or clubhouse, public or private; see section 4.2
   b. Government facilities
   c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   d. School, public kindergarten, elementary, middle or high schools

4. Communications – Utility
   a. Essential services
   b. Satellite television antenna; see section 4.2

5. Wireless Telecommunications
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Residential
   a. Home occupation, no customer contact; see section 4.2

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary outdoor sales or events, seasonal; see section 4.2
   d. Temporary produce stand; see section 4.2
   e. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential)
   b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Home occupation, with customer contact; see section 4.2
   b. Child care home, 5 or less; see section 4.2
   c. Convents or monasteries; see section 4.2
   d. Personal care home, 6 or less; see section 4.2
   e. Senior housing; see section 4.2

2. Institutional/Public
   a. Cemetery, columbarium, mausoleum; see section 4.2
   b. Places of worship; see section 4.2
   c. Recreation club; see section 4.2
   d. School, private kindergarten, elementary, middle or high schools; see section 4.2
   e. Swimming pools, commercial; see section 4.2

3. Commercial
   a. Adult daycare facility, up to 6; see section 4.2
   b. Child day care facility, up to 6; see section 4.2
   c. Kennel, noncommercial

4. Communication – Utility
   a. Amateur radio service or antenna; see section 4.2

5. Wireless Telecommunication
   a. New support structure from 51 feet to 150 feet; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential
   a. Accessory uses or structures

b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2

2. Institutional/Public
   a. Educational use, private; see section 4.2
   b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

3. Commercial
   a. Fitness center

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

Sec. 2.8.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.8.2))

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Keeping of livestock; see section 4.2
   b. Keeping of poultry/pigeons; see section 4.2
   c. Riding academies or stables; see section 4.2
   d. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Dwelling, cottage home
   b. Dwelling, single-family (detached)

3. Institutional/Public
   a. Golf course or clubhouse, public or private; see section 4.2
   b. Government facilities
   c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   d. School, public kindergarten, elementary, middle or high schools

4. Communications – Utility
   a. Essential services
   b. Satellite television antenna; see section 4.2

5. Wireless Telecommunications
   a. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Residential
   a. Home occupation, no customer contact; see section 4.2

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary outdoor sales or events, seasonal; see section 4.2
   d. Temporary produce stand; see section 4.2
   e. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential)
   b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Home occupation, with customer contact; see section 4.2
   b. Child care home, 5 or less; see section 4.2
   c. Convents or monasteries; see section 4.2
   d. Personal care home, 6 or less; see section 4.2
   e. Senior housing; see section 4.2

2. Institutional/Public
   a. Cemetery, columbarium, mausoleum; see section 4.2
   b. Places of worship; see section 4.2
   c. Recreation club; see section 4.2
   d. School, private kindergarten, elementary, middle or high schools; see section 4.2
   e. Swimming pools, commercial; see section 4.2

3. Commercial
   a. Adult daycare facility, up to 6; see section 4.2
   b. Child day care facility, up to 6; see section 4.2

4. Communication – Utility
   a. Amateur radio service or antenna; see section 4.2

5. Wireless Telecommunication
   a. New support structure from 51 feet to 150 feet; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential
   a. Accessory uses or structures
   b. Dwelling, single-family , accessory (guesthouse, in-law suite); see section 4.2

2. Institutional/Public
   a. Educational use, private; see section 4.2
   b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

3. Commercial
   a. Fitness center

DIVISION 9. MHP (MOBILE HOME PARK) DISTRICT

Sec. 2.9.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.9.2))

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Keeping of livestock; see section 4.2
   b. Keeping of poultry/pigeons; see section 4.2
   c. Riding academies or stables; see section 4.2
   d. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Dwelling, mobile home; see section 4.2
   b. Dwelling, single-family (detached)
   c. Mobile home park

3. Institutional/Public
   a. Golf course or clubhouse, public or private; see section 4.2
   b. Government facilities
   c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   d. School, public kindergarten, elementary, middle or high schools

4. Commercial
   a. Adult daycare center, 7 or more; see section 4.2
   b. Child day care center (kindergarten), 7 or more

5. Communications – Utility
   a. Essential services
   b. Satellite television antenna; see section 4.2

6. Wireless Telecommunications
    a. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses
The following uses are permitted only with administrative approval:
1. Agricultural
    a. Urban, community garden, over 5 acres

2. Residential
    a. Home occupation, no customer contact; see section 4.2

3. Commercial
    a. Farmer's market, temporary/seasonal; see section 4.2
    b. Temporary outdoor retail sales; see section 4.2
    c. Temporary produce stand; see section 4.2
    d. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
    a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
    b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit
The following uses are permitted only with a special land use permit:
1. Residential
    a. Home occupation, with customer contact; see section 4.2
    b. Senior housing; see section 4.2

2. Institutional/Public
    a. School, private kindergarten, elementary, middle or high schools; see section 4.2
    b. Swimming pools, commercial; see section 4.2

3. Communication – Utility
    b. Amateur radio service or antenna; see section 4.2

D. Permitted Accessory
The following uses are permitted as accessory only to a principal use:
1. Residential
    a. Accessory uses or structures

2. Institutional/Public
    a. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

3. Commercial

a. Fitness center

DIVISION 10. RNC (RESIDENTIAL NEIGHBORHOOD CONSERVATION) DISTRICT

Sec. 2.10.3. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.10.3))

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Keeping of livestock; see section 4.2
   b. Keeping of poultry/pigeons; see section 4.2
   c. Riding academies or stables; see section 4.2
   d. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Dwelling, cottage home
   b. Dwelling, single-family (detached)
   c. Dwelling; three family; see section 4.2
   d. Dwelling, townhouse; see section 4.2
   e. Dwelling, two-family; see section 4.2

3. Institutional/Public
   a. Golf course or clubhouse, public or private; see section 4.2
   b. Government facilities
   c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   d. School, public kindergarten, elementary, middle or high schools

4. Communications – Utility
   a. Essential services
   b. Satellite television antenna; see section 4.2

5. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Residential
   a. Home occupation, no customer contact; see section 4.2

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary outdoor sales or events, seasonal; see section 4.2
   d. Temporary produce stand; see section 4.2
   e. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential)
   b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Home occupation, with customer contact; see section 4.2
   b. Child care home, 5 or less; see section 4.2
   c. Convents or monasteries; see section 4.2
   d. Personal care home, 6 or less; see section 4.2
   e. Senior housing; see section 4.2

2. Institutional/Public
   a. Places of worship; see section 4.2
   b. Recreation club; see section 4.2
   c. School, private kindergarten, elementary, middle or high schools; see section 4.2
   d. Swimming pools, commercial; see section 4.2

3. Commercial
   a. Adult daycare facility, up to 6; see section 4.2
   b. Child day care facility, up to 6; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential
   a. Accessory uses or structures
   b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2

2. Institutional/Public
   a. Educational use, private; see section 4.2
   b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

3. Commercial
   a. Fitness center

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

A. The following standards shall apply to all single-family detached dwellings, other than condominiums and fee simple condominiums, located in RNC (Residential Neighborhood Conservation) District:

1. Maximum density: Eight dwelling units per acre of total land area, excluding undevelopable areas as identified in section 2.10.5.B.
2. Minimum lot width: At least 60 feet as measured at the required front building setback line; except for a lot on a cul-de-sac, which lot shall have a minimum width of 35 feet.
3. Minimum lot area: 6,000 square feet, except that each lot on the periphery of a development within property zoned RNC (Residential Neighborhood Conservation) District that abuts adjacent property zoned and used for single-family residential purposes shall contain a lot area that is at least 80 percent of the minimum lot area required by the adjoining residential zoning.
4. Minimum building setback adjacent to public or private streets:
   a. From thoroughfares: 30 feet.
   b. From arterials: 30 feet.
   c. From collector streets: 30 feet.
   d. From local streets: 20 feet.
5. Minimum interior lot side building setback: 7½ (7.5) feet.
6. Minimum periphery lot side building setback: Lots on the periphery of any RNC (Residential Neighborhood Conservation) District development shall maintain a minimum 20-foot side yard setback from any adjacent parcel located outside of the boundary of such development.
7. Minimum rear building setback: 20 feet.

B. The following standards shall apply to single-family detached condominiums and fee simple condominiums located in RNC (Residential Neighborhood Conservation) District:

1. Maximum density: Eight dwelling units per acre on total land area, excluding undevelopable areas as identified in section 2.10.5.B.
2. Minimum building setback from all peripheral property lines: 20 feet, except that when a peripheral property line adjoins a public or private street, the building setback shall be as required in section 2.10.7.A.4.
3. Minimum distance between building structures: 15 feet.
4. Minimum building setback from a private drive or private street: Ten feet, except that where a garage door or carport entrance faces the street, in which case the minimum setback shall be 20 feet. The building setback shall be measured from back of curb, or, where a sidewalk is provided, from back of sidewalk.

5. Minimum travel lane width, private drive or private streets internal to the development: 24 feet. Where on-street parking is provided, it shall be provided in the form of a parking lane located between the travel lane and the curb, which lane shall be no less than ten feet wide, measured from the edge of the travel lane to front of curb.

6. Sidewalks shall be provided on both sides of private drives or private streets that are internal to the development, as provided for in chapter 14 of this Code.

7. Street tree species shall cause minimal interference with underground utilities, subject to approval by the city arborist.

8. Driveways shall be a minimum of 20 feet long, measured from back of curb or, where sidewalks are provided, from the back of sidewalk, in order to prevent vehicular encroachment on areas intended for vehicular or pedestrian circulation.

9. A public access and utility easement for electric, gas, telephone, and cable television utilities, in the form of a joint utility trench, shall be located on each side of the internal private streets or internal private drives, and shall be a minimum width of six feet, five inches.

C. ~~The following standards shall apply to all single-family detached dwellings, other than condominiums and fee simple condominiums, located in RNC (Residential Neighborhood Conservation) District:~~

~~1. Maximum density: Four dwelling units per acre on total land area excluding undevelopable areas as identified in section 2.10.5.B.~~

~~2. Minimum lot width: At least 60 feet as measured at the required front building setback line, except for a lot on a cul-de-sac, which lot shall have a minimum width of 35 feet.~~

~~3. Minimum lot area: 8,000 square feet, except that each lot on the periphery of a development within property zoned RNC (Residential Neighborhood Conservation) District that abuts adjacent property zoned and used for single-family residential purposes shall contain a lot area that is at least 80 percent of the minimum lot area required by the adjoining residential zoning.~~

~~4. Minimum building setback adjacent to public or private streets:~~

~~a. From thoroughfares: 30 feet.~~

~~b. From arterials: 30 feet.~~

~~c. From collector streets: 30 feet.~~

~~d. From local streets: 20 feet.~~

~~5. Minimum interior lot side building setback: 7½ (7.5) feet.~~

~~6. Minimum periphery lot side building setback: Lots on the periphery of any RNC (Residential Neighborhood Conservation) District development shall maintain a minimum 20-foot side yard setback from any adjacent parcel located outside of the boundary of such development.~~

~~7. Minimum rear building setback: 40 feet.~~

~~D. The following standards shall apply to single-family detached condominiums and fee simple condominiums located in RNC (Residential Neighborhood Conservation) District:~~

~~1. Maximum density: Four dwelling units per acre on total land area excluding undevelopable areas as identified in section 2.10.5.B.~~

~~2. Minimum building setback from all peripheral property lines: 20 feet, except that when a peripheral property line adjoins a public or private street, the building setback shall be as required in section 2.10.7.A.4.~~

~~3. Minimum distance between building structures: 15 feet.~~

~~4. Minimum building setback from a private drive or private street: Ten feet, except that where a garage door or carport entrance faces the street, in which case the minimum setback shall be 20 feet. The building setback shall be measured from back of curb, or, where a sidewalk is provided, from back of sidewalk.~~

~~5. Minimum travel lane width, private drive or private streets internal to the development: 24 feet. Where on-street parking is provided, it shall be provided in the form of a parking lane located between the travel lane and the curb, which lane shall be no less than ten feet wide, measured from the edge of the travel lane to front of curb.~~

~~6. Sidewalks shall be provided on both sides of private drives or private streets that are internal to the development, as provided for in chapter 14 of this Code.~~

~~7. Street tree species shall cause minimal interference with underground utilities, subject to approval by the city arborist.~~

~~8. Driveways shall be a minimum of 20 feet long, measured from back of curb or, where sidewalks are provided, from the back of sidewalk, in order to prevent vehicular encroachment on areas intended for vehicular or pedestrian circulation.~~

~~9. A public access and utility easement for electric, gas, telephone, and cable television utilities, in the form of a joint utility trench, shall be located on each side of the internal private streets or internal private drives, and shall be a minimum width of six feet, five inches.~~

~~(Ord. of 8-2-2017, § 1(2.10.7)) [TMOD-22-001]~~

Sec. 2.10.11. Off-street parking requirements.

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

A. Detached single-family dwelling: Three spaces.

B. Reserved.

C. Personal care home, group: Four spaces.

D. Child ~~caring~~ care institution, group: Four spaces.

E. Reserved.

F. Child daycare facility: Three spaces.

G. Convent or monastery: One space for each 200 square feet of floor area within the principal structure.

H. Neighborhood recreation club: One space for each five club members but in no case less than ten spaces.

I. Place of worship: Where fixed seats are used, one space for each three seats in the largest assembly room used for public worship, or, where fixed seats are not utilized, one space for each 25 square feet of floor space in the largest assembly room used for public worship.

J. Private elementary, middle and high school:

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

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

(Ord. of 8-2-2017, § 1(2.10.11))

DIVISION 12. RSM (SMALL LOT RESIDENTIAL MIX) DISTRICT

Sec. 2.12.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.12.2))

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Dwelling, cottage home; see section 4.2
   b. Dwelling, single-family (attached)
   c. Dwelling, single-family (detached)
   d. Dwelling, three-family
   e. Dwelling, townhouse; see section 4.2
   f. Dwelling, two family
   g. Dwelling, urban single-family; see section 4.2

3. Institutional/Public
   a. Golf course or clubhouse, public or private; see section 4.2
   b. Government facilities
   c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   d. School, public kindergarten, elementary, middle or high schools

4. Communications – Utility
   a. Essential services
   b. Satellite television antenna; see section 4.2

5. Wireless Telecommunications
   a. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Residential
   a. Home occupation, no customer contact; see section 4.2

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary outdoor sales or events, seasonal; see section 4.2
   d. Temporary produce stand; see section 4.2
   e. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential)
   b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Bed and breakfast establishment; see section 4.2
   b. Home occupation, with customer contact; see section 4.2
   c. Child care home, 5 or less; see section 4.2
   d. Convents or monasteries; see section 4.2
   e. Personal care home, 6 or less; see section 4.2
   f. Personal care home, 7 or more; see section 4.2
   g. Senior housing; see section 4.2

2. Institutional/Public
   a. Cemetery, columbarium, mausoleum; see section 4.2
   b. Places of worship; see section 4.2
   c. Recreation club; see section 4.2
   d. School, private kindergarten, elementary, middle or high schools; see section 4.2
   e. Swimming pools, commercial; see section 4.2

3. Commercial
   a. Adult daycare facility, up to 6; see section 4.2
   b. Child day care facility, up to 6; see section 4.2

4. Communication – Utility
   a. Amateur radio service or antenna; see section 4.2

5. Wireless Telecommunication
   a. New support structure from 51 feet to 150 feet; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential
   a. Accessory uses or structures

b. Dwelling, single-family , accessory (guesthouse, in-law suite); see section 4.2

2. Institutional/Public
   a. Educational use, private; see section 4.2
   b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

3. Commercial
   a. Fitness center

Sec. 2.12.5. Density and location criteria.

A. The maximum allowed dwelling unit density in the RSM District before application of any bonus is 4 dwelling units per acre, and after application of any bonuses is 8 dwelling units per acre.B. Density determination of each RSM (Small Lot Residential Mix) property:

1. Existing RSM properties: For existing properties converted to RSM (Small Lot Residential Mix) District classification at the effective date of the ordinance from which this chapter is derived:

   a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established in such conditions.
   b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the Base Max described in Table 2.5 unless administratively reviewed and approved for bonus increases, according to the criteria set forth in subsection C. of this section.

2. New RSM properties: For property rezoned to the RSM (Small Lot Residential Mix) District classification after the effective date of the ordinance from which this chapter is derived, density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. of this section.

C. Density bonus eligibility and calculations. Density bonuses are allowed only for subdivisions, as defined in this chapter, and are expressly not allowed for individual infill lots. The maximum allowed density on RSM (Small Lot Residential Mix) District zoned property may be increased above the Base Max by application of density bonuses as indicated by Table 2.6, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.6. In no case shall density exceed the bonus maximum established by Table 2.5.

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

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

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

Character Area (example):	*Neighborhood Center Character Area*
Bonus types in example project:	*Sustainability Elements and Amenity Proximity*
Method:	*Multiply the Base x % = additional units eligible*

Step 1: Calculate density gained by bonus type:

Sustainability Element Bonus:	*Amenity Proximity Bonus:*
Base density: 4	*Base density: 4*
% Bonus = 50%	*% Bonus = 20%*
Base x 50% = 4 x 50% = 2	*Base x 20% = 4 x 20%*
+ 2 bonus du/acre	*+ .8 bonus du/acre*

Step 2: Add bonus density to Base density

4	+	*(2 + .8)*	*= 6.8 du/acre max density*
Base		Cumulative **Bonus**	**Total project density allowed**

(Ord. of 8-2-2017, § 1(2.12.5))

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

Sec. 2.13.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.13.2))

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Dwelling, cottage home; see section 4.2
   b. Dwelling, multifamily
   c. Dwelling, single-family (attached)
   d. Dwelling, single-family (detached)
   e. Dwelling, three-family
   f. Dwelling, townhouse; see section 4.2
   g. Dwelling, two family
   h. Dwelling, urban single-family; see section 4.2
   i. Live/work unit; see section 4.2
   j. Nursing care facility or hospice

3. Institutional/Public
   a. Government facilities
   b. Library or museum
   c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   d. School, public kindergarten, elementary, middle or high schools

4. Commercial
   a. Adult daycare center, 7 or more; see section 4.2
   b. Child day care center, up to 6; see section 4.2
   c. Child day care facility, 7 or more; see section 4.2

5. Communications – Utility
   a. Essential services
   b. Satellite television antenna; see section 4.2

6. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Residential
   a. Home occupation, no customer contact; see section 4.2

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary produce stand; see section 4.2
   d. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Bed and breakfast establishment; see section 4.2
   b. Boarding/rooming house
   c. Fraternity house or sorority house

d. Home occupation, with customer contact; see section 4.2
e. Convents or monasteries; see section 4.2
f. Personal care home, 6 or less; see section 4.2
g. Personal care home, 7 or more; see section 4.2
h. Senior housing; see section 4.2
i. Shelter for homeless persons for no more than 6 persons; see section 4.2
j. Short term vacation rental
k. Traditional housing facilities, 7-20; see section 4.2

2. Institutional/Public
   a. Cemetery, columbarium, mausoleum; see section 4.2
   b. Cultural facilities
   c. Places of worship; see section 4.2
   d. Recreation club; see section 4.2
   e. School, private kindergarten, elementary, middle or high schools; see section 4.2
   f. School, vocational; see section 4.2
   g. Swimming pools, commercial; see section 4.2

3. Commercial
   a. Adult daycare facility, up to 6; see section 4.2
   b. Dog day care; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential
   a. Accessory uses or structures
   b. Dwelling, single-family , accessory (guesthouse, in-law suite); see section 4.2

2. Institutional/Public
   a. Educational use, private; see section 4.2
   b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

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

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

Sec. 2.14.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.14.2))

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Boarding/rooming house
   b. Dwelling, cottage home; see section 4.2
   c. Dwelling, multifamily
   d. Dwelling, single-family (attached)
   e. Dwelling, single-family (detached)
   f. Dwelling, three-family
   g. Dwelling, townhouse; see section 4.2
   h. Dwelling, two family
   i. Dwelling, urban single-family; see section 4.2
   j. Fraternity house or sorority house
   k. Live/work unit; see section 4.2
   l. Nursing care facility or hospice

3. Institutional/Public
   a. Government facilities
   b. Library or museum
   c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   d. School, public kindergarten, elementary, middle or high schools

4. Commercial
   a. Adult daycare center, 7 or more; see section 4.2
   b. Child day care center, up to 6; see section 4.2
   c. Child day care facility, 7 or more; see section 4.2

5. Communications – Utility
   a. Essential services

b. Satellite television antenna; see section 4.2

6. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses
The following uses are permitted only with administrative approval:
1. Agricultural
   a. Urban, community garden, over 5 acres

2. Residential
   a. Home occupation, no customer contact; see section 4.2

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary produce stand; see section 4.2
   d. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit
The following uses are permitted only with a special land use permit:
1. Residential
   a. Bed and breakfast establishment; see section 4.2
   b. Home occupation, with customer contact; see section 4.2
   c. Convents or monasteries; see section 4.2
   d. Personal care home, 6 or less; see section 4.2
   e. Personal care home, 7 or more; see section 4.2
   f. Senior housing; see section 4.2
   g. Shelter for homeless persons for no more than 6 persons; see section 4.2
   h. Shelter for homeless persons 7-20; see section 4.2
   i. Traditional housing facilities, 7-20; see section 4.2

2. Institutional/Public
   a. Cemetery, columbarium, mausoleum; see section 4.2
   b. Cultural facilities
   c. Places of worship; see section 4.2
   d. Recreation club; see section 4.2
   e. School, private kindergarten, elementary, middle or high schools; see section 4.2
   f. School, vocational; see section 4.2
   g. Swimming pools, commercial; see section 4.2

3. Commercial
   a. Adult daycare facility, up to 6; see section 4.2
   b. Dog day care; see section 4.2

D. Permitted Accessory
The following uses are permitted as accessory only to a principal use:
1. Residential
   a. Accessory uses or structures
   b. Dwelling, single-family , accessory (guesthouse, in-law suite); see section 4.2

2. Institutional/Public
   a. Educational use, private; see section 4.2
   b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

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

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

Sec. 2.15.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.15.2))

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

2. Residential

a. Boarding/rooming house
b. Dwelling, apartment
c. Dwelling, cottage home; see section 4.2
d. Dwelling, multifamily
e. Dwelling, single-family (attached)
f. Dwelling, single-family (detached)
g. Dwelling, three-family
h. Dwelling, townhouse; see section 4.2
i. Dwelling, two family
j. Dwelling, urban single-family; see section 4.2
k. Fraternity house or sorority house
l. Live/work unit; see section 4.2

3. Institutional/Public
   a. Government facilities
   b. Library or museum
   c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   d. School, public kindergarten, elementary, middle or high schools

4. Commercial
   a. Adult daycare center, 7 or more; see section 4.2
   b. Child day care center, up to 6; see section 4.2
   c. Child day care facility, 7 or more; see section 4.2
   d. Personal services establishment

5. Communications – Utility
   a. Essential services
   b. Satellite television antenna; see section 4.2

6. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Residential
   a. Home occupation, no customer contact; see section 4.2

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary produce stand; see section 4.2
   d. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Bed and breakfast establishment; see section 4.2
   b. Home occupation, with customer contact; see section 4.2
   c. Personal care home, 6 or less; see section 4.2
   d. Personal care home, 7 or more; see section 4.2
   e. Senior housing; see section 4.2
   f. Shelter for homeless persons for no more than 6 persons; see section 4.2
   g. Shelter for homeless persons 7-20; see section 4.2
   h. Traditional housing facilities, 7-20; see section 4.2

2. Institutional/Public
   a. Cemetery, columbarium, mausoleum; see section 4.2
   b. Cultural facilities
   c. Places of worship; see section 4.2
   d. Recreation club; see section 4.2
   e. School, private kindergarten, elementary, middle or high schools; see section 4.2
   f. School, vocational; see section 4.2
   g. Swimming pools, commercial; see section 4.2

3. Commercial
   a. Adult daycare facility, up to 6; see section 4.2
   b. Dog day care; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential
   a. Accessory uses or structures

2. Institutional/Public
   a. Educational use, private; see section 4.2
   b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

3. Commercial
   a. Art gallery
   b. Banks, credit unions or other similar financial institutions
   c. Barber shop/beauty salon or similar establishments
   d. Building or construction office
   e. Coin laundry

f. Dog grooming; see section 4.2
g. Dry cleaning agencies, pressing establishments, or laundry pick-up stations
h. Fitness center
i. Office, medical
j. Office, professional
k. Restaurants (non drive-thru)
l. Retail, 5.000 sf or less (with the exception of small box discount stores)

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

Sec. 2.16.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.16.2))

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

2. Residential
   a. Boarding/rooming house
   b. Dwelling, apartment
   c. Dwelling, cottage home; see section 4.2
   d. Dwelling, multifamily
   e. Dwelling, single-family (attached)
   f. Dwelling, single-family (detached)
   g. Dwelling, three-family
   h. Dwelling, townhouse; see section 4.2
   i. Dwelling, two family
   j. Dwelling, urban single-family; see section 4.2
   k. Fraternity house or sorority house
   l. Live/work unit; see section 4.2

3. Institutional/Public
   a. Government facilities
   b. Library or museum
   c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   d. School, public kindergarten, elementary, middle or high schools

4. Commercial
   a. Adult daycare center, 7 or more; see section 4.2
   b. Child day care center, up to 6; see section 4.2
   c. Child day care facility, 7 or more; see section 4.2

d. Personal services establishment

5. Communications – Utility
   a. Essential services
   b. Satellite television antenna; see section 4.2

6. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Residential
   a. Home occupation, no customer contact; see section 4.2

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary produce stand; see section 4.2
   d. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Bed and breakfast establishment; see section 4.2
   b. Home occupation, with customer contact; see section 4.2
   c. Personal care home, 6 or less; see section 4.2
   d. Personal care home, 7 or more; see section 4.2
   e. Senior housing; see section 4.2
   f. Shelter for homeless persons for no more than 6 persons; see section 4.2
   g. Shelter for homeless persons 7-20; see section 4.2
   h. Traditional housing facilities, 7-20; see section 4.2
2. Institutional/Public
   a. Cemetery, columbarium, mausoleum; see section 4.2
   b. Cultural facilities
   c. Places of worship; see section 4.2
   d. Recreation club; see section 4.2
   e. School, private kindergarten, elementary, middle or high schools; see section 4.2

f. School, vocational; see section 4.2
g. Swimming pools, commercial; see section 4.2

3. Commercial
a. Adult daycare facility, up to 6; see section 4.2
b. Dog day care; see section 4.2

D. Permitted Accessory
The following uses are permitted as accessory only to a principal use:
1. Residential
a. Accessory uses or structures

2. Institutional/Public
a. Educational use, private; see section 4.2
b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

3. Commercial
a. Art gallery
b. Banks, credit unions or other similar financial institutions
c. Barber shop/beauty salon or similar establishments
d. Building or construction office
e. Coin laundry
f. Dog grooming; see section 4.2
g. Dry cleaning agencies, pressing establishments, or laundry pick-up stations
h. Fitness center
i. Office, medical
j. Office, professional
k. Restaurants (non drive-thru)
l. Retail, 5.000 sf or less (with the exception of small box discount stores)

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

Sec. 2.17.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.17.2))

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

2. Residential
a. Boarding/rooming house
b. Dwelling, apartment

c. Dwelling, cottage home; see section 4.2
d. Dwelling, multifamily
e. Dwelling, single-family (attached)
f. Dwelling, single-family (detached)
g. Dwelling, three-family
h. Dwelling, townhouse; see section 4.2
i. Dwelling, two family
j. Dwelling, urban single-family; see section 4.2
k. Fraternity house or sorority house
l. Live/work unit; see section 4.2

3. Institutional/Public
   a. Government facilities
   b. Library or museum
   c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   d. School, public kindergarten, elementary, middle or high schools

4. Commercial
   a. Adult daycare center, 7 or more; see section 4.2
   b. Child day care center, up to 6; see section 4.2
   c. Child day care facility, 7 or more; see section 4.2
   d. Personal services establishment

5. Communications – Utility
   a. Essential services
   b. Satellite television antenna; see section 4.2

6. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Residential
   a. Home occupation, no customer contact; see section 4.2

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary produce stand; see section 4.2
   d. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications

a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Bed and breakfast establishment; see section 4.2
   b. Home occupation, with customer contact; see section 4.2
   c. Personal care home, 6 or less; see section 4.2
   d. Personal care home, 7 or more; see section 4.2
   e. Senior housing; see section 4.2
   f. Shelter for homeless persons for no more than 6 persons; see section 4.2
   g. Shelter for homeless persons 7-20; see section 4.2
   h. Traditional housing facilities, 7-20; see section 4.2
2. Institutional/Public
   a. Cemetery, columbarium, mausoleum; see section 4.2
   b. Cultural facilities
   c. Places of worship; see section 4.2
   d. Recreation club; see section 4.2
   e. School, private kindergarten, elementary, middle or high schools; see section 4.2
   f. School, vocational; see section 4.2
   g. Swimming pools, commercial; see section 4.2

3. Commercial
   a. Adult daycare facility, up to 6; see section 4.2
   b. Dog day care; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential
   a. Accessory uses or structures

2. Institutional/Public
   a. Educational use, private; see section 4.2
   b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

3. Commercial
   a. Art gallery
   b. Banks, credit unions or other similar financial institutions
   c. Barber shop/beauty salon or similar establishments
   d. Building or construction office
   e. Coin laundry
   f. Dog grooming; see section 4.2
   g. Dry cleaning agencies, pressing establishments, or laundry pick-up stations
   h. Fitness center

i. Office, medical
j. Office, professional
k. Restaurants (non drive-thru)
l. Retail, 5.000 sf or less (with the exception of small box discount stores)

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

Sec. 2.19.3.

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

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Child day care center
   b. Dwelling, multifamily
   c. Dwelling, single-family (attached)
   d. Dwelling, single-family (detached)
   e. Dwelling, three-family
   f. Dwelling, townhouse; see section 4.2
   g. Dwelling, two family
   h. Dwelling, urban single-family; see section 4.2
   i. Live/work unit; see section 4.2
   j. Nursing care facility or hospice

3. Institutional/Public
   a. Club, order or lodge, fraternal, non-commercial
   b. Colleges, universities, research and training facilities
   c. Funeral home, mortuary
   d. Government facilities
   e. Library or museum
   f. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   g. Places of worship; see section 4.2
   h. School, public kindergarten, elementary, middle or high schools
   i. School, specialty; see section 4.2
   j. School, vocational; see section 4.2

4. Commercial
   a. Adult daycare facility, up to 6; see section 4.2
   b. Animal hospitals, veterinary clinic; see section 4.2
   c. Art gallery

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

5. Communications – Utility
   a. Essential services
   b. Radio or television broadcasting studio
   c. Satellite television antenna; see section 4.2

6. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Residential
   a. Home occupation, no customer contact; see section 4.2

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary outdoor sales; seasonal; see section 4.2
   d. Temporary outdoor sales or events, seasonal; see section 4.2
   e. Temporary produce stand; see section 4.2
   f. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Child care home, 5 or less; see section 4.2
   b. Child care facility, 6 or more; see section 4.2
   c. Home occupation, with customer contact; see section 4.2
   d. Personal care home, 7 or more; see section 4.2
   e. Senior housing; see section 4.2
   f. Short Term vacation rental

2. Institutional/Public
   a. Cultural facilities

3. Commercial
   a. Alcohol outlet-package store, primary; see section 4.2
   b. Alcohol outlet -beer and/or wine store, beer growler, primary; see section 4.2
   c. Bus or rail stations or terminals for passengers
   d. Drive-through facilities; see section 4.2
   e. Nightclub or late-night establishment; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential
   a. Accessory uses or structures
   b. Dormitory
   c. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2

2. Institutional/Public
   a. Educational use, private; see section 4.2

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

A. The maximum allowed dwelling unit density before application of any bonus is 4 dwelling units per acre, and after application of any bonuses is 8 dwelling units per acre.

B. Density determination of each MU-1 (Mixed-Use Low Density) property:

1. Existing MU-1 properties: For properties converted to the MU-1 (Mixed-Use Low Density) District classification at the effective date of the ordinance from which this chapter is derived:

   a. Where conditions of zoning regulate density on the property, the maximum density shall remain as established in any conditions of zoning attached to the property.

   b. Where no conditions of zoning regulating density have been attached to the property, the maximum density shall be the Base Max described in Table 2.18 unless administratively reviewed and approved for bonus increases, according to the criteria set forth in subsection C. of this section.

2. New MU-1 districts: For property rezoned to the MU-1 (Mixed-Use Low Density) District classification after the effective date of the ordinance from which this chapter is derived, density shall be established by the City Council at the time of approval of the MU-1 District, based upon the criteria set forth in subsection C. of this section.

C. Density bonus eligibility and calculations. Density bonuses are intended for subdivisions, as defined in this chapter, not for individual infill lots. The maximum allowed density on MU-1 (Mixed-Use Low Density) zoned property may be increased above the base max by application of density bonuses as indicated by Table 2.19, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.19. In no case shall density exceed the bonus maximum established by Table 2.18.

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

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

Character Area (example):	*Neighborhood Center Character Area*
Bonus types in example project:	*Sustainability Elements and Amenity Proximity*
Method:	*Multiply the Base x % = additional units eligible*

Step 1: Calculate density gained by bonus type:

Sustainability Element Bonus:	*Amenity Proximity Bonus:*
Base density: 4	*Base density: 4*
% Bonus = 50%	*% Bonus = 20%*
Base x 50% = 4 x 50% = 2	*Base x 20% = 4 x 20%*
+ 2 bonus du/acre	*+ .8 bonus du/acre*

Step 2: Add bonus density to Base density

4	+	*(2 + .8)*	*= 6.8 du/acre max density*
Base		Cumulative **Bonus**	**Total project density allowed**

(Ord. of 8-2-2017, § 1(2.19.6))

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

Sec. 2.20.1. District requirements, standards and criteria.

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

(Ord. of 8-2-2017, § 1(2.20.1))

Sec. 2.20.2. Permitted and special land uses.

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

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Bed and breakfast establishment; see section 4.2
   b. Child day care center
   c. Convents or monasteries; see section 4.2
   d. Dwelling, multifamily
   e. Dwelling, single-family (attached)
   f. Dwelling, single-family (detached)
   g. Dwelling, three-family
   h. Dwelling, townhouse; see section 4.2
   i. Dwelling, two family
   j. Dwelling, urban single-family; see section 4.2
   k. Fraternity house or sorority house
   l. Live/work unit; see section 4.2
   m. Nursing care facility or hospice

3. Institutional/Public
   a. Club, order or lodge, fraternal, non-commercial
   b. Colleges, universities, research and training facilities
   c. Funeral home, mortuary
   d. Government facilities
   e. Library or museum
   f. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   g. Places of worship; see section 4.2
   h. School, public kindergarten, elementary, middle or high schools
   i. School, specialty; see section 4.2
   j. School, vocational; see section 4.2

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

5. Industrial
   a. Contractor, general (see also building or construction office)

6. Communications – Utility
   a. Essential services
   b. Radio or television broadcasting studio
   c. Satellite television antenna; see section 4.2

7. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Residential
   a. Home occupation, no customer contact; see section 4.2
   b. Hotel/motel

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary outdoor sales; seasonal; see section 4.2
   d. Temporary outdoor sales or events, seasonal; see section 4.2
   e. Temporary produce stand; see section 4.2
   f. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Child care home, 5 or less; see section 4.2
   b. Child care facility, 6 or more; see section 4.2
   c. Home occupation, with customer contact; see section 4.2
   d. Personal care home, 7 or more; see section 4.2
   e. Senior housing; see section 4.2
   f. Short Term vacation rental

2. Institutional/Public
   a. Cultural facilities
   b. School, private kindergarten, elementary, middle or high schools; see section 4.2

3. Commercial
   a. Alcohol outlet-package store, primary; see section 4.2
   b. Alcohol outlet -beer and/or wine store, beer growler, primary; see section 4.2
   c. Bus or rail stations or terminals for passengers
   d. Drive-through facilities; see section 4.2
   e. Nightclub or late night establishment; see section 4.2

D. Permitted Accessory
The following uses are permitted as accessory only to a principal use:
1. Residential
   a. Accessory uses or structures
   b. Dormitory
   c. Dwelling, single-family, accessory (guesthouse, in-law suite) ; see section 4.2

2. Institutional/Public
   a. Educational use, private; see section 4.2
   b. Swimming pools, commercial; see section 4.2
   c. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

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

Sec. 2.21.1. District requirements, standards and criteria.

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

A. The maximum allowed dwelling unit density before application of any bonus is 12 dwelling units per acre, and after application of any bonuses is 24 dwelling units per acre.

B. Section 2.19.8 regarding retail size restrictions shall not apply.

C. Height restrictions apply to the MU-3 (Mixed-Use Low-Medium Density) District based on a relationship of density, as achieved through bonuses, in accordance with Table 2.9 or 2.11, as applicable.

(Ord. of 8-2-2017, § 1(2.21.1))

Sec. 2.21.2. Permitted and special land uses.

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

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

2. Residential
   a. Bed and breakfast establishment; see section 4.2
   b. Child day care center
   c. Convents or monasteries; see section 4.2

d. Dwelling, multifamily
e. Dwelling, single-family (attached)
f. Dwelling, single-family (detached)
g. Dwelling, three-family
h. Dwelling, townhouse; see section 4.2
i. Dwelling, two family
j. Dwelling, urban single-family; see section 4.2
k. Fraternity house or sorority house
l. Live/work unit; see section 4.2
m. Nursing care facility or hospice

3. Institutional/Public
   a. Club, order or lodge, fraternal, non-commercial
   b. Colleges, universities, research and training facilities
   c. Funeral home, mortuary
   d. Government facilities
   e. Hospital or accessory ambulance service
   f. Library or museum
   g. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   h. Places of worship; see section 4.2
   i. School, public kindergarten, elementary, middle or high schools
   j. School, specialty; see section 4.2
   k. School, vocational; see section 4.2

4. Commercial
   a. Adult daycare center, 7 or more; see section 4.2
   b. Adult daycare facility, up to 6; see section 4.2
   c. Art gallery
   d. Automobile or truck rental or leasing facilities; see section 4.2
   e. Banks, credit unions or other similar financial institutions
   f. Barber shop/beauty salon or similar establishments
   g. Brewpub/beer growler
   h. Catering establishment
   i. Check cashing establishment, accessory; see section 4.2
   j. Child day care facility, up to 6; see section 4.2
   k. Child day care center (kindergarten), 7 or more
   l. Child day care facility, 7 or more; see section 4.2
   m. Clinic, health services
   n. Coin laundry
   o. Dog day care
   p. Dog grooming
   q. Dry cleaning agencies, pressing establishments or laundry pick-up stations
   r. Farmer's market, permanent; see section 4.2
   s. Fitness center
   t. Kidney dialysis center
   u. Office, medical

v. Office, professional
w. Parking, commercial lot; see section 4.2
x. Parking, commercial garage
y. Personal services establishment
z. Recreation, indoor
aa. Restaurants (accessory to hotel/motel)
bb. Restaurants (non drive-thru)
cc. Retail, 5,000 sf or less (with the exception of small box discount stores)
dd. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center)
ee. Retail warehouses/wholesalers providing sales of merchandise with no outdoor storage
ff. Shopping center
gg. Special events facility
hh. Taxi stand
ii. Theaters with live performance, assembly or concert halls, or similar entertainment within an enclose building

5. Industrial
   a. Contractor, general (see also building or construction office)

6. Communications – Utility
   a. Essential services
   b. Radio or television broadcasting studio
   c. Satellite television antenna; see section 4.2

7. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Residential
   a. Home occupation, no customer contact; see section 4.2
   b. Hotel/motel

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Medical or dental laboratories
   c. Temporary outdoor retail sales; see section 4.2
   d. Temporary outdoor sales; seasonal; see section 4.2
   e. Temporary outdoor sales or events, seasonal; see section 4.2
   f. Temporary produce stand; see section 4.2
   g. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit
The following uses are permitted only with a special land use permit:
1. Residential
   a. Child care home, 5 or less; see section 4.2
   b. Child care facility, 6 or more; see section 4.2
   c. Home occupation, with customer contact; see section 4.2
   d. Personal care home, 7 or more; see section 4.2
   e. Senior housing; see section 4.2

2. Institutional/Public
   a. Coliseum or stadium, not associated with a church or school; see section 4.2
   b. Cultural facilities
   c. School, private kindergarten, elementary, middle or high schools; see section 4.2

3. Commercial
   a. Alcohol outlet-package store, primary; see section 4.2
   b. Alcohol outlet -beer and/or wine store, beer growler, primary; see section 4.2
   c. Bus or rail stations or terminals for passengers
   d. Drive-through facilities; see section 4.2
   e. Heliport; see section 4.2
   f. Nightclub or late night establishment; see section 4.2

D. Permitted Accessory
The following uses are permitted as accessory only to a principal use:
1. Residential
   a. Accessory uses or structures
   b. Dormitory
   c. Dwelling, single-family, accessory (guesthouse, in-law suite) ; see section 4.2

2. Institutional/Public
   a. Swimming pools, commercial; see section 4.2
   b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

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

Sec. 2.22.1. District requirements, standards and criteria.

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

A. The maximum allowed dwelling unit density before application of any bonus is 24 dwelling units per acre, and after application of any bonuses is 40 dwelling units per acre.

B. Height restrictions apply to the MU-4 (Mixed-Use High Density) District in accordance with Table 2.9, 2.11, or 2.13, as applicable.

(Ord. of 8-2-2017, § 1(2.22.1))

Sec. 2.22.2. Permitted and special land uses.

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

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Bed and breakfast establishment; see section 4.2
   b. Child day care center
   c. Convents or monasteries; see section 4.2
   d. Dwelling, multifamily
   e. Dwelling, single-family (attached)
   f. Dwelling, three-family
   g. Dwelling, townhouse; see section 4.2
   h. Dwelling, two family
   i. Dwelling, urban single-family; see section 4.2
   j. Live/work unit; see section 4.2
   k. Nursing care facility or hospice

3. Institutional/Public
   a. Club, order or lodge, fraternal, non-commercial
   b. Colleges, universities, research and training facilities
   c. Coliseum or stadium, not associated with a church or school; see section 4.2
   d. Funeral home, mortuary
   e. Government facilities
   f. Hospital or accessory ambulance service
   g. Library or museum
   h. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   i. Places of worship; see section 4.2
   j. School, public kindergarten, elementary, middle or high schools

k. School, specialty; see section 4.2
l. School, vocational; see section 4.2

4. Commercial
   a. Adult daycare center, 7 or more; see section 4.2
   b. Adult daycare facility, up to 6; see section 4.2
   c. Art gallery
   d. Automobile or truck rental or leasing facilities; see section 4.2
   e. Banks, credit unions or other similar financial institutions
   f. Barber shop/beauty salon or similar establishments
   g. Brewpub/beer growler
   h. Catering establishment
   i. Check cashing establishment, accessory; see section 4.2
   j. Child day care facility, up to 6; see section 4.2
   k. Child day care center (kindergarten), 7 or more
   l. Child day care facility, 7 or more; see section 4.2
   m. Clinic, health services
   n. Coin laundry
   o. Dog day care
   p. Dog grooming
   q. Dry cleaning agencies, pressing establishments or laundry pick-up stations
   r. Farmer's market, permanent; see section 4.2
   s. Fitness center
   t. Kidney dialysis center
   u. Office, medical
   v. Office, professional
   w. Parking, commercial lot; see section 4.2
   x. Parking, commercial garage
   y. Personal services establishment
   z. Recreation, indoor
   aa. Restaurants (accessory to hotel/motel)
   bb. Restaurants (non drive-thru)
   cc. Retail, 5,000 sf or less (with the exception of small box discount stores)
   dd. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center)
   ee. Retail warehouses/wholesalers providing sales of merchandise with no outdoor storage
   ff. Shopping center
   gg. Special events facility
   hh. Taxi stand
   ii. Theaters with live performance, assembly or concert halls, or similar entertainment within an enclose building

5. Communications – Utility
   a. Essential services
   b. Radio or television broadcasting studio
   c. Satellite television antenna; see section 4.2

6. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses
The following uses are permitted only with administrative approval:
1. Agricultural
   a. Urban, community garden, over 5 acres

2. Residential
   a. Home occupation, no customer contact; see section 4.2
   b. Hotel/motel

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Medical or dental laboratories
   c. Temporary outdoor retail sales; see section 4.2
   d. Temporary outdoor sales; seasonal; see section 4.2
   e. Temporary outdoor sales or events, seasonal; see section 4.2
   f. Temporary produce stand; see section 4.2
   g. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit
The following uses are permitted only with a special land use permit:
1. Residential
   a. Child care home, 5 or less; see section 4.2
   b. Child care facility, 6 or more; see section 4.2
   c. Home occupation, with customer contact; see section 4.2
   d. Personal care home, 7 or more; see section 4.2
   e. Senior housing; see section 4.2

2. Institutional/Public
   a. Cultural facilities
   b. Recreation club; see section 4.2
   c. School, private kindergarten, elementary, middle or high schools; see section 4.2

3. Commercial
   a. Alcohol outlet-package store, primary; see section 4.2
   b. Alcohol outlet -beer and/or wine store, beer growler, primary; see section 4.2
   c. Bus or rail stations or terminals for passengers

d. Drive-through facilities; see section 4.2
e. Heliport; see section 4.2
f. Nightclub or late night establishment; see section 4.2

D. Permitted Accessory
The following uses are permitted as accessory only to a principal use:
1. Residential
a. Accessory uses or structures
b. Dormitory
c. Dwelling, single-family, accessory (guesthouse, in-law suite) ; see section 4.2

2. Institutional/Public
a. Swimming pools, commercial; see section 4.2
b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

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

Sec. 2.23.1. District requirements, standards and criteria.

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

A. The maximum allowed dwelling unit density before application of any bonus is 40 dwelling units per acre, and after application of any bonuses is 120 dwelling units per acre.

B. Height restrictions apply to MU-5 in accordance with Tables 2.13 and 2.15, as applicable.

(Ord. of 8-2-2017, § 1(2.23.1))

Sec. 2.23.2. Permitted and special land uses.

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

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

2. Residential
a. Bed and breakfast establishment; see section 4.2
b. Child day care center
c. Convents or monasteries; see section 4.2
d. Dwelling, multifamily
e. Dwelling, single-family (attached)

f. Dwelling, three-family
g. Dwelling, townhouse; see section 4.2
h. Dwelling, two family
i. Dwelling, urban single-family; see section 4.2
j. Live/work unit; see section 4.2
k. Nursing care facility or hospice

3. Institutional/Public
   a. Club, order or lodge, fraternal, non-commercial
   b. Colleges, universities, research and training facilities
   c. Coliseum or stadium, not associated with a church or school; see section 4.2
   d. Funeral home, mortuary
   e. Government facilities
   f. Hospital or accessory ambulance service
   g. Library or museum
   h. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   i. Places of worship; see section 4.2
   j. School, public kindergarten, elementary, middle or high schools
   k. School, specialty; see section 4.2
   l. School, vocational; see section 4.2

4. Commercial
   a. Adult daycare center, 7 or more; see section 4.2
   b. Adult daycare facility, up to 6; see section 4.2
   c. Art gallery
   d. Automobile or truck rental or leasing facilities; see section 4.2
   e. Banks, credit unions or other similar financial institutions
   f. Barber shop/beauty salon or similar establishments
   g. Brewpub/beer growler
   h. Catering establishment
   i. Check cashing establishment, accessory; see section 4.2
   j. Child day care facility, up to 6; see section 4.2
   k. Child day care center (kindergarten), 7 or more
   l. Child day care facility, 7 or more; see section 4.2
   m. Clinic, health services
   n. Coin laundry
   o. Dog day care
   p. Dog grooming
   q. Dry cleaning agencies, pressing establishments or laundry pick-up stations
   r. Farmer's market, permanent; see section 4.2
   s. Fitness center
   t. Kidney dialysis center
   u. Office, medical
   v. Office, professional
   w. Parking, commercial lot; see section 4.2
   x. Parking, commercial garage

y. Personal services establishment
z. Recreation, indoor
aa. Restaurants (accessory to hotel/motel)
bb. Restaurants (non drive-thru)
cc. Retail, 5,000 sf or less (with the exception of small box discount stores)
dd. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center)
ee. Retail warehouses/wholesalers providing sales of merchandise with no outdoor storage
ff. Shopping center
gg. Special events facility
hh. Taxi stand
ii. Theaters with live performance, assembly or concert halls, or similar entertainment within an enclose building

5. Communications – Utility
   a. Essential services
   b. Radio or television broadcasting studio
   c. Satellite television antenna; see section 4.2

6. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Residential
   a. Home occupation, no customer contact; see section 4.2
   b. Hotel/motel

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Medical or dental laboratories
   c. Temporary outdoor retail sales; see section 4.2
   d. Temporary outdoor sales; seasonal; see section 4.2
   e. Temporary outdoor sales or events, seasonal; see section 4.2
   f. Temporary produce stand; see section 4.2
   g. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Child care home, 5 or less; see section 4.2
   b. Child care facility, 6 or more; see section 4.2
   c. Home occupation, with customer contact; see section 4.2
   d. Personal care home, 7 or more; see section 4.2
   e. Senior housing; see section 4.2

2. Institutional/Public
   a. Cultural facilities
   b. Recreation club; see section 4.2
   c. School, private kindergarten, elementary, middle or high schools; see section 4.2

3. Commercial
   a. Alcohol outlet-package store, primary; see section 4.2
   b. Alcohol outlet -beer and/or wine store, beer growler, primary; see section 4.2
   c. Bus or rail stations or terminals for passengers
   d. Drive-through facilities; see section 4.2
   e. Heliport; see section 4.2
   f. Nightclub or late night establishment; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential
   a. Accessory uses or structures
   b. Dormitory
   c. Dwelling, single-family, accessory (guesthouse, in-law suite) ; see section 4.2

2. Institutional/Public
   a. Swimming pools, commercial; see section 4.2
   b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

DIVISION 25. NS (NEIGHBORHOOD SHOPPING) DISTRICT

Sec. 2.25.3. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.25.3))

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Child care home, 5 or less; see section 4.2
   b. Child day care center

3. Institutional/Public
   a. Government facilities
   b. Library or museum
   c. Places of worship; see section 4.2
   d. School, vocational; see section 4.2

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

5. Communications – Utility
   a. Essential services
   b. Satellite television antenna; see section 4.2

6. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Institutional/Public
   a. School, vocational; see section 4.2

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary outdoor sales; seasonal; see section 4.2
   d. Temporary outdoor sales or events, seasonal; see section 4.2
   e. Temporary produce stand; see section 4.2
   f. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential
   a. Child care facility, 6 or more; see section 4.2
   b. Personal care home, 6 or less; see section 4.2
   c. Personal care home, 7 or more; see section 4.2

2. Commercial
   a. Alcohol outlet -beer and/or wine store, beer growler, primary; see section 4.2
   b. Alcohol outlet-beer and wine, accessory to retail less than 12,000sf; see section 4.2
   c. Automobile service stations; see section 4.2
   d. Fuel pumps; see section 4.2
   e. Liquor store (see alcohol outlet) ; see section 4.2
   f. Nightclub or late night establishment; see section 4.2

3. Wireless Telecommunications
   a. New support structure from 51 feet to 150 feet; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential
   a. Accessory uses or structures

2. Commercial

a. Kennel, breeding
3. Industrial
   a. Recycling collection

DIVISION 26. C-1 (LOCAL COMMERCIAL) DISTRICT

Sec. 2.26.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.26.2))

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential
   a. Bed and breakfast establishment; see section 4.2
   b. Child care facility, 6 or more
   c. Child care home, 5 or less; see section 4.2
   d. Child day care center
   e. Hotel/motel
   f. Live/work unit; see section 4.2
   g. Nursing care facility or hospice
   h. Personal care home, 6 or less; see section 4.2
   i. Personal care home, 7 or more; see section 4.2
   j. Shelter for homeless persons, 7-20; see section 4.2
   k. Transitional housing facilities, 7-20 persons; see section 4.2

3. Institutional/Public
   a. Club, order or lodge, fraternal, non-commercial
   b. Coliseum or stadium/not associated with church or school; see section 4.2
   c. Colleges, universities, research and training facilities
   d. Funeral home, mortuary
   e. Government facilities
   f. Library or museum
   g. Places of worship; see section 4.2
   h. School, private kindergarten, elementary, middle or high schools; see section 4.2
   i. School, public kindergarten, elementary, middle or high schools
   j. School, specialty; see section 4.2
   k. School, vocational; see section 4.2

l. Swimming pools, commercial; see section 4.2
m. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

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

qq. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center)
rr. Retail warehouses/wholesales providing sales of merchandise with no outdoor storage
ss. Shopping center
tt. Special events facility
uu. Taxi stand
vv. Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building
ww. Trade shops

5. Communications – Utility
   a. Essential services
   b. Satellite television antenna; see section 4.2

6. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses
The following uses are permitted only with administrative approval:
1. Agricultural
   a. Urban, community garden, over 5 acres

2. Institutional/Public
   a. School, vocational; see section 4.2

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary outdoor sales; seasonal; see section 4.2
   d. Temporary outdoor sales or events, seasonal; see section 4.2
   e. Temporary produce stand; see section 4.2
   f. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   b. New support structure from 50 feet up to 199 feet; see section 4.2
   c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit
The following uses are permitted only with a special land use permit:
1. Residential
   a. Hotel/motel, extended stay; see section 4.2
   b. Shelter for homeless persons for no more than 6 persons; see section 4.2

2. Institutional/Public
   a. Cultural facilities

3. Commercial
   a. Alcohol outlet -beer and/or wine store, beer growler, primary; see section 4.2
   b. Alcohol outlet-beer and wine, accessory to retail less than 12,000sf; see section 4.2
   c. Alcohol outlet-package store, primary; see section 4.2
   d. Automobile service stations; see section 4.2
   e. Bus or rail stations or terminals for passengers
   f. Crematoriums; see section 4.2
   g. Fuel pumps; see section 4.2
   h. Heliport; see section 4.2
   i. Liquor store (see alcohol outlet) ; see section 4.2
   j. Nightclub or late night establishment; see section 4.2
   k. Restaurants with a drive-thru configuration; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential
   a. Accessory uses or structures
   b. Dormitory

2. Commercial
   a. Fuel pumps, accessory to large scale retail within 1,000 feet of interstate highway interchange measured from ROW to property line; see section 4.2
   b. Kennel, breeding

3. Industrial
   a. Recycling collection

DIVISION 27. C-2 (GENERAL COMMERCIAL) DISTRICT

Sec. 2.27.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.27.2))

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
   a. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential

a. Bed and breakfast establishment; see section 4.2
b. Child care facility, 6 or more
c. Child care home, 5 or less; see section 4.2
d. Child day care center
e. Hotel/motel
f. Live/work unit; see section 4.2
g. Nursing care facility or hospice
h. Personal care home, 6 or less; see section 4.2
i. Personal care home, 7 or more; see section 4.2
j. Shelter for homeless persons, no more than 6 persons; see section 4.2
k. Transitional housing facilities, 7-20 persons; see section 4.2

3. Institutional/Public
   a. Club, order or lodge, fraternal, non-commercial
   b. Coliseum or stadium/not associated with church or school; see section 4.2
   c. Colleges, universities, research and training facilities
   d. Funeral home, mortuary
   e. Golf course or clubhouse, public or private; see section 4.2
   f. Government facilities
   g. Library or museum
   h. Places of worship; see section 4.2
   i. Recreation, outdoor; see section 4.2
   j. School, private kindergarten, elementary, middle or high schools; see section 4.2
   k. School, public kindergarten, elementary, middle or high schools
   l. School, specialty; see section 4.2
   m. School, vocational; see section 4.2
   n. Swimming pools, commercial; see section 4.2
   o. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

4. Commercial
   a. Adult daycare center, 7 or more; see section 4.2
   b. Adult daycare facility, up to 6; see section 4.2
   c. Ambulance service or emergency medical services, private
   d. Animal hospital, veterinary clinic; see section 4.2
   e. Animal shelter/rescue center; see section 4.2
   f. Art gallery
   g. Automobile brokerage; see section 4.2
   h. Automobile or truck rental or leasing facilities; see section 4.2
   i. Automobile or truck sales; see section 4.2
   j. Automobile upholstery shop
   k. Automobile wash/was service; see section 4.2
   l. Automobile repair, major; see section 4.2
   m. Automobile repair, minor; see section 4.2
   n. Banks, credit unions or other similar financial institutions
   o. Barber shop/beauty salon or similar establishments
   p. Brewpub/beer growler

q. Building or construction office; see section 4.2
r. Catering establishments
s. Check cashing establishment, accessory; see section 4.2
t. Check cashing establishment, primary; see section 4.2
u. Child day care facility, up to 6; see section 4.2
v. Child day care center (kindergarten), 7 or more
w. Clinic, health services
x. Coin laundry
y. Commercial greenhouse or plant nursery; see section 4.2
z. Contractor office, heavy construction; see section 4.2
aa. Contractor office, landscape; see section 4.2
bb. Dog day care; see section 4.2
cc. Dog grooming; see section 4.2
dd. Drive-in theater; see section 4.2
ee. Drive-through facilities; see section 4.2
ff. Dry cleaning agencies, pressing establishments or laundry pick-up stations
gg. Fairground or amusement park; see section 4.2
hh. Farmer's market, permanent; see section 4.2
ii. Fitness center
jj. Fuel dealers or wholesalers
kk. Kennel, breeding
ll. Kennel, commercial
mm. Kidney dialysis center
nn. Medical or dental laboratories
oo. Landscape business
pp. Mini-warehouse; see section 4.2
qq. Office, medical
rr. Office, professional
ss. Outdoor storage, commercial; see section 4.2
tt. Parking, commercial lot; see section 4.2
uu. Parking, commercial garage
vv. Pawn shop, title loan; see section 4.2
ww. Personal services establishment
xx. Printing or publishing establishments
yy. Recreation, indoor
zz. Recreation, outdoor; see section 4.2
aaa. Recreational vehicle, boat and trailer sales and service
bbb. Restaurants (accessory to hotel/motel)
ccc. Restaurants (non drive-thru)
ddd. Retail, 5,000 sf or less (with the exception of small box discount stores)
eee. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center)
fff. Retail warehouses/wholesales providing sales of merchandise with no outdoor storage
ggg. Shopping center
hhh. Special events facility
iii. Taxi, ambulance or limousine service, dispatching or storage; see section 4.2

jjj. Taxi stand
kkk. Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building
lll. Trade shops

5. Industrial
   a. Building materials or lumber supply establishment
   b. Contractor, general
   c. Contractor heavy construction, outside storage
   d. Contractor, special trade
   e. Heavy equipment repair service or trade

6. Communications – Utility
   a. Essential services
   b. Radio or television broadcasting studio
   c. Radio or television or broadcasting transmission facility
   d. Satellite television antenna; see section 4.2

7. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres
2. Institutional/Public
   a. School, vocational; see section 4.2

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary outdoor sales; seasonal; see section 4.2
   d. Temporary outdoor sales or events, seasonal; see section 4.2
   e. Temporary produce stand; see section 4.2
   f. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   b. New support structure from 50 feet up to 199 feet; see section 4.2
   c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential

a. Hotel/motel, extended stay; see section 4.2

2. Institutional/Public
   a. Cultural facilities

3. Commercial
   a. Alcohol outlet -beer and/or wine store, beer growler, primary; see section 4.2
   b. Alcohol outlet-beer and wine, accessory to retail less than 12,000sf; see section 4.2
   c. Alcohol outlet-package store, primary; see section 4.2
   d. Automobile service stations; see section 4.2
   e. Bus or rail stations or terminals for passengers
   f. Crematoriums; see section 4.2
   g. Fuel pumps; see section 4.2
   h. Heliport; see section 4.2
   i. Liquor store (see alcohol outlet) ; see section 4.2
   j. Nightclub or late night establishment; see section 4.2
   k. Restaurants with a drive-thru configuration; see section 4.2

D. Permitted Accessory
The following uses are permitted as accessory only to a principal use:
1. Residential
   a. Accessory uses or structures
   b. Dormitory

2. Commercial
   a. Fuel pumps, accessory to large scale retail within 1,000 feet of interstate highway interchange measured from ROW to property line; see section 4.2
   b. Service area, outdoor; see section 4.2

3. Industrial
   a. Recycling collection

DIVISION 28. OD (OFFICE-DISTRIBUTION) DISTRICT

Sec. 2.28.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.28.2))

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

2. Residential
   a. Hotel/motel

3. Institutional/Public
   a. Cemetery, columbarium, mausoleum; see section 4.2
   b. Club, order or lodge, fraternal, non-commercial
   c. Coliseum or stadium/not associated with church or school; see section 4.2
   d. Colleges, universities, research and training facilities
   e. Educational use, private; see section 4.2
   f. Golf course or clubhouse, public or private; see section 4.2
   g. Government facilities
   h. Library or museum
   i. Places of worship; see section 4.2
   j. Recreation club; see section 4.2
   k. Recreation, outdoor; see section 4.2
   l. School, private kindergarten, elementary, middle or high schools; see section 4.2
   m. School, public kindergarten, elementary, middle or high schools
   n. School, specialty; see section 4.2
   o. School, vocational; see section 4.2
   p. Swimming pools, commercial; see section 4.2
   q. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

4. Commercial
   a. Adult daycare center, 7 or more; see section 4.2
   b. Adult daycare facility, up to 6; see section 4.2
   c. Alcohol outlet -beer and/or wine store, beer growler, primary; see section 4.2
   d. Alcohol outlet-beer and wine, accessory to retail less than 12,000sf; see section 4.2
   e. Alcohol outlet-package store, primary; see section 4.2
   f. Animal hospital, veterinary clinic; see section 4.2
   g. Animal shelter/rescue center; see section 4.2
   h. Art gallery
   i. Barber shop/beauty salon or similar establishments
   j. Building or construction office; see section 4.2
   k. Child day care facility, up to 6; see section 4.2
   l. Child day care center (kindergarten), 7 or more
   m. Clinic, health services
   n. Contractor office, heavy construction; see section 4.2
   o. Contractor office, landscape; see section 4.2
   p. Drive-through facilities; see section 4.2
   q. Farmer’s market, permanent; see section 4.2
   r. Liquor store (see alcohol outlet); see section 4.2
   s. Mini-warehouse; see section 4.2
   t. Office, medical
   u. Office, professional
   v. Parking, commercial lot; see section 4.2

w. Parking, commercial garage
x. Pawn shop, title loan; see section 4.2
y. Recreation, indoor
z. Recreation, outdoor; see section 4.2
aa. Restaurants (accessory to hotel/motel)
bb. Retail, 5,000 sf or less (with the exception of small box discount stores)
cc. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center)
dd. Retail warehouses/wholesales providing sales of merchandise with no outdoor storage
ee. Shopping center
ff. Special events facility
gg. Taxi, ambulance or limousine service, dispatching or storage; see section 4.2
hh. Taxi stand
ii. Trade shops

5. Industrial
   a. Warehousing or storage

6. Communications – Utility
   a. Essential services

7. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
   a. Urban, community garden, over 5 acres

2. Institutional/Public
   a. School, vocational; see section 4.2

3. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary outdoor sales; seasonal; see section 4.2
   d. Temporary outdoor sales or events, seasonal; see section 4.2
   e. Temporary produce stand; see section 4.2
   f. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   b. New support structure from 50 feet up to 199 feet; see section 4.2
   c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit
The following uses are permitted only with a special land use permit:

1. Institutional/Public
   a. Cultural facilities

2. Commercial
   a. Alternative energy production
   b. Fuel pumps; see section 4.2
   c. Heliport; see section 4.2
   d. Nightclub or late night establishment; see section 4.2

D. Permitted Accessory
The following uses are permitted as accessory only to a principal use:
1. Residential
   a. Accessory uses or structures
   b. Dormitory

2. Commercial
   a. Fuel pumps, accessory to large scale retail within 1,000 feet of interstate highway interchange measured from ROW to property line; see section 4.2

DIVISION 29. OI (OFFICE-INSTITUTIONAL) DISTRICT

Sec. 2.29.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.29.2))

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

2. Residential
   a. Bed and breakfast establishment
   b. Child care home, 5 or less; see section 4.2
   c. Child care facility, 6 or more; see section 4.2
   d. Child day care center
   e. Convents or monasteries; see section 4.2
   f. Dwelling, multifamily
   g. Hotel/motel

h. Live/work unit
i. Nursing care facility or hospice
j. Personal care home, 6 or less; see section 4.2
k. Personal care home, 7 or more; see section 4.2

3. Institutional/Public
   a. Cemetery, columbarium, mausoleum; see section 4.2
   b. Club, order or lodge, fraternal, non-commercial
   c. Colleges, universities, research and training facilities
   d. Funeral home, mortuary
   e. Golf course or clubhouse, public or private; see section 4.2
   f. Government facilities
   g. Hospital or accessory ambulance service
   h. Library or museum
   i. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   j. Places of worship; see section 4.2
   k. School, private kindergarten, elementary, middle or high schools; see section 4.2
   l. School, public kindergarten, elementary, middle or high schools
   m. School, specialty; see section 4.2
   n. School, vocational; see section 4.2
   o. Swimming pools, commercial; see section 4.2
   p. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

4. Commercial
   a. Adult daycare center, 7 or more; see section 4.2
   b. Automobile or truck rental or leasing facilities; see section 4.2
   c. Banks, credit unions or other similar financial institutions
   d. Building or construction office; see section 4.2
   e. Catering establishments
   f. Child day care facility, up to 6; see section 4.2
   g. Child day care center (kindergarten), 7 or more
   h. Clinic, health services
   i. Drive-through facilities; see section 4.2
   j. Dry cleaning agencies, pressing establishments, or laundry pick-up stations
   k. Farmer's market, permanent; see section 4.2
   l. Fitness center
   m. Kidney dialysis center
   n. Medical or dental laboratories
   o. Office, medical
   p. Office, professional
   q. Printing or publishing establishments
   r. Restaurants (accessory to hotel/motel)
   s. Restaurant with a drive-thru configuration
   t. Special events facility
   u. Taxi stand

v. Theaters with live performance, assembly or concert halls, or similar entertainment within an enclosed building
w. Trade shops

5. Communications – Utility
   a. Essential services
   b. Radio or television broadcasting studio
   c. Satellite television antenna; see section 4.2

6. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses
The following uses are permitted only with administrative approval:
1. Agricultural
   a. Urban, community garden, over 5 acres

2. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary outdoor sales; seasonal; see section 4.2
   d. Temporary outdoor sales or events, seasonal; see section 4.2
   e. Temporary produce stand; see section 4.2
   f. Temporary trailer, as home sales office or construction trailer; see section 4.2

3. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   b. New support structure from 50 feet up to 199 feet; see section 4.2
   c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit
The following uses are permitted only with a special land use permit:

1. Residential
   a. Dwelling, apartment
   b. Fraternity or sorority house
   c. Hotel/motel, extended stay
   d. Senior housing; see section 4.2
   e. Shelter for homeless persons, 7—20; see section 4.2
   f. Shelter for homeless persons for no more than 6 persons; see section 4.2
   g. Transitional housing facilities, 7-20 persons; see section 4.2

2. Institutional/Public
   a. Cultural facilities

3. Commercial
   a. Barber shop/beauty salon or similar establishment
   b. Fuel pumps; see section 4.2
   c. Heliport; see section 4.2

4. Industrial
   a. Crematoriums; see section 4.2

D. Permitted Accessory
The following uses are permitted as accessory only to a principal use:
1. Residential
   a. Accessory uses or structures
   b. Dormitory

2. Commercial
   a. Barber shop/beauty salon or similar establishments
   b. Liquor store (see alcohol outlet); see section 4.2
   c. Nightclub or late night establishments; see section 4.2
   d. Parking, commercial garage
   e. Parking, commercia lot; see section 4.2
   f. Personal services establishment
   g. Restaurants (non drive-thru)
   h. Retail 5,000 sf or less (with the exception of small box discount stores)

3. Industrial
   a. Recycling collection

4. Communication-Utility
   a. Radio or television broadcasting transmission facility

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

Sec. 2.30.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.30.2))

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

2. Residential
   a. Bed and breakfast establishment
   b. Child care home, 5 or less; see section 4.2
   c. Child day care center
   d. Convents or monasteries; see section 4.2
   e. Dwelling, single-family attached; see section 4.2
   f. Dwelling, townhouse; see section 4.2
   g. Dwelling, urban single-family; see section 4.2
   h. Live/work unit
   i. Nursing care facility or hospice
   j. Personal care home, 6 or less; see section 4.2
   k. Personal care home, 7 or more; see section 4.2

3. Institutional/Public
   a. Cemetery, columbarium, mausoleum; see section 4.2
   b. Club, order or lodge, fraternal, non-commercial
   c. Colleges, universities, research and training facilities
   d. Funeral home, mortuary
   e. Golf course or clubhouse, public or private; see section 4.2
   f. Government facilities
   g. Hospital or accessory ambulance service
   h. Library or museum
   i. Neighborhood or subdivision clubhouse or amenities; see section 4.2
   j. Places of worship; see section 4.2
   k. School, private kindergarten, elementary, middle or high schools; see section 4.2
   l. School, public kindergarten, elementary, middle or high schools
   m. School, specialty; see section 4.2
   n. School, vocational; see section 4.2
   o. Swimming pools, commercial; see section 4.2
   p. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

4. Commercial
   a. Adult daycare center, 7 or more; see section 4.2
   b. Automobile or truck rental or leasing facilities; see section 4.2
   c. Banks, credit unions or other similar financial institutions
   d. Barber shop/beauty salon or similar establishments
   e. Building or construction office; see section 4.2
   f. Catering establishments
   g. Child day care facility, up to 6; see section 4.2
   h. Child day care center (kindergarten), 7 or more
   i. Clinic, health services
   j. Dry cleaning agencies, pressing establishments, or laundry pick-up stations
   k. Farmer's market, permanent; see section 4.2

l. Fitness center
m. Kidney dialysis center
n. Medical or dental laboratories
o. Office, medical
p. Office, professional
q. Printing or publishing establishments
r. Restaurant with a drive-thru configuration
s. Special events facility
t. Taxi stand
u. Theaters with live performance, assembly or concert halls, or similar entertainment within an enclosed building
v. Trade shops

5. Communications – Utility
   a. Essential services
   b. Satellite television antenna; see section 4.2

6. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses
The following uses are permitted only with administrative approval:
1. Agricultural
   a. Urban, community garden, over 5 acres

2. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary outdoor sales; seasonal; see section 4.2
   d. Temporary outdoor sales or events, seasonal; see section 4.2
   e. Temporary produce stand; see section 4.2
   f. Temporary trailer, as home sales office or construction trailer; see section 4.2

3. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit
The following uses are permitted only with a special land use permit:

1. Residential
   a. Child care facility, 6 or more; see section 4.2

b. Dwelling, apartment
c. Senior housing; see section 4.2
d. Shelter for homeless persons, 7—20; see section 4.2
e. Shelter for homeless persons for no more than 6 persons; see section 4.2
f. Transitional housing facilities, 7-20 persons; see section 4.2

2. Institutional/Public
   a. Cultural facilities

3. Commercial
   a. Barber shop/beauty salon or similar establishment
   b. Fuel pumps; see section 4.2
   c. Mini-warehouse; see section 4.2

4. Wireless Telecommunications
   a. New support structure from 51 feet to 150 feet; see section 4.2

D. Permitted Accessory
The following uses are permitted as accessory only to a principal use:
1. Residential
   a. Accessory uses or structures
   b. Dormitory

2. Commercial
   a. Personal services establishment
   b. Restaurants (non drive-thru)
   c. Retail 5,000 sf or less (with the exception of small box discount stores)

DIVISION 31. M (LIGHT INDUSTRIAL) DISTRICT

Sec. 2.31.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.31.2))

A. Permitted Uses
The following uses are permitted as of right under this code:
1. Agricultural Activities
   a. Dairy
   b. Keeping of livestock
   c. Keeping of poultry/pigeons
   d. Sawmill; temporary or portable
   e. Urban Community Garden, up to 5 acres; see section 4.2

2. Institutional/Public
   a. Colleges, universities, research and training facilities
   b. Golf course or clubhouse, public or private; see section 4.2
   c. Government facilities
   d. Hospital or accessory ambulance service
   e. Places of worship; see section 4.2
   f. Swimming pools, commercial; see section 4.2
   g. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

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

kk. Farmer's market, permanent; see section 4.2
ll. Fitness center
mm. Fuel dealers or wholesalers
nn. Heliport; see section 4.2
oo. Kennel, breeding
pp. Kennel, commercial
qq. Kidney dialysis center
rr. Medical or dental laboratories
ss. Landscape business
tt. Liquor store (see alcohol outlet) ; see section 4.2
uu. Mini-warehouse; see section 4.2
vv. Outdoor storage, commercial; see section 4.2
ww. Parking, commercial lot; see section 4.2
xx. Parking, commercial garage
yy. Pawn shop, title loan; see section 4.2
zz. Personal services establishment
aaa. Printing or publishing establishments
bbb. Recreational vehicle, boat and trailers sales and service
ccc. Restaurants (non drive-thru)
ddd. Retail, 5,000 sf or less (with the exception of small box discount stores)
eee. Retail warehouses/wholesales providing sales of merchandise with no outdoor storage
fff. Special events facility
ggg. Taxi, ambulance or limousine service, dispatching or storage; see section 4.2
hhh. Taxi stand
iii. Trade shops

4. Industrial
   a. Alternative energy production
   b. Building materials or lumber supply establishment
   c. Contractor, general
   d. Contractor heavy construction, outside storage
   e. Contractor, special trade
   f. Crematorium; see section 4.2
   g. Fabricated metal manufacture without EPD permit required (Light manufacturing)
   h. General aviation airport; see section 4.2
   i. Heavy equipment repair service or trade
   j. Industrial, light
   k. Manufacturing, light
   l. Outdoor storage, industrial; see section 4.2
   m. Railroad car classification yards or team truck yards; see section 4.2
   n. Recovered materials facility wholly within a building; see section 4.2
   o. Recovered materials processing wholly within a building
   p. Recycling collection
   q. Recycling plant
   r. Research and testing facilities
   s. Towing or wreckage service
   t. Transportation equipment storage or maintenance (vehicle) ; see section 4.2
   u. Truck stop

v. Truck terminal
w. Vehicle storage yard
x. Warehousing or storage

5. Communications – Utility
   a. Essential services
   b. Radio or television broadcasting studio
   c. Radio or television or broadcasting transmission facility
   d. Satellite television antenna; see section 4.2

6. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses
The following uses are permitted only with administrative approval:
1. Agricultural
   a. Urban, community garden, over 5 acres

2. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary outdoor sales; seasonal; see section 4.2
   d. Temporary outdoor sales or events, seasonal; see section 4.2
   e. Temporary produce stand; see section 4.2
   f. Temporary trailer, as home sales office or construction trailer; see section 4.2

3. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   b. New support structure from 50 feet up to 199 feet; see section 4.2
   c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit
The following uses are permitted only with a special land use permit:
1. Institutional/Public
   a. Cultural facilities
   b. School, specialty; see section 4.2
   c. School, vocational; see section 4.2

2. Commercial
   a. Bus or rail stations or terminals for passengers
   b. Fuel pumps; see section 4.2
   c. Nightclub or late night establishment; see section 4.2
   d. Recreation, outdoor; see section 4.2
   e. Restaurants with a drive-thru configuration; see section 4.2

D. Permitted Accessory
The following uses are permitted as accessory only to a principal use:

1. Commercial
   a. Fuel pumps, accessory to large scale retail within 1,000 feet of interstate highway interchange measured from ROW to property line; see section 4.2
   b. Service area, outdoor; see section 4.2

2. Industrial
   a. Incidental retail sales of goods produced or processed on the premises

DIVISION 32. M-2 (HEAVY INDUSTRIAL) DISTRICT

Sec. 2.32.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.32.2))

A. Permitted Uses
The following uses are permitted as of right under this code:
1. Agricultural Activities
   a. Dairy
   b. Livestock sales pavilion; see section 4.2
   c. Sawmill; temporary or portable
   d. Urban Community Garden, up to 5 acres; see section 4.2

2. Institutional/Public
   a. Government facilities
   b. Places of worship; see section 4.2

3. Commercial
   a. Animal hospital, veterinary clinic; see section 4.2
   b. Animal shelter/rescue center; see section 4.2
   c. Automobile brokerage; see section 4.2
   d. Automobile recovery and storage
   e. Automobile service station; see section 4.2
   f. Automobile or truck sales; see section 4.2
   g. Automobile upholstery shop
   h. Automobile repair, major; see section 4.2
   i. Automobile repair, minor; see section 4.2
   j. Building or construction office; see section 4.2
   k. Check cashing establishment, accessory; see section 4.2
   l. Contractor office, landscape; see section 4.2
   m. Dog day care; see section 4.2
   n. Dog grooming; see section 4.2

o. Drive-in theater; see section 4.2
p. Dry cleaning agencies, pressing establishments or laundry pick-up stations
q. Fairground or amusement park; see section 4.2
r. Farmer's market, permanent; see section 4.2
s. Fitness center
t. Fuel dealers or wholesalers
u. Heliport; see section 4.2
v. Kennel, breeding
w. Kennel, commercial
x. Medical or dental laboratories
y. Landscape business
z. Mini-warehouse; see section 4.2
aa. Outdoor storage, commercial; see section 4.2
bb. Printing or publishing establishments
cc. Retail, 5,000 sf or less (with the exception of small box discount stores)
dd. Service area, outdoor; see section 4.2
ee. Sexually oriented businesses; see section 4.2
ff. Taxi, ambulance or limousine service, dispatching or storage; see section 4.2
gg. Taxi stand
hh. Trade shops

4. Industrial
   a. Alternative energy production
   b. Brewery, Large scale
   c. Contractor, general
   d. Contractor heavy construction, outside storage
   e. Contractor, special trade
   f. Crematorium; see section 4.2
   g. Distillery, Large scale
   h. Fabricated metal manufacturing without EPD Permit Required (Light Manfacturing)
   i. General aviation airport; see section 4.2
   j. Heavy equipment repair service or trade
   k. Industrial, heavy
   l. Industrial, light
   m. Intermodal freight terminal, bus or rail freight or passenger terminal, or truck terminal
   n. Manufacturing, heavy; see section 4.2
   o. Manufacturing, light
   p. Manufacturing operations not housed within a building; see section 4.2
   q. Mines or mining operations, quarries, asphalt plants, gravel pits or soil pits; see section 4.2
   r. Outdoor storage, industrial; see section 4.2
   s. Railroad car classification yards or team truck yards; see section 4.2
   t. Recovered materials facility wholly within a building; see section 4.2
   u. Recovered materials processing wholly within a building
   v. Recycling collection
   w. Recycling plant

x. Research and testing facilities
y. Salvage yard (junkyard); see section 4.2
z. Storage yard, except vehicle; see section 4.2
aa. Storage yard for vehicles; see section 4.2
bb. Towing or wreckage service; see section 4.2
cc. Transportation equipment storage or maintenance (vehicle) ; see section 4.2
dd. Truck stop
ee. Truck terminal
ff. Vehicle storage yard
gg. Warehousing or storage

5. Communications – Utility
   a. Essential services
   b. Radio or television broadcasting studio
   c. Radio or television or broadcasting transmission facility
   d. Satellite television antenna; see section 4.2

6. Wireless Telecommunications
   a. Attached wireless telecommunication facility; see section 4.2
   b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses
The following uses are permitted only with administrative approval:
1. Agricultural
   a. Urban, community garden, over 5 acres

2. Commercial
   a. Farmer's market, temporary/seasonal; see section 4.2
   b. Temporary outdoor retail sales; see section 4.2
   c. Temporary outdoor sales; seasonal; see section 4.2
   d. Temporary outdoor sales or events, seasonal; see section 4.2
   e. Temporary produce stand; see section 4.2
   f. Temporary trailer, as home sales office or construction trailer; see section 4.2

3. Wireless Telecommunications
   a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
   b. New support structure from 50 feet up to 199 feet; see section 4.2
   c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit
The following uses are permitted only with a special land use permit:
1. Institutional/Public
   a. School, specialty; see section 4.2
   b. School, vocational; see section 4.2

2. Commercial
   a. Bus or rail stations or terminals for passengers
   b. Fuel pumps; see section 4.2
   c. Nightclub or late night establishment; see section 4.2

3. Industrial
   a. Fabricated metal manufacturing with EPD Permit Required (Heavy Manufacturing)

D. Permitted Accessory
The following uses are permitted as accessory only to a principal use:

1. Industrial
   a. Incidental retail sales of goods produced or processed on the premises

Sec. 2.32.5. ~~Solid waste facility/landfill use provisions.~~ [RESERVED]

~~Any solid waste facility, solid waste handling facility, or landfill must obtain a special land use permit from the City Council and a modification or addition of zoning conditions that specifically authorizes and identifies all necessary zoning requirements for each such facility. If granted, the zoning district classification for such property shall be identified as M-2 (Conditional Landfill). [TMOD-22-001]~~

CHAPTER 27: ZONING ORDINANCE

ARTICLE 3 – OVERLAY DISTRICT REGULATIONS

DIVISION 1. OVERLAY DISTRICT

DIVISION 1. OVERLAY DISTRICTS

Sec. 3.1.1. Overlay districts generally.

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

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

B. For new development after the effective date of the ordinance from which this chapter is derived, when no complete application for a land disturbance or building permit has been filed with respect to a property located within an overlay district and the property has conditions of zoning that were approved prior to, and in conflict with the overlay district regulations contained in this article, the overlay district regulations shall prevail. If a condition of zoning does not conflict with the overlay district regulations, the condition of zoning shall remain applicable to the property.

C. For existing development, if overlay district regulations conflict with the conditions of zoning applicable to property within in an overlay district, the existing zoning conditions remain applicable to the property.

D. If overlay district regulations conflict with other regulations contained in this chapter, the overlay district regulations shall prevail.

E. The use of property may be permitted without rezoning if listed as allowed by the overlay. Uses allowed by the underlying zoning in article 4 of this chapter, shall also be permitted in the overlay district, unless they are listed as prohibited within the overlay district.

F. Each application for a business license, land disturbance permit, building permit or sign permit, which involves the development, use, exterior alteration, exterior modification or addition of any structure, must demonstrate compliance with all overlay district regulations, subject to article 8 of this chapter, nonconforming uses, structures and buildings.

G. The zoning district designations contained in article 3 of this chapter, titled Overlay District Regulations, were not revised to reflect the new zoning district designations utilized in the updated zoning ordinance. Any discontinued zoning district references contained in this article 3 of this chapter shall therefore be construed using the conversion chart contained in Table 1.1 of article 1 of the zoning ordinance, and applied as appropriate to the updated provision of the zoning ordinance.

H. When a plan package for a proposed development is submitted for conceptual plan review or a final design package approval for a land disturbance or building permit application, the governing district by related to design or dimensional standards by which the development will be reviewed under must be clearly stated. That governing district standards must be associated with either the underlying zoning district, or an authorized district as permitted by the applicable Overlay Tier at the time of application submittal.

I. If the governing underlying district does not match the existing underlying district, the city may initiate a rezoning of the underlying property to the governing district, with property owner approval, at any point after final plat approval or the issuance of a Certification of Occupancy.

(Ord. of 8-2-2017, § 1(3.1.1))

Sec. 3.1.2. Purpose and intent.

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

(Ord. of 8-2-2017, § 1(3.1.2))

Sec. 3.1.3. Plan submittal, review and approval.

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

B. Conceptual plan submittal requirements. As part of any land-disturbance permit, building permit, or sign permit application, the applicant shall submit to the director of planning a conceptual plan package and a final design package. Each package must include full architectural and landscape plans and specifications. The submitted plans must include a site plan, architectural elevations and sections; renderings depicting the building design including elevations and architectural details of proposed buildings, exterior materials and colors, and plans and elevations of all hardscape, landscape and signs, all of which shall demonstrate that the proposed design is in compliance with all the requirements of the applicable overlay district and the underlying zoning classification. The plans must clearly state the governing district requirements by which the plans will be reviewed. If the proposed development is also located in an historic district as designated in the Code, the development shall also comply with the regulations established for the historic district in chapter 13.5 of the DeKalb County Code.

C. Review by staff. Staff will review the conceptual plans for compliance with specifications and design guidelines contained in this zoning ordinance for the governing district requested by the

applicant. If the application fails to comply with any section in this zoning ordinance, the application shall be marked "failed compliance," shall be returned to the applicant with any comments and/or redlines for revisions, and may be re-submitted with corrections addressing the staffs comments and/or redlines for further consideration. Once the application is found to be in compliance, the final design shall be forwarded to the director of planning for approval.

1. Where the director of planning determines that said plans comply with the requirements of the overlay district, the director of planning shall approve the plans for compliance as part of the application for land disturbance, building or signs permits.

2. Where the director of planning determines that submitted conceptual plans do not comply with the requirements of this chapter, then the director of planning shall notify the applicant in writing of the manner in which the conceptual plans fail to comply with such requirements. All applications shall be considered and decided by the director of planning within 30 days of receipt of a complete application.

3. Any appeal to vary overlay district development standards shall be to the zoning board of appeals pursuant to article 7 of this chapter.

D. Fees. Plans shall be accompanied by an application and payment of a fee in an amount determined by the city council.

(Ord. of 8-2-2017, § 1(3.1.3))

Sec. 3.1.4. Conceptual plan package review.

A. The conceptual plan package shall include the following:

1. A narrative addressing the proposed development explaining how it meets the purpose, intent, and standards of this article. The narrative shall include a statement of what governing district review standards will be applied. The narrative shall include a tabulation of the approximate number of acres for each different land use type within the project, the approximate number of dwelling units by type, the approximate gross residential density, the approximate commercial density as well as square feet, the common open space acreage, the approximate open space acreage, the anticipated number, type and size of recreational facilities and other public amenities, and the legal mechanism for protecting and maintaining common/public open, as required in article 5 of this chapter;

2. A site location map showing the proposed development, abutting properties, the access connections of the proposed development to surrounding and existing development, and transitional buffer zones, if required;

3. A multi-modal access plan, prepared at a scale not greater than one inch equals 100 feet, to demonstrate a unified plan of continuous access to and between all structures in the proposed development and adjacent properties where connections are appropriate. The multi-modal access plan shall cover the entire proposed development along with public right-of-way of adjoining streets and any other property lying between the subject property and any primary or secondary streets. Safe and convenient pathways shall be provided from sidewalks along streets to each structure entrance,

including pedestrian access routes across parking lots and between adjacent buildings within the same development. Connections to available transportation nodes, such as driveways, sidewalks, and bike paths shall be shown along adjacent streets and those entering adjoining properties. Where an existing or planned public transportation station or stop is within 1,250 feet from the nearest boundary of the subject property, the access plan shall show how pedestrians may safely travel from such station or stop to the subject property. Where an existing or planned bike path is located within 1,500 feet from the nearest boundary of the subject property, the access plan shall show how safe, continuous and convenient bicycle access shall be provided to the subject property.

4. Two copies of a plan drawn to a designated scale of not less than one inch equals 100 feet, certified by a professional engineer or land surveyor licensed by the state, presented on a sheet having a maximum size of 24 inches by 36 inches, and one 8½ inches by 11 inches reduction of the plan. A .jpg copy of the plan shall be e-mailed to the director of planning. If presented on more than one sheet, match lines shall clearly indicate where the several sheets join. Such plan shall contain the following information:

a. Boundaries of the entire property proposed to be included in the development, with bearings and distances of the perimeter property lines;

b. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics;

c. Location and approximate dimensions in length and width, for landscape strips and required transitional buffers, if any;

d. Existing topography with a maximum contour interval of five feet and a statement indicating whether it is an air survey or field run;

e. Delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or City of Stonecrest;

f. Delineation of any jurisdictional wetlands, as defined by section 404 of the Federal Clean Water Act;

g. Approximate delineation of any significant historic or archaeological feature, grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact it;

h. Delineation of all existing structures and whether they will be retained or demolished;

i. General location, in conceptual form, of proposed uses, lots, buildings, building types and building entrances;

j. Height and setback of all existing and proposed buildings and structures;

k. Location, size and number of all on-street and off-street parking spaces, including a shared parking analysis, if shared parking is proposed;

l. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets;

m. Conceptual plans for drainage with approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed;

n. Development density and lot sizes for each type of use;

o. Areas to be held in joint ownership, common ownership or control;

p. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets;

q. Location of proposed sidewalks and bicycle facilities, trails, recreation areas, parks, and other public or community uses, facilities, or structures on the site;

r. Conceptual layout of utilities and location of all existing and proposed utility easements having a width of ten feet or more;

s. Standard details of signs, sidewalks, streetlights, driveways, medians, curbs and gutters, landscaped areas, fencing, street furniture, bicycle lanes, streets, alleys, and other public improvements demonstrating compliance with the design guidelines for the overlay district; and

t. Seal and signature of the professional preparing the plan.

5. Two copies of the conceptual building designs including elevation drawings drawn to a scale of not less than one-sixteenth-inch equals one foot showing architectural details of proposed building, exterior materials, all of which demonstrate that the proposed design is in compliance with the Subarea Overlay District in which it is located. Drawings shall be presented on a sheet having a maximum size of 24 inches by 36 inches, along with one 8½ inches by 11 inches reduction of each sheet. A .pdf copy of the drawings shall be e-mailed to the director of planning. If the drawings are presented on more than one sheet, match lines shall clearly indicate where the several sheets join.

6. Lighting plan. See article 5 of this chapter.

7. Traffic study. See article 5 of this chapter.

(Ord. of 8-2-2017, § 1(3.1.4))

Sec. 3.1.5. Final design package.

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

disturbance and building permits must be submitted with the final design package. The applicant may submit the final design package simultaneously with the land disturbance or building permit application, as applicable.

(Ord. of 8-2-2017, § 1(3.1.5))

Sec. 3.1.6. – Overlay Use table.

Table 3.1 indicates the permitted uses within the overlay zoning districts. Even though a use is listed as an allowable use within a particular base zoning district, additional use restrictions may apply based on the applicable overlay zoning district requirements specified in this article.

A. The uses listed in Table 3.1 shall be permitted only within the zoning overlay districts identified, and no use shall be established and no structure associated with such use shall be erected, structurally altered or enlarged unless the use is permitted as:

1. A permitted use (P);

2. A special use (SP) subject to the special land use permit application procedures specified in article 7 of this chapter;

3. An administratively approved use (SA) subject to the special administrative permit procedures specified in article 7 of this chapter;

4. An accessory use (PA) as regulated by article 4 of this chapter. Table 3.1 does not list all accessory uses but clarifies uses acceptable as accessory, though not typically considered principal uses for the zoning classification.

5. Uses lawfully established prior to the effective date of this zoning ordinance.

B. Any use not listed in Table 3.1, below, or interpreted to be allowed by the director of planning pursuant to section 4.1.2 is prohibited. Any applicant denied a permit to allow a use of property in a zoning district other than as provided in this section may file an appeal before the zoning board of appeals as provided in article 7 of this chapter.

C. If there is a conflict between Table 3.1 and the text of this chapter, the text shall prevail.

Table 3.1 Overlay Use Table

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence.	T1	T2	T3	T4	T5*	T6*	T1 In Mixed Use Development	T2 In Mixed Use Development	T3 In Mixed Use Development		
AGRICULTURAL ACTIVITIES											
Agriculture and Forestry											
Sawmill, Temporary or portable ~~sawmill~~			~~P~~								✓
Animal Oriented Agriculture											
RESIDENTIAL											
Dwellings											
Dwelling, apartment	SP	SP		SP							
~~High-rise apartment~~	~~SP~~	~~SP~~		~~SP~~							

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence.	T1	T2	T3	T4	T5*	T6*	T1 In Mixed Use Development	T2 In Mixed Use Development	T3 In Mixed Use Development		
Housing and Lodging											
~~Bed and Breakfast homes~~										~~P~~	
Bed and breakfast establishments	P	P	SP	P	P					P	✓
~~Bed and breakfast, home stay~~		~~P~~	~~SP~~								~~✓~~
Child ~~caring~~ care home, up to 5	P	P	P	P							✓
Child ~~caring~~ care facility, 6 or more	P	P	P	P							✓
~~Extended stay hotel/motel~~ Hotel, Motel, Extended Stay	SP	SP	SP	SP			X	X	X	X	✓

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence.	T1	T2	T3	T4	T5*	T6*	T1 In Mixed Use Development	T2 In Mixed Use Development	T3 In Mixed Use Development		See Section 4.2
INSTITUTIONAL/PUBLIC											
Community Facilities											
~~Utility structure necessary for the transmission or distribution of services~~							~~P~~	~~P~~	~~P~~		
Education											
~~Private educational services, home occupation~~ Educational use, private	P	P									✓
School, Private kindergarten, elementary, middle or high ~~schools~~	P	P	P	P			P	P	P		✓
School, Public kindergarten, elementary, middle or high	P	P	P	P			P	P	P		✓
School, Vocational ~~schools~~	P	P	P	P			P	P	P		✓
School, Specialized ~~schools~~	P	P	P	P			P	P	P		✓

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence.	T1	T2	T3	T4	T5*	T6*	T1 In Mixed Use Development	T2 In Mixed Use Development	T3 In Mixed Use Development		See Section 4.2
COMMERCIAL											
Automobile, boat and trailer sales and service											
Automobile recovery and~~,~~ storage										X	
Automobile repair or ~~maintenance,~~ minor	P	X	X	P			P	P	P	X	
~~Boat sales~~ Recreational vehicle boat and trailer sales and service	P	P	P	P						X	✓
~~Trailer or RV salesroom and lot~~	~~P~~	~~P~~	~~P~~	~~P~~						~~X~~	~~✓~~
Office											
~~Accounting office~~	~~P~~	~~P~~	~~P~~	~~P~~			~~P~~	~~P~~	~~P~~		
~~Building, landscape, heavy construction contractor office (material, equipment, storage)~~	~~P~~	~~P~~	~~P~~	~~P~~							~~✓~~

~~Engineering or architecture office~~	~~P~~	~~P~~	~~P~~	~~P~~			~~P~~	~~P~~	~~P~~		
~~Finance office or banking~~	~~P~~	~~P~~	~~P~~	~~P~~			~~P~~	~~P~~	~~P~~		
~~General Business Office~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~						
~~Insurance Office~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~P~~	~~P~~		
~~Legal Office~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~P~~	~~P~~		
~~Medical Office~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~P~~	~~P~~		
~~Real Estate Office~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~P~~	~~P~~		
Office, Heavy Construction contractor	P	P	P	P							✓
Office, Landscape Contractor	P	P	P	P							✓
Office, Professional	P	P	P	P	P		P	P	P		
Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use	T1	T2	T3	T4	T5*	T6*	T1 In Mixed Use Development	T2 In Mixed Use Development	T3 In Mixed Use Development		See Section 4.2

* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence.											
Recreation and Entertainment											
Recreation, ~~Indoor recreation (bowling alleys, movies, and other activities conducted wholly indoors~~	P	P	P	P			P	P	P		
Recreation Outdoor~~recreation (miniature golf, batting cages, tennis, Go-cart and other outdoor activity)~~	P	P	P	P	X		X	X	X		✓
Retail											
~~Apparel or accessories store~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~P~~	~~P~~		
~~Art supply store~~							~~P~~	~~P~~	~~P~~		

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
"Key: P - Permitted use							T1	T2	T3		

Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence.	T1	T2	T3	T4	T5*	T6*	In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
~~Book, greeting card, or stationery store~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~P~~	~~P~~		
~~Camera or photography~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~P~~	~~P~~		
~~Computer or computer software store~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~P~~	~~P~~		
~~Electrical supply store~~							~~P~~	~~P~~	~~P~~		
~~Farm or garden supply store~~	~~X~~	~~X~~					~~P~~	~~P~~	~~P~~		
~~Florist~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~P~~	~~P~~		
~~Specialty food stores (e.g., coffee, ice cream) (see alcohol outlet)~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~P~~	~~P~~		
~~Fuel dealers, manufacturers or wholesalers~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~					~~X~~	
Fuel pumps	X	X	X	X	X					X	✓
~~Furniture, home furnishings and equipment store~~							~~P~~	~~P~~	~~P~~		
~~General merchandise store~~							~~P~~	~~P~~	~~P~~		
~~Gift, novelty, or souvenir store~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~P~~	~~P~~		
~~Gold buying, precious metals~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~						

~~Grocery stores (see alcohol outlet)~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~						
~~Hardware store or other building materials store~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~P~~	~~P~~		
~~Hobby, toy or game store~~	~~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~~		
~~News dealer or news store~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~P~~	~~P~~		
~~Office supplies and equipment store~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~P~~	~~P~~		
~~Paint, glass and wallpaper store~~							~~P~~	~~P~~	~~P~~		

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence.	T1	T2	T3	T4	T5*	T6*	T1 In Mixed Use Development	T2 In Mixed Use Development	T3 In Mixed Use Development		See Section 4.2
~~Pet supply store~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~P~~	~~P~~		
~~Pharmacy or drug store (see alcohol outlet)~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~P~~	~~P~~		
~~Radio, television or consumer electronics store~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~P~~	~~P~~		
Retail, 5,000 sf or less (with the exception of small box discount stores)	P	P	P	P	P						
Retail, over 5,000 sf (see also shopping center, with the exception of small box discount stores	P	P	P	P	P						
~~Specialty store~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~P~~	~~P~~		
~~Sporting goods or bicycle sale~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~P~~	~~P~~		
~~Thrift, secondhand, antique store~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~						

Trade shops: ~~electrical, plumbing, heating/cooling, roofing/siding, with no outside storage~~	P	P	P	P	P						
~~Variety store~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~P~~	~~P~~		
~~Videotape sales and rental store~~							~~P~~	~~P~~	~~P~~		
Temporary Commercial Uses											
Temporary outdoor sales or events	P	P	P	P							✓
Restaurant/Food establishments											
Transportation and Storage											

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence.	T1	T2	T3	T4	T5*	T6*	T1 In Mixed Use Development	T2 In Mixed Use Development	T3 In Mixed Use Development		See Section 4.2
Services											
~~Animal grooming~~											
~~Business service establishment~~							~~P~~	~~P~~	~~P~~		
Kennel, breeding ~~or boarding~~	X	X	X	X	X		X	X	X		
~~Linen and diaper service, garment pressing, alterations and repair~~							~~P~~	~~P~~	~~P~~		

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence.	T1	T2	T3	T4	T5*	T6*	T1 In Mixed Use Development	T2 In Mixed Use Development	T3 In Mixed Use Development		See Section 4.2
~~Photoengraving, typesetting, electrotyping~~	~~P~~	~~P~~	~~P~~	~~P~~							
~~Photographic studios~~	~~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~~							
~~Quick copy printing store~~	~~P~~	~~P~~	~~P~~	~~P~~			~~P~~	~~P~~	~~P~~		
Services, Medical and Health											
~~Health services clinic~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~P~~	~~P~~		
~~Home healthcare service~~	~~P~~	~~P~~	~~P~~	~~P~~							
~~Medical or dental laboratories~~	~~P~~	~~P~~	~~P~~	~~P~~			~~P~~	~~P~~	~~P~~		
Services, Repair											

~~Furniture upholstery or repair; home appliance repair or service~~	~~X~~	~~X~~	~~X~~	~~X~~							
~~Radio, television and similar home appliance repair service~~							~~P~~	~~P~~	~~P~~		
~~Personal service, repair (watch, shoes, jewelry)~~	~~P~~	~~P~~	~~P~~	~~P~~			~~P~~	~~P~~	~~P~~		
INDUSTRIAL											
~~Alcohol or alcoholic beverage manufacturing~~											
~~Automobile/truck manufacturing~~											
~~Brick, clay, tile, or concrete products terra cotta manufacturing~~											

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence	T1	T2	T3	T4	T5*	T6*	T1 In Mixed Use Development	T2 In Mixed Use Development	T3 In Mixed Use Development		See Section 4.2
~~Cement, lime, gypsum, or plaster of Paris manufacturing~~											
~~Compressed gas fuel station~~	~~SP~~	~~SP~~	~~SP~~	~~P~~							
~~Chemical manufacture, organic or inorganic~~											
~~Distillation of bones or glue manufacture~~											
Dry cleaning plant			~~P~~								
~~Dye works~~											
~~Explosive manufacture or storage~~											
~~Fabricated metal manufacture~~											
~~Fat rendering or fertilizer manufacture~~											

~~Fuel dealers, manufactures or wholesalers~~			~~P~~								
General aviation airport			~~P~~								✓
~~Ice manufacturing plant~~			~~P~~								
~~Incineration of garbage or refuse when conducted within an enclosed plant~~											
Industrial, light			~~P~~								
~~Leather manufacturing or processing~~											
~~Light malt beverage manufacturer (See also Brewpub)~~	~~Pa~~	~~Pa~~	~~P~~	~~Pa~~							
~~Light m~~ Manufacturing, light			~~P~~								

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence.	T1	T2	T3	T4	T5*	T6*	T1 In Mixed Use Development	T2 In Mixed Use Development	T3 In Mixed Use Development		See Section 4.2
~~Paper or pulp manufacture~~											✓
~~Petroleum or inflammable liquids production, refining~~											✓
~~Radioactive materials: utilization, manufacture, processing or emission~~											✓
Railroad car classification yards or team truck yards			~~P~~								✓
Recovered materials facility wholly within a building			~~P~~								✓
Recovered materials processing wholly within a building			~~P~~								✓
Recycling plant			~~P~~								
~~Repair/manufacture of clocks, watches, toys, electrical appliances, electronic, light sheet~~			~~P~~								

Research~~, experimental or testing laboratories~~ and training facilities			~~P~~								
~~Rubber or plastics manufacture~~			~~P~~								
~~Smelting: copper, iron, zinc, or ore~~											
Storage yard for ~~damaged or confiscated~~ vehicles		X					X	X	X		
Towing or wreckage service			~~P~~								
Truck stop ~~or terminal~~										X	
Truck Terminal										X	
Warehousing or Storage	P	P	~~P~~							X	

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence.	T1	T2	T3	T4	T5*	T6*	T1 In Mixed Use Development	T2 In Mixed Use Development	T3 In Mixed Use Development		See Section 4.2
COMMUNICATION – UTILITY											
~~Electric transformer station, gas regulator station or telephone exchange~~											
WIRELESS TELECOMMUNICATION (cell tower)											

CHAPTER 27: ZONING ORDINANCE

ARTICLE 3 – OVERLAY DISTRICT REGULATIONS

DIVISION 4. ARABIA MOUNTAIN CONSERVATION OVERLAY DISTRICT

Sec. 3.4.5. Principal uses and principal structures.

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

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

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

1. Sexually-oriented businesses.
2. Drive-in Theater.
3. Fairground or Amusement Park.
4. Swimming pools as part of a commercial Recreation, Outdoor use or Recreation club; but not including swimming pools incidental to Open space, clubhouse or pool amenity.
5. Coliseum or stadium, except for outdoor Concert Halls.
6. Nightclub or late night establishment.
7. Outdoor storage, mini-warehouses, and storage buildings.
8. Pawn shops.
9. Mortuary or Crematorium.
10. Alcohol Outlets.
11. Salvage yards and junk yards.
12. Motel or Extended Stay Motel.
13. Shelter for homeless persons.
14. Transitional housing facility.
15. Fuel Dealers, Fuel Pumps and Accessory Fuel Pumps.
16. Automobile and truck rental and leasing, Automobile brokerage, Automobile mall, Automobile recovery and storage, Automobile rental and leasing, Automobile repair and maintenance, major, Automobile repair and maintenance, minor, Automobile sales, Automobile service station, Automobile upholstery shop, Automobile wash/wax service, Recreational vehicle, ~~/~~boat and trailer sales and

service, Freight service, Transportation equipment and storage or maintenance (vehicle), and Vehicle storage yard. [TMOD-22-001]

17. Commercial parking garage/structure; Commercial parking lots.
18. Convenience store.
19. Drive-through facilities.
20. Personal service establishments.
21. Check cashing facility.
22. Heavy equipment storage.
23. Truck stops.
24. Warehouses.
25. Solid waste disposal, Private industry solid waste disposal facility.
26. Bus station or terminal.
27. Ambulance service facility, Private ambulance service, Dispatch office.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

Sec. 3.4.7. Lot coverage.

Except as provided in Sub-Section 3.4.9.A., Conservation communities, lot coverage within the AMCOD shall not exceed 25 percent of net lot area. Net lot area refers to the total area intended to be subdivided as shown on a city approved site plan submitted for a land disturbance permit or preliminary plat, exclusive of the area intended to be dedicated for street or utility rights of way or easements, see definition of net lot area (lot area, net) in Article 9, Definitions.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

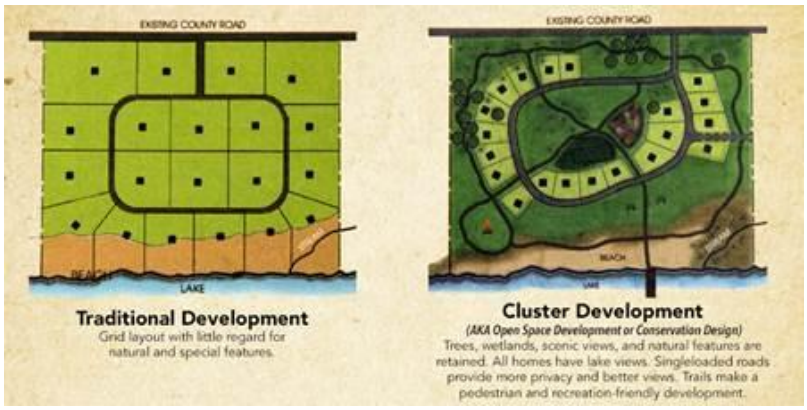
Sec. 3.4.8. Clearing and grading of lots.

No lot as shown on a city approved site plan submitted for a land disturbance permit or preliminary subdivision plat shall be cleared and graded to an extent exceeding 35 percent of the net lot area before subdivision. This does not apply to individual single-family lots as shown on a city approved final subdivision plat, see Sub-Section. 3.4.9.A, Conservation communities. ~~Said limitation is intended to permit 25 percent lot coverage as allowed in section 3.4.7 above, and to permit appropriate slopes from the remaining natural land contours to the finished site grades.~~

(Ord. No. 2019-02-001, § 1, 2-11-2019)

Sec. 3.4.9. Development standards.

There shall be no impervious surfaces with in the 75 foot stream buffer. All dwelling units shall be provided convenient access to all green space throughout the development via pedestrian paths or trails.



A. *Conservation Communities (residential ~~/~~subdivisions).*

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

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

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

Minimum lot area: 7,500 square feet, except that each lot on the periphery of the development is at least 10,000 square feet.

Minimum side-yard setback: Ten feet.

Maximum single-family dwelling lot coverage: 50 percent of each individual single family residential lot in a conservation community as shown on an approved subdivision plat.

Greenspace: A minimum of 30 percent of the total land area shown on an approved preliminary subdivision plat must be designated greenspace. A minimum of 65 percent of the greenspace should be in a contiguous tract.

Green space may consist of:

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

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

1. Establishment of a mandatory home owner's association (HOA) to own and maintain the common green space.
2. Dedication of legally described and platted "greenspace" to a land trust.

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

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

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

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

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

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

D. *Trails.* Trails maybe constructed with in the buffer. The maximum width is eight feet and must be located within the first 25 percent of the buffer furthest from the exterior boundary line.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

Sec. 3.4.13. Recording of conservation easements.

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

(Ord. No. 2019-02-001, § 1, 2-11-2019) [TMOD-22-001]

CHAPTER 27: ZONING ORDINANCE

ARTICLE 3 – OVERLAY DISTRICT REGULATIONS

DIVISION 5. STONECREST AREA OVERLAY DISTRICT

Sec. 3.5.15.2. Cluster village mixed-use zone (Tier V).

A. *Statement of purpose and intent.* The primary intent of Tier V is to encourage single-family detached residential developments with associated neighborhood commercial and office uses to serve the convenience needs of the local community in a village or cluster concept. This tier provides for the preservation of open space while allowing compatible development that complements the other Stonecrest Overlay District development categories. Tier V also seeks to preserve the rural and scenic beauty of Arabia Mountain Preserve while providing flexibility to allow for creativity in site design and development. The goal of Tier V is to minimize the environmental and visual impacts of new development on natural resources and historically and culturally significant sites and structures while encouraging residential and neighborhood commercial development in a well planned community.

B. *Permitted principal uses and structures.* All properties in Tier V shall be governed by all of the underlying zoning district regulations and the requirements of this section. In addition, all properties in Tier V may be used for the following principal uses of land and structures:

1. Adult day care facility.
2. Bed and breakfast.
3. Child day care facility.
4. Assembly hall.
5. Cultural facility.
6. Detached single-family dwelling.
7. Office uses.
8. Personal care facility.
9. Place of worship.
10. Retail, excluding drive-through facilities, automobile service stations, commercial amusements, convenience store, liquor stores, package store, and video arcades, pool halls, and Small Box Discount Stores.
11. Office/medical.
12. Personal services establishment.

C. *Accessory uses and structures.* The following accessory uses of land and structures shall be authorized in Tier V: Cluster Village Mixed-Use Zone

1. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
2. Open space, clubhouse or pool amenity area.

D. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier V: Cluster Village Mixed-Use Zone:

1. Kennels.

2. Junkyard.
3. Tire retreading and recapping.
4. Sexually oriented businesses.
5. Go-cart concession.
6. Outdoor storage.
7. Automobile repair, major.
8. Hotel/motel.
9. Automobile sales.
10. Temporary outdoor sales.
11. Pawn shops.
12. Liquor stores.
13. Nightclubs.
14. Late-night establishments.
15. ~~Car~~ Automobile wash, self service.
16. Self-storage.
17. Funeral home.
18. Mortuary.
19. Crematorium.
20. Farm equipment and supplies sales establishment.
21. Multifamily dwelling unit.

E. *Lot width, lot area and setbacks.*

1. All single-family detached residential dwellings located on Klondike Road, Plunkett Road or Rockland Road must have a minimum of 100 feet of frontage as measured along the public street frontage.

   a. *Minimum lot area.* 15,000 square feet.
   b. *Minimum setback requirements.*

      i. *Front yard.* 35 feet.
      ii. *Side yard.* 35 feet.
      iii. *Rear yard.* 40 feet.
      iv. *Interior side yard.* Ten feet.

2. All single-family detached residential lots which are located on new roadways must have a minimum of 50 feet of frontage as measured along the public street frontage.

   a. *Minimum lot area.* 5,000 square feet.
   b. *Minimum setback requirements.*

      i. *Front yard.* Minimum of ten feet and a maximum of 25 feet.
      ii. *Side yard.* 15 feet.

iii. *Rear yard.* 20 feet.

iv. *Interior side yard.* Five feet.

3. Reserved.

4. Office and commercial uses may not be located along Klondike or Rockland Road. Any uses otherwise authorized in Tier V shall be clustered together in a "village" or "hamlet" setting and must include convenient access to neighboring residential communities in a manner that preserves the open space on the lot. Such uses must be developed in a manner that also preserves the rural and scenic nature of Tier V and is compatible with the natural design and forestation of the Arabia Mountain Preserve. Such uses must be developed in a manner that minimizes the environmental and visual impact of new development on the existing natural landscape and the historically and culturally significant sites and structures. To the extent possible, developments must be constructed in a manner that preserves the bucolic nature and farming community appearance of Tier V.

   a. Office and commercial uses must be a maximum of 2,500 square feet per tenant space.
   b. Single-use structures must be a maximum of 10,000 square feet.
   c. Lot width and lot area. Office and commercial lots must be a minimum of 20,000 square feet.

F. *Height of buildings and structures.* No building or structure may exceed 35 feet in height or two stories whichever is less.

G. *Required parking.* The minimum number of required parking spaces must be as provided in the underlying zoning district regulations except as follows:

1. Residential, single-family detached: Minimum of two spaces.

2. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four spaces per 1,000 square feet of gross floor area.

3. Office and clinic uses: Minimum of three spaces per 1,000 square feet of gross floor area.

4. Parking space area requirements must comply with the provisions of section 6.1.3.

H. *Sidewalks.* A landscape strip must be provided between the curb and the pedestrian travel lane in compliance with land development standards. Sidewalks must be provided along the right-of-way of all public streets.

(Ord. of 8-2-2017, § 1(3.5.15.2); Ord. No. 2019-11-001, § 1, 11-25-2019) [TMOD-19-006]

CHAPTER 27: ZONING ORDINANCE

ARTICLE 3 – OVERLAY DISTRICT REGULATIONS

DIVISION 33. INTERSTATE 20 CORRIDOR COMPATIBLE USE OVERLAY DISTRICT

Sec. 3.33.5. Principal uses and structures.

The principal uses of land and structures which are allowed in the I-20 Corridor Overlay District are as provided by the applicable zoning district, subject to the limitations and standards contained within this division. All properties zoned C-1 (Local Commercial) District, C-2 (General Commercial) District, O-I (Office-Institutional) District, O-D (Office-Distribution) District, M (Industrial) and any RM (Multifamily Residential) District shall be used in accordance with the underlying zoning district and/or for the following principal uses of land and structures in mixed use developments subject to the standards and limitations contained within this division.

A. Animal hospital, veterinary clinic, pet supply store, animal grooming shop, and boarding and breeding kennel as an interior accessory use.

B. Art gallery and art supply store.

C. Automobile services as follows:

1. Minor automobile repair and maintenance, subject to the requirements of section 4.2.14.
2. ~~Retail a~~ Automobile parts and tire stores.

D. Bank, credit union and other similar financial institution.

E. Business service establishment.

F. Child daycare center and kindergarten.

G. Communications uses as follows:

1. Radio and television broadcasting station.
2. ~~Telephone business office.~~

H. Community facilities as follows:

1. Cultural facilities.
2. Noncommercial club or lodge.
3. ~~Utility structure necessary for the transmission or distribution of service.~~ [TMOD-22-001]

I. Dwellings including apartments, condominiums, and multifamily units. Mixed-use developments may include any combination above plus retail or office uses, subject to the requirements of the I-20 Overlay District regulations.

J. Educational uses as follows:

1. Vocational schools.
2. Private schools, elementary, middle or high ~~school~~.
3. Public school, elementary, middle or high
4. ~~3.~~ Specialized non-degree schools to include ballet, music, martial arts, etc.

K. Movie theater, bowling alley, and other recreational facilities where such activities are wholly enclosed within a building. Nightclubs are permitted only in Tier 1 (maximum 10,000 square feet in floor area), subject to approval of the planning and development director and business license requirements.

L. Office uses, ~~including the following and similar service, business and professional office uses as follows:~~

~~1. Accounting, auditing and bookkeeping office.~~

~~2. Engineering and architectural office.~~

~~3. Building and construction contractor.~~

~~4. Financial services office.~~

~~5. Insurance office.~~

~~6. Legal office.~~

~~7. Medical office.~~

~~8. Real estate office.~~

~~9. Wholesale sales office.~~

M. Place of worship.

N. Restaurants.

O. Retail sales ~~as follows:~~

~~1. Apparel and accessories store.~~

~~2. Book, greeting card, and stationery store.~~

~~3. Camera and photographic supply store.~~

~~4. Computer and computer software store.~~

~~5. Convenience store.~~

~~6. Farm and garden supply store.~~

~~7. Florist.~~

~~8. Food stores including bakeries.~~

~~9. Furniture, home furnishings and equipment store.~~

~~10. General merchandise store.~~

~~11. Gift, novelty, and souvenir store.~~

~~12. Hardware store.~~

~~13. Hobby, toy and game store.~~

~~14. Jewelry store.~~

~~15. Music and musical equipment store.~~

~~16. News dealers and newsstand.~~

~~17. Office supplies and equipment store.~~

~~18. Quick copy printing store.~~

~~19. Radio, television and consumer electronics store.~~

~~20. Specialty store.~~

~~21. Sporting goods and bicycle store.~~

~~22. Variety store.~~

~~23. Videotape sales and rental store.~~

P. Retail building supplies as follows:

1. Electrical supply store.
2. Hardware and other building materials establishments.
3. Paint, glass and wallpaper store.

Q. Services, medical and health as follows:

1. Health service clinic.
2. Medical and dental laboratories.
3. Offices of health service practitioners.
4. Pharmacy and drugstore.
5. Private ambulance and emergency medical services.

R. Services, personal, as follows:

1. Barber shop, beauty shop, and similar personal service establishments.
2. Laundry and dry-cleaning store.
3. Funeral home.
4. Linen and diaper service, garment pressing, alteration and repair.
5. Photographic studios.

S. Services, repair, ~~as follows:~~

~~1. Home appliance repair and service.~~

~~2. Jewelry repair service.~~

~~3. Radio, television and similar home appliance repair service.~~

~~4. Furniture upholstery and repair shop.~~

~~5. Shoe repair store.~~

T. Shopping center.

U. Taxi stand and taxi dispatching office.

V. Tennis center, club and facilities.

W. Fitness center and health center.

X. Hotel.

(Ord. of 8-2-2017, § 1(3.33.5))

Sec. 3.33.6. Prohibited uses.

A. The following principal uses of land and structures shall be prohibited within the I-20 Corridor Compatible Use Overlay District:

1. Boarding and breeding kennels as a primary use.
2. Storage yard for damaged automobiles or confiscated automobiles.
3. Tire retreading and recapping.
4. Sexually oriented businesses.
5. Reserved.
6. Go-cart concession.
7. Outdoor equipment and materials storage.
8. Heavy repair shop and trade shop.
9. Extended stay motels.
10. Used cars sales as a primary use.
11. Temporary and/or seasonal outdoor sales.
12. Title and pawn shops.
13. Liquor stores.
14. Night clubs excluded in Tiers 2 and 3.
15. Salvage yards/junkyards.
16. Automobile, wash/Wax ~~Self-service car wash and detailing~~.
17. Self-storage.
18. Small Box Discount Stores

(Ord. of 8-2-2017, § 1(3.33.6)), [TMOD-19-005]

CHAPTER 27: ZONING ORDINANCE

ARTICLE 4 – USE REGULATIONS

DIVISION 1. OVERVIEW OF USE CATEGORIES AND USE TABLE

Sec. 4.1.3. Use table.

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

A. The uses listed in Table 4.1 shall be permitted only within the zoning districts identified, and no use shall be established and no structure associated with such use shall be erected, structurally altered or enlarged unless the use is permitted as:

1. A permitted use (P);

2. A special use (SP) subject to the special land use permit application procedures specified in article 7 of this chapter;

3. An administratively approved use (SA) subject to the special administrative permit procedures specified in article 7 of this chapter;

4. An accessory use (PA) as regulated by this article 4 of this chapter. Table 4.1 does not list all accessory uses but clarifies uses acceptable as accessory, though not typically considered principal uses for the zoning classification.

5. Uses lawfully established prior to the effective date of this zoning ordinance.

B. Any use not listed in Table 4.1, below, or interpreted to be allowed by the director of planning pursuant to section 4.1.2 is prohibited. Any applicant denied a permit to allow a use of property in a zoning district other than as provided in this section may file an appeal before the zoning board of appeals as provided in article 7 of this chapter.

C. If there is a conflict between Table 4.1 and the text of this chapter, the text shall prevail.

D. Prohibited Uses. The following uses are considered contrary to the vision and intent of the City's Comprehensive Plan, and would be detrimental to the city's continuing effort to adhere to that vision, and are prohibited city wide.

Distillation of bones or glue manufacture

Dry Cleaning Plant

Dye Works

Explosive Manufacture or storage

Fat rendering or fertilizer manufacture

Fuel Manufacture

Incineration of garbage or refuse

Landfills

Paper or Pulp Manufacture

Petroleum or inflammable liquids production/refining

Radioactive materials storage and processing

Rubber or plastics manufacture

Disposal or storage of ~~Solid waste disposal of~~ hazardous/toxic ~~materials~~solid waste, including the application of thermal treatment technology

Smelting copper, iron, zinc or ore

Sugar refineries

Tire retreading or recapping

.

Table 4.1. Use Table

	KEY: P - Permitted use Pa - Permitted as an accessory use										SA - Special administrative 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	See Section 4.2
AGRICULTURAL																									
Agriculture and Forestry																									
~~Commercial greenhouse or plant nursery~~	~~P~~														~~P~~	~~P~~	~~P~~		~~P~~	~~P~~	~~P~~				~~✓~~
Sawmill, Temporary or portable ~~sawmill~~	P																		P	P					✓
Animal Oriented Agriculture																									
RESIDENTIAL																									
Dwellings																									
Dwelling, ~~High-rise~~ apartment										P			SP										P	P	
Accessory uses or structures	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	~~Pa~~	~~Pa~~	~~Pa~~	Pa	Pa	Pa	Pa	✓
Housing and Lodging																									
Bed and breakfast establishment	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~~													~~✓~~
Child ~~caring~~ care home, 5 or less	SP	SP	SP	SP	SP	SP	SP					SP	P	P	P	P	P				SP	SP	SP	SP	✓
Child ~~caring~~ care facility, 6 or more													P	SP	SP	P	P				SP	SP	SP	SP	✓
Hotel/motel, Extended stay hotel/motel													SP			SP	SP					SP	SP	SP	✓
INSTITUTIONAL/PUBLIC																									
Community Facilities																									
Place of worship	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP	P	P	P	P	P	P	~~P~~	~~P~~	P	P	P	P	✓
Recreation, Outdoor																	P	P	~~P~~	~~P~~					✓
Swimming Pools, commercial	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	P		P	P	P	~~P~~			Pa	Pa	Pa	✓
Tennis courts, swimming pools, play or recreation areas, community	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	P	P		P	P	P	~~P~~			Pa	Pa	Pa	✓
Education																									
Colleges, universities, research and												P	P		P	P	P	P	~~P~~		Pa	Pa			✓

training facilities																									
Educational use, private ~~Private educational services, home occupation~~	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa		Pa						P			Pa	Pa			✓
School Private kindergarten, elementary, middle or high ~~schools~~	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	P		P	P	P				SP	SP	SP	✓
School, Public kindergarten, elementary, middle or high	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P			P	P	P	P	
School, Specialized ~~schools~~													P	P		P	P	P	SP	SP	P	P	P	P	✓
School, Vocational ~~schools~~								SP	SP	SP			P	P	P	P	P	P	SP	SP	P	P	P	P	✓
COMMERCIAL																									
Automobile, boat and trailer sales and service																									
Automobile brokerage													P	P		P	P		~~P~~						✓
~~Boat sale~~ Recreational																P	P		P						✓

vehicle, boat and trailer sales and service																								
Automobile repair ~~or maintenance~~, minor															P	P		P	~~P~~					✓
Automobile repair or maintenance, major																P		P	~~P~~					✓
Automobile upholstery shop																P		P	~~P~~					
~~Retail automobile parts or tire store~~															~~P~~	~~P~~		~~P~~						~~✓~~
Service area, outdoor																P a		~~P a~~	Pa					✓
~~Trailer or RV salesroom and lots~~															~~P~~	~~P~~		~~P~~						~~✓~~
Office																								
~~Accounting office~~								~~Pa~~	~~Pa~~	~~Pa~~			~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~			~~P~~	~~P~~	~~P~~	~~P~~	
~~Building, landscape, heavy construction contractor office (material, equipment, storage)~~																P	P	P	P					✓

Contractor office, heavy construction																								
Contractor office, landscape																P	P	P	P					✓
~~Engineering or architecture office~~								~~Pa~~	~~Pa~~	~~Pa~~			~~P~~	~~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~~	~~P~~	
Office, Professional ~~General business office~~								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P	
~~Insurance office~~								~~Pa~~	~~Pa~~	~~Pa~~			~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~			~~P~~	~~P~~	~~P~~	~~P~~	
~~Legal office~~								~~Pa~~	~~Pa~~	~~Pa~~			~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~			~~P~~	~~P~~	~~P~~	~~P~~	
Office, Medical ~~office~~								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P	
~~Real estate office~~								~~Pa~~	~~Pa~~	~~Pa~~			~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~			~~P~~	~~P~~	~~P~~	~~P~~	
Recreation and Entertainment																									

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
Recreation, Indoor recreation ~~(bowling alleys, movie theatres and other activities conducted wholly indoors)~~															P	P	P	P	P	P	P	P	P	P	
Recreation, Outdoor ~~recreation (miniature golf, batting cages, tennis, Go-cart and other outdoor activities)~~	SP																P	P	~~S~~ ~~P~~						✓
Special events facility														~~P~~ SP	~~P~~ SP		~~P~~ SP	~~P~~ SP	~~P~~	~~P~~					
Retail																									
~~Apparel or accessories store~~															~~P~~	~~P~~	~~P~~				~~P~~	~~P~~	~~P~~	~~P~~	
~~Book, greeting~~															~~P~~	~~P~~	~~P~~	~~P~~			~~P~~	~~P~~	~~P~~	~~P~~	

~~card, or stationery store~~																									
~~Camera or photography~~															~~P~~	~~P~~	~~P~~	~~P~~			~~P~~	~~P~~	~~P~~	~~P~~	
~~Computer or computer software store~~															~~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~~	~~P~~	~~✓~~
~~Farm or garden supply store~~	~~P~~														~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~P~~			
~~Florist~~													~~P~~ ~~a~~		~~P~~	~~P~~	~~P~~	~~P~~			~~P~~	~~P~~	~~P~~	~~P~~	
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	
Pawn shop, title loan																	P	P	~~P~~						✓
Pet supply store															P	P	P	P	~~P~~		P	P			

~~Specialty food stores (e.g., coffee, ice cream) (see alcohol outlet)~~													~~P~~ ~~a~~		~~P~~	~~P~~	~~P~~	~~P~~			~~P~~	~~P~~	~~P~~	~~P~~	

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
~~Gift, novelty, or souvenir store~~													~~P a~~		~~P~~	~~P~~	~~P~~	~~P~~			~~P~~	~~P~~	~~P~~	~~P~~	
~~Gold buying, precious metals~~																~~P a~~	~~P~~	~~P~~							
~~Grocery stores (with the exception of Small Box Discount 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~~	
~~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~~	
~~Pet supply store~~															~~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~~	
~~Radio, television or consumer electronics store~~																~~P~~	~~P~~	~~P~~			~~P~~	~~P~~	~~P~~	~~P~~	
~~Specialty store~~															~~P~~	~~P~~	~~P~~	~~P~~			~~P~~	~~P~~	~~P~~	~~P~~	
~~Sporting goods or bicycle sale~~															~~P~~	~~P~~	~~P~~	~~P~~			~~P~~	~~P~~	~~P~~	~~P~~	
~~Thrift, secondhand, antique store~~																~~P~~	~~P~~		~~P~~						
Trade shops: ~~electrical, plumbing, heating/cooling, roofing/siding, with no outside storage~~													P	P		P	P	P	P	P					

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
~~Variety store (with the exception of Small Box~~													~~Pa~~		~~P~~	~~P~~	~~P~~			~~P~~	~~P~~	~~P~~	~~P~~		

~~Discount Stores)~~																										
Temporary Commercial Uses																										
Eating and Drinking establishments																										
Brewery, Craft (micro-brewery)																P	P			P		SU	SU	SU	SU	✓
Distillery, Craft (micro-distillery)																P	P			P		SU	SU	SU	SU	✓
Transportation and Storage																										
Taxi, ambulance or limousine service, dispatch; office only (no vehicle parking)														P	P	P	P	P	P	~~P~~		P	P	P	P	
Taxi Stand/Lift, Uber Parking/EV Parking														P	P	P	P	P	P	~~P~~	~~P~~	P	P	P	P	
Services																										
Animal hospitals, veterinary clinic																P	P	P	P	~~P~~	~~P~~	P	P			✓
Animal shelter/rescue center	SP																	P	P	~~P~~	~~P~~					✓
Banks, credit unions, or								Pa	Pa	Pa				P	P	P	P	P		~~P~~		P	P	P	P	

other similar financial institutions																									
Barber shop/beauty salon or similar establishments								Pa	Pa	Pa			Pa	P	P	P	P	P	~~P~~		P	P	P	P	
Check cashing establishment, accessory																P	P		~~P~~	~~P~~	P	P	P	P	✓
Check cashing establishment, primary																	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	✓
Fitness Center	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa		P	P	P	P	P		~~P~~	~~P~~	P	P	P	P	

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
Kennel, breeding ~~or boarding~~	SP														Pa	Pa	P		P	P					✓
~~Mini-warehouse~~ climate control/storage building														SP		P	P	P	~~P~~	~~P~~					✓
~~Photoengraving, typesetting, electrotyping~~																	~~P~~		~~P~~	~~P~~	~~P~~	~~P~~			
~~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~~					
Printing or Publishing ~~or printing~~ establishments													P	P			P		~~P~~	~~P~~					
~~Quick copy printing store~~													~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	
	Services, Medical and Health																								
Clinic, Health services ~~clinic~~													P	P	P	P	P	P	P		P	P	P	P	
~~Home healthcare service~~													~~P~~	~~P~~		~~P~~	~~P~~		~~P~~		~~P~~	~~P~~	~~P~~	~~P~~	

	~~Services, Repair~~																								
~~Furniture upholstery or repair; home appliance repair or service~~																~~P~~	~~P~~		~~P~~	~~P~~					
~~Personal service, repair (watch, shoes, jewelry)~~								~~Pa~~	~~Pa~~	~~Pa~~			~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~SA~~		~~P~~	~~P~~	~~P~~	~~P~~	
~~Service area, outdoor~~																									
	INDUSTRIAL																								
~~Alcohol or alcoholic beverage manufacturing~~																			~~P~~	~~P~~					
~~Automobile/truck manufacturing~~																				~~P~~					
Brewery, Large Scale																				P					
~~Brick, clay, tile, or concrete products terra cotta manufacturing~~																				~~P~~					

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
~~Cement, lime, gypsum, or plaster of~~																				~~P~~					

~~Paris manufacturing~~																									
~~Compressed gas fuel station~~																	~~S P~~		~~P~~	~~P~~					
~~Chemical manufacture, organic or inorganic~~														~~SP~~							P				
Crematoriums														~~SP~~			~~S P~~	SP		P	P				
Distillery, Large-scale																				~~P~~					
~~Fuel dealers, or wholesalers~~																			~~P~~	~~P~~					
~~Ice manufacturing plant~~																			~~P~~	~~P~~					
~~Leather manufacturing or processing~~																				~~P~~					
~~Light malt beverage manufacturer (See also Brewpub)~~															~~Pa~~	~~P a~~	~~P a~~		~~P~~	~~P~~	~~Pa~~	~~Pa~~	~~Pa~~	~~Pa~~	
~~Light manufacturing~~ Manufacturing, light																			P	P					

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
~~Repair/manufacture of clocks, watches, toys, electrical appliances, electronic~~																			~~P~~	~~P~~					
Research, ~~experimental or testing laboratories~~ and testing facilities																			P	P					
Salvage yard (Junkyard)																				P					✓
~~Solid waste: general disposal, private industry disposal, handling facility~~																				~~P~~					~~✓~~
Storage yard for ~~damaged or confiscated~~ vehicles																				P					✓
~~Transportation equipment manufacture~~																				~~P~~					
Truck stop ~~or terminal~~																			P	P					

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
SOLAR ENERGY SYSTEMS																									
Integrated SES	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	✓
Rooftop SES	Pa	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	Pa	SA	SA	SA	SA	SA	SA	Pa	Pa	SA	SA	SA	SA	✓
Ground Mounted SES, Small Scale	Pa	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Pa	Pa	Pa	Pa	Pa	Pa	P	P	SP	SP	SP	SP	✓
Ground Mounted SES, Intermediate Scale	SP	SP	SP									SP							P	P					✓
Ground Mounted SES, Large Scale	SP	SP										SP							SP	SP					✓
COMMUNICATION—UTILITY																									
~~Electric transformer station, gas regulator station or telephone exchange~~ Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
WIRELESS TELECOMMUNICATION (cell tower)																									
New support structure from 51 feet to 150 feet ~~Medium and High density~~	SP	SP	SP	SP	SP	SP	SP							~~SP~~	~~SP~~										✓

residential districts																								
New support structure from ~~50~~ 51 feet up to 199 feet in non-residential districts													SA	SP	SP	SA	SA	SA	SA	SA					✓

(Ord. of 8-2-2017, § 1(4.1.3); Ord. No. 2018-09-01, § 00, 9-17-2018; Ord. No. 2019-06-01, § (Exh. A), 6-10-2019) [TMOD-19-004, TMOD-19-005, TMOD-19-006, TMOD-21-001, TMDO-21-002, TMOD-21-003, TMOD-21-010, TMOD-21-011,

CHAPTER 27: ZONING ORDINANCE

ARTICLE 4 – USE REGULATIONS

DIVISION 2. SUPPLEMENTAL USE REGULATIONS

Sec. 4.2.29. Heavy industrial uses.

In addition to the submission requirements of article 7 of this chapter, any application for a special land use permit (SLUP) or a rezoning related to a heavy industrial use shall provide the following information as applicable:

A. Submit within the letter of application the following details:

1. Specific operations to be performed.
2. Hours of operation.
3. Whether operations will be indoors or outdoors.
4. How long materials will be stored on the property.
5. Whether any hazardous wastes will be involved in the operation, including an explanation of how safety measures will ensure that there is no air or water contamination and how the operators will safely dispose of such hazardous materials.
6. A description of any solid wastes handled, produced, or disposed of, including whether the operations will require a solid waste handling permit.
7. How many employees there will be.
8. Whether the operation will be open to the public.
9. What types of vehicles will be delivering materials to the property; and how many and how often, what thoroughfares or major route plan the trucks will take to get to and from the site to minimize any impact on residential area, and whether trucks will be covered to minimize dust/odor impacts on adjacent roadways used to get to the site.
10. Whether the proposed use requires the submittal of a development of regional impact (DRI).

B. Copies of any required state and/or federal agency applications, requirements, environmental assessment reports, or related data; or, if none have been submitted, an indication as to whether such documentation is required.

C. Data from reputable industry sources on current industry standards regarding the proposed land use and how the proposed operation will comply with industry standards to ensure that surrounding properties are not adversely impacted.

D. For any of the following uses, certification by an environmental professional that the proposed operation will not have any adverse air or water quality impacts on surrounding properties:

1. Any use requiring a solid waste handling permit.
2. Any use which utilizes burning, melting, or degasification.
3. Any use which involves the emissions of particulate matter.
4. Any use which processes or stores hazardous materials.
5. ~~Any landfill.~~

E. Detailed information on proposed methods to minimize any adverse air/water quality impacts based on current industry standards.

F. Detailed information on proposed methods to minimize any noise, odor, dust, and vibration on surrounding properties in light of current industry standards.

G. Detailed information regarding how traffic impacts will be accommodated on the surrounding road network.

H. Any data regarding any monthly, quarterly, or yearly required inspections by any state or federal agency to ensure compliance with any state or federal permits once use has been approved by City of Stonecrest.

(Ord. of 8-2-2017, § 1(4.2.29))

~~Sec. 4.2.49. Solid waste facility regulations.~~

~~A. The city council shall not approve any amendment to the zoning maps, the comprehensive land use map or any application for a special land use permit, or any development or building permit related to a landfill if such landfill is not in compliance with the applicable requirements of Georgia's Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 et seq., and as may hereafter be amended.~~

~~B. The city council shall not approve any amendment to the zoning maps, the comprehensive land use map or any application for a special land use permit related to a landfill unless the applicant obtains written verification from the Georgia Environmental Protection division of the Georgia Department of Natural Resources that the landfill complies with or is not yet required to comply with all the applicable requirements set forth in the Comprehensive Solid Waste Management Act.~~

~~C. As used in this section, the term "landfill" means a disposal facility, a materials recovery facility, a solid waste handling facility, a solid waste landfill, a private industry solid waste disposal facility, a solid waste handling facility, a solid waste thermal treatment technology facility, and a disposal facility for biomedical waste, hazardous and/or toxic materials including radioactive materials as all such terms are defined in O.C.G.A. § 12-8-22 and as may hereafter be amended.~~

~~(Ord. of 8-2-2017, § 1(4.2.49))~~

CHAPTER 27: ZONING ORDINANCE

ARTICLE 4 – USE REGULATIONS

DIVISION 3. TEMPORARY USE REGULATIONS

Sec. 4.3.5. Temporary outdoor sales or events.

Temporary outdoor sales or events may include temporary art shows, carnival rides, special outdoor social or religious event, entertainment, athletic events, rodeos, horseshows, and other events of community interest.

A. *Use regulations.* Temporary outdoor sales or events shall be governed by the following regulations:

1. Site conditions.

   a. Employees shall be uniformed and identified.

   b. Security or off-duty police officers shall be on-site during operating hours.

   c. Portable toilets or access to bathrooms shall be provided.

   d. Approval from the property owner.

   e. Traffic Control Plan must be approved by the fire marshal's office.

2. If the temporary outdoor event involves structures that require issuance of a building permit, a site plan of the event shall be included with the building permit application. The site plan submittal required by article 7 of this chapter shall indicate compliance with all zoning ordinance requirements.

B. *Lot and parcel restrictions.* Temporary outdoor event activities shall be set back at least 100 feet from any residential district or use.

C. *Temporary sites for worship.* The establishment of sites and tents for temporary worship conducted on a site not designated as a place of worship requires the grant of a special administrative permit by the director of planning.

(Ord. of 8-2-2017, § 1(4.3.5))

CHAPTER 27: ZONING ORDINANCE

ARTICLE 6 – PARKING

DIVISION 3. TEMPORARY USE REGULATIONS

Table 6.2. Off-street Parking Ratios

Minimum and Maximum Parking Spaces		
Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
Residential		
Child ~~caring~~ care institution, group	Two spaces.	Four spaces.
Child ~~caring~~ care institution, community	One-half space for each employee and resident.	Three-quarters space for each employee and resident.
Institutional		
Recreational		
Commercial		
Bed and breakfast ~~inn~~ establishment	One space for the owner-operator plus one per guest bedroom.	Two spaces for the owner-operator plus one per guest bedroom.
Industrial		

(Ord. of 8-2-2017, § 1(6.1.4)) [TMOD-22-001]

CHAPTER 27: ZONING ORDINANCE

ARTICLE 7 – ADMINISTRATION

DIVISION 3. ZONING AND COMPREHENSIVE PLAN AMENDMENTS AND PROCEDURES

Sec. 7.3.7. Action by the planning commission.

The secretary of the planning commission shall provide the members of the planning commission complete information on each proposed application requiring a public hearing by the planning commission, including a copy of the application and all supporting materials. The planning commission, after conducting a public hearing with prior public notice as required by this article, shall consider the proposal and vote on its recommendation to the city council. Any recommendation ~~Deferral of an application~~ by the planning commission shall not be binding on the city council. The planning commission may recommend approval of the application, recommend approval to a less intense zoning district or land use category than that requested by the applicant, recommend approval of the application with conditions, recommend denial of the application, recommend deferral of the application, or, upon request of the applicant, recommend withdrawal of the application without prejudice. In its recommendation of any application, the planning commission may recommend the imposition of conditions in accordance with section 7.3.9. All findings and recommendations of the planning commission relating to amendments to the official zoning map shall be made based on each of the standards and factors contained in section 7.3.5. All recommendations of the planning commission relating to amendments to the comprehensive plan maps shall be made based on each of the standards and factors contained in section 7.3.4. The secretary of the planning commission shall make and maintain a written record of the planning commission's consideration and recommendations, which shall be public record.

(Ord. of 8-2-2017, § 1(7.3.7)) [

CHAPTER 27: ZONING ORDINANCE

ARTICLE 7 – ADMINISTRATION

DIVISION 4. SPECIAL LAND USE PERMITS

Sec. 7.4.7. Additional criteria for specified uses.

In addition to the criteria contained in section 7.4.6 above for which each applicant for a special land use permit is required to provide information, the following additional criteria shall apply to specific uses as specified below. No application for a special land use permit for the uses specified below shall be granted by the city council unless it is determined that, in addition to meeting the requirements contained within the zoning district in which such property is located and the criteria contained in section 7.4.6 above, and complying with applicable regulations in article 4 of this chapter, satisfactory provisions and arrangements have been made concerning each of the following criteria:

A. *Telecommunications towers and antennas.* In determining whether to authorize a special land use permit for a telecommunication tower or antenna, the city council shall comply with and apply the requirements of section 4.2.57.

B. *Reserved.*

C. *Child daycare facility.* In determining whether to authorize a special land use permit for a child daycare facility, the city council shall also consider each of the following criteria:

1. Whether there is adequate off-street parking for all staff members and for visitors to the child daycare facility.
2. Whether the proposed off-street parking areas and the proposed outdoor play areas can be adequately screened from adjoining properties so as not to adversely impact any adjoining land use.
3. Whether there is an adequate and safe location for the dropping off and picking up of children at the child daycare facility.
4. Whether the character of the exterior of the proposed structure will be compatible with the residential character of the buildings in the zoning district in which the child daycare facility is proposed to be located, if proposed for a residential zoned district.

~~D. *Biomedical waste disposal facilities, disposal facilities, landfills, county or city solid waste disposal facilities, county or city solid waste landfills, private industry solid waste disposal facilities, solid waste handling facilities, solid waste thermal treatment technology facilities, and disposal facilities for hazardous and/or toxic materials including radioactive materials.*~~

~~1. In determining whether to authorize a special land use permit for a biomedical waste disposal facility, disposal facility, landfill, county or city solid waste disposal facility, county or city solid waste landfill, private industry solid waste disposal facility, solid waste handling facility, solid waste thermal treatment technology facility, or disposal facility for hazardous and/or toxic materials including radioactive materials, the city council shall also consider each of the following criteria:~~

~~a. Whether the proposed use does not pose any potential negative impact resulting from air pollution, degradation of soil and/or water quality, noise, odor, or other negative environmental effects.~~

~~b. Whether the proposed use will not have a significant deleterious effect on use of land and value of existing housing in adjacent and nearby neighborhoods.~~

~~c. Whether the proposed use will not create a negative traffic impact on any adjacent or nearby residential streets resulting from truck and other vehicular traffic associated with the facility.~~

~~d. Whether the proposed use does not represent an over-concentration of such uses in the area.~~

(Ord. of 8-2-2017, § 1(7.4.7))

CHAPTER 27: ZONING ORDINANCE

ARTICLE 9 – DEFINITIONS

Sec. 9.1.3. Defined terms.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Automobile repair ~~and maintenance~~, major, means a business that services passenger vehicles, including the dismantling and repair of engines, transmissions, carburetors, drive shafts, and similar major vehicle parts, the provision of collision repair services including body frame straightening and body part replacement, or the painting or repainting of passenger vehicles and motorcycles. Major automobile repair establishments may also perform minor automobile repairs.

Automobile repair ~~and maintenance~~, minor, means a business that repairs, replaces, or services tires, ignitions, hoses, spark plugs, and other minor vehicle parts as part of the regular upkeep of passenger vehicles and motorcycles, and may perform regular maintenance such as brake repair and replacement, lubrication, or replacement of small or incidental automobile parts. Minor automobile repair and maintenance may also, as an accessory function, include automobile detailing, including the application of paint protectors, the cleaning or polishing of a vehicles interior, exteriors, or engine, and the installation of aftermarket parts and accessories such as tinting, alarms, sound systems, spoilers, sunroofs or headlight covers. Minor automobile repair and maintenance does not include the dismantling and repair of engines, transmissions, or drive shafts, the provision of collision repair services including body frame straightening and body part replacement, or the painting or repainting of passenger vehicles. Minor automobile repair does not include automobile car washes where vehicles are washed and/or waxed either by hand or by mechanical equipment.

Bank, credit unions or other similar financial institutions means any building, property or activity of which the principal use or purpose is for federally insured depository purposes and including the provision of financial services such as loans and automated teller machines, but does not include cash advance, check cashing establishments, short-term loan, and pay day lending ~~Bank means a facility for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.~~

Bed and breakfast establishment means accessory use of a single-family detached dwelling by the homeowner who resides in the dwelling, to provide sleeping accommodations to customers. Breakfast may also be provided to the customers at no extra cost. For the purpose of this definition, the term "customer" means a person who pays for the sleeping accommodations for fewer than 30 consecutive days.

Brewpub means any eating establishment which derives at least 50 percent of its total annual gross food and beverage revenue from the sale of prepared meals and food and in which beer or malt beverages are manufactured or brewed subject to the barrel production limits and regulations under state law. ~~a commercial business which conducts the retail sale of beer (malt beverages with alcohol content, as defined by federal law) which is brewed on the premises in compliance with applicable state and federal laws. Such establishments may also include restaurants as an accessory use. See also Light malt beverage manufacturing.~~

Bus or rail station or terminal means a designated place where a bus or train temporarily stops to embark or disembark passengers. A terminal is the location where the bus or train starts or ends its scheduled route.

Coin Laundry means an establishment with coin-operated clothing washing machines and dryers for public use.

Commercial entertainment means places of amusement or assembly including but not limited to motion picture theaters or cinemas, live theater, comedy clubs, bowling alleys, dance halls, skating rinks, etc. This definition does not include night clubs, party houses or brewpubs.

~~Cottage development means Small detached dwelling units arranged on a single site whereby the dwelling units are arranged so that each unit faces a common open space.~~

Craft brewery (also known as micro-brewery) means a building or group of buildings where beer is brewed, bottled, packaged, and distributed for wholesale and/or retail distribution, and that produces small amounts of beer or malt beverage, less than 12,000 gallons in a calendar year. Much smaller than large-scale corporate breweries, these businesses are typically independently owned. Such breweries are generally characterized by their emphasis on quality, flavor and brewing technique. [TMOD-21-016]

Craft distillery (also known as micro-distillery) means a building or group of buildings where distilled spirits are manufactured (distilled, rectified or blended), bottled, packaged, and distributed for wholesale and/or retail distribution in small quantity, less than 12,000 gallons per calendar year and in which such manufactured distilled spirits may be sold for consumption on the premises and consumption off premises, subject to the limitations prescribed in O.C.G.A. § 3-5-24.2.

District, authorized zoning – a zoning district other than the base or underlying zoning district that is called out in the provisions of an overlay zoning district to described what uses are permitted or authorized to be developed within that overlay zoning district.

District, base zoning– see Underlying District

District, governing zoning – an underlying or authorized zoning district within an overlay zoning district by which the design and dimensional standards of any existing or proposed development must adhere to. Also used to determine site requirements on adjacent properties, such as buffers.

District, overlay zoning – a zoning district where certain additional requirements are superimposed upon an underlying or base zoning district and where the requirements of the underlying or base district may or may not be altered.

District, underlying zoning – Any zoning district that lies within or under the boundaries of an overlay zoning district, also known as base zoning district.

District, Zoning – Any district delineated on the official zoning map under the terms and provisions of this ordinance, or which may be created after the enactment of this ordinance for which regulations governing the area, height, use of buildings, or use of land, and other regulations related to development or maintenance of uses or structures are uniform.

~~Dry cleaning plant means an establishment for dry cleaning or laundry where the operation, equipment and machinery is on-site.~~

Dwelling, cottage home means small detached dwelling units arranged on a single site whereby the dwelling units are arranged so that each unit faces a common open space.

Essential services means the erection, construction, alteration, or maintenance by public utilities or City departments of overhead, surface or underground gas, electrical steam, or water, distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substation, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such utility or City department or for the public health, safety, or general welfare, shall be exempt from the regulations of this code. The installation shall conform to Federal Communications Commission and Federal Aviation Agency rules and regulations, and those of other authorities having jurisdiction.

Electric Vehicle (EV): An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, powered by an electric motor that draws current from a rechargeable storage battery, fuel cell, photovoltaic array, or other source of electric current which is charged by being plugged into an electrical source. For the purpose of this ordinance, off-road, self-propelled electric vehicles, such as industrial trucks, hoists, lifts, transports, golf carts, airline ground support equipment, tractors, boats, and the like, are not included, an automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, powered by an electric motor that draws current from a rechargeable storage battery, fuel cell, photovoltaic array, or other source of electric current which is charged by being plugged into an electrical source.

Electric Vehicle Supply Equipment (EVSE): The conductors, including the ungrounded, grounded, and equipment grounding conductors, and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

Electric Vehicle Supply Equipment (EVSE) infrastructure: The equipment, as defined by the National Electrical Code, which is provided to support future electric vehicle charging. This shall include, but not be limited to: the design load placed on electrical panels and service equipment to support the additional electrical demand, the panel capacity to support additional feeder / branch circuits, the installation of raceways, both underground and surface mounted, to support the electrical vehicle supply equipment.

Plug-In Hybrid Electric Vehicle (PHEV): An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, powered by an electric motor that draws current from a rechargeable storage battery, fuel cell,

photovoltaic array, or other source of electric current which is charged by being plugged into an electrical source, and having a second source of motive power such as gasoline or diesel.

General business office ~~means any building or part of a building in which one or more persons are employed in the management or direction of an agency, business or organization, but excludes such uses as retail sales, manufacturing, assembly or storage of goods, or assembly and amusement,~~ see Office, professional.

Government facilities means buildings or office space utilized for the provision of services by the City of Stonecrest, DeKalb County, the State of Georgia, or the Federal Government including outdoor activities and parking. Such uses include, but are not limited to, the municipal building, fire stations, police stations, government offices, public parks and recreation related facilities and other similar uses

Group homes. See Child ~~caring~~ care institution, Personal care homes, Transitional housing facility.

Growler means a professionally sanitized reusable container not exceeding 64 ounces in volume used to transport draft beer for off-premises consumption.

Growler Store means a retail store that sales growlers.

Heavy equipment repair, service or trade means a building or lot used for the repair, servicing, lease or sale of heavy equipment.

~~Home stay bed and breakfast residence means a single-family dwelling in which is provided not more than two rooms for not more than four people for overnight rental and a morning meal to transient persons for compensation on a nightly basis by the occupant of said dwelling.~~

Industrial district means any parcel of land which is zoned for industrial use including property used for light and heavy distribution, warehouses, assembly, manufacturing, quarrying, and truck terminals ~~and landfills~~. Such districts include M and M-2 districts.

Large-scale brewery means a building or group of buildings where beer is brewed, bottled, packaged, and distributed for wholesale and/or retail distribution, and that produces more than 12,000 gallons in a calendar year.

Large-scale distillery means a building or group of buildings where distilled spirits are manufactured (distilled, rectified or blended), bottled, packaged, and distributed for wholesale and/or retail distribution in large quantity, more than 12,000 gallons per calendar year.

Livestock sales pavilion means any place or establishment conducted or operated for compensation or profit consisting of pens, or other enclosures, in which house horses, cattle, mules, burros, swine, sheep, goats and poultry are temporarily received, held, assembled and/or slaughtered for either public or private sale.

Lot area, net means the total area of a proposed subdivision on an approved subdivision plat dedicated to individual lots, excluding any area dedicated to public or private street rights-of-way or utility easements.

Microbrewery, see Craft Brewery.

Net lot area, see Lot area, net.

Office, building or construction means a temporary structure used as an office or storage for construction operations and is located at the construction site.

Outdoor storage, commercial means the keeping, in an unenclosed area, of any goods, materials, or merchandise associated for a daily, monthly or annual fee. This term does not include the parking of any vehicles or outdoor display of merchandise.

Parking garage/structure, commercial means a covered or sheltered structure of one or more stories designed, constructed and used for the parking of motor vehicles for profit.

Parking lot, commercial means any area designed for temporary storage of motor vehicles by the motoring public in normal operating condition, for profit.

Parking lot means any area designed for temporary storage of motor vehicles by the motoring public in normal operating condition~~, whether for a fee or as a free service~~.

Radio or television broadcasting studio means an establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic, fiber optic, satellite, and telephonic mechanisms, including film and sound recording, a radio station, television studio or a telegraphic service office.

Radio or television broadcasting transmission facility means an installation or facility used for transmitting terrestrial radio frequency and video signals for radio, television, wireless communication, broadcasting, microwave link, mobile telephone or other similar purposes.

Railroad car classification yard or team truck yard means an area used to separate rail cars onto one of several tracks or reconfigure team trucks into different configurations.

Recreational vehicle/boat and trailer sales and service means a facility established for the exhibition, sale, and repair of recreational vehicles/boats and personal use trailers.

Riding academies or stable means a building where horses and ponies are sheltered, fed, or kept and where riding lessons may be provided.

Swimming pools, commercial means any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing that is intended to be used for such purposes and is operated for profit through a membership or daily fee.

Temporary trailer means an enclosed or unenclosed structure, on wheels, that is used for temporary storage purposes.

Towing or wreckage service means a business engaged in the transport or conveyance of vehicles from one point to another, for a fee, by use of a flatbed truck, tow truck or wrecker truck but does not include disposal, permanent disassembly, salvage, or accessory storage of inoperable vehicles. ~~Tow service means establishment that provides for the removal and temporary storage of vehicles, but does not include disposal, permanent disassembly, salvage, or accessory storage of inoperable vehicles. See also Automobile recovery and storage.~~

Truck terminal means a building, structure or place at an industrial facility where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other trucks or modes of transportation. This is not intended for long term warehousing or storage of inventory or for retail sales, but to serve solely as a transfer facility. ~~an area and building where vehicles load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.~~ [TMOD-21-001]Warehousing or storage means a business establishment primarily engaged in the indoor or enclosed storage of merchandise, goods, and materials, not including “mini-warehouses”, “self-storage facilities”, and “truck terminals.”

Wireless Telecommunication Facilities – See Sub-section 4.2.57.B. – Supplemental Uses, Wireless telecommunications for the meaning of terms used in that section, including the following:

1. Accessory-equipment (or Equipment)
2. Administrative approval
3. Administrative review
4. Alternative Telecommunication Support Structure
5. Antenna
6. Applicant
7. Application
8. Attached wireless telecommunications facility
9. Carrier on wheels or cell on wheels (COW)
10. Collocate or collocation
11. Commission
12. Distributed antenna systems (DAS)
13. Equipment compound
14. FAA
15. FCC

16. Geographic search area (GSA)
17. Grantee
18. Guyed Structure
19. Height
20. Modification
21. Ordinary maintenance
22. Provider
23. Public Right(s)-of-Way
24. Public Street
25. Small Cell or Small-Cell Installation
26. Substantial increase in size
27. Telecommunications Facility
28. Telecommunications Service(s)
29. Telecommunications Support Structure
30. Utility
31. Visual Quality

CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD-22-005 – Towing and Wreckage Services

AGENDA SECTION: (*check all that apply*)

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

CATEGORY: (*check all that apply*)

☒ **ORDINANCE** ☐ **RESOLUTION** ☐ **CONTRACT** ☐ **POLICY** ☐ **STATUS REPORT**

☐ **OTHER, PLEASE STATE:** Click or tap here to enter text.

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

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

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

Current Council Meeting: Wednesday, June 29, 2022

SUBMITTED BY: Keedra T. Jackson, Acting Director of Planning & Zoning

PRESENTER: Keedra T. Jackson

PURPOSE: Amendment to Stonecrest Zoning Ordinance, Chapter 27, Article 4, revisions to supplemental use provisions for Towing and Wreckage Services.

FACTS: The City Council directed staff to modify the screening requirements for Towing and Wreckage Services sites to improve community aesthetics. The idea is to screen these businesses in a similar manner to that of gravel parking lots. Staff amended the text amendment back to the original language to prevent the intent of Towing & Wreckage yards from being coverted to junk yards.

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

RECOMMENDED ACTION: Approve

ATTACHMENTS:

(1) Attachment 1 - Cover Letter
(2) Attachment 2 - Staff Report

CITY COUNCIL AGENDA ITEM

(3) Attachment 3 - Towing and Wreckage List
(4) Attachment 4 - Click or tap here to enter text.
(5) Attachment 5 - Click or tap here to enter text.

TMOD-22-005

PLANNING & ZONING STAFF REPORT

MEETING DATE: June 29, 2022

GENERAL INFORMATION

Petition Number: TMOD-22-005

Applicant: Stonecrest Planning and Zoning Department

Project Location: City-Wide

Proposed amendment: Amendment to Stonecrest Zoning Ordinance, Chapter 27, Article 4, revisions to supplemental use provisions for Towing and Wreckage Services.

Facts and Issues:

- The City Council directed staff to improve the screening requirements for Towing and Wreckage Services sites to improve community aesthetics.
- The idea is to screen them similar to how the code currently requires the screening of gravel parking lots.
- Staff amended the text amendment back to the original language to prevent the intent of Towing & Wreckage yards of being coverted to junk yards.

Staff Recommendation: Approval of TMOD-22-005

Previous Actions:

(1) The Planning Commission heard this item previous on December 7, 2021 as part of TMOD-21-016, and the Planning Commission recommended **Deferral**.

(2) The City Council heard this item, again as part of TMOD-21-016, on January 24, 2022, and took action to defer the item back to the Planning Commission.

(3) Planning Commission recommended approval on March 1, 2022

(4) The City Council recommended this item to return to Planning Commission again to ensure vote on March 25th.

(5) Planning Commission recommended approval to the original language as adopted from DeKalb County in 2017.

(6) City Council recommended deferral for 30 days for staff to provide the number of Towing & Wreckage yards in the City of Stonecrest

ATTACHMENTS:

1. Revisions to the Zoning Ordinance related to Towing and Wreckage Services

Active Towing Business Licenses

Item VIII. c.

License#	Business Name	Address
BL18-000139	Regional Journey Towing & Recovery LLC	2260 Lithonia Industrial
BL18-000341	ABC TOWING & TRANSPORT	3104 FAIRINGTON CLUB DRIVE
BL18-000540	BY GRACE TOWING LLC	2137 RANDALL ROAD
BL18-068715	SOUTH DEKALB TOWING & TRANSPORT	7043 ROGERS LAKE RD
BL18-104206	THOMAS AUTO REPAIR & TOWING	7696 COVINGTON
BL18-128982	TREVIN AUTOMOTIVE TOWING	7043 COVINGTON
BL18-140650	TEE'S TOWING	7199 MADDOX
BL18-140698	RANDY TOWING	2755 S STONE MTN LITHONIA
BL18-152939	D&E TOWING	1945 ROGERS LAKE
BL18-206458	MR SMITH'S TOWING, LLC	2435 S STONE MTN LITHONIA
BL18-216430	MONSTER TOWING INC	7199 MADDOX
BL18-219778	1ST PLACE TOWING	2190 COFFEE
BL18-222858	SAVE TOWING	5518 SHIREWICK
BL18-225995	JONES TOWING, LLC	2672 LITHONIA INDUSTRIAL
BL18-228814	DTR TOWING LLC	2258 LITHONIA INDUSTRIAL BLVD
BL18-237611	EXTREME TOWING SERVICES, INC	2672 LITHONIA INDUSTRIAL
BL18-238919	SASSY CLASSY TOWING, LLC	7157 MADDOX
BL18-	POPE TOWING & RECOVERY	7021 MADDOX

239158		
BL19-000161	TLC AUTO TOWING & STORAGE INC	7365 MADDOX ROAD
BL19-000162	JUNK THAT JUNK TOWING & HEAVY HAULING LLC CHECK WITH WILLIAM OR ALEJANDRO BEFORE ISSUING	7156 Maddox ROAD
BL19-000163	TLC AUTO TOWING & STORAGE INC II	7365 MADDOX ROAD
BL19-000192	LEWIS TOWING & PARKING/STORAGE	2233 Randall ROAD
BL20-000098	TLC AUTO TOWING AND STORAGE INC II PARTS	7365 MADDOX ROAD
BL20-000298	JOSHUA TOWING	3677 CROSSVALE RD

STATE OF GEROGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. ____-_____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STONECREST, GEORGIA, BY AMENDING DIVISION 2 (SUPPLEMENTAL USE REGULATIONS) OF ARTICLE 4 (USE REGULATIONS) WITHIN CHAPTER 27 (ZONING ORDINANCE); TO PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PUPOSES.

WHEREAS, the governing body of the City of Stonecrest ("City") is the Mayor and City Council thereof; and

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

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

WHEREAS, the Mayor and City Council desire to amend Division 2 (Supplemental Use Regulations) of Article 4 (Use Regulations) within Chapter 27 (Zoning Ordinance); and

WHEREAS, from time-to-time amendments may be proposed for public necessity, general welfare, or sound zoning practice that justify such action; and

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

WHEREAS, a public hearing pursuant to the provisions of the Zoning Procedures Act has been properly held prior to the adoption of this Ordinance; and

WHEREAS, the health, safety, and welfare of the citizens of the City will be positively impacted by the adoption of this Ordinance.

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

Section 1. The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended by amending Division 2 (Supplemental Use Regulations) of Article 4 (Use Regulations) within Chapter 27 (Zoning Ordinance) by adopting the provisions set forth in Exhibit A attached hereto and made a part by reference.

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

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

Section 4. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional. (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually

dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.

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

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

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

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

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

ORDAINED this _____ day of _____, 2022.

[SIGNATURES TO FOLLOW]

CITY OF STONECREST, GEORGIA

_____

George Turner, Mayor Pro Tem

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

100

EXHIBIT A
(SEE ATTACHED)

101

CHAPTER 27: ZONING ORDINANCE

ARTICLE 4 – USE REGULATIONS

DIVISION 2. SUPPLEMENTAL USE REGULATIONS

Sec. 4.2.64 Towing Wreckage Service

A. Vehicles shall not be stored at tow service properties or automobile recovery and storage facilities for a period longer than fourteen (14) days. This provision does not apply to vehicle storage yards, used motor vehicle dealerships, used motor vehicle parts dealerships, or automobile salvage yards. Records showing the arrival of each vehicle at a tow service property or an automobile recovery and storage facility must be kept by the owner/operator of a business.

B. All wrecked or inoperable vehicles shall be drained of all liquids, including but not limited to gasoline, diesel, transmission fluid, brake fluid, and engine oil, within forty-eight (48) hours of delivery to tow service properties or automobile recovery and storage facilities.

C. Any area of the site used for the short-term storage of motor vehicles shall be screened from view of the public street with an opaque corrugated metal fence or wall adequate in heights to screen the motor vehicles from view from the public rights-of-way. This would be a minimum of ten feet in height if trucks are being stored on site, and only six feet in height if only cars are be stored on site. Chain link and wooden fences along street frontage are prohibited.

D. The parking area shall be at least 25 feet from the street right-of-way.

E. A ten-foot-wide evergreen landscape buffer shall be planted around the perimeter of the fence along the public street with at least two rows of trees. All trees shall be a least six feet in height and/or two inches caliber, and shall be regularly maintained and watered as necessary. Dead or dying trees shall be promptly replaced. All surfaces between trees shall be mulched

F. The soil erosion, sedimentation and pollution requirements of chapter 14, article V of the Code of the City of Stonecrest, Georgia are met.

G. Minimum standards of the Georgia Stormwater Management Manual are met in terms of stormwater runoff and water quality.

CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD-22-006 Distellery Text Amendment

AGENDA SECTION: (*check all that apply*)

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

CATEGORY: (*check all that apply*)

☒ **ORDINANCE** ☐ **RESOLUTION** ☐ **CONTRACT** ☐ **POLICY** ☐ **STATUS REPORT**

☐ **OTHER, PLEASE STATE:** Click or tap here to enter text.

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

Previously Heard Date(s): 01/24/22 & Click or tap to enter a date.

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

Current Council Meeting: Wednesday, June 29, 2022

SUBMITTED BY: Keedra T. Jackson, Acting Director of Planning & Zoning

PRESENTER: Keedra T. Jackson

PURPOSE: Amendment to Stonecrest Zoning Ordinance, Chapter 27, Article 4, revising the supplemental use provisions, regarding Micro-Distilleries, Craft Distilleries, Craft Breweries, Brew Pubs, and Beer Growlers.

FACTS: The Zoning Ordinance permits several uses that need further definition and supplemental use criteria for proper administration. Distillery and brewery related uses should be defined by scale of operation and type of customer interaction, making distinction between commercial use and industrial use.

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

RECOMMENDED ACTION: Approval

ATTACHMENTS:

(1) Attachment 1 - Cover Letter
(2) Attachment 2 - Staff Report

CITY COUNCIL AGENDA ITEM

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

TMOD-22-006

PLANNING & ZONING STAFF REPORT

MEETING DATE: June 29, 2022

GENERAL INFORMATION

Petition Number: TMOD-22-006

Applicant: Stonecrest Planning and Zoning Department

Project Location: City-Wide

Proposed amendment: Amendment to Stonecrest Zoning Ordinance, Chapter 27, Article 4, revising the supplemental use provisions, regarding Micro-Distilleries, Craft Distilleries, Craft Breweries, Brew Pubs, and Beer Growlers.

Facts and Issues:

- The Zoning Ordinance permits several uses that need further definition and supplemental use criteria for proper administration.
- Distillery and brewery related uses should be defined by scale of operation and type of customer interaction, making distinction between commercial use and industrial use.

Staff Recommendation: Approval of TMOD-22-006

Previous Actions:

(1) The Planning Commission heard this item previously on December 7, 2021, as part of TMOD-21-016, and the Planning Commission recommended **Deferral**

(2) The City Council heard this item, again as part of TMOD-21-016, on January 24, 2022, and took action to **Defer the item back to the Planning Commission**.

(3) The Planning Commission heard this item as TMOD-22-006 on March 1, 2022. The Planning Commission recommended **Approval.**

(4) The Planning Commission heard the amended supplemental regulations on June 7, 2002. The Planning Commission recommended Approval.

Attachment:

1. Revisions to the zoning Ordinance related to Distillery and Brewery related uses

STATE OF GEROGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. ____-_____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STONECREST, GEORGIA, BY AMENDING DIVISION 1 (OVERVIEW OF USE CATEGORIES AND USE TABLE) AND DIVISION 2 (SUPPLEMENTAL USE REGULATIONS) OF ARTICLE 4 (USE REGULATIONS) AND ARTICLE 9 (DEFINITIONS) WITHIN CHAPTER 27 (ZONING ORDINANCE); TO ADD TERMS, DEFINITIONS USED TO DESCRIBE LAND USES ASSOCIATED WITH BREWERIES AND DISTILLERIES; REVISE THE PERMITTED USE TABLE FOR BREWERY AND DISTILLERY RELATED USES; ADD SUPPLEMENTAL USE REGULATIONS REGARDING CRAFT DISTILLERIES AND CRAFT BREWERIES; TO PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PUPOSES.

WHEREAS, the governing body of the City of Stonecrest ("City") is the Mayor and City Council thereof; and

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

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

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

WHEREAS, the City desires to add the terms and definitions used to describe land uses associated with breweries and distilleries found in Article 9, Definitions, Sec 9.1.13 Defined terms; and

WHEREAS, the City desires to revise the Permitted Use Table, Sec. 4.1.3 with regard to brewery and distillery related uses to reflect that brewery and distillery related uses are only permitted with certain commercial, mixed-use and industrial land use categories; and

WHEREAS, the City desires to add supplemental use regulations regarding craft distilleries and craft breweries to further clarify and regulate its activities; and

WHEREAS, from time-to-time amendments may be proposed for public necessity, general welfare, or sound zoning practice that justify such action; and

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

WHEREAS, a public hearing pursuant to the provisions of the Zoning Procedures Act has been properly held prior to the adoption of this Ordinance; and

WHEREAS, the health, safety, and welfare of the citizens of the City will be positively impacted by the adoption of this Ordinance.

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

Section 1. The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended by amending Division 1 (Overview of Use Categories and Use Table) and Division 2 (Supplemental Use Regulations) of Article 4 (Use Regulations) and Article 9 (Definitions) within Chapter 27 (Zoning Ordinance) by adopting the provisions set forth in Exhibit A attached hereto and made a part by reference.

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

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

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

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

(c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any

of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

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

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

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

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

ORDAINED this _____ day of _____, 2022.

[SIGNATURES TO FOLLOW]

CITY OF STONECREST, GEORGIA

_____

George Turner, Mayor Pro Tem

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

EXHIBIT A
(SEE ATTACHED)

CHAPTER 27: ZONING ORDINANCE

ARTICLE 4 – USE REGULATIONS

DIVISION 1. OVERVIEW OF USE CATEGORIES AND USE TABLE

	NS	C-1	C-2	M	M-2	MU Districts	See Section 4.2
Brewpub/ Beer Growler, accessory	P	P	P	P		P	
Brewery, Craft		**P**	**P**	**P**		**SP**	✓
Distillery, Craft		**P**	**P**	**P**		**SP**	✓
Brewery, Large scale					**P**		
Distillery, Large scale					**P**		

CHAPTER 27: ZONING ORDINANCE

ARTICLE 4 – USE REGULATIONS

DIVISION 2. SUPPLEMENTAL USE REGULATIONS

Sec. 4.2.63 Craft breweries and Craft distilleries

A. Shall be subject to all regulations of Chapter 4 of the Stonecrest Code of Ordinances concerning alcoholic beverages:

B. In commercial and mixed-use zoning districts, such facilities shall not exceed 20,000 square feet of gross floor area

C. No outdoor public address system shall be permitted

D. Beer and/or wine shall not be sold for consumption on the premises except between the hours of 9:00 a.m. and 1:55 a.m. Monday through Saturday.

E. Sale of beer, malt beverages, or distilled spirits in tap rooms or tasting rooms, or as carry-out packages, shall be limited to those produced on-site.

F. Outdoor placement of grain silos shall be allowed, subject to the Director of Planning & Zoning review and approval of their appearance, signage, location and height.

G. If placed outdoors, containers for spent grain shall be sealed and located in a screened service/dumpster area.

H. The sale of beer and/or wine on the premises is permitted on Sundays from 12:30 p.m. until 2:55 a.m. on Monday: (1)Any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served;(2) Any licensed establishment which derives at

least 50 percent of its total annual gross income from the rental of rooms for overnight lodging;(3) Any publicly owned civic and cultural center capable of serving prepared food with a full service kitchen (a full service kitchen shall consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the planning and development, health and fire departments), prepared to serve food every hour it is open and deriving at least 70 percent of its total annual gross sales from the sale of prepared meals or foods and recreational, promotional or entertainment or operational activities; or(4)A public stadium, coliseum or auditorium.

I. Beer and/or wine may be sold for consumption on the premises from 12:00 midnight to 1:55 a.m. on any Monday which is New Year's Day, January 1, of any year.

J. It shall be unlawful for a business holding a beer and/or wine consumption on the premises license to fail to remove from its retail service area any and all cans, bottles, glasses, mugs, pitchers, cups, or any other container used in the consumption of alcoholic beverages or to otherwise allow the consumption of alcoholic beverages on its premises one hour or more after the business is prohibited from selling, dispensing, or delivering alcoholic beverages to any customer, patron or guest of the business.

K. A violation of subsection (a), (b) or (e) of this section by a licensee, majority stockholder, general manager or managing partner of the licensee or licensed establishment shall result in license suspension for a period of two days, which shall be scheduled to include a Friday and Saturday in succession.

L. Any holder of a license for a micro distillery issued pursuant to this chapter is required to apply for and obtain a distillery license from the state before any sales commence. Additionally, county licensees are required to abide by all applicable state regulations and laws.

M. Outdoor Storage: There shall be no outdoor storage with the exception of solid waste handling which occurs in an enclosure fully screened from adjoining streets.

CHAPTER 27: ZONING ORDINANCE

ARTICLE 9 – DEFINITIONS

Sec. 9.1.3. - Defined terms.

Brewpub means a commercial business which conducts the retail sale of beer (malt beverages with alcohol content, as defined by federal law) which is brewed on the premises in compliance with applicable state and federal laws. Such establishments may also include restaurants as an accessory use**, which derives at least 50 percent of its total annual gross food and beverage revenue from the sale of prepared meals and food and in which beer or malt beverages are manufactured or brewed subject to the barrel production limits and regulations under state law.**

***Brewery, Craft (also known as micro-brewery)* means a building or group of buildings where beer is brewed, bottled, packaged, and distributed for wholesale and/or retail distribution, and that produces small amounts of beer or malt beverage, less than 12,000 barrels in a calendar year. Much smaller than large-scale corporate breweries, these businesses are typically independently owned. Such breweries are generally characterized by their emphasis on quality, flavor and brewing technique.**

***Brewery, Large Scale* means a building or group of buildings where beer is brewed, bottled, packaged, and distributed for wholesale and/or retail distribution, and that produces more than 12,000 barrels in a calendar year.**

***Distillery, Craft (also known as micro-distillery)* means a building or group of buildings where distilled spirits are manufactured (distilled, rectified or blended), bottled, packaged, and distributed for**

wholesale and/or retail distribution in small quantity, less than 12,000 barrels per calendar year and in which such manufactured distilled spirits may be sold for consumption on the premises and consumption off premises, subject to the limitations prescribed in O.C.G.A. § 3-5-24.2.

Distillery, Large-scale means a building or group of buildings where distilled spirits are manufactured (distilled, rectified or blended), bottled, packaged, and distributed for wholesale and/or retail distribution in large quantity, more than 12,000 barrels per calendar year.

Growler means a professionally sanitized reusable container not exceeding 64 ounces in volume used to transport draft beer for off-premises consumption.

Growler Store means a retail store that sales growlers

Malt Beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than 14 percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term does not include sake, known as Japanese rice wine.

"Manufacturer" means any maker, producer, or bottler of an alcoholic beverage. The term also means:

In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits; provided, however, that a vintner that blends wine with distilled spirits to produce a fortified wine shall not be considered a manufacturer of distilled spirits;

In the case of malt beverages, any brewer; and

In the case of wine, any vintner.

Taproom means an establishment operated by a brewpub or microbrewery for the promotion of a brewpub or microbrewery's malt beverages by providing complimentary samples of malt beverages to the public and for the sale of such malt beverages. Samples of malt beverages can be given free of charge or for a fee.

Tasting room means an outlet operated by a farm winery or microdistillery for the promotion of wine or distilled spirits by providing complimentary samples of wine or distilled spirits to the public and for the sale of such wine or distilled spirits. Samples of wine or distilled spirits can be given free of charge or for a fee.

***Micro brewery*, see Craft brewery.**

CITY COUNCIL AGENDA ITEM

SUBJECT: Former Board Appreciation

AGENDA SECTION: (*check all that apply*)

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

CATEGORY: (*check all that apply*)

☐ **ORDINANCE** ☐ **RESOLUTION** ☐ **CONTRACT** ☐ **POLICY** ☐ **STATUS REPORT**

☒ **OTHER, PLEASE STATE: Presentation**

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

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

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

Current Council Meeting: Wednesday, June 29, 2022

SUBMITTED BY: Mayor Pro Tem George Turner

PRESENTER: Mayor Pro Tem George Turner

PURPOSE: Certificate of Appreciation presented to former board members.

FACTS:

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

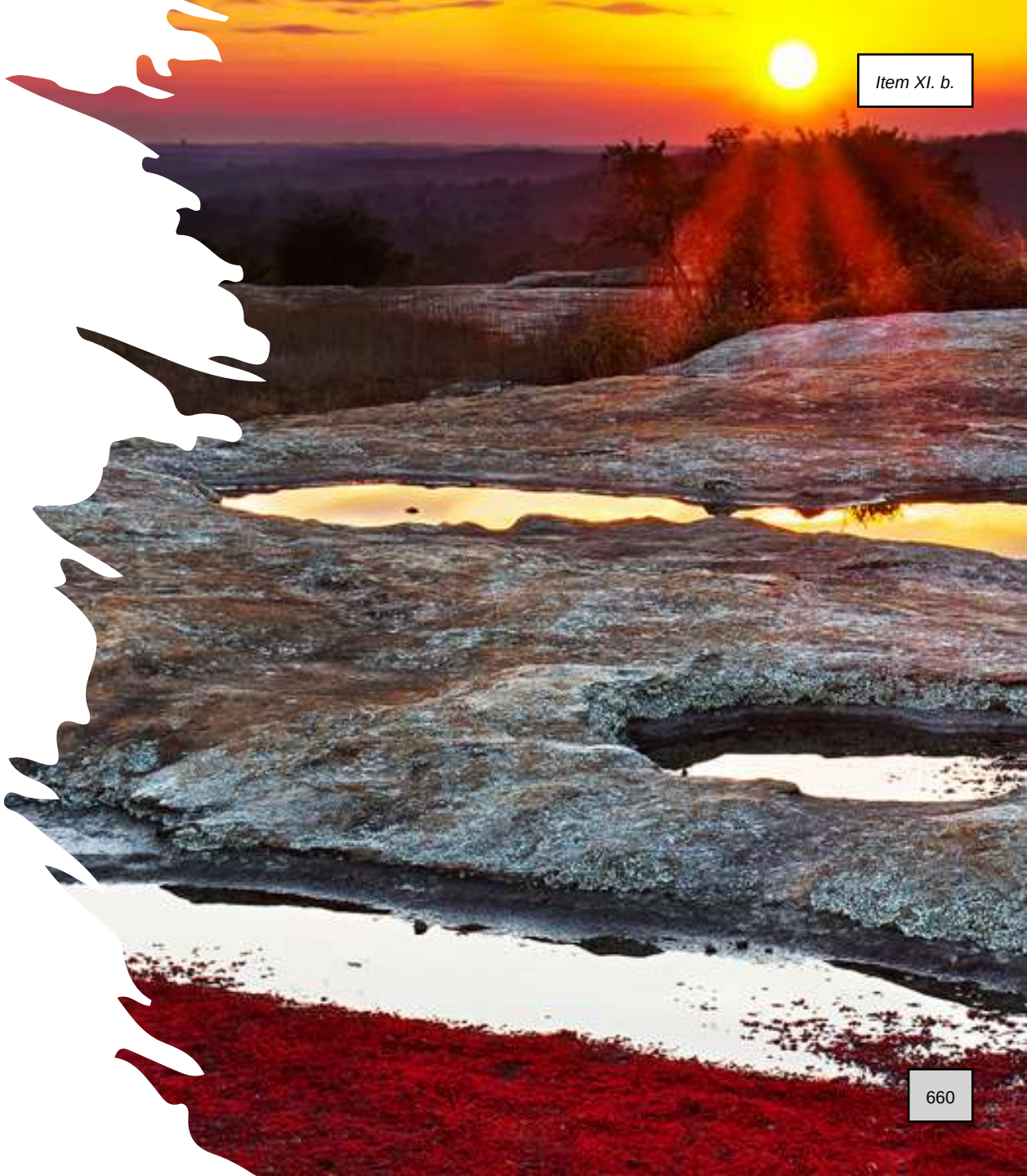
RECOMMENDED ACTION: Click or tap here to enter text.

ATTACHMENTS:

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

Former Member Appreciation

The City of Stonecrest would like to extend their gratitude for service to former members of the City's Boards and Committees.



Arabia Mountain Overlay Committee

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

LORI BROWN

In honor of your service as a member of the Arabia Mountain Overlay Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

ERIC HUBBARD

In honor of your service as a member of the Arabia Mountain Overlay Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

KELLY JORDAN

In honor of your service as a member of the Arabia Mountain Overlay Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

BERNARD KNIGHT

In honor of your service as a member of the Arabia Mountain Overlay Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

CHERYL MATHIS

In honor of your service as a member of the Arabia Mountain Overlay Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

DARIEN SENIOR

In honor of your service as a member of the Arabia Mountain Overlay Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

JETHA WAGNER

In honor of your service as a member of the Arabia Mountain Overlay Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

Complete Count Committee

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

LAVEETA BRANCHE

In honor of your service as a member of the 2020 Census
Complete Count Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

FRANK BUSH

In honor of your service as a member of the Complete Count Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

DONNA DOUGLAS

In honor of your service as a member of the Complete Count Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

SANDRA EDWARDS

In honor of your service as a member of the Complete Count Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

MELVA HUBBARD

In honor of your service as a member of the 2020 Census
Complete Count Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

BARBARA LEE

In honor of your service as a member of the 2020 Census
Complete Count Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

GERTRUDE MORGAN

In honor of your service as a member of the Complete Count Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

KENDRA PRICE

In honor of your service as a member of the 2020 Census
Complete Count Committee for the City of Stonecrest

Thank you for your service

THE CITY OF
STONECREST
GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

RAMONDA RAVEN

In honor of your service as a member of the 2020 Census
Complete Count Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

FRANCIS SAVOY

In honor of your service as a member of the 2020 Census
Complete Count Committee for the City of Stonecrest

Thank you for your service

THE CITY OF
STONECREST
GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

PATRICIA SMITH

In honor of your service as a member of the Complete Count Committee for the City of Stonecrest.

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

TERRY LEE

In honor of your service as a member of the Complete Count Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

CID Advisory Committee

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

BERNARD KNIGHT

In honor of your service as a member of the CID Advisory Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

J.P. SINGH

In honor of your service as a member of the CID Advisory Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

Education Advisory Committee

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

LISA BRATTON

In honor of your service as a member of the Education Advisory Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

PAMELA CHILDS

In honor of your service as a member of the Education Advisory Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

KEENJA DENNIS

In honor of your service as a member of the Education Advisory Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

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A Testimonial of Sincere Appreciation
PRESENTED TO

SANDRA HARRIS

In honor of your service as a member of the Education Advisory Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

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A Testimonial of Sincere Appreciation
PRESENTED TO

DR. BARBARA LEE

In honor of your service as a member of the Education Advisory Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

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A Testimonial of Sincere Appreciation
PRESENTED TO

PAUL PIERRE

In honor of your service as a member of the Education Advisory Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

NICOLE PRATER

In honor of your service as a member of the Education Advisory Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

JOHNNY WAITS

In honor of your service as a member of the Education Advisory Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

ANDREW WELLS

In honor of your service as a member of the Education Advisory Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

Economic Development Plan Steering Committee

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

TODD BROWN

In honor of your service as a member of the Economic Development Plan Steering Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

KENNETH REEVES

In honor of your service as a member of the Economic Development Plan Steering Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

Finance Oversight Committee

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

LAKESHA SWANSON

In honor of your service as a member of the Finance Oversight Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

The Old Transportation Advisory Committee

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

LYLE HARRIS

In honor of your service as a member of the Old Transportation Advisory Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

NEVA JONES-FOSTER

In honor of your service as a member of the Old
Transportation Advisory Committee for the City of Stonecrest

Thank you for your service

THE CITY OF
STONECREST
GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

WINSTON MCDONALD

In honor of your service as a member of the Old
Transportation Advisory Committee for the City of Stonecrest

Thank you for your service

THE CITY OF
STONECREST
GEORGIA

George Turner
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

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PRESENTED TO

JOSEPH MILLER

In honor of your service as a member of the Old
Transportation Advisory Committee for the City of Stonecrest

Thank you for your service

THE CITY OF
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GEORGIA

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Mayor Pro Tem

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Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

Planning Commission

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

WANDA MCNEIL

In honor of your service as a member of the Planning Commission for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

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PRESENTED TO

CHERYL MOORE-MATHIS

In honor of your service as a member of the Planning Commission for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

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PRESENTED TO

LISA WRIGHT

In honor of your service as a member of the Planning Commission for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

Stonecrest Housing Authority

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

EDWINA CLANTON

In honor of your service as a member of the Stonecrest Housing Authority for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

Stonecrest Overlay Committee

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

CHRISTOPHER BYRD

In honor of your service as a member of the Stonecrest Overlay Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

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EDWINA CLANTON

In honor of your service as a member of the Stonecrest
Overlay Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

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Mayor Pro Tem

CERTIFICATE OF APPRECIATION

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PRESENTED TO

BRAD HUGHES

In honor of your service as a member of the Stonecrest Overlay Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

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Mayor Pro Tem

CERTIFICATE OF APPRECIATION

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BERNARD KNIGHT

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PRESENTED TO

JACK PHILLIPS

In honor of your service as a member of the Stonecrest Overlay Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

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PRESENTED TO

JETHA WAGNER

In honor of your service as a member of the Stonecrest Overlay Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

SPLOST Advisory Committee

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

ERIC CARRINGTON

In honor of your service as a member of the SPLOST
Advisory Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

ERIKA DIXON

In honor of your service as a member of the SPLOST Advisory Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

PHYLLIS DOUGLAS

In honor of your service as a member of the SPLOST
Advisory Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

MICHELLE EMANUEL

In honor of your service as a member of the SPLOST
Advisory Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

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PRESENTED TO

SUZANNE FRICK

In honor of your service as a member of the SPLOST
Advisory Committee for the City of Stonecrest

Thank you for your service

THE CITY OF
STONECREST
GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

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PRESENTED TO

SHAWN JONES

In honor of your service as a member of the SPLOST Advisory Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

CERTIFICATE OF APPRECIATION

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PRESENTED TO

SWAIN WATTERS

In honor of your service as a member of the SPLOST Advisory Committee for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

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Mayor Pro Tem

CERTIFICATE OF APPRECIATION

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PRESENTED TO

KERRY WILLIAMS

In honor of your service as a member of the SPLOST
Advisory Committee for the City of Stonecrest

Thank you for your service

THE CITY OF
STONECREST
GEORGIA

George Turner,
Mayor Pro Tem

Zoning Board of Appeals

CERTIFICATE OF APPRECIATION

A Testimonial of Sincere Appreciation
PRESENTED TO

JOYCE WALKER

In honor of your service as a member of the Zoning Board of Appeals for the City of Stonecrest

Thank you for your service

THE CITY OF STONECREST GEORGIA

George Turner,
Mayor Pro Tem

Thank you for your service!

CITY COUNCIL AGENDA ITEM

SUBJECT: Request of the South River Watershed Alliance regarding Everette Park

AGENDA SECTION: (*check all that apply*)

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

CATEGORY: (*check all that apply*)

☐ **ORDINANCE** ☐ **RESOLUTION** ☐ **CONTRACT** ☐ **POLICY** ☐ **STATUS REPORT**

☒ **OTHER, PLEASE STATE: Request for MOU**

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

Previously Heard Date(s): 08/24/20 & Click or tap to enter a date.

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

Current Council Meeting: Wednesday, June 29, 2022

SUBMITTED BY: Janice Allen Jackson, City Manager

PRESENTER: George Turner, Mayor Pro Tempore

PURPOSE: To discuss a request of the South River Watershed Alliance (SRWA) for an MOU with the City of Stonecrest, and for the City of Stonecrest to provide matching funds.

FACTS: SRWA broke the Panola Shoals project into two parts, Phase 1 to address the erosion and Phase 2 to construct the South River Water Trail launches at Panola and Everett Parks. The City decided to use SPLOST funds for the Panola Shoals Project which is currently underway. This freed up the remaining unspent funds from the GA Power grant acquired by the SRWA in the amount of $190,663. SRWA has asked the Bonneville Foundation who administers the GA Power grant if SRWA could apply the funds to pay for improvements to Everett Park. GA Power agreed to this request. The proposed Everett Park project would consist of parking lot improvements and a kayak launch. SRWA's current goal is to get the $190,663 transferred to the City via an MOU to show GA Power that the project is moving forward. The official grant period ended December 31, 2021.

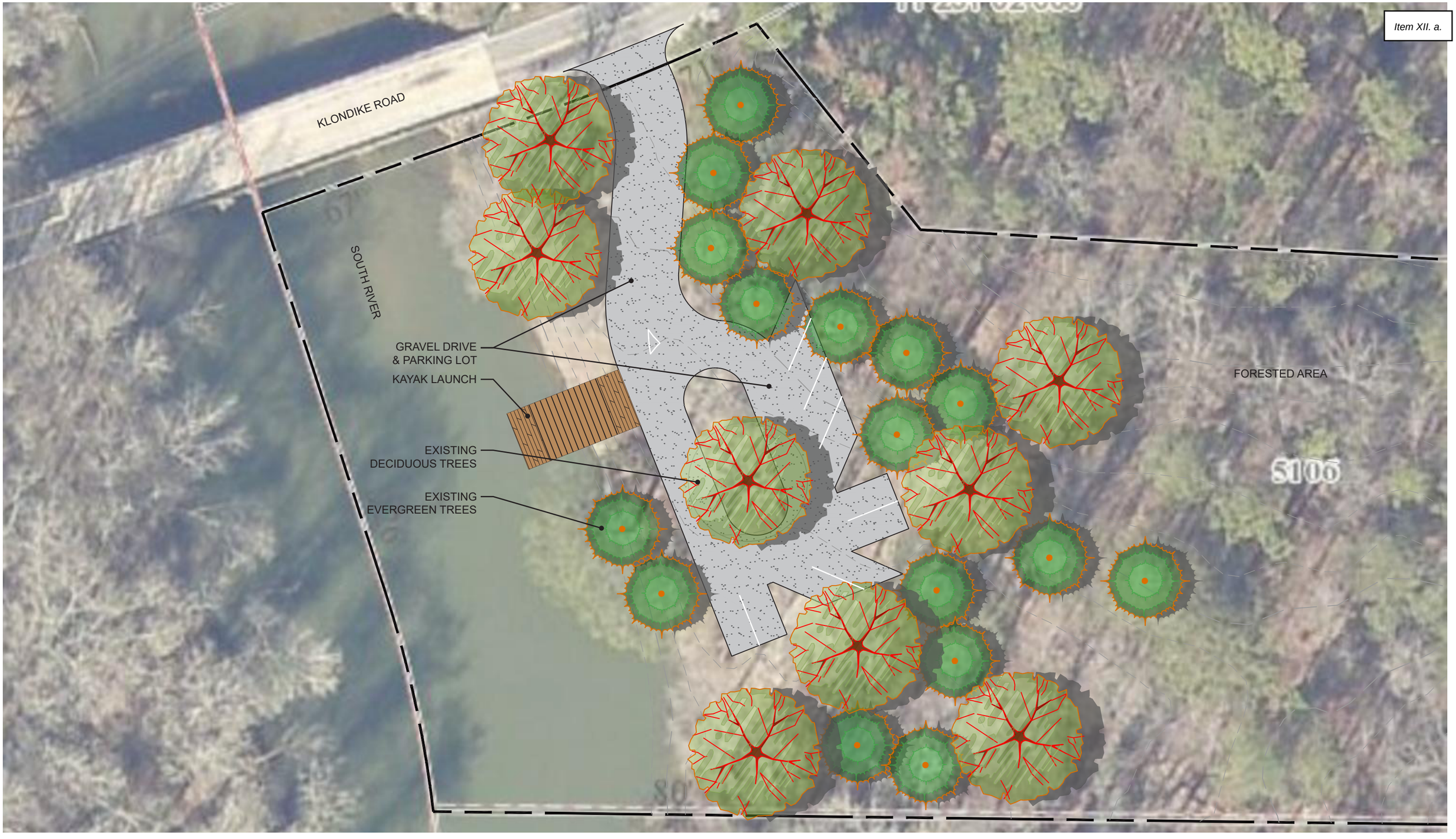
OPTIONS: Approve, Deny, Defer Click or tap here to enter text.

CITY COUNCIL AGENDA ITEM

RECOMMENDED ACTION: To ask staff to work with the SRWA to review the scope of the project, to include cost estimates and most appropriate method of procurement and bring back a recommendation for Council's review.

ATTACHMENTS:

(1) Attachment 1 - Panola Shoals Park and Everett Park Restoration Project, a PowerPoint presented to Mayor and Council by the SRWA on August 24, 2020
(2) Attachment 2 - Everett Park Conceptual Plan Rendering
(3) Attachment 3 - Click or tap here to enter text.
(4) Attachment 4 -
(5) Attachment 5 - Click or tap here to enter text.



WK DICKSON
community infrastructure consultants

SOUTH RIVER WATER TRAIL:
CONCEPTUAL RENDERING

SCALE: 1”=30’

N

Panola Shoals Park & Everett Park Restoration Project

(Presentation to City of Stonecrest, City Council, August 24, 2020)

SOUTH RIVER
WATERSHED ALLIANCE

Project Scope

Project consists of two separate but related phases:

- Panola Shoals Riverbank Stabilization and Restoration Project (Phase 1)
- South River Water Trail – Gateway Project (Phase 2)

Panola Shoals Riverbank Stabilization and Restoration Project – Phase 1

- Project Purpose: Reduce sedimentation load to the South River by stabilizing the streambank and reducing erosion at Panola Shoals

- Overall Project Scope: Stabilize and restore approx. 250 linear feet of streambank from Snapfinger Road bridge to original steep path access to sandbar/river.

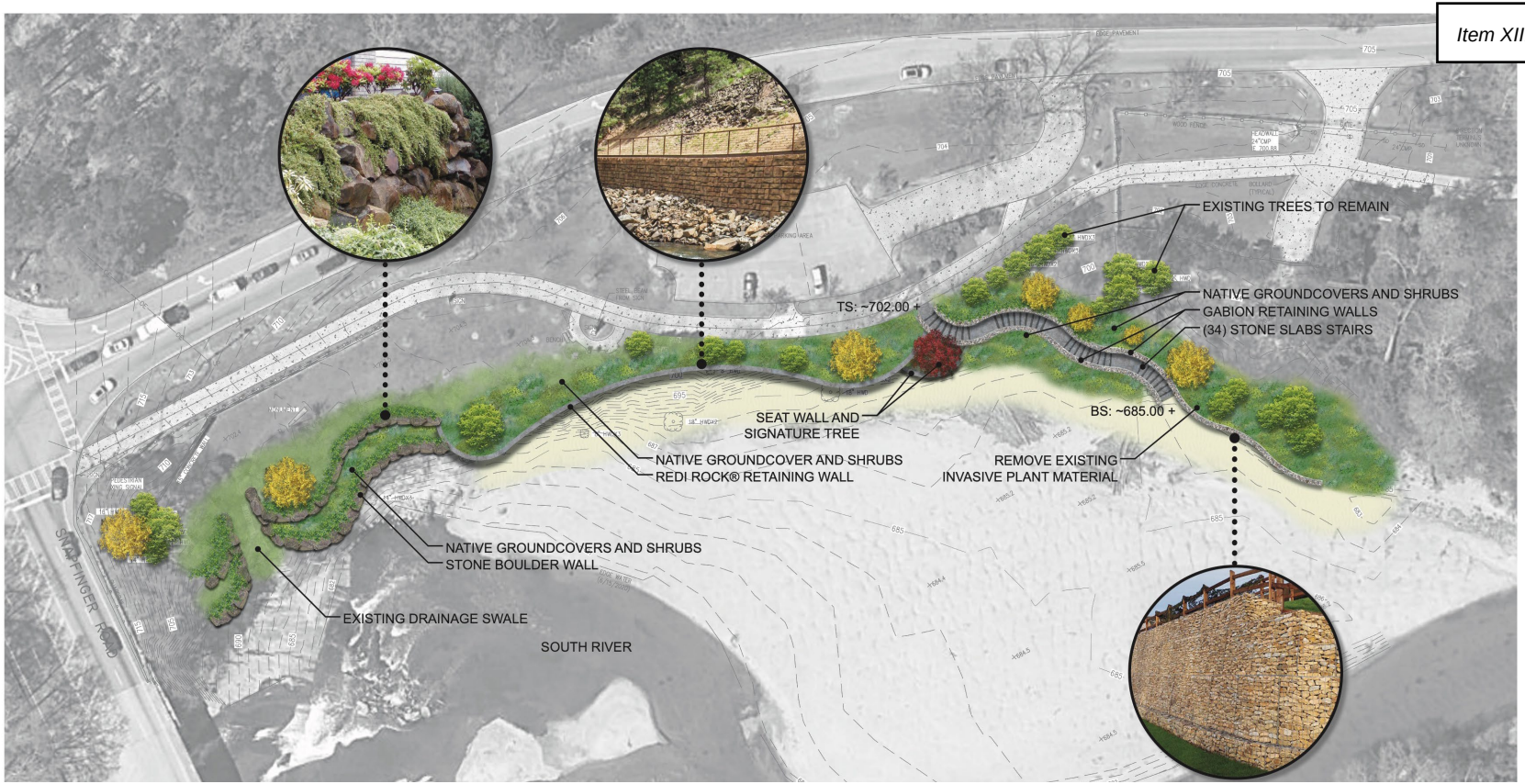
- Funding Source: Bonneville Fdn/GA Power - $237,437

Panola Shoals – Phase 1

South River Water Trail – Gateway Project (Phase 2)

- Restore 400 linear feet of streambank and construct stairway/ADA ramp access to river at Panola Shoals.
- Construct kayak/canoe launch at Everett Park creating safe public access to the South River.
- 5Other planned park amenities at both sites include directional and educational signage, kiosk, picnic/seating area and environmentally appropriate parking area improvements (parking area improvements Everett Park Only).

Panola Shoals – Phase 2



WK DICKSON
community infrastructure consultants

PANOLA SHOALS RIVERBANK STABILIZATION AND RESTORATION PROJECT:
CONCEPTUAL RENDERING

N
SCALE: 1”=30’

Project Funding

Panola Shoals Riverbank Stabilization and Restoration Project (Phase 1) - Estimate

- Design/Permitting/Procurement: $30,000
- Construction: $346,875
- Construction Engineering Inspection: $13,000
- Total: $389,875
- Committed Funds: $237,437 Difference: - $152,438

South River Water Trail Gateway (Phase 2) – Georgia Outdoor Stewardship Program - Estimate

- Design/Permitting/Procurement: $30,000
- Construction: $297, 467
- Everett Park: $171,821
- Construction Engineering Inspection: $13,000
- Total: $512,288* (minimum required match: 25% or $125,000 cash and in-kind). In-kind limited to 15% of project cost.

*$500,000 minimum grant award

Georgia Outdoor Stewardship Program (GOSP) Grant

- Purpose of GOSP program – to provide support to state parks trails; to support local parks and trails of state and regional significance; to provide stewardship of conservation land, and to acquire critical areas for the provision or protection of clean water, wildlife, hunting, or fishing or for natural resource-based outdoor recreation.
- Reimbursement grant – Approved budgeted costs are reimbursed by GA DNR.
- Pre-proposal due – October 16, 2020
- Proposal can be submitted by City of Stonecrest or South River Watershed Alliance

Assistance Needed from City of Stonecrest

- Cash contribution needed to complete Phase 1 – ($152,438)
- Resolution from City Council committing to provide required matching funds (cash) minus in-kind contribution match. (approx. $100,000)
- Support payment/reimbursement process as required by grant.
- Provide Parks Master Plan documentation.
- QUESTIONS?????

Thank You

Jacqueline Echols, PhD
Board President
southriverwatershedalliance@gmail.com

SOUTH RIVER
WATERSHED ALLIANCE

CITY COUNCIL AGENDA ITEM

SUBJECT: RZ-22-002 – 2376, 2300, 2330, 2368, and 2376 South Stone Mountain Lithonia Road and 1801 Coffee Road

AGENDA SECTION: (*check all that apply*)

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

CATEGORY: (*check all that apply*)

☒ **ORDINANCE** ☐ **RESOLUTION** ☐ **CONTRACT** ☐ **POLICY** ☐ **STATUS REPORT**

☐ **OTHER, PLEASE STATE:** Click or tap here to enter text.

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

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

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

Current Council Meeting: Wednesday, June 29, 2022

SUBMITTED BY: Keedra T. Jackson, Acting Director of Planning & Zoning

PRESENTER: Keedra T. Jackson

PURPOSE: The applicant is requesting to rezone the subject properties from M and M-2 for the development of three warehouse building

FACTS: The applicant is requesting to rezone the 205.12 +/- acres of the subject property from M (Light Industrial) District and M-2 (Heavy Industrial) District to M (Light Industrial) District to allow the development of a three-building warehouse project. Subject Property consisting of three warehouse buildings totaling ±1,932,122 square feet, parking, and associated site improvements. The Applicant intends to rezone all parcels comprising the Subject Property to the M zoning district to create a uniform zoning for the development and allow the consolidation and replatting of the property in the future. In addition, the Applicant seeks to amend the conditions of zoning to better align with current design practices and to allow the Proposed Development.

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

RECOMMENDED ACTION: To Defer back to Planning Commission

CITY COUNCIL AGENDA ITEM

ATTACHMENTS:

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

THE CITY OF STONECREST GEORGIA

PLANNING COMMISSION

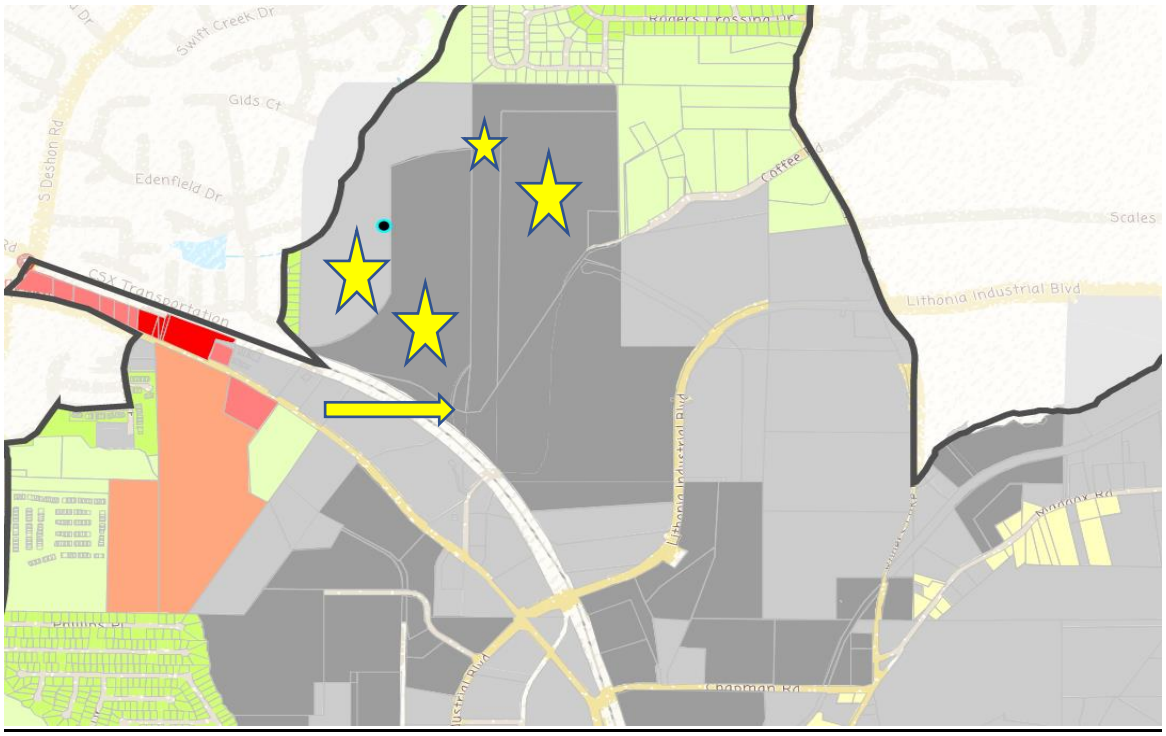
Planning Commission June 7, 2022 / Mayor and City Council Meeting June 29, 2022

GENERAL INFORMATION

Petition Number:	RZ-22-002
Applicant:	Nick Faber, IDI Logistics
Owner:	James W. Kelly, Jr. and Daniel H. Kelly
Project Location:	2300, 2330, 2368 and 2376 South Stone Mountain Lithonia Rd and 1801 Coffee Rd.
Parcels:	16-125-01-002, 16-125-01-153, 16-124-01- 003, 16-132-01-019, and 16-132-01-001).
District:	District 1
Acreage:	205.12 +/- acres
Existing Zoning:	M (Light Industrial) / M-2 (Heavy Industrial)
Proposed Zoning:	M (Light Industrial)
Comprehensive Plan Community: Area Designation	HIND (Heavy Industrial)
Proposed Development/Request:	The applicant is requesting to rezone the subject properties from M and M-2 for the development of three warehouse building
Staff Recommendations:	***Approval/Conditional***
Planning Commission	***Recommemded to defer***

PLANNING COMMISSION

Zoning Map



Zoning Case: RZ-22-002

Address: 2300, 2330, 2368, 2376 South Stone Mountain Lithonia Rd and 1801 Coffee Rd.

Current Zoning: M (Light Industrial) and M-2 (Heavy Industrial)

Proposed Zoning: M (Light Industrial)

Subject Property

THE CITY OF STONECREST GEORGIA

PLANNING COMMISSION

Aerial Map

PROJECT OVERVIEW

Location

The subject properties are located at 2300, 2330, 2368, 2376 South Stone Mountain Lithonia Road and 1801 Coffee Road (Parcel IDs: 16-125-01-002, 16-125-01-153, 16-124-01- 003, 16-132-01-019, and 16-132-01-001). The Subject Property consists of a ±205.12-acre assemblage off five parcels located in Land Lots 124, 125 and 132, 16th District, City of Stonecrest, DeKalb County, Georgia ("Subject Property").

The property is bounded by Deshon Estates to the west, by The Villas at Rogers Crossing to the north and Home Depot to the southeast. Located to the south is CRX Transportation Services.

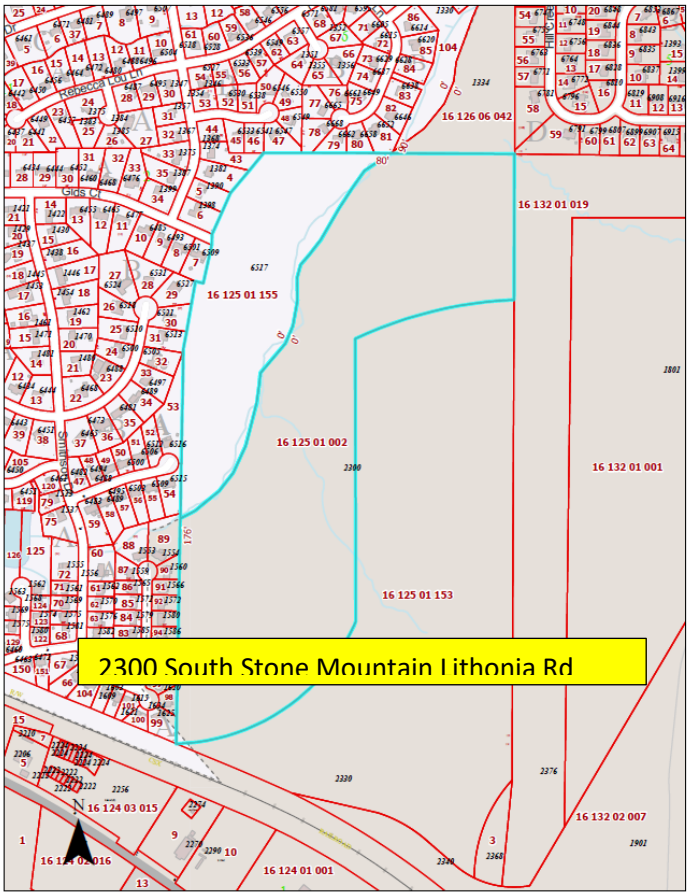
Subject Property

THE CITY OF STONECREST GEORGIA

PLANNING COMMISSION

Background:

The applicant is requesting to rezone the 205.12 +/- acres of the subject property from M (Light Industrial) District and M-2 (Heavy Industrial) District to M (Light Industrial) District to allow the development of a three-building warehouse project. Subject Property consisting of three warehouse buildings totaling ±1,932,122 square feet, parking, and associated site improvements. The Applicant intends to rezone all parcels comprising the Subject Property to the M zoning district to create a uniform zoning for the development and allow the consolidation and replatting of the property in the future. In addition, the Applicant seeks to amend the conditions of zoning to better align with current design practices and to allow the Proposed Development. On May 20, 2022, staff was advised by DeKalb County GIS there was a subdivision of Parcel # 16 125 01 002. Parcel 16 125 01 002 have total of 50.61 AC and newly created parcel 16 125 01 155 total acreage 18.08 AC. This update will cause the legal description to be erroneous and staff has made this advisement to the applicant. The owner of the subject property will need to update the legal description and have it recorded with the DeKalb County Superior Court. Please see the property line update below.



Two of the five total parcels that comprise the Subject Property were rezoned on November 24, 1981, then located in unincorporated DeKalb County, from R-100 (Single Family Residential) to M Light Industrial and M-2 Heavy Industrial

zoning district pursuant to zoning ordinance Z-81143. Although the subject property was incorporated under the jurisdiction of the City of Stonecrest when it was incorporated, this did not eradicate the 1981 Rezoning conditions. Zoning conditions stay with the land.

The 1981 Rezoning was subject to seventeen conditions, the following conditions are what the applicant is seeking to amend:

1. The height of any building located on the site shall not exceed 40 feet. (#7)
2. All buildings shall use earth tone colors the same being defined as colors which shall attempt to blend with the landscape and foliage located on property. (#10)
3. The fronts of all buildings constructed on the property shall use some brick veneer, stone, wood, or a mixture of some of the same. (#11)
4. Access to the site shall be limited to the Stone Mountain-Lithonia Road or Coffey Road and no streets shall be connected to any existing street or future street which runs, or is to run, through any adjacent residentially zoned property. This paragraph does not apply to Coffey Road. (#14)
5. A cyclone fence of not less than 6 feet in height shall be placed on the North and West property lines of said property. (#17)

The applicant is proposing modern warehouse facilities that will exceed 40 feet in height (48 feet). In addition, tilt-up panel construction has become an industry standard for modem warehouse design and concrete block has become less widely used, as envisioned in the 1981 Rezoning conditions. Furthermore, the 1981 Rezoning conditions call for a cyclone fence along the property lines. The Applicant's site design will provide additional landscaped buffers in lieu of the cyclone fence. The applicant will be providing a minimum of a 150-feet of vegetated buffer (the 150-foot buffer will be composed of 75-feet undisturbed and 75-feet landscaped buffers) along the north and west property lines. In areas where the proposed grading will encroach into the 150' buffer the Applicant will replant with landscaping. Lastly, the 1981 Rezoning requires access to South Stone Mountain Lithonia Road and Coffee Road. The applicant is proposing to utilize Stonecrest Industrial Way areas. the Applicant now seeks to modify the above conditions to match the following wording:

7. The height of any building located on the site shall not exceed 50 feet.

10. All buildings shall use colors in general accordance with the concept elevations.

11. The fronts of any and all buildings constructed on the property will be of a tilt-up concrete panel construction with a color in accordance with the elevations referenced in condition.

14. Access to the site shall be limited to the Stonecrest Industrial Way or Coffey Road and no streets shall be connected to any existing street or future street which runs, or is to run, through any adjacent residentially zoned property. This paragraph does not apply to Coffey Road.

7. A 75-foot vegetated landscape strip shall be placed on the North and West property lines as generally depicted on the site plan, dated February 28, 2022.

THE CITY OF STONECREST GEORGIA

PLANNING COMMISSION

The applicant is seeking the following Parking requests:

BUILDING 1:	**1,007,900 SF**	
DOCK DOORS	**180**	
AUTO PARKING	**503**	
TRAILER PARKING	**228**	**(FUTURE 120)**
BUILDING 2:	**456,840 SF**	
DOCK DOORS	**107**	
AUTO PARKING	**386**	
TRAILER PARKING	**120**	
BUILDING 3:	**467,382 SF**	
DOCK DOORS	**94**	
AUTO PARKING	**379**	
TRAILER PARKING	**99**	
Total Auto Parking:	**1268**	
Total Trailer Parking:	**447**	**(FUTURE 120)**
Total Loading Docks:	**381**	

Required Parking (Warehouse)
Min. 1 space per 2,500 sf of Floor Area
Max. 1 space per 500 sf of Floor Area

	Floor Area	Min Parking Req.	Max. Parking
BUILDING 1	**1,007,900**	**403.16**	**2015.8**
BUILDING 2	**456,840**	**182.74**	**913.68**
BUILDING 3	**467,382**	**186.95**	**934.76**

Required Loading (Warehouse)
3 spaces up to 99,000 sf + 1 space per additional 10,000 sf

	Floor Area	Min Loading Spaces
BUILDING 1	**1,007,900**	**93.79**
BUILDING 2	**456,840**	**38.68**
BUILDING 3	**467,382**	**39.74**

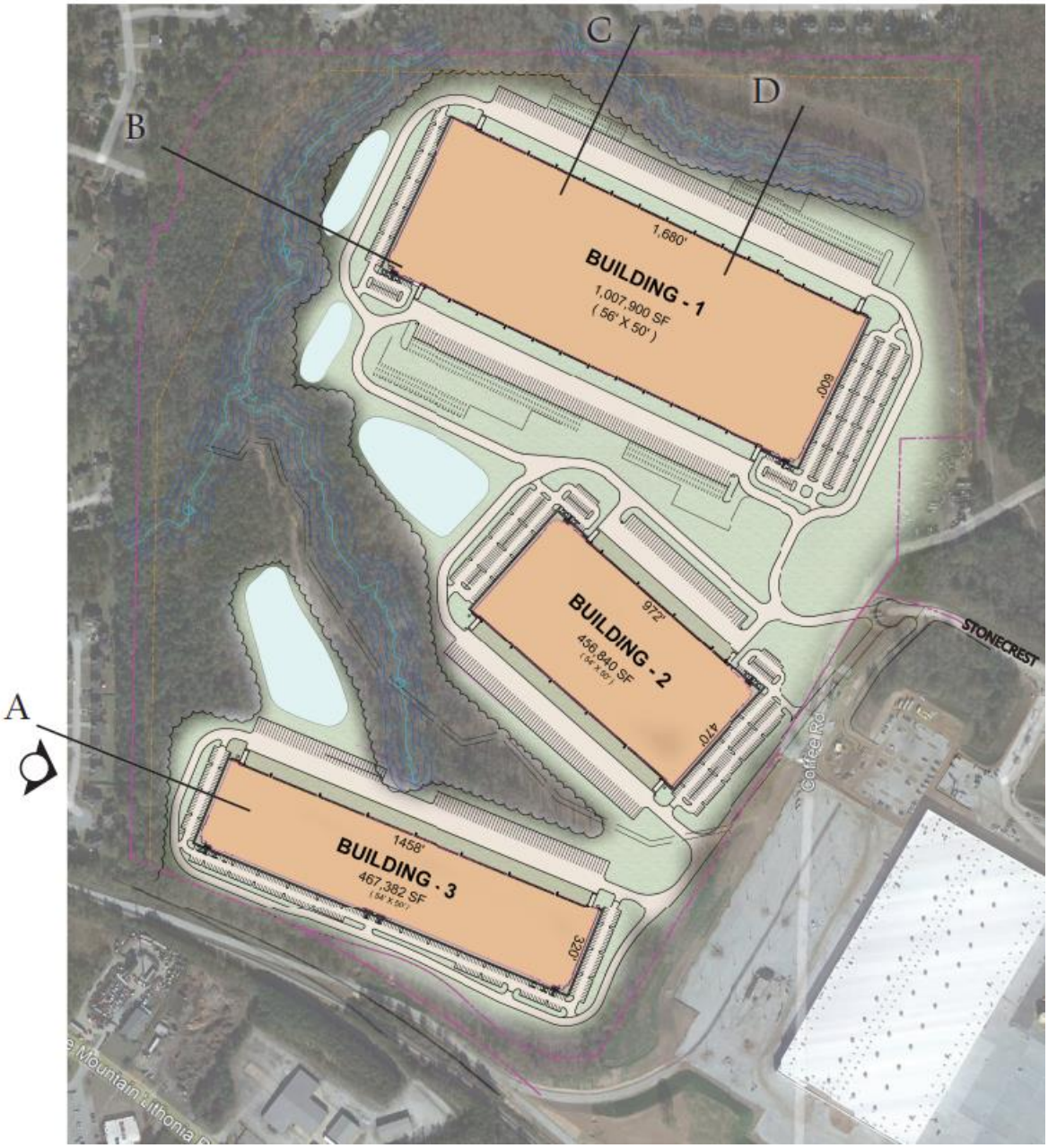
PLANNING COMMISSION

Article 6, Section 6.1.5- "One space for each 500 square feet of floor area"

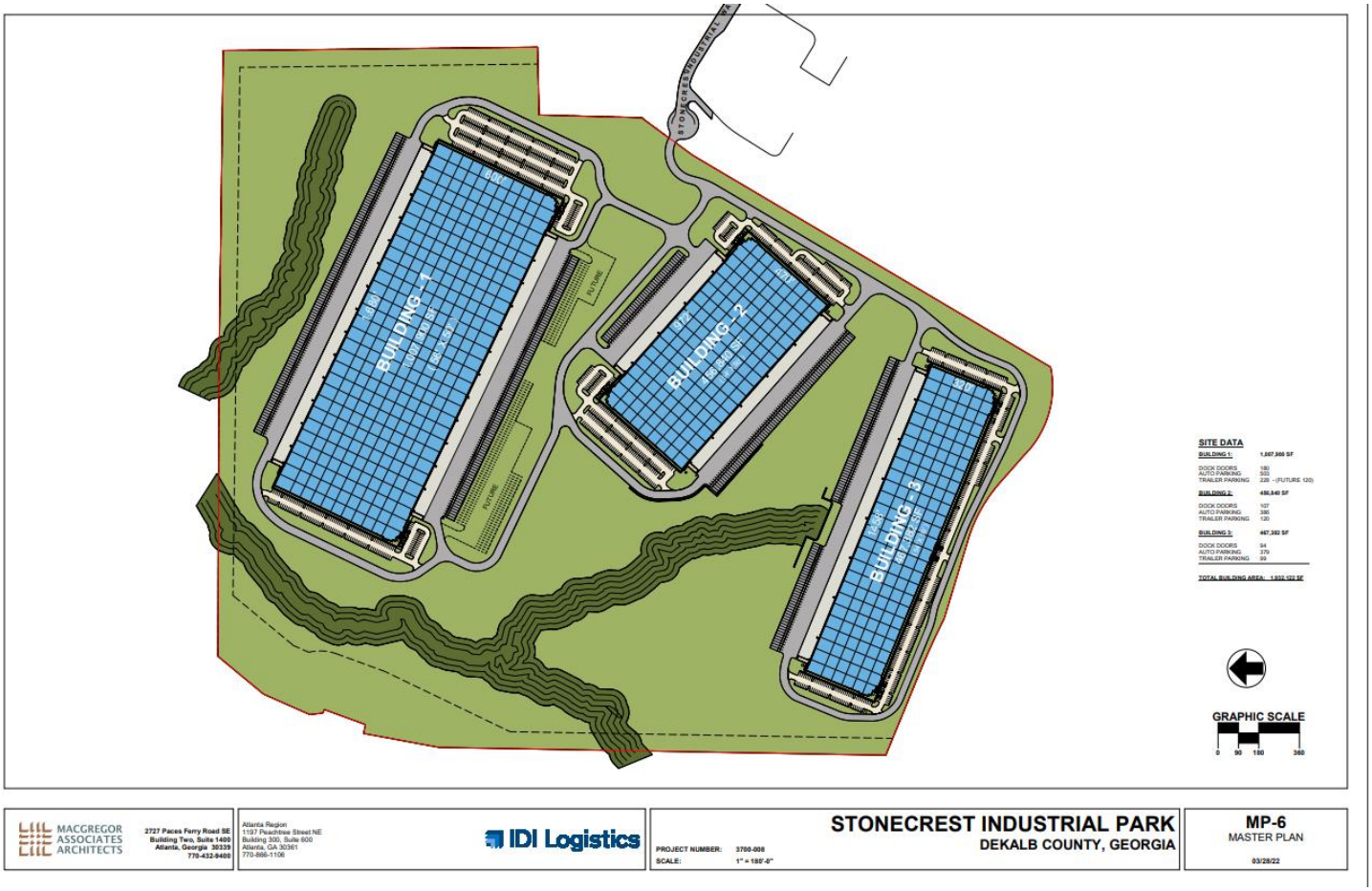
Conceptual Site Plan

THE CITY OF STONECREST GEORGIA

PLANNING COMMISSION



PLANNING COMMISSION



Public Participation

Community Planning Information Meeting is on May 24, 2022.

PLANNING COMMISSION

STANDARDS OF REZONING REVIEW

Section *7.3.4 of the Stonecrest Zoning Ordinance list eight factors to be considered in a technical review of a zoning case completed by the Community Development Department and Planning Commission. Each element is listed with staff analysis.*

- **Whether the proposed land use change will permit uses that are suitable in consideration of the use and development of adjacent and nearby property or properties.**

  As shown in the table below, the subject property is surrounded by industrial and residential development. * *Please see the map below table*

ADJACENT ZONING AND LAND USE		
	Zoning	**Zoning Land Use**
Adjacent: North	RSM(Residential Small Lot) District	Single-family (The Villas at Rogers Crossing)
Adjacent: East	M (Light Industrial) District	Industrial (Home Depot Flatbed Distribution)
Adjacent: South	M (Light Industrial) District	Industrial (CSX Transportation)
Adjacent: West	R-100 (Med Residential) District and RSM (Residential Small Lot) District	Residential (Deshong Estates Subdivision)

THE CITY OF STONECREST GEORGIA

PLANNING COMMISSION

Zoning Criteria, Analysis and Comments

- **Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property or properties.**

  The existing land use is Heavy Industrial and will not adversely affect the existing use or usability of adjacent of nearby property or properties. The current zoning of the property is the recommended zoning classification for the proposed land use and would be similar to adjacent property and properties.

- **Whether the proposed land use change will result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

  There is one full-access point proposed on Stonecrest Industrial Way within the cul-du-sac, which it is planned to connect to Lithonia Industrial Boulevard. Lithonia Industrial Boulevard provides connection to the regional truck route Rock Chapel Road which is a Regional Thoroughfare and Regional Truck Route. The project is expected to generate a total of 2,012 daily new car trips and 1,036 daily new truck trips. The Transportation Impact Study does not recommend any roadway improvement conditions of approval.

- **Whether the amendment is consistent with the written policies in the comprehensive plan text and any applicable small areas studies.**

  The proposed use of a warehouse facility is in accordance with the written polices in the Stonecrest comprehensive plan. The land use designation for the subject properties is HIND, Heavy Industrial.

- **Whether there are potential impacts on property or properties in an adjoining governmental jurisdiction, in cases of proposed changes near county or municipal boundary lines.**

  On March 17, 2022, A DRI review of a proposal to construct 1,904,300 SF of industrial space on a 138.12 site on Stonecrest Industrial Way in the City of Stonecrest in Dekalb County. Currently the entire site is forested with significant stream and wetland areas. Three one-story industrial space buildings are proposed: Building 1 with 445,500 SF; Building 2 with 456,840 SF; and Building 3 with 1,002,000 SF. A total of 1,286 car parking spaces and 780 truck/trailer spaces are included. The local DRI review trigger is an application for a land disturbance permit. There will be one phase with build-out expected in 2024.

  The site is currently entirely wooded. Additional retention of existing trees on the site would be desirable and in keeping with regional goals regarding carbon sequestration and climate change/heat island effect mitigation. The project can further support The Atlanta Region's Plan in general by incorporating other aspects of regional policy, including green infrastructure and/or low-impact design, e.g., pervious pavers, rain gardens, vegetated swales, etc., in parking areas and site driveways, and as part of any improvements to site frontages. Approximately 33 acres of the site are shown as not disturbed on the site plan. This includes site boundary buffer and stream buffer

areas. There may be potential opportunities for linking these fragmented undeveloped areas with adjacent undeveloped or protected areas to ensure their maintenance and productive use.

- **Whether there are other existing or changing conditions affecting the use and development of the affected land areas which support either approval or denial of the proposed land use change.**

  There are existing conditions affecting the use and development of the proposed warehouse facility as to why the applicant is seeking a rezoning to amend conditions Z-81143. The current zoning of the property (M) is a permitted zoning classification of warehouse and truck parking.

- **Whether there will be an impact on historic buildings, sites, districts or archaeological resources resulting from the proposed change.**

  There are currently no historic buildings, sites, districts, or archaeological resources on the subject property, therefore there will be no impact on historic buildings.

STANDARDS OF REZONING REVIEW

Section *7.3.5 of the Stonecrest Zoning Ordinance list eight factors to be considered in a technical review of a zoning case completed by the Community Development Department and Planning Commission. Each element is listed with staff analysis.*

- **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.**

  Yes. The Proposed Development will complement the existing industrial development in the area and will fully mitigate its impacts on the adjacent single family residential to the north and west. Additionally, the Applicant's request will not result in a different use than what is allowed under the current zoning, rather to seek a uniform zoning and to make technical changes to the current conditions to allow an updated design. Also, there is no proposed change in intensity beyond what is allowed under the current M-2 and M zoning districts. In addition, the Applicant is proposing enhanced buffers that are a minimum of 150 feet wide along the northern and western property lines to mitigate any impacts on the adjacent property. See attached as Exhibit 3, the concept sight-line sections illustrating the proposed buffers. As a result, the requested modification will have no bearing on the use and development of adjacent properties and will be a positive improvement in design over what the 1981 Rezoning allows.

- **Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.**

  The subject property is located within the Heavy Industrial character area of the Stonecrest Comprehensive Plan. The character area intends to lend to both industrial and single-family dwellings in unincorporated DeKalb

County. The proposed zoning change and development of residential development would be in keeping with the policy and intent of the comp plan.

- **Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.**

  The property is currently zoned M, which permits the development of a light industrial use such as warehousing. The property is also located in residential/industrial area where industrial uses are heavily present. The property does have reasonable economic use as currently zoned.

- **Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties.**

  The proposed zoning proposal is not anticipated to have a negative impact on the existing use or usability of adjacent or nearby properties. Staff believes the applicant has shown good faith by reaching out to staff several months in advance to discuss the proposed project and has conducted independent meetings with the surrounding community.

- **Whether there are other existing or changing conditions affecting the use and development of the property, which gives supporting grounds for either approval or disapproval of the zoning proposal.**

  There are existing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal. The current zoning is the same proposed zoning classification.

- **Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.**

  There are currently no historic buildings, sites, districts, or archaeological resources on the subject property.

- **Whether the zoning proposal will result in a use that will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

  The zoning proposed would not cause excessive burdensome; however limited existing infrastructure in these areas will constrain the amount of additional growth that is possible. Transportation improvements are needed within these Developing Suburbs, but care should be taken not to spur unwanted growth. No EV charging stations are proposed; inclusion of some EV charging stations would be supportive of regional EV infrastructure development plans.

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

  The zoning proposal will not adversely impact the environment or surrounding natural resources.

THE CITY OF STONECREST GEORGIA

PLANNING COMMISSION

STAFF RECOMMENDATION

Staff recommends **APPROVAL/CONDITIONS** of RZ-22-002**.** The conditions are the following:

1. The applicant shall provide a minimum of 250 feet buffer of natural vegetation between the adjacent residential dwellings along the western and northern property line. Said buffer shall be undisturbed
2. The applicant shall dedicate the conservation areas to the City of Stonecrest
3. The applicant shall supply at least 4 EV parking spaces
4. A 50 foot undisturbed, buffer shall be provided along the Western property line South of Lot 31 Block D of Deshong Estates to the Railroad Right-of-way, as shown on said site plan.
5. The applicant shall provide a landscape plan for the entrance at Stonecrest Industrial Way.
6. Any and all roadways, proposed streets, or industrial boulevards found within the site shall be grassed to the edge of the right-of-way, said right-of-way to be not less than 60 feet.
7. All surface water retention facilities shall be designed to 10% above requirements as set forth in the DeKalb County Code.
8. The height of any building shall not exceed 50 feet in height.
9. Rear yard loading and unloading shall be prohibited on all buildings constructed on property which is adjacent to Deshong Estates.
10. No building located on property adjacent to Deshong Estates shall have exposed concrete block.
11. All lighting on buildings located on property adjacent to any existing R-100 zoned property shall be focused and directed toward the building and away from said existing R-100 property.
12. Internal lit signs are prohibited on the property
13. No lights shall be located above the roofline of any building
14. All lights shall be of concealed source type so that the illumination therefrom shall be controlled in a particular direction away from Deshong Estates and Rogers Lake Crossing
15. Signs above the roofline are prohibited
16. Access to the site shall be limited to the Stonecrest Industrial Way and no streets shall be connected to any existing street or future street which runs, or is to run, through any adjacent residentially zoned property.
17. There shall be no discharge of any sewage or wastewater into Swift Creek.
18. There shall be a cyclone fence of not less than 6 feet in height shall be placed on the North and West property lines of said property in addition to the 75 foot vegetation buffer.
19. All truck access shall be through Stonecrest Industrial Way and not through Coffee Road or Rogers Lake Road.
20. All Truck traffic shall be limited to Lithonia Industrial Blvd, through Stonecrest Industrial Way.
21. A plat showing the connection of Stonecrest Industrial Way rights-of-way to the property line for the proposed road shall be provided.
22. Complete any missing sidewalks on Stonecrest Industrial Way to provide pedestrian access to sidewalk on Lithonia Industrial Blvd.

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. ____-_____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STONECREST, GEORGIA, BY AMENDING THE OFFICIAL ZONING MAP OF CITY OF STONECREST, GEORGIA BYAMENDING CERTAIN PARCELS IN DISTRICT 1 OF THE CITY OF STONECREST; TO PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PUPOSES.

WHEREAS, the governing body of the City of Stonecrest ("City") is the Mayor and City Council thereof; and

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

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

WHEREAS, the governing authority of the City has considered one or more of the criteria of a rezoning request, provided in Section Sec. 7.3.1. Division 3. - Zoning And Comprehensive Plan Amendments and Procedures of Article VII ("Administration") in Chapter 27 ("Zoning") of the Code of Ordinances, City of Stonecrest, Georgia; and

WHEREAS, the Mayor and City Council desire to amend Official Zoning Map,

City of Stonecrest, Georgia, by amending Parcels 16-125-01-002, 16-125-01-153, 16-124-01- 003, 16-132-01-019, and 16-132-01-001 in District 1; and

WHEREAS, the governing authority of the City desires to rezone the following parcels of real property found in Exhibit A and attached hereto; and

WHEREAS, from time-to-time amendments may be proposed for public necessity, general welfare, or sound zoning practice that justify such action; and

WHEREAS, the City at its incorporation adopted the DeKalb County zoning map which rezoned the two of the five total parcels that comprise the subject property from R-100 (Single Family Residential) to M (Light Industrial) and M-2 (Heavy Industrial) zoning district pursuant to zoning ordinance Z-81143 in November 24, 1981 when the subject parcels were then located in unincorporated DeKalb County, Georgia; and

WHEREAS, the November 24, 1981 zoning ordinance Z-81143 had seventeen conditions (17) which prevents owner of subject property to develop a three-building warehouse therein that would create a uniform zoning for the development in the area, to allow the consolidation and replating of the subject property in the future, and amend the conditions of zoning to better align with current design practices for the proposed development; and

WHEREAS, the City desires the owner of subject property to update the legal description of the subject property and have it properly recorded with the DeKalb Superior Court to comply with the zoning requirements for a three-building warehouse on the subject property; and

WHEREAS, the City desires to change the subject properties from M (Light Industrial) District and M-2 (Heavy Industrial) District to M (Light Industrial) District to allow the development of a three-building warehouse that will complement the existing industrial

development in the area and will fully mitigate its impacts on the adjacent single family residentials to the north and west of the subject properties after the owner of the subject properties meets its obligations to update the legal description of its subject properties; and

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

WHEREAS, a public hearing pursuant to the provisions of the Zoning Procedures Act has been properly held prior to the adoption of this Ordinance; and

WHEREAS, the health, safety, and welfare of the citizens of the City will be positively impacted by the adoption of this Ordinance.

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

Section 1. The parcels of real property found in Exhibit "A" are hereby rezoned to the zoning designation of M (Light Industrial) District as said designation is described in Chapter 27 ("Zoning") of the Code of Ordinances, City of Stonecrest, Georgia.

Section 2. The rezoning of said parcels is indicated on the map which is attached hereto as Exhibit "B" and is incorporated herein by reference. The rezoning indicated in Section 1 herein and in Exhibit A attached hereto is to be noted on the official City of Stonecrest Zoning Map approved by the City's Mayor and Council as soon as reasonably possible following adoption of this Ordinance, along with an editorial note on the official City of Stonecrest Zoning Map specifying the parcels affected by this Ordinance and the date of adoption of this Ordinance.

Section 3. The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended by replacing the portion of the Official Zoning Map, City of Stonecrest, Georgia, Parcels 16-125-01-002, 16-125-01-153, 16-124-01- 003, 16-132-01-019, and 16-132-01-001 in District 1 as depicted in Exhibit A attached hereto and made part by reference, and adopting the provisions set forth in Exhibit B attached hereto and made a part by reference.

Section 4. That the rezoning of the subject properties is in alignment with the comprehensive plan and it does not require an amendment.

Section 5. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 6. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

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

(c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any

of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 7. The City Clerk, with the concurrence of the City Attorney, is authorized to correct any scrivener's errors found in this Ordinance, including its exhibits, as enacted.

Section 8. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 9. The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Stonecrest.

Section 10. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Stonecrest, Georgia.

ORDAINED this _____ day of _____, 2022.

[SIGNATURES TO FOLLOW]

CITY OF STONECREST, GEORGIA

_____

George Turner, Mayor Pro Tem

ATTEST:

_____

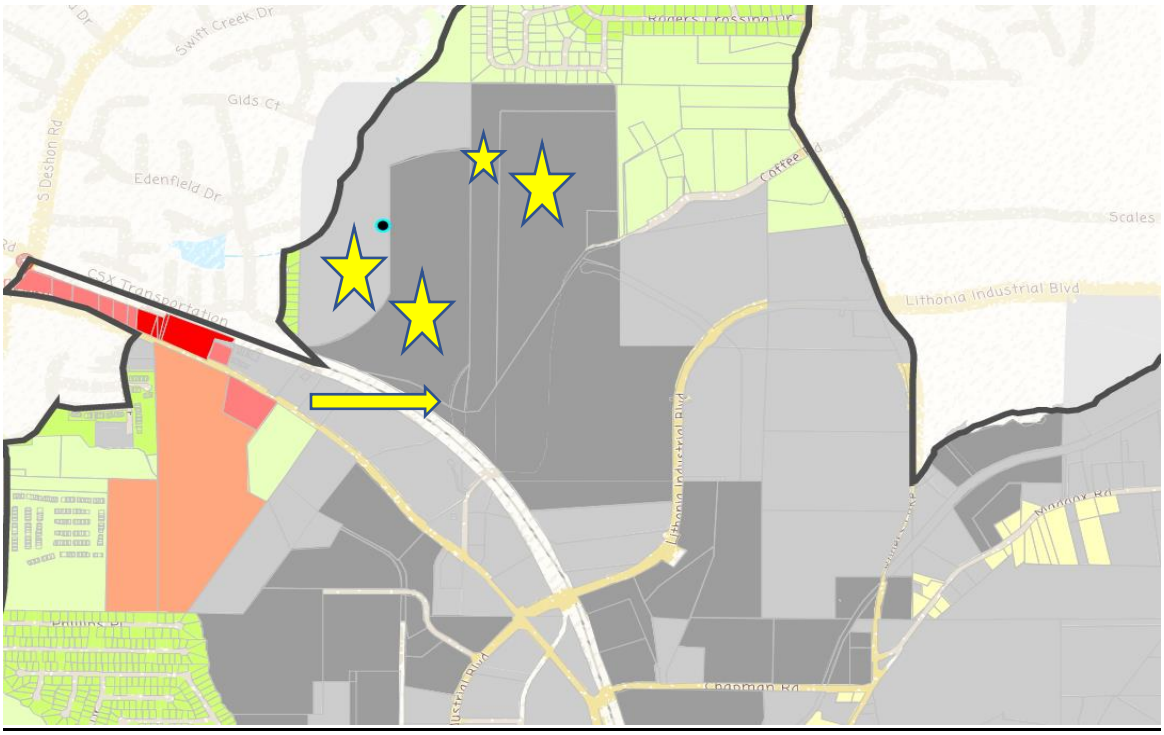
City Clerk

APPROVED AS TO FORM:

_____

City Attorney

EXHIBIT A
(SEE ATTACHED)



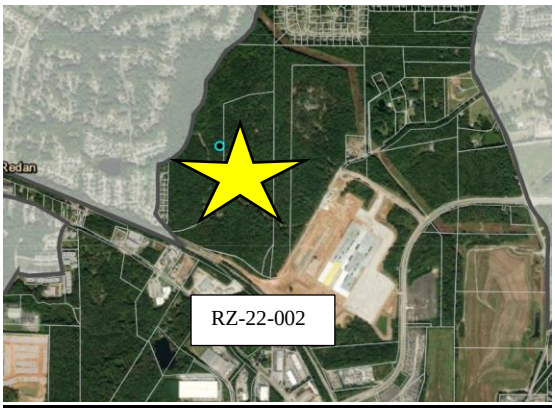
Address: 2300, 2330, 2368, 2376 South Stone Mountain Lithonia Rd and 1801 Coffee Rd.

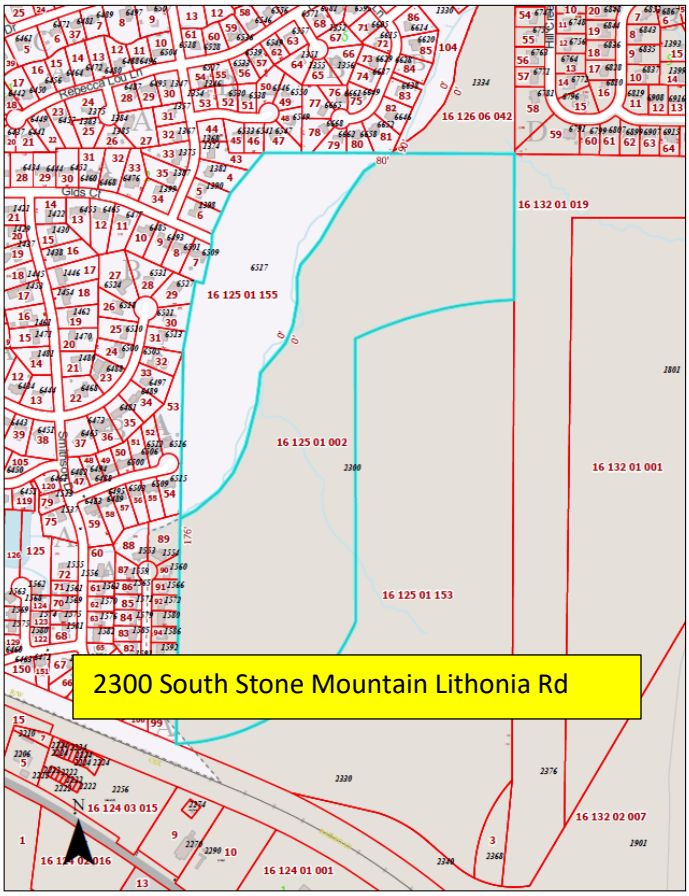
Current Zoning: M (Light Industrial) and M-2 (Heavy Industrial)

Proposed Zoning: M (Light Industrial)

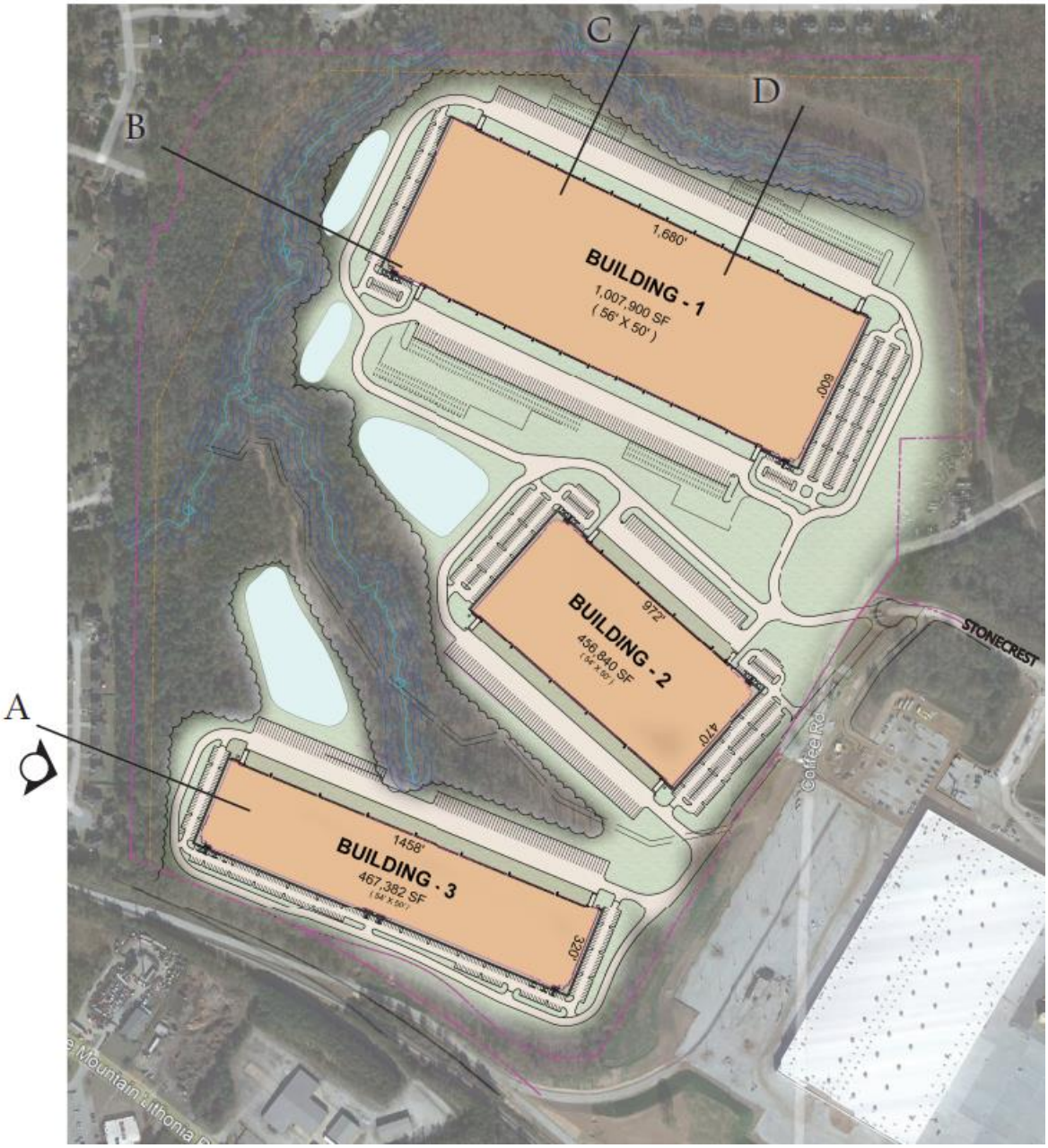
Subject Property

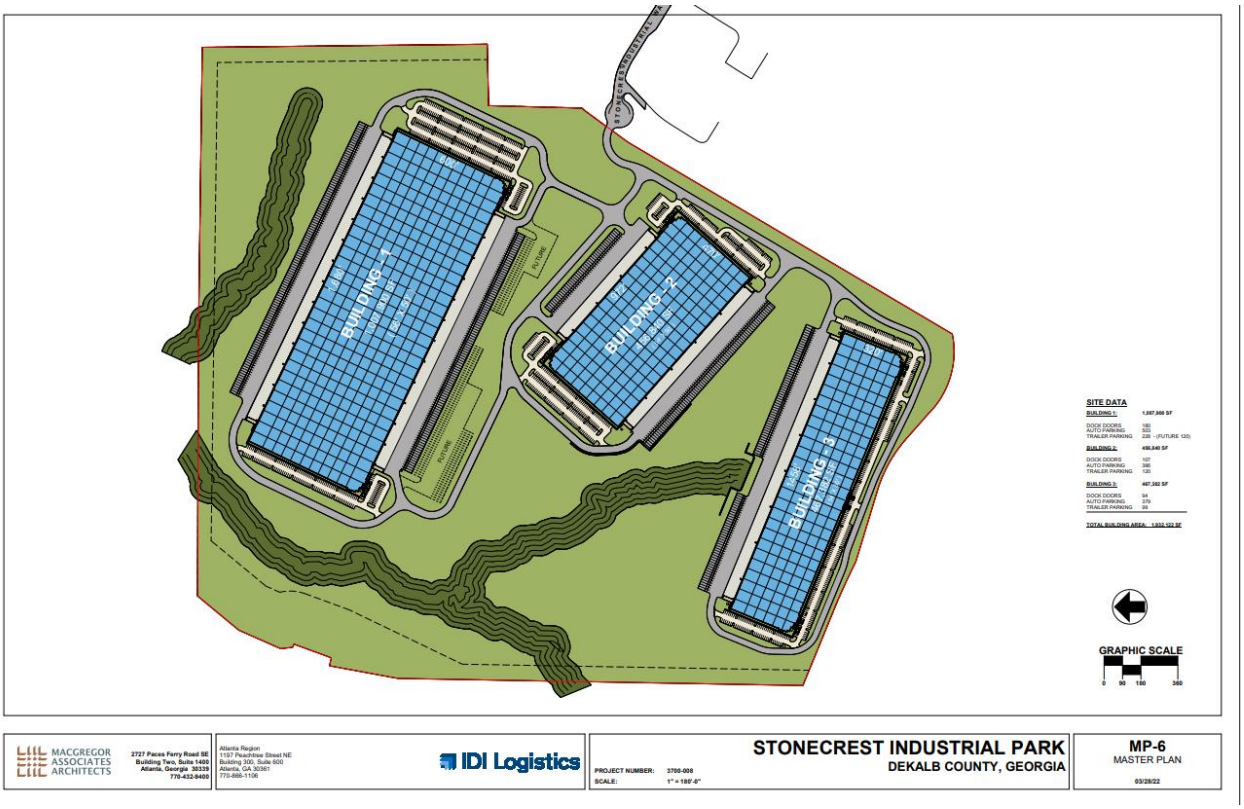
Aerial Map


RZ-22-002


2300 South Stone Mountain Lithonia Rd
16 126 06 042
16 132 01 019
16 125 01 155
16 125 01 002
16 132 01 001
16 125 01 153
16 124 03 015
16 124 01 001
16 132 02 007

Conceptual Site Plan





MACGREGOR ASSOCIATES ARCHITECTS
2727 Paces Ferry Road SE
Building Two, Suite 1400
Atlanta, Georgia 30339
770-432-8400

Atlanta Region
1197 Peachtree Street NE
Building 300, Suite 600
Atlanta, GA 30361
770-888-1106

IDI Logistics

PROJECT NUMBER: 3700-008
SCALE: 1" = 100'-0"

STONECREST INDUSTRIAL PARK
DEKALB COUNTY, GEORGIA

MP-6
MASTER PLAN
03/28/22

EXHIBIT B
(SEE ATTACHED)

CHAPTER 27: ZONING ORDINANCE

Official Zoning Map, City of Stonecrest, Georgia, Arabia Mountain Conservation Overlay District

CITY COUNCIL AGENDA ITEM

SUBJECT: SPD22-000002 5627 Browns Mill Road

AGENDA SECTION: (*check all that apply*)

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

CATEGORY: (*check all that apply*)

☐ **ORDINANCE** ☐ **RESOLUTION** ☐ **CONTRACT** ☐ **POLICY** ☐ **STATUS REPORT**

☒ **OTHER, PLEASE STATE: Not a public hearing, but a decision is to be rendered**

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

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

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

Current Council Meeting: Wednesday, June 29, 2022

SUBMITTED BY: Keedra T. Jackson, Acting Director of Planning & Zoning

PRESENTER: Keedra T. Jackson

PURPOSE: The applicant proposes a Final Plat for Phase 4A of the Flat Rock Hills subdivision. The subdivision will consist of 91 lots: Lots 1-27; lots 43-58; and 102-149. The disturbed acreage will be 28.44. The applicant will follow the R-100 development standards. 5627 Browns Mill Road.

FACTS: The application review started under the previous administration and was inherited by the current staff in January of 2022. In the subsequent month it was discovered that the developer had received approvals from DeKalb County; however, our records did not reflect the process in which Preliminary Plats and Final Plats are to be handled according to Section 14-88 of the Chapter 27 City of Stonecrest Zoning Ordinance. The applicant was instructed to submit a Preliminary Plat application where payment was collected.

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

RECOMMENDED ACTION: Approval

ATTACHMENTS:

CITY COUNCIL AGENDA ITEM

(1) Attachment 1 - Cover Letter
(2) Attachment 2 - Staff Report
(3) Attachment 3 - Final Plat
(4) Attachment 4 - Click or tap here to enter text.
(5) Attachment 5 - Click or tap here to enter text.

Mayor and City Council

Mayor and City Council Meeting June 29, 2022

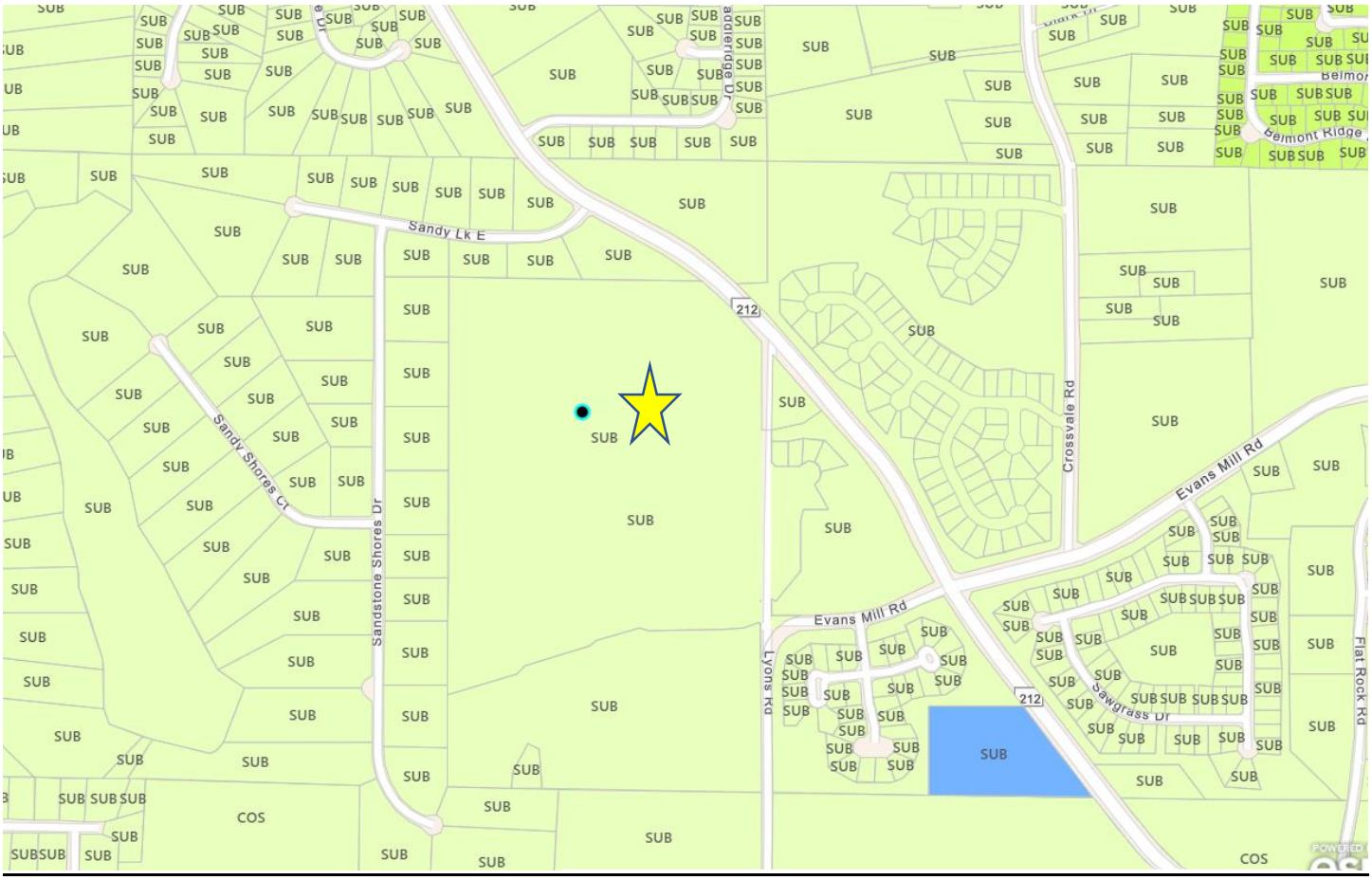
Staff Analysis of Final Plat

Petition Number:	SPD22-000002
Applicant:	Tiffany D. Hogan
Owner:	D. R. Horton
Project Location:	5627 Browns Mill Road
Parcels:	16-047-03-014
Council District:	Council District 4
Acreage:	32.095 +/- acres
Existing Zoning:	R-100
Proposed Zoning:	R-100
Comprehensive Plan Community: Area Designation	Suburban
Proposed Development/Request:	The applicant is requesting an approval of the Final Plat of the Flat Rock Hills
Staff Recommendations:	***Approval***
Planning Commission	***N/A***

THE CITY OF STONECREST GEORGIA

Mayor and City Council

Zoning Map

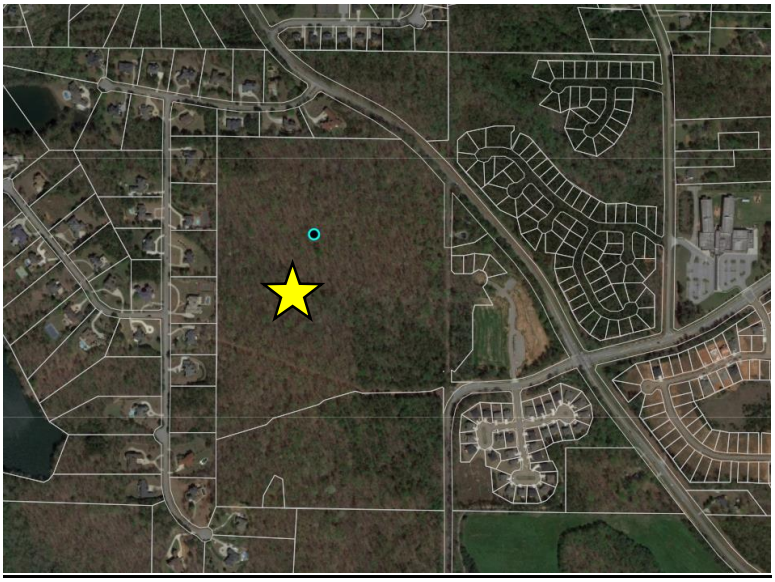


Proposed Zoning: R-100 (Residential Medium Lot)

Subject Property

Mayor and City Council

Aerial Map



Subject Property

SDP22-000010

Location

The subject property is located at 5627 Browns Mill Road (Parcel ID: 16-047-03-014). The Subject Property consists of a ±32.095 -acres in Land Lots 047, of the 16th District, of City of Stonecrest, DeKalb County, Georgia ("Subject Property").

The property is bounded by Flat Rock Elementary to the east, by Sandstone Estates to the north and west and southern portion.

Background:

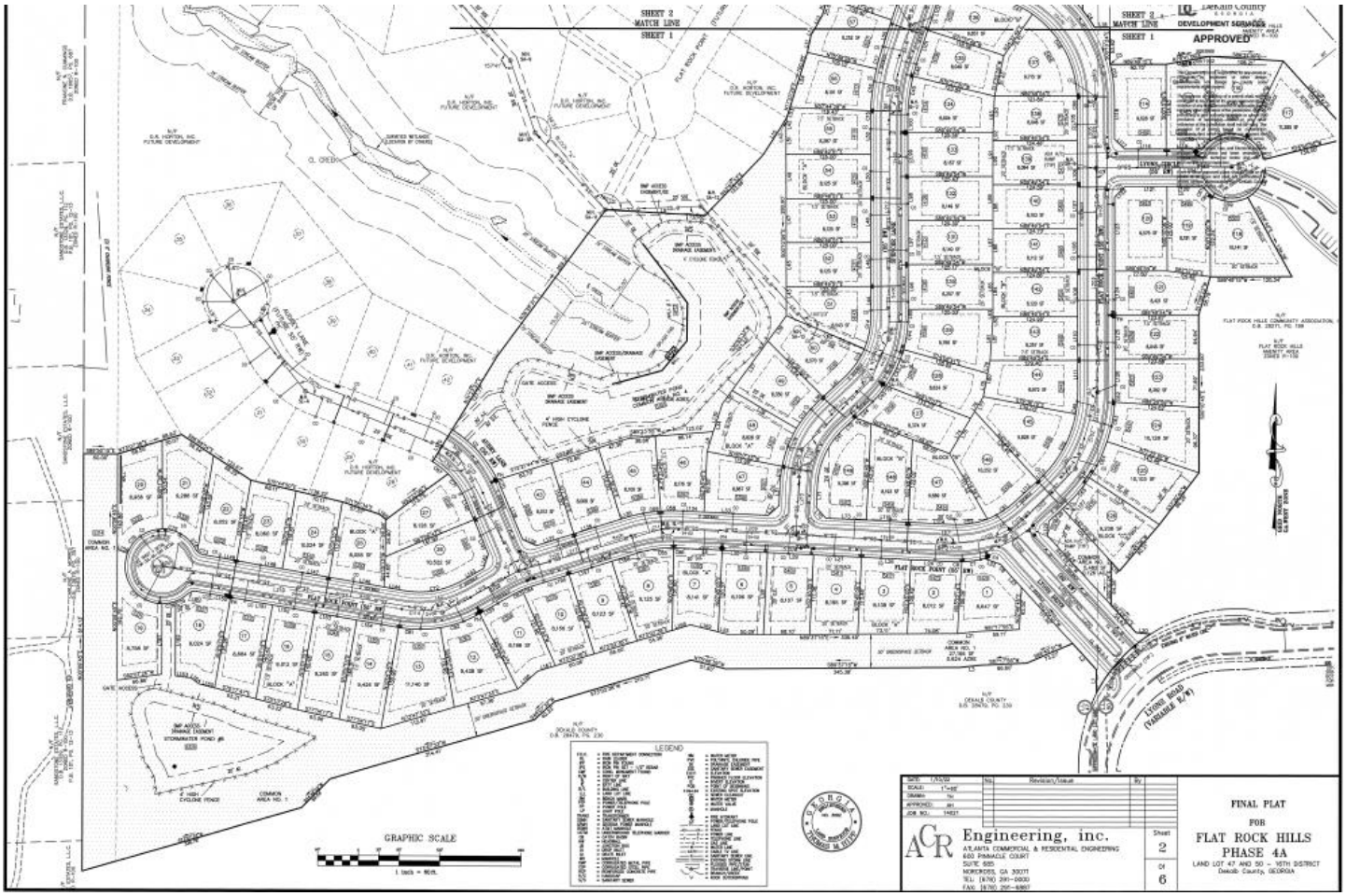
The application review started under the previous administration and was inherited by the current staff in January of 2022. In the subsequent month it was discovered that the developer had received approvals from DeKalb County; however, our records did not reflect the process in which Preliminary Plats and Final Plats are to be handled according to Section 14-88 of the Chapter 27 City of Stonecrest Zoning Ordinance. The applicant was instructed to submit a Preliminary Plat application where payment was collected. Staff has completed two thorough reviews with the applicant. A Performance Bond and a Maintenance Bond has been applied to the project.

Mayor and City Council

Details of the Preliminary Plat:

The applicant proposes to Phase 4A of the Flat Rock Hills subdivision. The subdivision will consist of 91 lots: Lots 1-27; lots 43-58; and 102-149. The disturbed acreage will be 28.44. The applicant will follow the R-100 development standards.

The subject property is predominantly surrounded by single family residential with the R-100 zoning category. Detail site and architectural plans must be submitted to the Planning & Zoning Department for the Pre-Development Review Team and shall be in substantial conformity with the City of Stonecrest Development Standards.



STANDARDS OF PRELIMINARY PLAT REVIEW:

Section *14-88 of the Stonecrest Zoning Ordinance list eight factors to be considered in a technical review of a zoning case completed by the Community Development Department and Planning Commission. Each element is listed with staff analysis.*

The owner of the land where the proposed development is to occur, or his authorized agent, shall file a preliminary plat with the Director along with an application for approval. The application shall:

(1)

Be submitted with the plan set for a Land Disturbance Permit;

(2)

Be accompanied by minimum of six copies of the plans, which must be prepared by a registered civil engineer, surveyor, or landscape architect, as described in these regulations and complying in all respects with these regulations and conforming with the zoning of the property;

(3)

Be accompanied by an application fee in the amount set by the mayor and city council;

(4)

Be accompanied by a tree survey;

(5)

Include the name, address and telephone number of an agent who is authorized to receive all notices required by these regulations;

(6)

Be signed by the owner of the property, or if the application is not signed by the owner, a completed indemnification agreement signed by the owner of the property;

(7)

Be accompanied with a consent affidavit from the property owner;

(8)

Be accompanied by a small map of the City of Stonecrest depicted the subdivision location within the City;

(9)

Be accompanied by a vicinity map at a scale of 400 feet to one inch showing the location of the tract with reference to surrounding properties, streets, municipal boundaries, and streams within 500 feet of the tract show zoning districts of adjoining property;

(10)

Include the names of adjoining property owners and the zoning classifications of adjacent properties;

(11)

Include the name, address and phone of developer and engineer;

(12)

Be accompanied by a certification by the applicant that no lots platted are nonconforming or will result in any nonconforming lots;

(13)

The applicant shall obtain the approval of the DeKalb County Health Department and the DeKalb County Department for Watershed Management; and

(14)

Payment of the appropriate development review application fee.

(Ord. No. 2018-06-03, § 14-88, 6-3-2018)

- **Whether the proposed land use change will permit uses that are suitable in consideration of the use and development of adjacent and nearby property or properties.**

  As shown in the table below, the subject property is surrounded by industrial and residential development. * *Please see the map below table*

THE CITY OF STONECREST GEORGIA

Mayor and City Council

ADJACENT ZONING AND LAND USE		
	Zoning	**Zoning Land Use**
Adjacent: North	R-100(Residential Medium Lot) District	Single-family (Sandstone Estates)
Adjacent: East	R-100 (Residential Medium Lot) District	Single-family (Sandstone Estates) Flat Rock Hills Elementary
Adjacent: South	R-100 (Residential Medium Lot District	Single-Family (Sandstone Estates)
Adjacent: West	R-100 (Med Residential)	Single-family Residential (Sandstone Estates)

STAFF RECOMMENDATION

The applicant has met all of the Preliminary Plat requirements stated in Section 14-88 of Chapter 14; therefore, staff recommends **APPROVAL** of SDP22-000010**.**

FINAL PLAT
FOR
FLAT ROCK HILLS PHASE 4A
(A.K.A. CREEKWOOD)
AP# 3083888

STREET ADDRESS:
5627 BROWNS MILL ROAD
LITHONIA, GEORGIA 30038
LAND LOTS 47 AND 50
DISTRICT 16TH

DeKalb County, Georgia
City of Stonecrest

TAX PARCEL NUMBER #16-047-03-014
(REFERENCE PARCEL COMBINATION PLAT AP#3088680)
"DeKalb County LDP Development Permit: AP# 3018768"
"DeKalb County Sketch Plat: AP# 21219"

DeKalb County
DEVELOPMENT SERVICES

REVISIONS				
NO.	DESCRIPTION	DATE	BY	APPR.

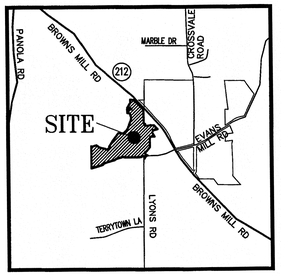
APPROVED
AP 3083888
DATE 05/11/22

This Department is not responsible for any errors or omissions by engineers or other design professionals on design or county code requirements of this project.

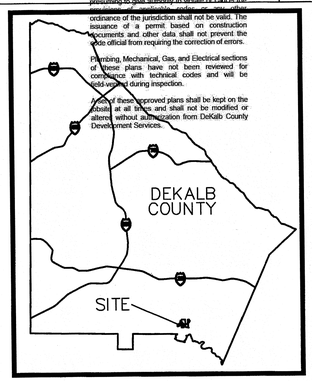
The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of applicable codes or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of applicable codes or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the code official from requiring the correction of errors.

Plumbing, Mechanical, Gas, and Electrical sections of these plans have not been reviewed for compliance with technical codes and will be field verified during inspection.

Copies of these approved plans shall be kept on the jobsite at all times and shall not be modified or altered without authorization from DeKalb County Development Services.



VICINITY MAP SCALE 1"=2000'



OWNER/DEVELOPER: D.R. HORTON INC.
SUBDIVIDER 8200 ROBERTS DRIVE
SUITE #100
ATLANTA, GA 30350
PHONE: (470) 774-4884
CONTACT: Jay Coombe

ENGINEER: ACR ENGINEERING, INC.
600 PINNACLE COURT
SUITE 685
NORCROSS, GEORGIA 30071
PHONE: (678) 291-0000
CONTACT: ABBAS HEIDARI

GENERAL NOTES

1. THIS PROPERTY IS SHOWN ON DEKALB COUNTY TAX MAPS AS BEING IN LAND LOT 47 & 50 OF THE 16TH LAND DISTRICT.

2. WATER SERVICE PROVIDED BY DEKALB COUNTY DEPARTMENT OF WATERSHED MANAGEMENT. WATER SERVICES ARE INSTALLED FOR ALL LOTS IN THIS UNIT. SERVICE LOCATIONS SHOWN ON THIS PLAT ARE APPROXIMATE.

3. SANITARY SEWER SERVICE (GRAVITY SEWER) PROVIDED BY DEKALB COUNTY DEPARTMENT OF WATERSHED MANAGEMENT.

4. A 75-FOOT TRIBUTARY BUFFER AND 25-FOOT STREAM BUFFER WILL BE MAINTAINED ON ALL STATE WATERS THAT ARE NOT APPROVED FOR A BUFFER ENCROACHMENT VARIANCE BY DEKALB COUNTY OR GEORGIA DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION DIVISION.

5. THE OWNER OF THE PROPERTY IS RESPONSIBLE FOR COMPLIANCE WITH THE CORPS OF ENGINEERS' REQUIREMENTS REGARDING WETLANDS.

6. ANGULAR BEARINGS SHOWN ARE REFERENCED TO GRID NORTH, GEORGIA WEST ZONE. VERTICAL DATUM FOR THIS PLAT IS NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D.88). THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 279,472 FEET.

7. TOTAL NUMBER OF LOTS IN PHASE 4A = 91 TOTAL PHASE 4A AREA = 32.095 AC.
LOTS INCLUDED IN PHASE 4A: 1-27; 43-58; 102-149
DISTURBED ACREAGE= 28.44 AC.
ZONING: R-100 (CONSERVATION)
MINIMUM LOT WIDTH = 60 FEET AT R/W (CORNER LOT MIN. WIDTH = 75 FEET)
MINIMUM LOT SIZE = 8,000 SQUARE FEET
MINIMUM SETBACK REQUIREMENTS:
FRONT YARD SETBACK - 50 FEET MAJOR THOROUGHFARE
- 40 FEET MINOR THOROUGHFARE
- 35 FEET COLLECTOR STREETS
- 20 FEET INTERIOR STREETS
INTERIOR SIDE YARD SETBACK - 7.5 FEET
REAR YARD - 20 FEET
MAXIMUM BUILDING HEIGHT - 35 FEET
MAXIMUM LOT AREA COVERED BY BUILDINGS - 35%
MINIMUM DWELLING SIZE IS 2,000 SQUARE FEET.

8. COMMON AREAS, CORNER PARKS AND RECREATION AREA ARE OWNED AND MAINTAINED BY A MANDATORY HOMEOWNERS ASSOCIATION.

9. MAXIMUM CUT OR FILL SLOPE 3H:1V.

10. ALL UTILITIES, INCLUDING ELECTRIC SERVICE, ARE LOCATED UNDERGROUND.

11. COVENANTS RECORDED IN DEED BOOK 20351, PAGES 554-633, IN DEKALB COUNTY RECORDS, DATED OCT-05-2007.

12. NO WORK IN RIGHT-OF-WAY, INCLUDING PAVED SURFACES, PERMITTED WITHOUT WRITTEN AUTHORIZATION FROM THE DEKALB COUNTY PUBLIC WORKS DEPARTMENT.

13. AN EASEMENT SHALL EXIST WHICH INCLUDES THE FLOOD PLAIN PLUS FIVE FEET.

14. FOR HOMES LOCATED BELOW THE STREET, A SEWER RELIEF VALVE IS REQUIRED ON CLEAN-OUT OUTSIDE EACH BUILDING AND BELOW THE LOWEST FLOOR ELEVATION. A BACKFLOW CHECK VALVE IS REQUIRED BETWEEN CLEAN-OUT AND THE STRUCTURE.

15. A 10 FT. DRAINAGE EASEMENT EXISTS BETWEEN ALL LOTS AND ALONG THE PERIMETER BOUNDARY LINES OF THE SUBDIVISION EXCEPT WHERE SHOWN OTHERWISE.

16. DEKALB COUNTY SANITATION DEPARTMENT IS NOT RESPONSIBLE FOR TRASH PICK-UP ON PRIVATE STREETS.

17. EASEMENTS FOR STORM DRAINS AND SANITARY SEWER LINES SHALL BE CENTERED ON THE PIPES.

18. INDIVIDUAL RESIDENTIAL BUILDERS, IN A SUBDIVISION WHERE A NOTICE OF INTENT (NOI) IS REQUIRED TO COMPLY WITH FEDERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATIONS, MUST ALSO FILE A NOI AND A NOTICE OF TERMINATION (NOT) WITH THE GEORGIA DEPT. OF NATURAL RESOURCES, ENVIRONMENTAL PROTECTION DIVISION (EPD). A STORM WATER POLLUTION PREVENTION PLAN MUST BE DEVELOPED AND IMPLEMENTED.

19. THE OWNER/DEVELOPER IS RESPONSIBLE FOR PROVIDING LONG SIDE AND SHORT SIDE WATER SERVICE LINES EXTENDED PAST OR OUTSIDE THE SIDEWALK.

20. SUBSEQUENT BUILDERS AND DEVELOPERS OF INDIVIDUAL LOTS SHALL MAKE PROVISIONS TO CONDUCT LOT GENERATED SURFACE WATERS TO THE DRAINAGE FACILITIES PROVIDED BY THE DEVELOPER WITHOUT UNAUTHORIZED DISCHARGE ONTO ADJACENT ERTIES.

21. INERT LANDFILLS OR THE BURYING OF CONSTRUCTION DEBRIS, TREE STUMPS AND TOPS OR ANY OTHER REFUSE IS PROHIBITED EXCEPT IN M-2 INDUSTRIAL DISTRICT PER LAND DEVELOPMENT ORDINANCE CHAPTER 14, ARTICLE II, SECTION 14-37 (B) (6).

22. SIDEWALKS ARE REQUIRED FOR THIS SUBDIVISION.

23. A 10' LANDSCAPE BUFFER EXISTS ON ALL DOUBLE FRONTAGE LOTS. EXTERNAL LOTS SHALL HAVE THE BUFFER ON THE EXTERNAL STREET FRONTAGE. INTERNAL LOTS' BUFFERS SHALL BE ON THE STREET(S) WHICH IS/ARE NOT THE PRIMARY ACCESS STREET(S) OR THE STREET TO THE REAR OF THE HOUSE.

24. WATERS OF THE UNITED STATES, INCLUDING LAKES AND ADJACENT WETLANDS, SHOWN ON THE PLAT ARE UNDER THE JURISDICTION OF THE ARMY CORPS OF ENGINEERS. LOT OWNERS ARE SUBJECT TO PENALTY BY LAW FOR DISTURBANCE TO THESE WETLAND AREAS WITHOUT ER AUTHORIZATION.

25. SITE PLANS ARE REQUIRED FOR THE FOLLOWING LOTS IN THIS UNIT. ALL LOTS;

26. ALL BUILDINGS LOCATED ADJACENT TO THE INTERMEDIATE REGIONAL FLOODPLAIN SHALL BE CONSTRUCTED SO THAT ALL PORTIONS OF THE STRUCTURE, INCLUDING THE BASEMENT FLOOR OR CRAWL AREAS, SHALL BE NOT LESS THAN THREE FEET ABOVE THE INTERMEDIATE REGIONAL FLOOD ELEVATIONS.

27. LOTS THAT WILL REQUIRE FILL DEPTH OF TWO (2) FEET OR GREATER BETWEEN THE ROAD RIGHT-OF-WAY AND REAR BUILDING LINE AT THE TIME OF FUTURE LOT GRADING WILL REQUIRE A COMPACTION CERTIFICATION SEALED BY A REGISTERED PROFESSIONAL GEOTECHNICAL ENGINEER TO BE SUBMITTED AT THE TIME OF BUILDING PERMITS APPLICATION.

28. THE HOA IS RESPONSIBLE FOR THE MAINTENANCE OF THE STORM WATER DETENTION FACILITY AND THE STORM DRAINAGE SYSTEM.

29. DEKALB COUNTY SHALL BE RESPONSIBLE SOLELY FOR THE 8 INCH SANITARY SEWER SERVICE LATERAL PIPE UP TO THE CLEAN OUT, AND THE 8 INCH WATER MAIN.

30. THE CITY OF STONECREST AND DEKALB COUNTY PERSONNEL AND/OR AGENTS SHALL HAVE FREE AND TOTAL ACCESS TO AND ACROSS ALL EASEMENTS.

31. THE DEVELOPMENT TYPE FOR FLAT ROCK HILLS PHASE 4A IS SINGLE FAMILY DETACHED.

SURVEYORS CERTIFICATION:

As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the apriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for erty surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as sent forth in O.C.G.A. Section 15-6-67.

2-08-22
Georgia Registered Land Surveyor No. 3082 Date
ACR Engineering, Inc.

GEORGIA REGISTERED NO. 3082 LAND SURVEYOR THOMAS M. HIPP

SURVEYOR'S ACKNOWLEDGEMENT

IN MY OPINION, THIS PLAT, DRAWN BY ME OR UNDER MY SUPERVISION, WAS MADE FROM ACTUAL SURVEY, AND IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 279,472 FEET.

THOMAS M. HIPP RLS. NO. GA 3082
ACR ENGINEERING, INC.

OWNER'S ACKNOWLEDGEMENT

I, D.R. HORTON, INC., THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DO HEREBY ACKNOWLEDGES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY, AND FOR VALUE RECEIVED THE SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED, DO HEREBY CONVEY ALL STREETS, RIGHTS-OF-WAY, WATER MAINS AND SEWER LINES SHOWN HEREON IN FEE SIMPLE TO DEKALB COUNTY, AND FURTHER DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES HEREON SHOWN FOR THE PURPOSES AND CONSIDERATIONS HEREIN EXPRESSED. IN CONSIDERATION OF THE APPROVAL OF THIS DEVELOPMENT PLAN AND OTHER VALUABLE CONSIDERATIONS, THE OWNER FURTHER RELEASES AND HOLDS HARMLESS THE CITY OF STONECREST FROM ANY AND ALL CLAIMS, DAMAGES OR DEMANDS ARISING ON ACCOUNT OF THE DESIGN, CONSTRUCTION AND MAINTENANCE OF THE ERTY SHOWN HEREON; ON ACCOUNT OF THE ROADS, FILLS, EMBANKMENTS, DITCHES, CROSS-DRAINS, CULVERTS, WATER MAINS, SEWER LINES AND BRIDGES WITHIN OSED RIGHTS-OF-WAY AND EASEMENTS SHOWN; AND ON ACCOUNT OF BACKWATER, THE COLLECTION AND DISCHARGE OF SURFACE WATER, OR CHANGING OF COURSES OF STREAMS. AND FURTHER THE OWNER WARRANTS THAT HE OWNS FEE SIMPLE TITLE TO THE ERTY SHOWN HEREON AND AGREES THAT THE CITY OF STONECREST SHALL NOT BE LIABLE TO HIM/HER, HIS/HER HEIRS, SUCCESSORS OR ASSIGNS FOR ANY CLAIMS OR DAMAGES RESULTING FROM THE CONSTRUCTION OR MAINTENANCE OF CROSS-DRAIN EXTENSIONS, DRIVES, STRUCTURES, STREETS, CULVERTS, CURBS OR SIDEWALKS, THE CHANGING OF COURSES OF STREAMS AND RIVERS, FLOODING FROM NATURAL CREEKS AND RIVERS, SURFACE WATER AND ANY OTHER MATTER WHATSOEVER. I FURTHER WARRANT THAT I HAVE THE RIGHT TO SELL AND CONVEY THE LAND ACCORDING TO THIS PLAT AND DO HEREBY BIND MYSELF AND OWNERS SUBSEQUENT IN TITLE TO DEFEND BY VIRTUE OF THESE PRESENT.

THE OWNER OF RECORD OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED THERETO IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, HEREBY ACKNOWLEDGES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY, AND DEDICATES TO THE CITY OF STONECREST, AS NOTED BELOW, THE COMPLETE OWNERSHIP AND USE OF ALL IMPROVEMENTS CONSTRUCTED OR TO BE CONSTRUCTED IN ACCORDANCE WITH THIS PLAT, AND DEDICATES TO THE USE OF THE PUBLIC FOREVER THE FOLLOWING:

PUBLIC STREET RIGHT-OF-WAY:	4.44	ACRES
DRAINAGE EASEMENT:	1.45	ACRES
PUBLIC ACCESS / PEDESTRIAN EASEMENTS:	0	ACRES
PUBLIC WATER / SEWER EASEMENTS TO DEKALB COUNTY	1.31	ACRES
ACCESS EASEMENT:	0.74	ACRES

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 16th DAY OF May, 2022.

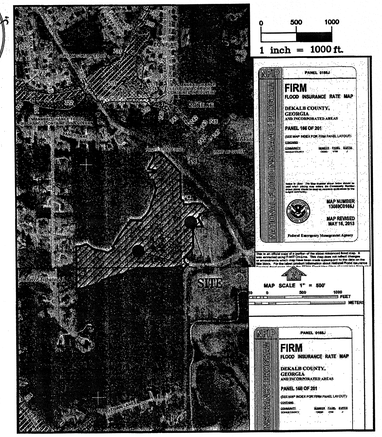
D.R. HORTON, OWNER WITNESS

SIGNED: PRINTED: Vice President WITNESS

ASSISTANT SECRETARY Gabrielle C. Opie NOTARY PUBLIC

GABRIELLE C. OPIE NOTARY PUBLIC My Commission Expires February 19, 2024 FULTON COUNTY, GEORGIA

NOTE:
THIS PHASE 4A INCLUDES THE FOLLOWING LOTS:
1-27
43-58
102-149
(TOTAL 91 LOTS IN PHASE 4A)



NO PORTION OF THIS PROPERTY LIES WITHIN A DESIGNATED FLOOD PRONE AREA AS PER F.I.R.M. COMMUNITY PANELS 13089C0160J AND 13089C0165J DeKalb County, GEORGIA EFFECTIVE DATED MAY 16, 2013.

FLOOD HAZARD

THE SPECIAL FLOOD HAZARD AREAS (SFHA) SHOWN HEREIN WERE DETERMINED BY THE PROFESSIONAL ENGINEER WHOSE STAMP AND SIGNATURE ARE AFFIXED HERETO. THE CITY OF STONECREST DOES NOT, BY APPROVING THIS PLAT, WARRANT THEIR ACCURACY, AND DOES NOT IMPLY THAT LAND OUTSIDE THE AREAS OF FLOOD HAZARD SHOWN WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. FURTHER, THE CITY OF STONECREST DOES NOT BY APPROVING THIS PLAT NOR ACCEPTING THE PUBLIC IMPROVEMENTS THEREIN, ASSUMES MAINTENANCE OF THE FLOOD CARRYING CAPACITY OF THE FLOOD AREAS OR WATERCOURSES. MAINTENANCE SHALL REMAIN THE RESPONSIBILITY OF THE OWNER(S) OF THE LAND UPON WHICH THEY EXIST. THE OWNER OF A LOT OR PARCEL THAT CONTAINS A FLOOD HAZARD AREA IS REQUIRED TO SUBMIT A SITE PLAN TO THE CITY OF STONECREST PRIOR TO THE INITIATION OF ANY IMPROVEMENTS TO THE LOT OR PARCEL. THE SITE PLAN SHALL INCLUDE THE LOCATION AND ELEVATION OF THE SFHA WITHIN THE LOT OR PARCEL AND THE EXISTING AND OSED IMPROVEMENTS. APPROVAL OF THE SITE PLAN BY THE CITY OF STONECREST IS REQUIRED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

DRAINAGE

THE OWNER OF RECORD ON BEHALF OF HIMSELF (ITSELF) AND ALL SUCCESSORS IN INTEREST SPECIFICALLY RELEASES THE CITY OF STONECREST FROM ANY AND ALL LIABILITY AND RESPONSIBILITY FOR FLOODING OR EROSION FROM STORM DRAINS OR FROM FLOODING FROM HIGH WATER OF NATURAL CREEKS, RIVERS OR DRAINAGE FEATURES. A DRAINAGE EASEMENT IS HEREBY ESTABLISHED FOR THE PURPOSE OF PROVIDING FOR THE EMERGENCY PROTECTION OF THE FREE FLOW OF SURFACE WATERS ALONG ALL WATERCOURSES AS ESTABLISHED BY CITY REGULATIONS. THE CITY MAY CONDUCT EMERGENCY MAINTENANCE OPERATIONS WITHIN THIS EASEMENT WHERE EMERGENCY CONDITIONS EXIST. EMERGENCY MAINTENANCE SHALL BE THE REMOVAL OF TREES AND OTHER DEBRIS, EXCAVATION, FILLING AND THE LIKE, NECESSARY TO REMEDY A CONDITION, WHICH IN THE JUDGEMENT OF THE STAFF AND DIRECTOR, IS POTENTIALLY INJURIOUS TO LIFE, ERTY OR THE PUBLIC ROAD OR UTILITY SYSTEM. SUCH EMERGENCY MAINTENANCE CONDUCTED FOR THE COMMON GOOD SHALL NOT BE CONSTRUED AS CONSTITUTING A CONTINUING MAINTENANCE OBLIGATION ON THE PART OF THE CITY OF STONECREST NOR ABROGATION OF THE CITY OF STONECREST RIGHT TO SEEK REIMBURSEMENT FOR EXPENSES FROM THE OWNER(S) OF THE ERTY(IES) OR THE LANDS THAT GENERATED THE CONDITIONS.

NOTE: STREAM BUFFERS ARE TO REMAIN IN A NATURAL AND UNDISTURBED CONDITION.

NOTE: STRUCTURES, OTHER THAN APPROVED STORM STRUCTURES, ARE NOT ALLOWED IN DRAINAGE EASEMENTS.

DEVELOPMENT SERVICES PERMITTING DISCLAIMER:
The approval of these plans and the issuance of this Land Disturbance Permit does not in any way suggest that all other requirements for the legal or apriate operations for this activity, which may require additional permitting, have been met. The onus is on the owner/developer/builder to discover what additional permitting or approvals may be necessary to operate from this point in an apriate and legal manner. Plan approval or permit issuance does not obsolve the applicant from complying with all applicable laws, policies, standards or other permits which may be required for this project.

PLAT APPROVAL

THIS PLAT HAS BEEN SUBMITTED TO AND ACCEPTED BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST, GEORGIA, AND HAS BEEN APPROVED AS REQUIRED BY THE STATE LAW AND CITY CODES AS MEETING ALL CONDITIONS PRECEDENT TO RECORDING IN THE SUPERIOR COURT OF THIS CIRCUIT.

DATED THIS _____ OF _____/_____/_____

BY: _____
MAYOR AS DESIGNEE OF GOVERNING AUTHORITY

DEKALB COUNTY DEPARTMENT OF WATERSHED MANAGEMENT

I CERTIFY THAT THE DEVELOPER HAS COMPLIED WITH THE POTABLE WATER REQUIREMENTS AND THE SANITARY SEWER REQUIREMENTS.

THIS 7th DAY OF February, 2022

DEHayes
DIRECTOR
DEPARTMENT OF WATERSHED MANAGEMENT

ACR JOB NO. 14021
PREPARED BY:
ACR ENGINEERING, INC.
600 PINNACLE COURT
SUITE 685
NORCROSS, GEORGIA 30071
(678) 291-0000

INDEX

TITLE	SHEET NO.
COVER SHEET	1
FINAL PLAT PHASE 4A	2
FINAL PLAT PHASE 4A	3
CUL DE SAC DETAILS	4
CHARTS	5
FINAL PLAT EASEMENTS	6

THE FIRM OF ACR ENGINEERING, INC. DOES NOT CERTIFY TO THE ACCURACY OR THE LOCATION OF ANY UNDERGROUND UTILITIES EITHER SHOWN OR NOT SHOWN HEREON. CONTACT THE UTILITIES PROTECTION CENTER AT 1-800-282-7411 PRIOR TO ANY CONSTRUCTION.

DRAWING: 14021 PH 4A FINAL.DWG	Sheet 1
DATE: 1/10/22	of 6

LEGEND

F.D.C.	= FIRE DEPARTMENT CONNECTION	WM	= WATER METER
RL	= RAIN LEADER	PVC	= POLYVINYL CHLORIDE PIPE
IPF	= IRON PIN FOUND	DE	= DRAINAGE EASEMENT
IPS	= IRON PIN SET - 1/2" REBAR	SSE	= SANITARY SEWER EASEMENT
CMF	= CONC. MONUMENT FOUND	ELEV	= ELEVATION
R/W	= RIGHT OF WAY	FFE	= FINISHED FLOOR ELEVATION
℄	= CENTER LINE	IE	= INVERT ELEVATION
⅊	= EPTY LINE	POB	= POINT OF BEGINNING
B/L	= BUILDING LINE	X 994.84	= EXISTING SPOT ELEVATION
LLL	= LAND LOT LINE	CO	= SEWER CLEANOUT
BM	= BENCH MARK		= WATER METER
P/TP	= POWER/TELEPHONE POLE		= WATER VALVE
PP	= POWER POLE		= MANHOLE
LP	= LIGHT POLE		
TRANS	= TRANSFORMER		= FIRE HYDRANT
SSMH	= SANITARY SEWER MANHOLE		= POWER/TELEPHONE POLE
GPMH	= GEORGIA POWER MANHOLE		= LAND LOT LINE
BSMH	= AT&T MANHOLE		= FENCE
UGTM	= UNDERGROUND TELEPHONE MARKER		= POWER LINE
CB	= CATCH BASIN		= TELEPHONE LINE
HW	= HEADWALL		= GAS LINE
JB	= JUNCTION BOX		= WATER LINE
DI	= DROP INLET		= CABLE TV LINE
GI	= GRATE INLET		= SANITARY SEWER LINE
MH	= MANHOLE		= EXISTING STORM LINE
CMP	= CORRUGATED METAL PIPE		= PLUGGED PIPE/STUB
CSP	= CORRUGATED STEEL PIPE		= TRAVERSE LINE/POINT
RCP	= REINFORCED CONCRETE PIPE		= BRANCH/CREEK
H/C	= HANDICAP		= ROCK OUTCROPPING
S/S	= SANITARY SEWER		

GEORGIA REGISTERED NO. 3082 LAND SURVEYOR THOMAS M. HIPP

		No.	Revision/Issue	By	
DATE:	1/10/22				
SCALE:	1"=60'				
DRAWN:	TH				
APPROVED:	AH				
JOB NO.:	14021				

ACR Engineering, inc.
ATLANTA COMMERCIAL & RESIDENTIAL ENGINEERING
600 PINNACLE COURT
SUITE 685
NORCROSS, GA 30071
TEL: (678) 291-0000
FAX: (678) 291-6887

Sheet 2 Of 6

FINAL PLAT
FOR
FLAT ROCK HILLS PHASE 4A
LAND LOT 47 AND 50 – 16TH DISTRICT
Dekalb County, GEORGIA

AP # 3083888 – Final Plat

DeKalb County
GEORGIA
DEVELOPMENT SERVICES
APPROVED
AP 3083888
DATE 05/11/22

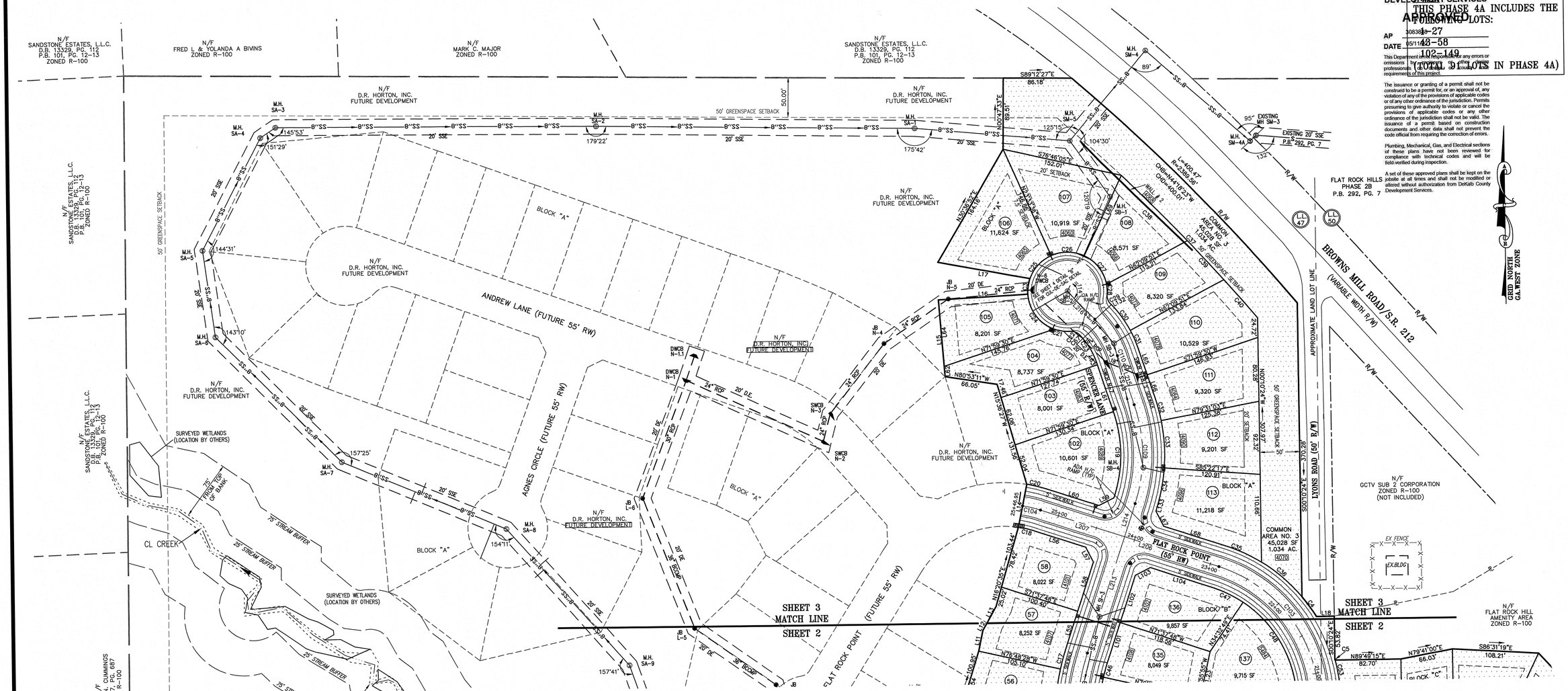
THIS PHASE 4A INCLUDES THE FOLLOWING LOTS:
43-58
102-149
(TOTAL 51 LOTS IN PHASE 4A)

This Department shall not be responsible for any errors or omissions by the owner, engineer or other professionals in meeting the requirements of this project.

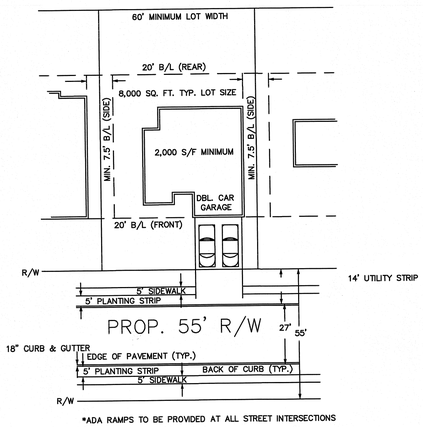
The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of applicable codes or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of applicable codes or any other ordinance of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the code official from requiring the correction of errors.

Plumbing, Mechanical, Gas, and Electrical sections of these plans have not been reviewed for compliance with technical codes and will be field-verified during inspection.

A set of these approved plans shall be kept on the jobsite at all times and shall not be modified or altered without authorization from DeKalb County Development Services.



TYPICAL LOT LAYOUT



*ADA RAMPS TO BE PROVIDED AT ALL STREET INTERSECTIONS

LEGEND

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GPMH	= GEORGIA POWER MANHOLE		= LAND LOT LINE
BGMH	= AT&T MANHOLE		= FENCE
UGTM	= UNDERGROUND TELEPHONE MARKER		= POWER LINE
CB	= CATCH BASIN		= TELEPHONE LINE
HW	= HEADWALL		= GAS LINE
JB	= JUNCTION BOX		= WATER LINE
DI	= DROP INLET		= CABLE TV LINE
GI	= GRATE INLET		= SANITARY SEWER LINE
MH	= MANHOLE		= EXISTING STORM LINE
CMP	= CORRUGATED METAL PIPE		= PLUGGED PIPE/STUB
CSP	= CORRUGATED STEEL PIPE		= TRAVERSE LINE/POINT
RCP	= REINFORCED CONCRETE PIPE		= BRANCH/CREEK
H/C	= HANDICAP		= ROCK OUTCROPPING
S/S	= SANITARY SEWER		

GRAPHIC SCALE

60' 0 30' 60' 120' 240

1 inch = 60ft.

GEORGIA REGISTERED NO. 3082 LAND SURVEYOR THOMAS M. HIPP

DATE:	1/10/22	No.	Revision/Issue	By
SCALE:	1"=60'			
DRAWN:	TH			
APPROVED:	AH			
JOB NO.:	14021			

ACR Engineering, inc.
ATLANTA COMMERCIAL & RESIDENTIAL ENGINEERING
600 PINNACLE COURT
SUITE 685
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Sheet 3 Of 6

FINAL PLAT
FOR
FLAT ROCK HILLS PHASE 4A
LAND LOT 47 AND 50 – 16TH DISTRICT
Dekalb County, GEORGIA

Line Table		
Line #	Length	Direction
L4	53.12'	S40°32'47"W
L5	84.52'	S34°56'51"E
L6	88.01'	S24°44'21"W
L7	76.53'	N24°44'21"E
L8	76.16'	N34°56'51"W
L9	17.41'	S56°14'45"W
L10	85.93'	S67°00'55"E
L11	90.32'	N67°00'55"W
L12	28.63'	N56°14'45"E
L13	105.31'	N84°29'15"E
L14	102.13'	N55°50'52"E
L15	115.00'	N38°18'13"E
L16	26.01'	N14°39'39"E
L17	167.00'	S65°14'40"E
L18	33.05'	S19°23'58"W
L19	20.00'	S70°36'02"E
L20	42.02'	N19°23'58"E
L21	162.38'	N20°59'33"E
L22	183.04'	N21°08'33"W
L23	123.21'	N54°36'37"W
L24	68.03'	N14°31'12"W
L25	114.90'	N29°15'11"E
L26	84.03'	N38°46'46"W
L27	67.77'	S38°46'46"E
L28	100.85'	S29°15'11"W
L29	90.59'	S14°31'12"E
L30	124.50'	S54°36'37"E
L31	169.32'	S21°08'33"E
L32	144.14'	S20°59'33"W
L33	189.30'	N65°14'40"W
L34	45.70'	S14°39'39"W
L35	107.73'	S38°18'13"W
L36	93.94'	S55°50'52"W
L37	97.31'	S84°29'15"W
L38	17.60'	N53°21'15"W
L39	20.79'	S53°21'15"E
L40	108.07'	S60°12'52"E
L41	107.14'	N60°12'52"W
L42	105.20'	S0°36'43"E
L43	5.50'	N87°14'55"W
L44	21.20'	N42°13'05"W
L45	32.75'	N2°48'45"E
L46	32.81'	S2°48'45"W
L47	65.72'	N20°30'12"E
L48	4.35'	N87°14'55"W
L49	21.22'	S47°46'55"W
L50	29.98'	N72°21'44"E
L51	114.86'	S87°14'55"E
L52	204.17'	S86°46'36"W
L53	20.00'	N87°14'55"W
L54	20.03'	N89°37'15"E
L55	121.62'	S2°37'23"W
L56	120.53'	N2°37'23"E
L57	213.70'	S89°59'16"W
L58	164.28'	S87°14'55"E
L59	27.52'	S47°30'59"W
L60	21.73'	S3°55'04"W
L61	20.38'	S42°29'01"E
L62	99.31'	N24°04'06"E
L63	20.00'	S33°30'47"W
L64	105.84'	S56°33'20"E
L65	123.13'	N56°33'20"W
L66	68.33'	N37°31'19"E
L67	19.18'	N52°28'41"W
L68	87.05'	N37°52'36"E
L69	41.45'	S79°58'45"E
L70	8.06'	N0°09'54"W
L71	80.16'	S77°17'41"W
L72	95.36'	N0°09'54"W
L73	27.80'	N12°46'34"E
L74	38.40'	N67°27'29"W
L75	78.43'	N75°12'39"W
L76	113.87'	N73°56'57"W
L77	73.86'	N57°25'50"E
L78	42.76'	N69°16'03"E
L79	139.25'	N77°39'06"E
L80	48.81'	S18°23'40"E
L81	70.85'	S15°49'57"E
L82	26.15'	S12°46'34"W
L83	100.25'	S0°09'54"E
L84	23.07'	N52°51'22"E
L85	29.07'	S86°57'32"E
L86	110.31'	S33°08'46"E
L87	11.69'	S42°20'28"W
L89	72.22'	S42°20'28"W
L90	44.07'	S87°46'59"W
L91	44.82'	S70°44'11"W
L92	130.63'	S72°34'38"W
L93	96.52'	N33°25'56"W
L94	63.56'	S44°37'00"W
L95	14.17'	S75°24'51"W
L96	1.62'	S75°24'56"E
L97	19.11'	N31°23'57"E
L98	15.90'	N18°14'29"E
L99	25.23'	N75°24'51"E
L100	56.54'	N44°37'00"E
L101	27.62'	N69°26'13"E
L102	91.20'	S72°33'32"E
L103	32.49'	N60°33'42"W
L104	23.86'	N54°25'26"W
L105	22.15'	N37°08'38"W
L106	56.22'	N0°26'40"E
L107	14.34'	S15°28'24"E
L108	64.38'	N74°31'36"E
L109	56.83'	N40°17'31"E
L110	6.37'	N52°51'22"E
L111	23.30'	N37°08'38"W
L112	56.21'	N40°32'47"E
L113	58.56'	N45°02'32"W
L114	140.85'	S87°46'18"W
L116	25.01'	S52°38'28"W

ESMT. #1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 47 OF THE 16th DISTRICT, DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A ½" REBAR FOUND SAID REBAR BEING THE POINT OF BEGINNING; LOCATED AT THE SOUTHWESTERLY RIGHT OF WAY LINE (HAVING A VARIABLE WIDTH RIGHT OF WAY) OF BROWNS MILL ROAD / SR 212 AND COMMON PROPERTY LINE OF LANDS NOW OR FORMERLY BELONGING TO SANDSTONE ESTATES, L.L.C. AND D.R. HORTON, INC. THENCE DEPARTING SAID PROPERTY LINE RUNNING ALONG SAID RIGHT OF WAY LINE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 2389.56 FEET, AN ARC LENGTH OF 58.57 FEET, BEING SUBTENDED BY A CHORD BEARING OF NORTH 48 DEGREES 24 MINUTES 14 SECONDS WEST AND A CHORD DISTANCE OF 58.57 FEET TO A POINT LOCATED AT THE TRUE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT OF WAY LINE AND RUNNING THROUGH LAND NOW OR FORMERLY BELONGING TO D.R. HORTON INC. SOUTH 40 DEGREES 32 MINUTES 47 SECONDS WEST FOR A DISTANCE OF 53.12 FEET TO A POINT; THENCE, SOUTH 34 DEGREES 56 MINUTES 51 SECONDS EAST FOR A DISTANCE OF 84.52 FEET TO A POINT; THENCE, SOUTH 24 DEGREES 44 MINUTES 21 SECONDS WEST FOR A DISTANCE OF 88.01 FEET TO A POINT; THENCE RUNNING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 20.14 FEET, BEING SUBTENDED BY A CHORD BEARING OF NORTH 65 DEGREES 15 MINUTES 39 SECONDS WEST AND A CHORD DISTANCE OF 20.00 FEET; THENCE, NORTH 24 DEGREES 44 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 76.53 FEET TO A POINT;THENCE, NORTH 34 DEGREES 56 MINUTES 51 SECONDS WEST FOR A DISTANCE OF 76.16 FEET TO A POINT; THENCE, NORTH 84 DEGREES 42 MINUTES 06 SECONDS WEST FOR A DISTANCE OF 190.49 FEET TO A POINT; THENCE, NORTH 88 DEGREES 59 MINUTES 56 SECONDS WEST FOR A DISTANCE OF 399.43 FEET TO A POINT; THENCE, NORTH 89 DEGREES 37 MINUTES 59 SECONDS WEST FOR A DISTANCE OF 399.11 FEET TO A POINT; THENCE, SOUTH 56 DEGREES 14 MINUTES 45 SECONDS WEST FOR A DISTANCE OF 17.41 FEET TO A POINT; THENCE, SOUTH 27 DEGREES 43 MINUTES 49 SECONDS WEST FOR A DISTANCE OF 153.64 FEET TO A POINT; THENCE, SOUTH 07 DEGREES 45 MINUTES 34 SECONDS EAST FOR A DISTANCE OF 103.69 FEET TO A POINT; THENCE, SOUTH 44 DEGREES 35 MINUTES 35 SECONDS EAST FOR A DISTANCE OF 217.80 FEET TO A POINT; THENCE, SOUTH 67 DEGREES 10 MINUTES 23 SECONDS EAST FOR A DISTANCE OF 223.17 FEET TO A POINT; THENCE, SOUTH 41 DEGREES 20 MINUTES 53 SECONDS EAST FOR A DISTANCE OF 234.52 FEET TO A POINT; THENCE, SOUTH 19 DEGREES 02 MINUTES 13 SECONDS EAST FOR A DISTANCE OF 112.46 FEET TO A POINT; THENCE, SOUTH 42 DEGREES 28 MINUTES 52 SECONDS EAST FOR A DISTANCE OF 146.96 FEET TO A POINT; THENCE, NORTH 87 DEGREES 46 MINUTES 18 SECONDS EAST FOR A DISTANCE OF 140.86 FEET TO A POINT; THENCE, SOUTH 42 DEGREES 23 MINUTES 47 SECONDS EAST FOR A DISTANCE OF 240.33 FEET TO A POINT; THENCE, SOUTH 67 DEGREES 00 MINUTES 55 SECONDS EAST FOR A DISTANCE OF 85.93 FEET TO A POINT; THENCE RUNNING ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 122.50 FEET, AN ARC LENGTH OF 20.02 FEET, BEING SUBTENDED BY A CHORD BEARING OF SOUTH 22 DEGREES 53 MINUTES 51 SECONDS WEST AND A CHORD DISTANCE OF 20.00 FEET; THENCE, NORTH 24 DEGREES 44 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 76.53 FEET TO A POINT; THENCE, NORTH 67 DEGREES 00MINUTES 55 SECONDS WEST FOR A DISTANCE OF 90.32 FEET TO A POINT; THENCE, NORTH 42 DEGREES 23MINUTES 47 SECONDS WEST FOR A DISTANCE OF 235.40 FEET TO A POINT; THENCE, SOUTH 87 DEGREES 46MINUTES 18 SECONDS WEST FOR A DISTANCE OF 140.85 FEET TO A POINT; THENCE, NORTH 42 DEGREES 28 MINUTES 52 SECONDS WEST FOR A DISTANCE OF 160.38 FEET TO A POINT; THENCE, NORTH 19 DEGREES 02 MINUTES 13 SECONDS WEST FOR A DISTANCE OF 112.67 FEET TO A POINT; THENCE, NORTH 41 DEGREES 20 MINUTES 53 SECONDS WEST FOR A DISTANCE OF 225.99 FEET TO A POINT; THENCE, NORTH 67 DEGREES 10 MINUTES 23 SECONDS WEST FOR A DISTANCE OF 222.58 FEET TO A POINT; THENCE, NORTH 44 DEGREES 35 MINUTES 35 SECONDS WEST FOR A DISTANCE OF 228.45 FEET TO A POINT; THENCE, NORTH 07 DEGREES 45 MINUTES 34 SECONDS WEST FOR A DISTANCE OF 116.75 FEET TO A POINT; THENCE, NORTH 27 DEGREES 43 MINUTES 49 SECONDS EAST FOR A DISTANCE OF 165.12 FEET TO A POINT; THENCE, NORTH 56 DEGREES 14 MINUTES 45 SECONDS EAST FOR A DISTANCE OF 28.63 FEET TO A POINT; THENCE, SOUTH 89 DEGREES 37 MINUTES 59 SECONDS EAST FOR A DISTANCE OF 405.36 FEET TO A POINT; THENCE, SOUTH 88 DEGREES 59 MINUTES 56 SECONDS EAST FOR A DISTANCE OF 400.29 FEET TO A POINT; THENCE, SOUTH 84 DEGREES 42 MINUTES 06 SECONDS EAST FOR A DISTANCE OF 190.70 FEET TO A POINT; THENCE NORTH 40 DEGREES 32 MINUTES 47 SECONDS EAST A DISTANCE OF 56.21 FEET TO THE TRUE POINT OF BEGINNING ON SAID RIGHT OF WAY.

SAID TRACT OR PARCEL OF LAND CONTAINS 58,406 SQUARE FEET, BEING 1.341 ACRES.

ESMT. #2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 47 OF THE 16TH DISTRICT, DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A ½" REBAR FOUND SAID REBAR BEING THE POINT OF BEGINNING; LOCATED AT THE SOUTHWESTERLY RIGHT OF WAY LINE (HAVING A VARIABLE WIDTH RIGHT OF WAY) OF BROWNS MILL ROAD / SR 212 AND COMMON PROPERTY LINE OF LANDS NOW OR FORMERLY BELONGING TO SANDSTONE ESTATES, L.L.C. AND NOW OR FORMERLY D.R. HORTON, INC. THENCE DEPARTING SAID PROPERTY LINE RUNNING THROUGH THE LANDS NOW OR FORMERLY BELONGING TO D.R. HORTON INC. NORTH 12 DEGREES 34 MINUTES 07 SECONDS EAST FOR A DISTANCE OF 262.64 FEET LOCATED AT THE TRUE POINT OF BEGINNING; THENCE RUNNING ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 20.35 FEET, BEING SUBTENDED BY A CHORD BEARING OF SOUTH 02 DEGREES 43 MINUTES 19 SECONDS WEST AND A CHORD DISTANCE OF 20.21 FEET TO A POINT; THENCE, SOUTH 84 DEGREES 29 MINUTES 15 SECONDS WEST FOR A DISTANCE OF 97.31 FEET TO A POINT; THENCE, SOUTH 55 DEGREES 50 MINUTES 52 SECONDS WEST FOR A DISTANCE OF 93.94 FEET TO A POINT; THENCE, SOUTH 38 DEGREES 18 MINUTES 13 SECONDS WEST FOR A DISTANCE OF 107.73 FEET TO A POINT; THENCE, SOUTH 14 DEGREES 39 MINUTES 39 SECONDS WEST FOR A DISTANCE OF 45.70 FEET TO A POINT; THENCE, NORTH 65 DEGREES 14 MINUTES 40 SECONDS WEST FOR A DISTANCE OF 189.30 FEET TO A POINT; THENCE, SOUTH 20 DEGREES 59 MINUTES 33 SECONDS WEST FOR A DISTANCE OF 144.14 FEET TO A POINT; THENCE, SOUTH 21 DEGREES 08 MINUTES 33 SECONDS EAST FOR A DISTANCE OF 169.32 FEET TO A POINT; THENCE, SOUTH 54 DEGREES 36 MINUTES 37 SECONDS EAST FOR A DISTANCE OF 124.50 FEET TO A POINT; THENCE, SOUTH 14 DEGREES 31 MINUTES 12 SECONDS EAST FOR A DISTANCE OF 90.59 FEET TO A POINT; THENCE, SOUTH 29 DEGREES 15 MINUTES 11 SECONDS WEST FOR A DISTANCE OF 100.85 FEET TO A POINT; THENCE, SOUTH 38 DEGREES 46 MINUTES 46 SECONDS EAST FOR A DISTANCE OF 67.77 FEET TO A POINT; THENCE, SOUTH 52 DEGREES 38 MINUTES 28 SECONDS WEST FOR A DISTANCE OF 25.01 FEET TO A POINT; THENCE, NORTH 38 DEGREES 46 MINUTES 46 SECONDS WEST FOR A DISTANCE OF 84.03 FEET TO A POINT; THENCE, NORTH 29 DEGREES 15 MINUTES 11 SECONDS EAST FOR A DISTANCE OF 114.90 FEET TO A POINT; THENCE, NORTH 14 DEGREES 31 MINUTES 12 SECONDS WEST FOR A DISTANCE OF 68.03 FEET TO A POINT; THENCE, NORTH 54 DEGREES 36 MINUTES 37 SECONDS WEST FOR A DISTANCE OF 123.21 FEET TO A POINT; THENCE, NORTH 21 DEGREES 08 MINUTES 33 SECONDS WEST FOR A DISTANCE OF 183.04 FEET TO A POINT; THENCE, NORTH 20 DEGREES 59 MINUTES 33 SECONDS EAST FOR A DISTANCE OF 162.38 FEET TO A POINT; THENCE, NORTH 19 DEGREES 23 MINUTES 58 SECONDS EAST FOR A DISTANCE OF 42.02 FEET TO A POINT; THENCE, SOUTH 70 DEGREES 36 MINUTES 02 SECONDS EAST FOR A DISTANCE OF 20.00 FEET TO A POINT; THENCE, SOUTH 19 DEGREES 23 MINUTES 58 SECONDS WEST FOR A DISTANCE OF 33.05 FEET TO A POINT; THENCE, SOUTH 65 DEGREES 14 MINUTES 40 SECONDS EAST FOR A DISTANCE OF 167.00 FEET TO A POINT; THENCE, NORTH 14 DEGREES 39 MINUTES 39 SECONDS EAST FOR A DISTANCE OF 26.01 FEET TO A POINT;
THENCE, NORTH 38 DEGREES 18 MINUTES 13 SECONDS EAST FOR A DISTANCE OF 115.00 FEET TO A POINT; THENCE NORTH 55 DEGREES 50 MINUTES 52 SECONDS EAST A DISTANCE OF 102.13 FEET TO A POINT; THENCE NORTH 84 DEGREES 29 MINUTES 15 SECONDS EAST FOR A DISTANCE OF 105.31 FEET TO SAID TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 26,667 SQUARE FEET, BEING 6.122 ACRES.

ESMT. #3

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 47 OF THE 16TH DISTRICT, DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A ½" REBAR FOUND SAID REBAR BEING THE POINT OF BEGINNING; LOCATED AT THE SOUTHWESTERLY RIGHT OF WAY LINE (HAVING A VARIABLE WIDTH RIGHT OF WAY) OF BROWNS MILL ROAD / SR 212 AND COMMON PROPERTY LINE OF LANDS NOW OR FORMERLY BELONGING TO SANDSTONE ESTATES, L.L.C. AND NOW OR FORMERLY D.R. HORTON, INC. THENCE DEPARTING SAID PROPERTY LINE RUNNING THROUGH THE LANDS NOW OR FORMERLY BELONGING TO D.R. HORTON INC. NORTH 02 DEGREES 33 MINUTES 41 SECONDS EAST FOR A DISTANCE OF 318.78 FEET LOCATED AT THE TRUE POINT OF BEGINNING; THENCE RUNNING ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 51.86 FEET, AND AN ARC LENGTH OF 8.34 FEET, BEING SUBTENDED BY A CHORD BEARING OF SOUTH 88 DEGREES 25 MINUTES 55 SECONDS EAST FOR A DISTANCE OF 8.33 FEET TO A POINT; THENCE RUNNING ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 15.10 FEET, AN ARC LENGTH OF 42.66 FEET, BEING SUBTENDED BY A CHORD BEARING OF SOUTH 68 DEGREES 17 MINUTES 51 SECONDS EAST FOR A CHORD DISTANCE OF 12.64 FEET TO A POINT; THENCE RUNNING ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 92.67 FEET, AN ARC LENGTH OF 42.66 FEET, BEING SUBTENDED BY A CHORD BEARING OF SOUTH 30 DEGREES 22 MINUTES 15 SECONDS EAST FOR A DISTANCE OF 42.28 FEET TO A POINT; THENCE NORTH 45 DEGREES 02 MINUTES 32 SECONDS WEST FOR A DISTANCE OF 58.56 FEET TO SAID TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 412 SQUARE FEET, BEING .009 ACRE.

ESMT. #4

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 47 OF THE 16TH DISTRICT, DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A ½" REBAR FOUND SAID REBAR BEING THE POINT OF BEGINNING; LOCATED AT THE NORTHEASTERLY RIGHT OF WAY LINE (HAVING A VARIABLE WIDTH RIGHT OF WAY) OF LYONS ROAD AND LANDS NOW OR FORMERLY BELONGING TO DEKALB COUNTY, THENCE DEPARTING SAID RIGHT OF WAY LINE, RUNNING THROUGH LANDS NOW OR FORMERLY BELONGING DEKALB COUNTY AND LANDS NOW OR FORMERLY BELONGING TO D.R. HORTON, INC. NORTH 49 DEGREES 39 MINUTES 09 SECONDS WEST FOR A DISTANCE OF 587.79 FEET LOCATED AT THE TRUE POINT OF BEGINNING; THENCE DEPARTING SAID TRUE POINT OF BEGINNING; RUNNING NORTH 60 DEGREES 12 MINUTES 52 SECONDS WEST FOR A DISTANCE OF 108.07 FEET TO A POINT; THENCE, NORTH 53 DEGREES 21 MINUTES 15 SECONDS WEST FOR A DISTANCE OF 20.79 FEET TO A POINT; THENCE, NORTH 42 DEGREES 20 MINUTES 28 SECONDS EAST FOR A DISTANCE OF 20.10 FEET TO A POINT; THENCE, SOUTH 53 DEGREES 21 MINUTES 15 SECONDS EAST FOR A DISTANCE OF 17.60 FEET TO A POINT; THENCE SOUTH 60 DEGREES 12 MINUTES 52 SECONDS EAST A DISTANCE OF 107.14 FEET TO A POINT; THENCE RUNNING ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 177.50 FEET, AN ARC LENGTH OF 20.01 FEET, BEING SUBTENDED BY A CHORD BEARING OF SOUTH 30 DEGREES 32 MINUTES 54 SECONDS WEST FOR A DISTANCE OF 20.00 FEET TO SAID TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 2,532 SQUARE FEET, BEING .06 ACRE.

ESMT. #5

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 47 OF THE 16TH DISTRICT, DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGIN AT A ½" REBAR FOUND BEING THE POINT OF BEGINNING; LOCATED AT THE NORTHEASTERLY RIGHT OF WAY LINE (HAVING A VARIABLE WIDTH RIGHT OF WAY) OF LYONS ROAD AND LANDS NOW OR FORMERLY BELONGING TO DEKALB COUNTY, THENCE DEPARTING SAID RIGHT OF WAY LINE, RUNNING THROUGH LANDS NOW OR FORMERLY BELONGING DEKALB COUNTY AND LANDS NOW OR FORMERLY BELONGING TO D.R. HORTON, INC. NORTH 61 DEGREES 43 MINUTES 46 SECONDS WEST FOR A DISTANCE OF 550.55 FEET TO A POINT BEING THE TRUE POINT OF BEGINNING; THENCE DEPARTING SAID TRUE POINT OF BEGINNING; RUNNING NORTH 87 DEGREES 14 MINUTES 55 SECONDS WEST FOR A DISTANCE OF 4.35 FEET TO A POINT; THENCE, NORTH 20 DEGREES 30 MINUTES 12 SECONDS EAST FOR A DISTANCE OF 65.72 FEET TO A POINT; THENCE RUNNING ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 177.50 FEET, AN ARC LENGTH OF 14.80 FEET BEING SUBTENDED BY A CHORD BEARING OF SOUTH 05 DEGREES 12 MINUTES 02 SECONDS WEST FOR A DISTANCE OF 14.79 FEET TO A POINT; THENCE, SOUTH 47 DEGREES 46 MINUTES 55 SECONDS WEST FOR A DISTANCE OF 21.22 FEET TO SAID TRUE POINT OF BEGINNING

SAID TRACT OR PARCEL OF LAND CONTAINS 477 SQUARE FEET, BEING .01 ACRE.

ESMT. #6

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 47 OF THE 16TH DISTRICT, DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A ½" REBAR FOUND BEING THE POINT OF BEGINNING; LOCATED AT THE NORTHEASTERLY RIGHT OF WAY LINE (HAVING A VARIABLE WIDTH RIGHT OF WAY) OF LYONS ROAD AND LANDS NOW OR FORMERLY BELONGING TO DEKALB COUNTY, THENCE DEPARTING SAID RIGHT OF WAY LINE, RUNNING THROUGH LANDS NOW OR FORMERLY BELONGING DEKALB COUNTY AND LANDS NOW OR FORMERLY BELONGING TO D.R. HORTON, INC. NORTH 32 DEGREES 19 MINUTES 40 SECONDS WEST FOR A DISTANCE OF 302.42 FEET TO A POINT BEING THE TRUE POINT OF BEGINNING; THENCE DEPARTING SAID TRUE POINT OF BEGINNING; RUNNING ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 122.50 FEET, AND AN ARC LENGTH OF 50.60 FEET, BEING SUBTENDED BY A CHORD BEARING OF NORTH 80 DEGREES 55 MINUTES 02 SECONDS EAST FOR A DISTANCE OF 50.24 FEET TO A POINT; THENCE SOUTH 87 DEGREES 14 MINUTES 55 SECONDS EAST A DISTANCE OF 164.28 FEET TO A POINT; THENCE SOUTH 89 DEGREES 59 MINUTES 16 SECONDS WEST FOR A DISTANCE OF 213.70 FEET TO SAID TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 1,450 SQUARE FEET, BEING .033 ACRE.

ESMT. #7

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 47 OF THE 16TH DISTRICT, DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A ½" REBAR FOUND BEING THE POINT OF BEGINNING; LOCATED AT THE NORTHEASTERLY RIGHT OF WAY LINE (HAVING A VARIABLE WIDTH RIGHT OF WAY) OF LYONS ROAD AND LANDS NOW OR FORMERLY BELONGING TO DEKALB COUNTY, THENCE DEPARTING SAID RIGHT OF WAY LINE, RUNNING THROUGH LANDS NOW OR FORMERLY BELONGING DEKALB COUNTY AND LANDS NOW OR FORMERLY BELONGING TO D.R. HORTON, INC. NORTH 67 DEGREES 42 MINUTES 51 SECONDS WEST FOR A DISTANCE OF 544.85 FEET TO A POINT BEING THE TRUE POINT OF BEGINNING; THENCE DEPARTING SAID TRUE POINT OF BEGINNING; RUNNING SOUTH 86 DEGREES 46 MINUTES 36 SECONDS WEST FOR A DISTANCE OF 204.17 FEET TO A POINT; THENCE, NORTH 72 DEGREES 21 MINUTES 44 SECONDS EAST FOR A DISTANCE OF 29.98 FEET TO A POINT; THENCE RUNNING ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 172.50 FEET, AN ARC LENGTH OF 61.39 FEET. BEING SUBTENDED BY A CHORD BEARING OF NORTH 82 DEGREES 33 MINUTES 25 SECONDS EAST FOR A DISTANCE OF 61.06 FEET TO A POINT; THENCE, SOUTH 87 DEGREES 14 MINUTES 55 SECONDS EAST FOR A DISTANCE OF 114.86 FEET TO SAID TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 1,494 SQUARE FEET, BEING .03 ACRE.

ESMT. #8

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 47 OF THE 16TH DISTRICT, DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A ½" REBAR FOUND BEING THE POINT OF BEGINNING; LOCATED AT THE NORTHEASTERLY RIGHT OF WAY LINE (HAVING A VARIABLE WIDTH RIGHT OF WAY) OF LYONS ROAD AND LANDS NOW OR FORMERLY BELONGING TO DEKALB COUNTY, THENCE DEPARTING SAID RIGHT OF WAY LINE, RUNNING THROUGH LANDS NOW OR FORMERLY BELONGING DEKALB COUNTY AND LANDS NOW OR FORMERLY BELONGING TO D.R. HORTON, INC. NORTH 66 DEGREES 40 MINUTES 41 SECONDS WEST FOR A DISTANCE OF 518.51 FEET TO A POINT BEING THE TRUE POINT OF BEGINNING; THENCE DEPARTING SAID TRUE POINT OF BEGINNING; RUNNING

SOUTH 02 DEGREES 37 MINUTES 23 SECONDS WEST FOR A DISTANCE OF 120.53 FEET TO A POINT; THENCE SOUTH 89 DEGREES 37 MINUTES 15 SECONDS WEST A DISTANCE OF 20.03 FEET TO POINT; THENCE, NORTH 02 DEGREES 37 MINUTES 23 SECONDS EAST FOR A DISTANCE OF 121.62 FEET TO A POINT; THENCE, SOUTH 87 DEGREES 14 MINUTES 55 SECONDS EAST FOR A DISTANCE OF 20.00 FEET TO SAID TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 2,422 SQUARE FEET, BEING .05 ACRE.

ESMT. #9

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 47 OF THE 16TH DISTRICT, DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A ½" REBAR FOUND BEING THE POINT OF BEGINNING; LOCATED AT THE NORTHEASTERLY RIGHT OF WAY LINE (HAVING A VARIABLE WIDTH RIGHT OF WAY) OF LYONS ROAD AND LANDS NOW OR FORMERLY BELONGING TO DEKALB COUNTY, THENCE DEPARTING SAID RIGHT OF WAY LINE, RUNNING THROUGH LANDS NOW OR FORMERLY BELONGING DEKALB COUNTY AND LANDS NOW OR FORMERLY BELONGING TO D.R. HORTON, INC. NORTH 32 DEGREES 19 MINUTES 40 SECONDS WEST FOR A DISTANCE OF 302.42 FEET TO A POINT BEING THE TRUE POINT OF BEGINNING; THENCE DEPARTING SAID TRUE POINT OF BEGINNING; THENCE RUNNING ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 122.50 FEET, AN ARC LENGTH OF 50.60 FEET. BEING SUBTENDED BY A CHORD BEARING OF NORTH 80 DEGREES 55 MINUTES 02 SECONDS EAST FOR A DISTANCE OF 50.24 FEET TO SAID TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 934 SQUARE FEET, BEING .02 ACRE.

ESMT. #10

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 47 OF THE 16TH DISTRICT, DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A ½" REBAR FOUND BEING THE POINT OF BEGINNING; LOCATED AT THE NORTHEASTERLY RIGHT OF WAY LINE (HAVING A VARIABLE WIDTH RIGHT OF WAY) OF LYONS ROAD AND LANDS NOW OR FORMERLY BELONGING TO FLAT ROCK HILLS COMMUNITY ASSOCIATION, INC., THENCE DEPARTING SAID RIGHT OF WAY LINE, RUNNING THROUGH LANDS NOW OR FORMERLY BELONGING FLAT ROCK HILLS COMMUNITY ASSOCIATION, INC. AND LANDS NOW OR FORMERLY BELONGING TO D.R. HORTON, INC. NORTH 66 DEGREES 40 MINUTES 41 SECONDS WEST FOR A DISTANCE OF 518.51 FEET TO A POINT BEING THE TRUE POINT OF BEGINNING;

THENCE DEPARTING SAID TRUE POINT OF BEGINNING; RUNNING NORTH 42 DEGREES 29 MINUTES 01 SECONDS WEST FOR A DISTANCE OF 20.38 FEET TO A POINT; THENCE, NORTH 03 DEGREES 55 MINUTES 04 SECONDS EAST FOR A DISTANCE OF 21.73 FEET TO A POINT; THENCE, NORTH 47 DEGREES 30 MINUTES 59 SECONDS EAST FOR A DISTANCE OF 27.52 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 236.79 FEET, HAVING AN ARC LENGTH OF 48.12 FEET, BEING SUBTENDED BY A CHORD BEARING OF NORTH 42 DEGREES 33 MINUTES 33 SECONDS EAST FOR A DISTANCE OF 48.03 FEET TO A POINT; THENCE, SOUTH 24 DEGREES 04 MINUTES 06 SECONDS WEST FOR A DISTANCE OF 99.31 FEET TO THE POINT; OF BEGINNING;

SAID TRACT OR PARCEL OF LAND CONTAINS 1,364 SQUARE FEET, BEING .03 ACRE.

ESMT. #11

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 47 AND 50 OF THE 16TH DISTRICT, DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A ½" REBAR FOUND BEING THE POINT OF BEGINNING; LOCATED AT THE NORTHEASTERLY RIGHT OF WAY LINE (HAVING A VARIABLE WIDTH RIGHT OF WAY) OF LYONS ROAD AND LANDS NOW OR FORMERLY BELONGING TO DEKALB COUNTY, THENCE DEPARTING SAID RIGHT OF WAY LINE, RUNNING THROUGH LANDS NOW OR FORMERLY BELONGING DEKALB COUNTY AND LANDS NOW OR FORMERLY BELONGING TO D.R. HORTON, INC. NORTH 02 DEGREES 19 MINUTES 47 SECONDS WEST FOR A DISTANCE OF 154.10 FEET TO A POINT BEING THE TRUE POINT OF BEGINNING; THENCE DEPARTING SAID TRUE POINT OF BEGINNING; RUNNING NORTH 56 DEGREES 33 MINUTES 20 SECONDS WEST FOR A DISTANCE OF 123.13 FEET TO A POINT; THENCE, NORTH 33 DEGREES 30 MINUTES 47 SECONDS EAST FOR A DISTANCE OF 20.00 FEET TO A POINT; THENCE, SOUTH 56 DEGREES 33 MINUTES 20 SECONDS EAST FOR A DISTANCE OF 105.84 FEET TO A POINT; THENCE, NORTH 37 DEGREES 31 MINUTES 19 SECONDS EAST FOR A DISTANCE OF 68.33 FEET TO A POINT; THENCE SOUTH 52 DEGREES 28 MINUTES 41 SECONDS EAST A DISTANCE OF 19.18 FEET TO A POINT; THENCE NORTH 37 DEGREES 52 MINUTES 36 SECONDS EAST A DISTANCE OF 19.18 FEET TO SAID TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 3761 SQUARE FEET, BEING .09 ACRE.

ESMT. #12

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 47 OF THE 16TH DISTRICT, DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A ½" REBAR FOUND BEING THE POINT OF BEGINNING; LOCATED ON THE COMMON PROPERTY LINE OF LANDS NOW OR FORMERLY BELONGING TO SANDSTONE ESTATES L.L.C. AND LANDS NOW OR FORMERLY BELONGING TO D.R. HORTON, INC. NORTH 30 DEGREES 25 MINUTES 29 SECONDS WEST FOR A DISTANCE OF 254.34 FEET TO A POINT BEING THE TRUE POINT OF BEGINNING; THENCE RUNNING, NORTH 00 DEGREES 09 MINUTES 54 SECONDS WEST FOR A DISTANCE OF 8.06 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 55.00 FEET, AN ARC LENGTH OF 28.19 FEET, BEING SUBTENDED BY A CHORD BEARING OF NORTH 62 DEGREES 05 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 27.89 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 15.40 FEET, AN ARC LENGTH OF 13.75 FEET, BEING SUBTENDED BY A CHORD BEARING OF NORTH 73 DEGREES 42 MINUTES 44 SECONDS EAST FOR A DISTANCE OF 13.30 FEET TO A POINT; THENCE, SOUTH 79 DEGREES 58 MINUTES 45 SECONDS EAST FOR A DISTANCE OF 41.45 FEET TO A POINT; THENCE SOUTH 77 DEGREES 17 MINUTES 41 SECONDS WEST A DISTANCE OF 80.16 FEET TO SAID TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 810 SQUARE FEET, BEING .018 ACRE.

ESMT. #13

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 47 OF THE 16TH DISTRICT, DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A ½" REBAR FOUND BEING THE POINT OF BEGINNING; LOCATED ON THE COMMON PROPERTY LINE OF LANDS NOW OR FORMERLY BELONGING TO SANDSTONE ESTATES L.L.C. AND LANDS NOW OR FORMERLY BELONGING TO D.R. HORTON, INC. THENCE RUNNING NORTH 30 DEGREES 25 MINUTES 29 SECONDS WEST FOR A DISTANCE OF 254.34 FEET TO A POINT BEING THE TRUE POINT OF BEGINNING; THENCE, SOUTH 00 DEGREES 09 MINUTES 54 SECONDS EAST FOR A DISTANCE OF 8.06 FEET TO A POINT; THENCE, SOUTH 00 DEGREES 09 MINUTES 54 SECONDS EAST FOR A DISTANCE OF 95.36 FEET TO A POINT; THENCE, SOUTH 12 DEGREES 46 MINUTES 34 SECONDS WEST FOR A DISTANCE OF 27.80 FEET TO A POINT; THENCE, SOUTH 75 DEGREES 12 MINUTES 39 SECONDS EAST FOR A DISTANCE OF 78.43 FEET TO A POINT; THENCE, SOUTH 67 DEGREES 27 MINUTES 29 SECONDS EAST FOR A DISTANCE OF 38.40 FEET TO A POINT; THENCE, SOUTH 73 DEGREES 56 MINUTES 57 SECONDS EAST FOR A DISTANCE OF 113.87 FEET TO A POINT; THENCE, SOUTH 57 DEGREES 25 MINUTES 50 SECONDS WEST FOR A DISTANCE OF 73.86 FEET TO A POINT; THENCE, SOUTH 69 DEGREES 16 MINUTES 03 SECONDS WEST FOR A DISTANCE OF 42.76 FEET TO A POINT; THENCE, SOUTH 77 DEGREES 39 MINUTES 06 SECONDS WEST FOR A DISTANCE OF 139.25 FEET TO A POINT; THENCE, NORTH 18 DEGREES 23 MINUTES 40 SECONDS WEST FOR A DISTANCE OF 48.81 FEET TO A POINT; THENCE, NORTH 15 DEGREES 49 MINUTES 57 SECONDS WEST FOR A DISTANCE OF 70.85 FEET TO A POINT; THENCE RUNNING ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 34.97 FEET, AN ARC LENGTH OF 58.33 FEET, BEING SUBTENDED BY A CHORD BEARING OF NORTH 39 DEGREES 02 MINUTES 09 SECONDS EAST FOR A DISTANCE OF 51.80 FEET TO A POINT; THENCE NORTH 00 DEGREES 09 MINUTES 54 SECONDS WEST A DISTANCE OF 100.25 FEET TO A POINT; THENCE, NORTH 12 DEGREES 46 MINUTES 34 SECONDS EAST FOR A DISTANCE OF 26.15 FEET TO A POINT; RUNNING ALONG A CURVE TO THE LEFT, AN ARC LENGTH OF 20.13 FEET, HAVING A RADIUS OF 55.00 FEET, BEING SUBTENDED BY A CHORD BEARING OF NORTH 87 DEGREES 15 MINUTES 40 SECONDS EAST FOR A DISTANCE OF 20.02 FEET TO SAID TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 26,598 SQUARE FEET, BEING 0.611 ACRE.

ESMT. #14

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 47 OF THE 16TH DISTRICT, DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A ½" REBAR FOUND BEING THE POINT OF BEGINNING; LOCATED ON THE COMMON PROPERTY LINE OF LANDS NOW OR FORMERLY BELONGING TO SANDSTONE ESTATES L.L.C. AND LANDS NOW OR FORMERLY BELONGING TO D.R. HORTON, INC. THENCE RUNNING NORTH 86 DEGREES 09 MINUTES 48 SECONDS EAST FOR A DISTANCE OF 544.71 FEET TO A POINT BEING THE TRUE POINT OF BEGINNING; THENCE RUNNING, NORTH 31 DEGREES 23 MINUTES 57 SECONDS EAST FOR A DISTANCE OF 19.11 FEET TO A POINT; THENCE, SOUTH 75 DEGREES 24 MINUTES 56 SECONDS EAST FOR A DISTANCE OF 1.62 FEET TO A POINT; THENCE, NORTH 44 DEGREES 37 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 56.54 FEET TO A POINT; THENCE, NORTH 75 DEGREES 24 MINUTES 51 SECONDS EAST FOR A DISTANCE OF 25.23 FEET TO A POINT; THENCE, NORTH 18 DEGREES 14 MINUTES 29 SECONDS EAST FOR A DISTANCE OF 15.90 FEET TO A POINT; ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 40.00 FEET, AN ARC LENGTH OF 62.22 FEET, BEING SUBTENDED BY A CHORD BEARING OF NORTH 62 DEGREES 48 MINUTES 15 SECONDS EAST FOR A DISTANCE OF 56.14 FEET TO A POINT; THENCE, SOUTH 72 DEGREES 33 MINUTES 32 SECONDS EAST FOR A DISTANCE OF 91.20 FEET TO A POINT; THENCE, NORTH 69 DEGREES 26 MINUTES 13 SECONDS EAST FOR A DISTANCE OF 27.62 FEET TO A POINT; THENCE, SOUTH 15 DEGREES 28 MINUTES 24 SECONDS EAST FOR A DISTANCE OF 14.34 FEET TO A POINT; THENCE, NORTH 74 DEGREES 31 MINUTES 36 SECONDS EAST FOR A DISTANCE OF 64.38 FEET TO A POINT; THENCE, NORTH 40 DEGREES 17 MINUTES 31 SECONDS EAST FOR A DISTANCE OF 56.83 FEET TO A POINT; THENCE, NORTH 00 DEGREES 26 MINUTES 40 SECONDS EAST FOR A DISTANCE OF 56.22 FEET TO A POINT; THENCE, NORTH 37 DEGREES 08 MINUTES 38 SECONDS WEST FOR A DISTANCE OF 22.15 FEET TO A POINT; THENCE, NORTH 54 DEGREES 25 MINUTES 26 SECONDS WEST FOR A DISTANCE OF 23.86 FEET TO A POINT; THENCE, NORTH 60 DEGREES 33 MINUTES 42 SECONDS WEST FOR A DISTANCE OF 32.49 FEET TO A POINT; THENCE, NORTH 37 DEGREES 08 MINUTES 38 SECONDS WEST FOR A DISTANCE OF 23.30 FEET TO A POINT; THENCE RUNNING ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 20.00 FEET, AN ARC LENGTH OF 31.42 FEET, BEING SUBTENDED BY A CHORD BEARING OF NORTH 07 DEGREES 51 MINUTES 22 SECONDS EAST FOR A DISTANCE OF 28.28 FEET; THENCE, NORTH 52 DEGREES 51 MINUTES 22 SECONDS EAST FOR A DISTANCE OF 29.44 FEET TO A POINT; THENCE RUNNING ALONG A TO THE RIGHT, HAVING A RADIUS OF 47.69 FEET, AN ARC LENGTH OF 3345 FEET, BEING SUBTENDED BY A CHORD BEARING OF NORTH 72 DEGREES 56 MINUTES 55 SECONDS EAST FOR A DISTANCE OF 32.77 FEET; THENCE, SOUTH 86 DEGREES 57 MINUTES 32 SECONDS EAST FOR A DISTANCE OF 29.07 FEET TO A POINT; THENCE RUNNING ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 46.85 FEET, AN ARC LENGTH OF 52.60 FEET, BEING SUBTENDED BY A CHORD BEARING OF SOUTH 57 DEGREES 45 MINUTES 41 SECONDS EAST FOR A DISTANCE OF 49.88 FEET TO A POINT; THENCE, SOUTH 33 DEGREES 08 MINUTES 46 SECONDS EAST FOR A DISTANCE OF 110.31 FEET TO A POINT; THEN RUNNING ALONG A CURVE TO THE RIGHT , HAVING A RADIUS OF 57.12 FEET, AN ARC LENGTH OF 82.50 FEET, BEING SUBTENDED BY A CHORD BEARING OF SOUTH 10 DEGREES 17 MINUTES 29 SECONDS WEST FOR A DISTANCE OF 75.52 FEET TO A POINT; THENCE, SOUTH 47 DEGREES 30 MINUTES 59 SECONDS WEST FOR A DISTANCE OF 45.19 FEET TO A POINT; THENCE, SOUTH 42 DEGREES 20 MINUTES 28 SECONDS WEST FOR A DISTANCE OF 104.01 FEET TO A POINT; THENCE, SOUTH 70 DEGREES 44 MINUTES 11 SECONDS WEST FOR A DISTANCE OF 44.82 FEET TO A POINT; THENCE, SOUTH 87 DEGREES 46 MINUTES 59 SECONDS WEST FOR A DISTANCE OF 44.07 FEET TO A POINT; THENCE, SOUTH 72 DEGREES 34 MINUTES 38 SECONDS WEST FOR A DISTANCE OF 130.63 FEET TO A POINT; THENCE, NORTH 33 DEGREES 25 MINUTES 56 SECONDS WEST FOR A DISTANCE OF 96.52 FEET TO A POINT; THENCE SOUTH 75 DEGREES 24 MINUTES 51 SECONDS WEST A DISTANCE OF 14.17 FEET TO A POINT; THENCE, SOUTH 44 DEGREES 37 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 63.56 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 177.50 FEET, AN ARC LENGTH OF 27.38 FEET, BEING SUBTENDED BY A CHORD BEARING OF NORTH 54 DEGREES 03 MINUTES 28 SECONDS WEST FOR A DISTANCE OF 27.35 FEET TO SAID TRUE POINT OF BEGINNING;

SAID TRACT OR PARCEL OF LAND CONTAINS 60,236 SQUARE FEET, BEING 1.383 ACRE.

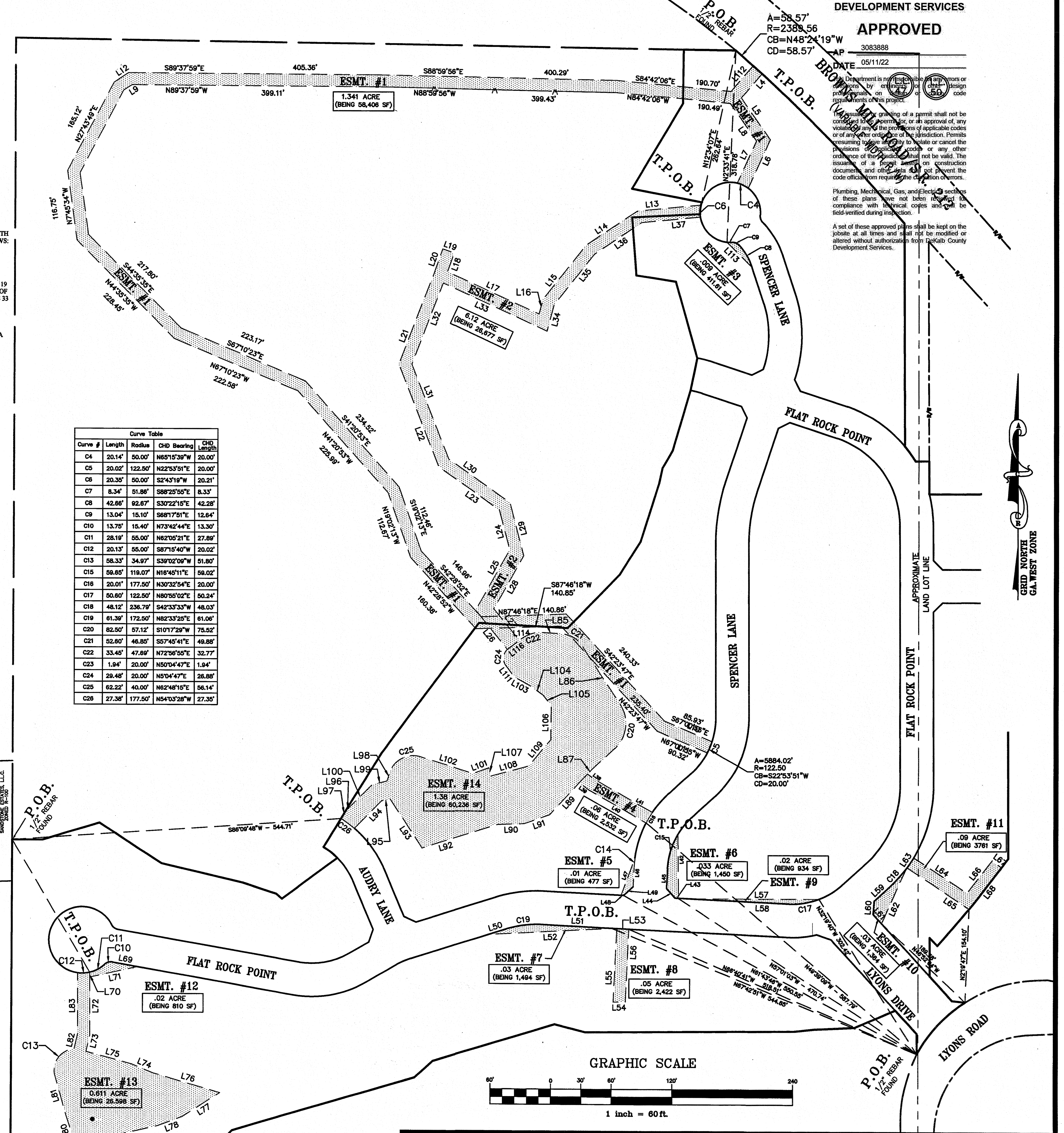
DeKalb County GEORGIA
DEVELOPMENT SERVICES
APPROVED
AP 3083888
DATE 05/11/22

This Department is not responsible for any errors or omissions by engineers or other design professionals on design or code requirements of this project.

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of applicable codes or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of applicable codes or any other ordinance of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the code official from requiring the correction of errors.

Plumbing, Mechanical, Gas, and Electrical sections of these plans have not been reviewed for compliance with technical codes and will be field-verified during inspection.

A set of these approved plans shall be kept on the jobsite at all times and shall not be modified or altered without authorization from DeKalb County Development Services.



Curve Table				
Curve #	Length	Radius	CHD Bearing	CHD Length
C4	20.14'	50.00'	N65°15'39"W	20.00'
C5	20.02'	122.50'	N22°53'51"E	20.00'
C6	20.35'	50.00'	S2°43'19"W	20.21'
C7	8.34'	51.86'	S88°25'55"E	8.33'
C8	42.66'	92.67'	S30°22'15"E	42.28'
C9	13.04'	15.10'	S68°17'51"E	12.64'
C10	13.75'	15.40'	N73°42'44"E	13.30'
C11	28.19'	55.00'	N62°05'21"E	27.89'
C12	20.13'	55.00'	S87°15'40"W	20.02'
C13	58.33'	34.97'	S39°02'09"W	51.80'
C15	59.65'	119.07'	N16°45'11"E	59.02'
C16	20.01'	177.50'	N30°32'54"E	20.00'
C17	50.60'	122.50'	N80°55'02"E	50.24'
C18	48.12'	236.79'	S42°33'33"W	48.03'
C19	61.39'	172.50'	N82°33'25"E	61.06'
C20	82.50'	57.12'	S10°17'29"W	75.52'
C21	52.60'	46.85'	S57°45'41"E	49.88'
C22	33.45'	47.69'	N72°56'55"E	32.77'
C23	1.94'	20.00'	N50°04'47"E	1.94'
C24	29.48'	20.00'	N5°04'47"E	26.88'
C25	62.22'	40.00'	N62°48'15"E	56.14'
C26	27.38'	177.50'	N54°03'28"W	27.35'

LEGEND
LLL = LAND LOT LINE
IPS = IRON PIN SET – 1/2" REBAR
IPF = IRON PIN FOUND
P.O.B.= POINT OF BEGINNING
T.P.O.B..= TRUE POINT OF BEGINNING

GEORGIA REGISTERED NO. 3082 LAND SURVEYOR THOMAS M. HIPP

		No.	Revision/Issue	By
DATE:	1/10/22			
SCALE:	1"=60'			
DRAWN:	TH			
APPROVED:	AH			
JOB NO.:	14021			

ACR Engineering, inc.
ATLANTA COMMERCIAL & RESIDENTIAL ENGINEERING
600 PINNACLE COURT
SUITE 685
NORCROSS, GA 30071
TEL: (678) 291-0000
FAX: (678) 291-6887

Sheet 6 Of 6

FINAL PLAT
FOR
FLAT ROCK HILLS
PHASE 4A
LAND LOT 47 AND 50 – 16TH DISTRICT
Dekalb County, GEORGIA

DeKalb County
GEORGIA
DEVELOPMENT SERVICES
APPROVED
AP 3083888
DATE 05/11/22

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Plumbing, Mechanical, Gas, and Electrical sections of these plans have not been reviewed for compliance with technical codes and will be field-verified during inspection.

A set of these approved plans shall be kept on the jobsite at all times and shall not be modified or altered without authorization from DeKalb County Development Services.

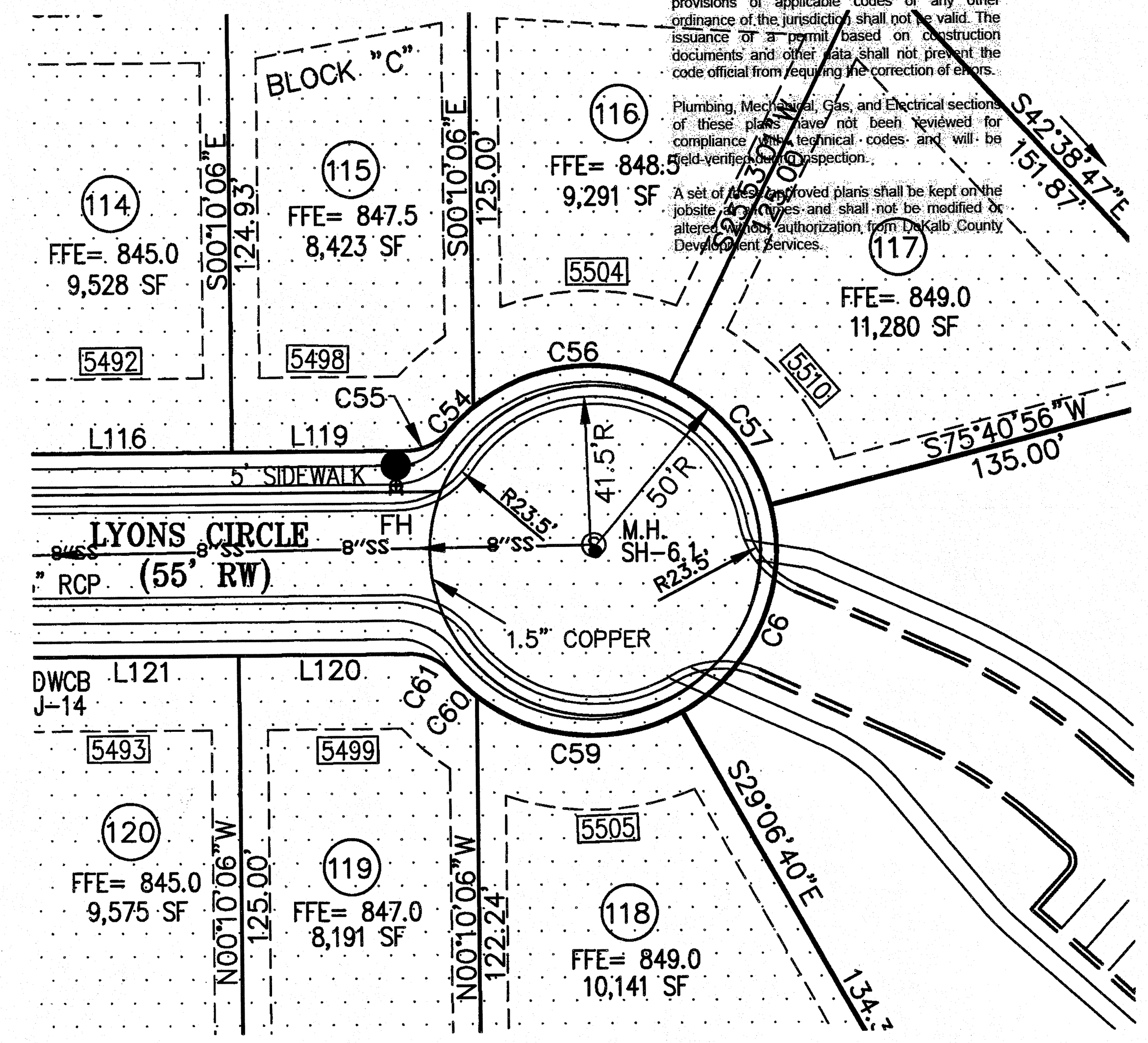
NOTE:
LOTS REQUESTED FOR MODEL HOMES:
114
115
116
117

NOTE:
THIS PHASE 4A INCLUDES THE FOLLOWING LOTS:
1-27
43-58
102-149
(TOTAL 91 LOTS IN PHASE 4A)

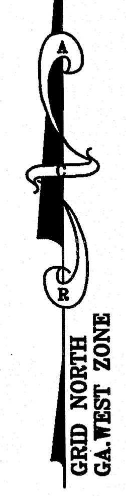
PIPE CHART FOR FLAT ROCK HILLS PHASE 4A SUBDIVISION – 25 YR STORM

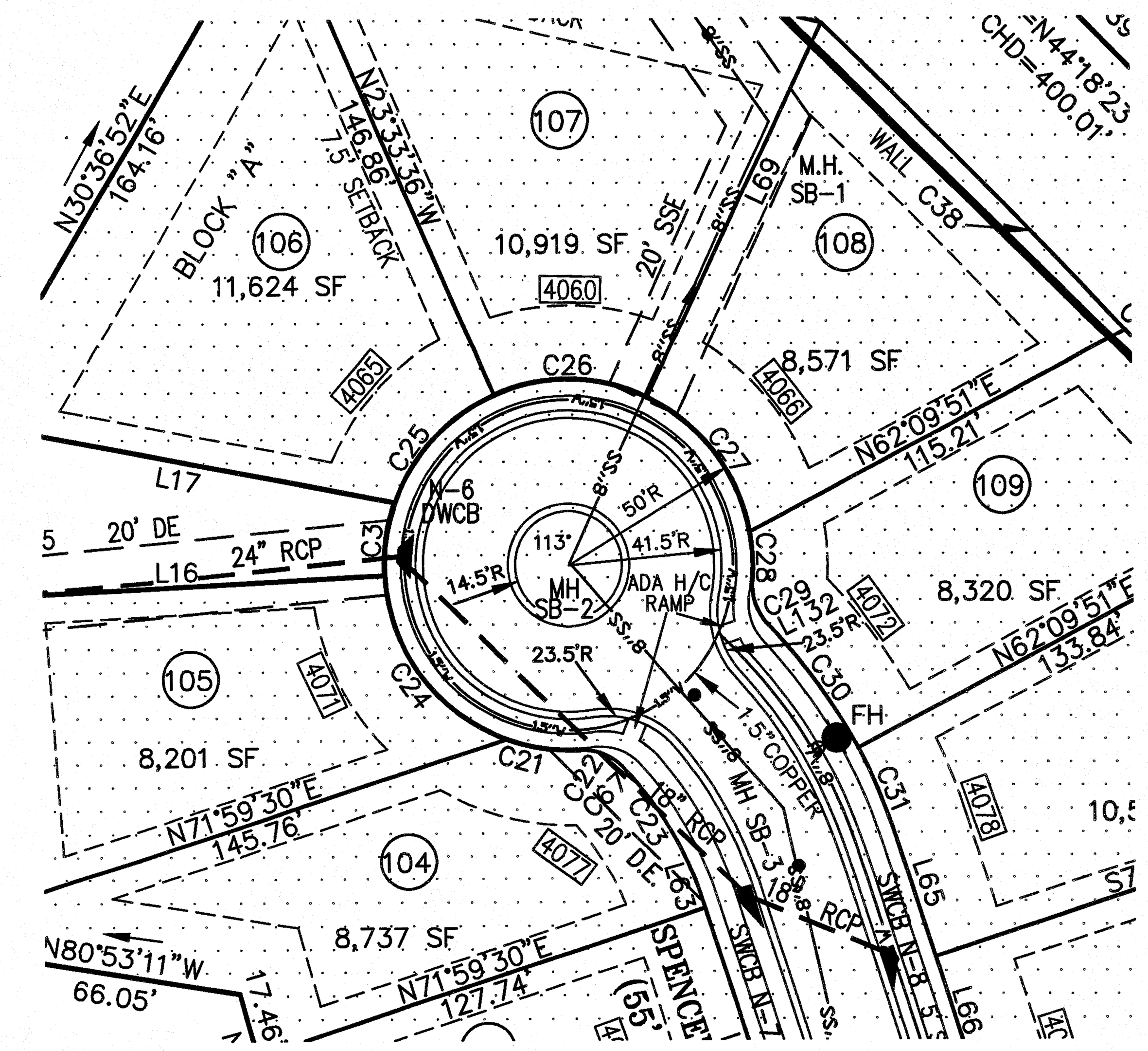
PIPE	STRUCT. Upper	Structure Upper	Structure Lower	Drainage Area Indv. (ac.)	Drainage Area Total (ac.)	INDV. (C)	WEIGHTED (Cw)	INDV. Q25 (cfs)	TOTAL Q25 (cfs)	Vel. (fps)	Size (in)	Length (ft)	Slope (%)	Pipe Type	INVERT ELEV	GUTTER SPREAD
P-23	SWCB	I-3	I-2	0.98	0.98	0.50	0.50	4.56	4.56	5.7	18	45	1.00	RCP	831.02 – 830.57	7.1
P-22	DWCB	I-2	I-1	0.64	1.62	0.50	0.50	2.98	7.53	8.0	18	281	4.87	BCCMP	830.57 – 816.92	5.6
P-21	DWCB	I-1	J-4	0.76	3.37	0.50	0.50	3.53	15.67	7.0	24	168	2.00	BCCMP	815.92 – 812.57	6.2
P-69	SWCB	I-1.1	I-1	0.99	0.99	0.50	0.50	4.60	4.60	5.7	18	31	1.00	RCP	817.43 – 817.11	7.6
P-15	SWCB	J-16	J-15	0.20	0.20	0.80	0.80	1.49	1.49	5.2	18	37	4.17	BCCMP	837.19 – 835.66	4.1
P-14	DWCB	J-15	J-14	0.99	1.19	0.50	0.55	4.60	6.09	6.1	18	30	1.00	RCP	835.66 – 835.36	7.5
P-13	DWCB	J-14	J-13	0.61	1.80	0.50	0.53	2.84	8.93	6.7	18	58	1.00	RCP	835.36 – 834.78	5.6
P-12	SWCB	J-13	J-12	0.63	2.43	0.50	0.52	2.93	11.86	7.2	18	193	3.07	BCCMP	834.78 – 828.85	6.5
P-11	SWCB	J-12	J-11	0.48	3.27	0.50	0.52	2.23	15.93	7.7	24	126	2.59	BCCMP	828.35 – 825.09	5.6
P-10	SWCB	J-11	J-10	0.37	4.01	0.50	0.52	1.72	19.37	8.1	24	107	1.00	RCP	824.09 – 823.02	4.5
P-9	SWCB	J-10	J-9	0.39	5.14	0.50	0.51	1.81	24.28	5.9	30	127	1.00	BCCMP	818.02 – 816.74	5.5
P-8	DWCB	J-9	J-8	0.76	5.90	0.50	0.51	3.53	27.82	6.7	30	46	0.50	RCP	816.74 – 816.51	8.0
P-7	DWCB	J-8	J-7	0.40	6.30	0.65	0.52	2.42	30.23	6.7	30	83	0.50	RCP	816.51 – 816.10	5.7
P-6	SWCB	J-7	J-6	0.68	6.98	0.50	0.51	3.16	33.40	6.5	36	250	1.00	BCCMP	815.60 – 813.10	7.5
P-5	SWCB	J-6	J-5	0.56	8.32	0.50	0.51	2.60	39.63	6.7	36	122	1.00	BCCMP	813.10 – 811.88	6.9
P-4	DWCB	J-5	J-4	0.87	9.19	0.50	0.51	4.05	43.67	10.0	36	31	1.00	RCP	811.88 – 811.57	7.6
P-3	DWCB	J-4	J-3	0.67	16.81	0.55	0.51	3.43	82.20	8.0	48	122	1.00	BCCMP	810.57 – 809.34	6.1
P-2	JB	J-3	J-2	0.00	16.81	0.50	0.51	0.00	82.20	8.0	48	22	1.00	BCCMP	809.34 – 809.12	N/A
P-1	JB	J-2	J-1	0.00	16.81	0.50	0.51	0.00	82.20	8.0	48	30	1.00	BCCMP	804.30 – 804.00	N/A
P-16	SWCB	J-12.1	J-12	0.36	0.36	0.55	0.55	1.84	1.84	4.5	18	30	1.00	RCP	829.15 – 828.85	4.5
P-17	SWCB	J-11.1	J-11	0.37	0.37	0.50	0.50	1.72	1.72	4.4	18	30	1.00	RCP	825.89 – 825.59	5.2
P-19	DI	J-10.2	J-10.1	0.74	0.74	0.45	0.45	3.10	3.10	3.6	18	70	1.00	BCCMP	821.00 – 820.30	N/A
P-18	JB	J-10.1	J-10	0.00	0.74	0.50	0.45	0.00	3.10	3.6	18	127	1.00	BCCMP	820.30 – 819.02	N/A
P-20	SWCB	J-6.1	J-6	0.78	0.78	0.50	0.50	3.63	3.63	6.8	18	68	1.87	RCP	816.47 – 815.21	8.0
P-26	SWCB	K-3	K-2	0.85	1.77	0.50	0.56	3.95	8.23	6.6	18	235	3.11	BCCMP	822.09 – 814.79	6.3
P-25	SWCB	K-2	K-1	0.99	3.76	0.50	0.51	4.60	17.02	5.7	24	31	0.50	RCP	814.29 – 814.13	7.1
P-24	DWCB	K-1	J-4	0.37	4.13	0.70	0.53	2.41	19.23	5.9	24	143	1.70	BCCMP	814.13 – 811.70	3.2
P-28	JB	K-2.1	K-2	1.00	1.00	0.45	0.45	4.19	4.19	3.9	18	105	1.00	BCCMP	816.00 – 814.95	N/A
P-33	JB	L-6	L-5	0.00	6.84	0.50	0.56	0.00	35.85	6.6	36	175	1.00	BCCMP	812.18 – 810.43	2.3
P-32	JB	L-5	L-4	0.00	6.84	0.50	0.56	0.00	35.85	6.6	36	125	1.00	BCCMP	810.43 – 809.18	N/A
P-31	JB	L-4	L-3	0.00	8.61	0.50	0.55	0.00	44.08	10.0	36	80	1.00	RCP	809.18 – 808.38	N/A
P-30	DWCB	L-3	L-2	0.92	9.53	0.65	0.56	5.56	49.64	7.0	42	106	1.00	BCCMP	808.38 – 806.59	N/A
P-29	JB	L-2	L-1	0.00	9.53	0.50	0.56	0.00	49.64	7.0	42	104	1.00	BCCMP	805.59 – 804.55	7.4
P-52	SWCB	N-8	N-7	0.71	0.71	0.50	0.50	3.30	3.30	7.7	18	41	2.91	RCP	832.31 – 831.12	6.3
P-51	SWCB	N-7	N-6	0.41	1.12	0.65	0.55	2.48	5.78	9.2	18	130	2.31	RCP	831.12 – 828.132	4.9
P-50	DWCB	N-6	N-5	0.87	1.99	0.65	0.60	5.26	11.04	7.2	24	104	0.50	RCP	827.63 – 827.11	7.9
P-49	JB	N-5	N-4	0.00	1.99	0.65	0.60	0.00	11.04	4.9	24	99	0.50	RCP	827.11 – 826.61	N/A
P-48	JB	N-4	N-3	0.00	1.99	0.65	0.60	0.00	11.04	4.9	24	112	0.50	RCP	826.61 – 826.06	N/A
P-47	SWCB	N-3	N-2	0.48	2.47	0.65	0.61	2.90	13.94	7.5	24	36	0.50	RCP	826.06 – 825.88	6.9
P-46	SWCB	N-2	N-1	0.34	2.81	0.65	0.61	2.06	16.00	5.4	24	189	1.23	BCCMP	825.88 – 823.56	5.7
P-45	DWCB	N-1	L-6	0.66	4.47	0.55	0.58	3.38	24.02	5.8	30	161	2.00	BCCMP	823.06 – 819.84	8.0

PIPE CHART INCLUDES FLAT ROCK HILLS PHASE 4A SUBDIVISION ONLY



CUL DE SAC DETAIL "A"
LYONS CIRCLE

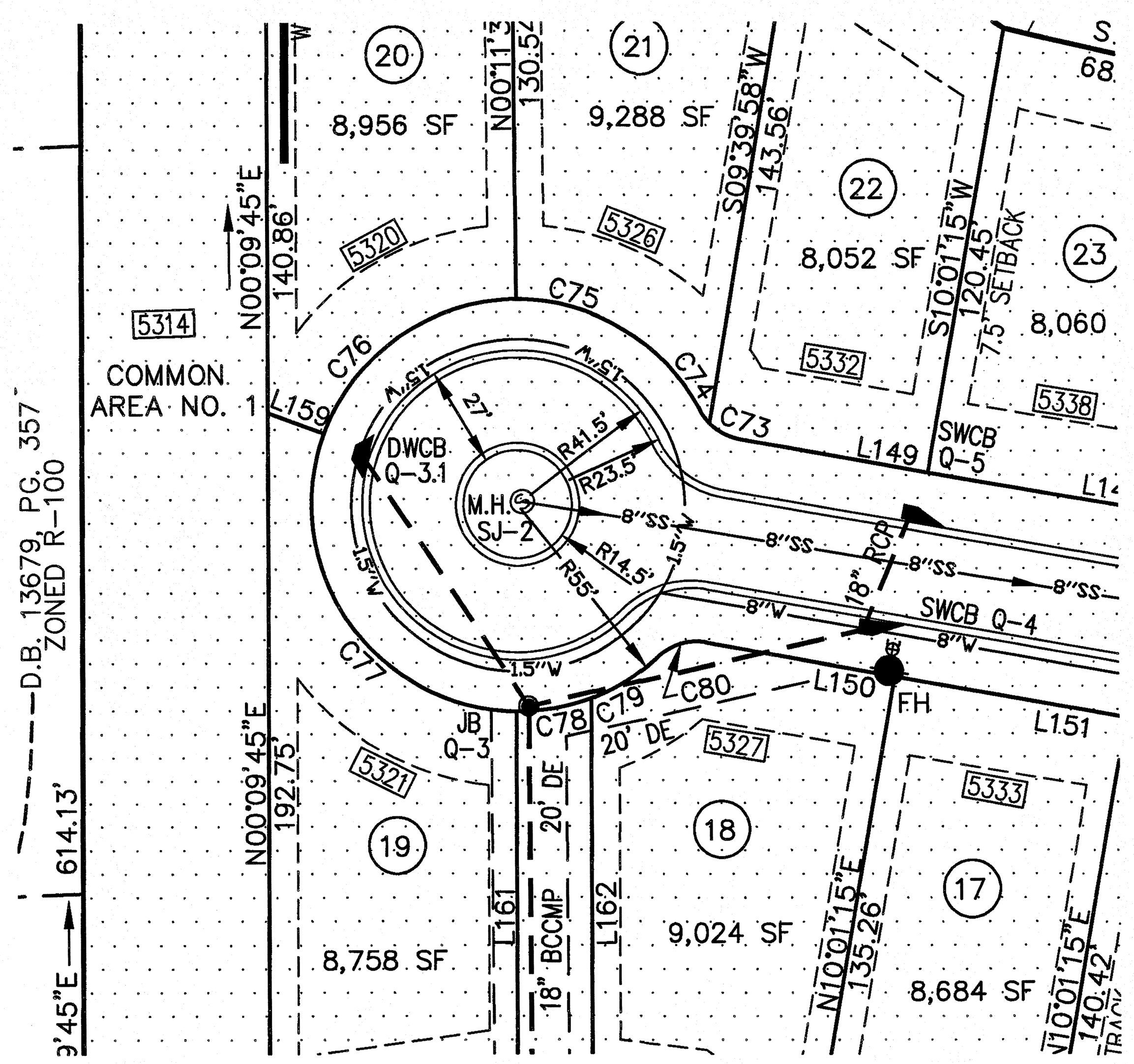




CUL DE SAC DETAIL "B"
SPENCER LANE

LEGEND

F.D.C.	= FIRE DEPARTMENT CONNECTION	WM	= WATER METER
RL	= RAIN LEADER	PVC	= POLYVINYL CHLORIDE PIPE
IPF	= IRON PIN FOUND	DE	= DRAINAGE EASEMENT
IPS	= IRON PIN SET – 1/2" REBAR	SSE	= SANITARY SEWER EASEMENT
CMF	= CONC. MONUMENT FOUND	ELEV	= ELEVATION
R/W	= RIGHT OF WAY	FFE	= FINISHED FLOOR ELEVATION
℄	= CENTER LINE	IE	= INVERT ELEVATION
ℙ	= ERTY LINE	POB	= POINT OF BEGINNING
B/L	= BUILDING LINE	X 994.84	= EXISTING SPOT ELEVATION
LLL	= LAND LOT LINE	CO	= SEWER CLEANOUT
BM	= BENCH MARK		= WATER METER
PTP	= POWER/TELEPHONE POLE		= WATER VALVE
PP	= POWER POLE		= MANHOLE
LP	= LIGHT POLE		
TRANS	= TRANSFORMER		= FIRE HYDRANT
SSMH	= SANITARY SEWER MANHOLE		= POWER/TELEPHONE POLE
GPMH	= GEORGIA POWER MANHOLE		= LAND LOT LINE
BSMH	= AT&T MANHOLE		= FENCE
UGTM	= UNDERGROUND TELEPHONE MARKER	–P–	= POWER LINE
CB	= CATCH BASIN	–T–	= TELEPHONE LINE
HW	= HEADWALL	–G–	= GAS LINE
JB	= JUNCTION BOX	–W–	= WATER LINE
DI	= DROP INLET	–CATV–	= CABLE TV LINE
GI	= GRATE INLET	–S–	= SANITARY SEWER LINE
MH	= MANHOLE		= EXISTING STORM LINE
CMP	= CORRUGATED METAL PIPE		= PLUGGED PIPE/STUB
CSP	= CORRUGATED STEEL PIPE		= TRAVERSE LINE/POINT
RCP	= REINFORCED CONCRETE PIPE		= BRANCH/CREEK
H/C	= HANDICAP		= ROCK OUTCROPPING
S/S	= SANITARY SEWER		



CUL DE SAC DETAIL "C"
FLAT ROCK POINT

GEORGIA
REGISTERED
NO. 3082
LAND SURVEYOR
THOMAS M. HIPP

GRAPHIC SCALE
40' 0 20' 40' 80' 160'
1 inch = 40ft.

DATE:	1/10/22	No.	Revision/Issue	By	
SCALE:	1"=40'				
DRAWN:	TH				
APPROVED:	AH				
JOB NO.:	14021				

ACR Engineering, inc.
ATLANTA COMMERCIAL & RESIDENTIAL ENGINEERING
600 PINNACLE COURT
SUITE 685
NORCROSS, GA 30071
TEL: (678) 291–0000
FAX: (678) 291–6887

Sheet 4 Of 6

FINAL PLAT
FOR
FLAT ROCK HILLS PHASE 4A
LAND LOT 47 AND 50 – 16TH DISTRICT
Dekalb County, GEORGIA

DeKalb County
GEORGIA
DEVELOPMENT SERVICES
APPROVED
AP 3083888
DATE 05/11/22
This Department is not responsible for any errors or omissions by engineers or other design professionals on design or county code requirements of this project.
The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of applicable codes or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of applicable codes or any other ordinance of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the code official from requiring the correction of errors.
Plumbing, Mechanical, Gas, and Electrical sections of these plans have not been reviewed for compliance with technical codes and will be field verified during inspection.
A set of these approved plans shall be kept on the jobsite at all times and shall not be modified or altered without authorization from DeKalb County Development Services.

PHASE 4A ADDRESS CHART

LOT NO.	BLOCK	ADDRESS	LOT AREAS SQ. FT.	REDUCTION
1	A	5429 FLAT ROCK POINT	8,647	6,353
2	A	5423 FLAT ROCK POINT	8,012	6,988
3	A	5417 FLAT ROCK POINT	8,138	6,862
4	A	5411 FLAT ROCK POINT	8,195	6,805
5	A	5405 FLAT ROCK POINT	8,107	6,893
6	A	5399 FLAT ROCK POINT	8,198	6,802
7	A	5393 FLAT ROCK POINT	8,142	6,858
8	A	5387 FLAT ROCK POINT	9,125	5,875
9	A	5381 FLAT ROCK POINT	8,122	6,878
10	A	5375 FLAT ROCK POINT	8,156	6,844
11	A	5369 FLAT ROCK POINT	8,198	6,802
12	A	5363 FLAT ROCK POINT	9,438	5,562
13	A	5357 FLAT ROCK POINT	11,140	3,860
14	A	5351 FLAT ROCK POINT	9,427	5,573
15	A	5345 FLAT ROCK POINT	9,261	5,739
16	A	5339 FLAT ROCK POINT	9,012	5,988
17	A	5333 FLAT ROCK POINT	8,684	6,316
18	A	5327 FLAT ROCK POINT	9,025	5,975
19	A	5321 FLAT ROCK POINT	8,758	6,242
20	A	5320 FLAT ROCK POINT	8,956	6,044
21	A	5326 FLAT ROCK POINT	9,288	5,712
22	A	5332 FLAT ROCK POINT	8,053	6,947
23	A	5338 FLAT ROCK POINT	8,060	6,940
24	A	5344 FLAT ROCK POINT	8,024	6,976
25	A	5350 FLAT ROCK POINT	8,063	6,937
26	A	5356 FLAT ROCK POINT	10,523	4,477
26	A	4094 AUDRY LANE		
27	A	4100 AUDRY LANE	8,125	6,875
43	A	4095 AUDRY LANE	8,513	6,487
43	A	5374 FLAT ROCK POINT	8,008	6,992
44	A	5380 FLAT ROCK POINT		
45	A	5386 FLAT ROCK POINT	8,101	6,899
46	A	5392 FLAT ROCK POINT	8,176	6,824
47	A	5398 FLAT ROCK POINT	8,867	6,133
47	A	4167 SPENCER LANE		
48	A	4161 SPENCER LANE	8,828	6,172
49	A	4155 SPENCER LANE	8,350	6,650
50	A	4149 SPENCER LANE	8,570	6,430
51	A	4143 SPENCER LANE	8,543	6,457
52	A	4137 SPENCER LANE	8,125	6875
53	A	4131 SPENCER LANE	8,125	6875
54	A	4125 SPENCER LANE	8,125	6875
55	A	4119 SPENCER LANE	8,287	6,713
56	A	4113 SPENCER LANE	8,101	6,899
57	A	4107 SPENCER LANE	8,252	6,748
58	A	4101 SPENCER LANE	8,022	6,978
102	A	4089 SPENCER LANE	10,601	4,399
103	A	4083 SPENCER LANE	8,001	6,999
104	A	4077 SPENCER LANE	8,737	6,263
105	A	4071 SPENCER LANE	8,201	6,799
106	A	4065 SPENCER LANE	11,624	3,376
107	A	4060 SPENCER LANE	10,919	4,081
108	A	4066 SPENCER LANE	8,571	6,429
109	A	4072 SPENCER LANE	8,320	6,680
110	A	4078 SPENCER LANE	10,529	4,471
111	A	4084 SPENCER LANE	9,320	5,680
112	A	4090 SPENCER LANE	9,201	5,799
113	A	4096 SPENCER LANE	11,218	3,782
114	C	5492 LYONS CIRCLE	9,528	5,472
115	C	5498 LYONS CIRCLE	8,423	6,577
116	C	5504 LYONS CIRCLE	9,291	5,709
117	C	5510 LYONS CIRCLE	11,280	3,720
118	C	5505 LYONS CIRCLE	10,141	4,859
119	C	5499 LYONS CIRCLE	8,191	6,809
120	C	5493 LYONS CIRCLE	9,575	5,425
121	C	5465 FLAT ROCK POINT	8,421	6,579
122	C	5459 FLAT ROCK POINT	8,045	6,955
123	C	5453 FLAT ROCK POINT	8,392	6,608
124	C	5447 FLAT ROCK POINT	10,128	4,872
125	C	5441 FLAT ROCK POINT	10,103	4,897
126	C	5435 FLAT ROCK POINT	9,208	5,792
127	B	4156 SPENCER LANE	8,374	6,626
128	B	4150 SPENCER LANE	8,624	6,376
129	B	4144 SPENCER LANE	9,766	5,234
130	B	4138 SPENCER LANE	8,257	6,743
131	B	4132 SPENCER LANE	8,140	6,860
132	B	4126 SPENCER LANE	8,149	6,851
133	B	4120 SPENCER LANE	8,157	6,843
134	B	4114 SPENCER LANE	8,604	6,396
135	B	4108 SPENCER LANE	8,049	6,951
136	B	4102 SPENCER LANE	9,857	5,143
137	B	5484 FLAT ROCK POINT	9,715	5,285
138	B	5478 FLAT ROCK POINT	8,046	6,954
139	B	5472 FLAT ROCK POINT	8,094	6,906
140	B	5466 FLAT ROCK POINT	8,103	6,897
141	B	5460 FLAT ROCK POINT	8,112	6,888
142	B	5454 FLAT ROCK POINT	8,120	6,880
143	B	5448 FLAT ROCK POINT	8,257	6,743
144	B	5442 FLAT ROCK POINT	8,972	6,028
145	B	5436 FLAT ROCK POINT	9,828	5,172
146	B	5430 FLAT ROCK POINT	10,252	4,748
147	B	5424 FLAT ROCK POINT	9,589	5,411
148	B	5418 FLAT ROCK POINT	8,193	6,807
149	B	5412 FLAT ROCK POINT	9,396	5,604
149	B	4162 SPENCER LANE		
TOTAL			804,491	560,509

PHASE 4A LOT WIDTH SUMMARY CHART

LOT WIDTH SUMMARY UNIT 4A			
LOT	BLOCK	WIDTH AT R/W	WIDTH AT SB
1	A	89.0	94.0
2	A	75.1	74.9
3	A	73.0	73.0
4	A	71.0	71.0
5	A	68.0	68.0
6	A	67.0	67.0
7	A	71.9	71.2
8	A	93.2	88.1
9	A	66.0	66.0
10	A	73.3	71.2
11	A	71.7	70.7
12	A	61.5	68.2
13	A	61.6	69.6
14	A	63.0	63.0
15	A	63.0	63.0
16	A	63.0	63.0
17	A	63.0	63.0
18	A	81.5	78.5
19	A	89.9	74.6
20	A	62.6	77.4
21	A	61.2	63.6
22	A	60.1	60.4
23	A	68.0	68.0
24	A	70.0	70.0
25	A	83.2	80.2
26	A	73.3	73.7
27	A	77.3	73.7
43	A	76.2	75.2
44	A	72.8	72.8
45	A	59.9	65.1
46	A	64.1	66.7
47	A	79.5	76.3
48	A	60.0	67.4
49	A	60.9	66.5
50	A	94.7	86.8
51	A	93.6	85.6
52	A	65.0	65.0
53	A	65.0	65.0
54	A	65.0	65.0
55	A	64.1	65.0
56	A	62.5	66.5
57	A	75.1	77.5
58	A	75.6	80.0
102	A	121.3	112.3
103	A	62.0	62.0
104	A	77.7	60.0
105	A	58.2	59.7
106	A	40.6	64.9
107	A	42.9	63.9
108	A	47.3	62.6
109	A	67.4	65.0
110	A	60.0	63.6
111	A	60.1	62.8
112	A	60.0	65.7
113	A	66.4	76.0
114	C	71.9	76.3
115	C	69.1	65.0
116	C	56.3	65.0
117	C	43.5	65.0
118	C	58.8	69.7
119	C	68.0	63.9
120	C	73.1	77.5
121	C	65.1	65.1
122	C	64.9	64.9
123	C	63.7	65.0
124	C	59.4	65.1
125	C	59.4	65.1
126	C	60.6	65.8
127	B	65.4	64.8
128	B	60.0	62.0
129	B	60.0	66.0
130	B	66.0	66.0
131	B	65.0	65.0
132	B	65.0	65.0
133	B	65.0	65.0
134	B	83.4	78.6
135	B	71.4	69.7
136	B	73.1	77.5
137	B	142.6	122.2
138	B	65.2	65.2
139	B	65.0	65.0
140	B	65.0	65.0
141	B	65.0	65.0
142	B	65.0	65.0
143	B	65.0	65.0
144	B	79.1	75.5
145	B	115.5	102.2
146	B	94.2	89.6
147	B	117.9	106.9
148	B	62.0	62.0
149	B	70.6	75.0

PHASE 4A STREET CENTERLINE LINE CHART

STREET CENTERLINE LINE TABLE		
LINE	BEARING	DISTANCE
L200	N42°29'01"W	250.43
L201	N36°15'12"W	27.48
L202	N47°30'59"E	52.28
L203	N00°10'06"W	331.66
L204	N89°49'54"E	201.14
L205	N00°10'06"W	101.27
L206	N71°37'48"W	124.31
L207	N71°37'48"W	110.77
L208	S87°14'55"E	231.39
L209	S87°14'55"E	368.86
L210	N02°48'45"E	75.28
L211	N47°30'59"E	50.01
L212	N00°10'06"W	289.49
L213	N18°22'12"E	153.51
L214	N18°22'12"E	43.71
L215	N18°00'30"W	64.89
L216	N44°01'59"W	48.62
L217	N72°21'44"E	164.23
L218	N60°05'46"E	58.82
L219	S79°58'45"E	359.02
L220	N22°53'13"W	126.52

PHASE 4A STREET CENTERLINE CURVE CHART

STREET CENTERLINE CURVE TABLE						
CURVE	RADIUS	LENGTH	CHD.BRG.	CHD. DIST.	TANGENT	DELTA
C100	150.00	16.31	S39°22'06"E	16.30	8.16	6°13'49"
C101	150.00	31.95	N53°37'05"E	31.89	16.03	12°12'12"
C102	200.00	166.45	N23°40'27"E	161.69	88.39	47°41'05"
C103	180.00	224.50	N35°53'57"W	210.23	129.49	71°27'42"
C104	150.00	23.15	N76°03'02"W	23.12	11.60	8°50'29"
C105	150.00	86.48	N76°14'08"E	85.28	44.48	33°01'54"
C106	150.00	117.04	S25°09'52"W	114.09	61.68	44°42'15"
C107	150.00	124.84	N23°40'27"E	121.27	66.29	47°41'05"
C108	300.00	97.07	S09°06'03"W	96.64	48.96	18°32'18"
C109	200.00	126.99	N00°10'51"E	124.86	65.72	36°22'43"
C110	120.00	54.51	N31°01'15"W	54.04	27.73	26°01'29"
C111	200.00	71.17	S82°33'25"W	70.80	27.73	26°01'29"
C112	150.00	13.74	S69°44'15"W	13.74	27.73	26°01'29"
C113	150.00	18.37	S63°36'16"W	18.36	27.73	26°01'29"
C114	150.00	104.52	N80°03'30"E	102.42	27.73	26°01'29"
C115	150.00	93.17	N40°40'54"W	91.68	27.73	26°01'29"

PHASE 4A LINE CHART

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N00°21'59"W	33.96
L2	N42°29'01"W	52.02
L3	S83°55'31"W	33.60
L4	N75°46'39"W	23.73
L5	N14°13'21"E	50.00
L6	N87°14'55"W	66.03
L7	N02°45'05"E	55.00
L8	S17°39'15"W	30.52
L9	S86°57'32"E	147.03
L10	N32°17'27"E	64.50
L11	N12°07'18"E	26.50
L12	N30°47'02"E	10.51
L13	N29°05'45"E	23.86
L14	N11°47'43"E	55.04
L15	N04°14'55"W	96.54
L16	N87°00'54"E	112.39
L17	N79°08'03"W	117.39
L18	N89°49'50"E	22.42
L19	N42°29'06"W	18.64
L20	S83°40'32"E	21.98
L21	N83°55'31"E	32.59
L22	N71°10'47"W	25.13
L23	N42°29'01"W	32.27
L24	N87°14'55"W	60.34
L25	S75°46'39"E	17.33
L26	N87°14'55"W	73.00
L27	N87°14'55"W	71.00
L28	N02°45'05"E	121.08
L29	N87°14'55"W	68.00
L30	N87°14'55"W	67.00
L31	S02°48'45"W	32.81
L32	S47°46'55"W	21.22
L33	N87°14'55"W	95.00
L34	S17°39'15"W	73.48
L35	S35°55'33"W	24.79
L36	N59°35'30"W	110.39
L37	S35°55'33"W	90.15
L38	S47°30'59"W	7.92
L39	S35°55'33"W	46.28
L40	S67°02'35"E	125.27
L41	S47°30'59"W	42.08
L42	S05°46'19"W	11.18
L43	S00°10'06"E	43.05
L44	S00°10'06"E	44.24
L45	S00°10'06"E	65.00
L46	S00°10'06"E	65.00
L47	S00°10'06"E	65.00
L48	S00°10'06"E	65.00
L49	S00°10'06"E	65.00
L50	S00°10'06"E	65.00
L51	S00°10'06"E	42.85
L52	S00°10'06"E	50.26
L53	N17°23'29"E	15.95
L54	N17°23'29"E	84.99
L55	S18°22'12"W	46.01
L56	S71°37'48"E	68.27
L57	N26°37'48"W	21.21
L58	S18°22'12"W	65.00
L59	S63°22'12"W	21.21
L60	S71°37'48"E	68.27
L61	S18°00'30"E	62.00
L62	N04°14'55"W	12.81
L63	S18°00'30"E	2.91
L64	N04°14'55"W	83.73
L65	S18°00'30"E	34.71
L66	S18°00'30"E	30.20
L67	N26°37'48"W	21.21
L68	S71°37'48"E	81.81
L69	N25°23'13"E	111.30
L70	N42°13'05"W	21.20
L71	S02°48'45"W	32.75
L72	S47°30'59"W	22.65
L73	N87°14'55"W	60.00
L74	N30°30'52"E	60.87
L75	S30°30'52"W	72.73
L76	N30°30'52"E	36.91
L77	S30°30'52"W	25.04
L78	S10°38'41"W	34.89
L79	S10°38'41"W	19.50
L80	S10°38'41"W	54.39
L81	S03°58'21"W	60.91
L82	S00°03'05"E	4.24
L83	N00°03'05"W	15.01
L84	N00°03'05"W	65.00
L85	S00°03'05"E	66.00
L86	N00°03'05"W	65.00
L87	N00°03'05"W	65.00
L88	N00°03'05"W	65.00
L89	N00°03'05"W	65.00
L90	N00°03'05"W	65.00
L91	N00°03'05"W	65.00
L92	S00°03'05"E	11.77
L93	S02°32'43"W	53.49
L94	S47°30'59"W	27.35
L95	S00°10'06"E	10.36
L96	S00°10'06"E	66.00
L97	S00°10'06"E	65.00
L98	S00°10'06"E	65.00
L99	S00°10'06"E	65.00
L100	S00°10'06"E	18.13

PHASE 4A LINE CHART

LINE TABLE		
LINE	BEARING	DISTANCE
L101	S18°22'12"W	48.51
L102	S18°22'12"W	62.50
L103	S63°22'12"W	21.21
L104	S71°37'48"E	81.81
L105	S00°10'06"E	60.65
L106	S00°10'06"E	65.00
L107	S00°10'06"E	65.00
L108	S00°10'06"E	65.00
L109	S00°10'06"E	65.00
L110	S00°10'06"E	65.00
L111	S00°10'06"E	47.29
L112	S47°30'59"W	3.75
L113	S47°30'59"W	48.52
L114	N87°14'55"W	66.86
L115	N87°14'55"W	62.00
L116	S89°49'54"W	61.30
L117	N45°10'06"W	21.21
L118	S00°10'06"E	58.77
L119	S89°49'54"W	47.03
L120	S89°49'54"W	45.74
L121	S89°49'54"W	62.50
L122	S44°49'54"W	21.21
L123	S00°10'06"E	110.00
L124	S00°10'06"E	65.06
L125	S00°10'06"E	64.94
L126	S00°10'06"E	49.16
L127	S47°30'59"W	4.59
L128	S47°30'59"W	27.52
L129	N03°55'04"E	21.73
L130	S17°39'15"W	42.95
L131	S56°16'34"E	124.15
L132	S44°01'59"E	0.95
L133	N18°22'12"E	1.21
L134	N87°14'55"W	36.51
L135	S72°21'44"W	6.76
L136	S72°21'44"W	72.80
L137	S72°21'44"W	58.35
L138	N65°15'45"W	22.16
L139	N22°53'13"W	85.80
L140	N22°53'13"W	31.14
L141	N22°53'13"W	54.93
L142	N18°36'16"E	22.47
L143	N60°05'46"E	37.96
L144	S79°58'45"E	31.08
L146	S79°58'45"E	83.25
L147	S79°58'45"E	70.00
L148	S79°58'45"E	68.00
L149	S79°58'45"E	51.08
L150	S79°58'45"E	51.40
L151	S79°58'45"E	63.00
L152	S79°58'45"E	63.00
L153	S79°58'45"E	63.00
L154	S79°58'45"E	63.00
L155	N60°05'46"E	58.81
L156	N72°21'44"E	60.00
L157	N72°21'44"E	66.00
L158	N72°21'44"E	38.23
L159	N69°35'46"W	16.08
L160	S50°46'54"E	12.68
L161	N00°08'47"E	103.81
L162	S00°08'47"W	109.96
L163	S83°37'20"E	22.93
L164	S53°05'26"E	14.51
L165	S75°17'47"E	24.42
L166	N48°07'32"E	39.88
L167	N73°02'38"E	27.07
L168	N73°02'38"E	28.22
L169	S75°46'39"E	42.05
L170	N31°31'25"E	55.00

PHASE 4A CURVE CHART

CURVE TABLE				
CURVE	RADIUS	LENGTH	CHD.BRG.	CHD. DIST.
C1	233.75	118.95	S42°41'04"W	117.67
C2	177.50	100.56	N42°14'46"W	99.22
C3	50.00	20.00	S08°28'27"W	19.87
C4	207.50	30.73	N35°06'16"W	30.71
C5	207.50	0.98	N14°34'27"W	0.98
C6	50.00	65.63	N23°17'08"E	61.02
C7	177.50	34.24	N82°27'04"E	34.19
C8	190.00	13.55	S40°26'27"E	13.54
C9	177.50	14.79	S89°38'07"E	14.78
C10	177.50	25.49	S06°55'36"W	25.47
C11	177.50	60.00	S20°45'29"W	59.71
C12	177.50	53.00	S38°57'45"W	52.80
C13	122.50	52.62	N35°12'37"E	52.22
C14	122.50	49.33	N11°22'05"E	49.00
C15	327.50	13.87	S01°02'43"W	13.87
C16	327.50	62.49	S07°45'32"W	62.40
C17	327.50	29.60	S15°46'52"W	29.59
C18	122.50	19.99	N76°18'19"W	19.97
C19	172.50	110.74	N00°22'54"E	108.84
C20	177.50	26.30	N75°52'30"W	26.28
C21	50.00	20.52	S81°27'07"E	20.37
C22	15.00	13.04	N68°17'51"W	12.64
C23	92.50	40.96	N30°41'36"W	40.62
C24	50.00	58.22	S36°20'25"E	54.98
C25	50.00	40.58	S43°11'12"W	39.48
C26	50.00	42.86	N89°00'17"W	41.56
C27	50.00	47.34	N37°19'31"W	45.59
C28	50.00	13.38	N02°32'00"W	13.34
C29	15.00	12.87	S19°26'57"E	12.48
C30	147.50	40.18	N35°38'21"W	40.05
C31	147.50	25.30	N22°55'20"W	25.27
C32	227.50	29.88	N14°14'44"W	29.86
C33	227.50	60.00	N02°55'37"W	59.83
C34	227.50	54.56	N11°29'58"E	54.43
C35	207.50	49.80	N64°45'17"W	49.68
C36	207.50	67.11	N48°36'50"W	66.82
C37	2339.56	247.87	N42°58'34"W	247.76
C38	2339.56	116.56	N44°35'02"W	116.55
C39	2339.56	67.14	N42°20'04"W	67.14
C40	2339.56	64.17	N40°43'36"W	64.17
C41	122.50	95.58	S25°09'52"W	93.17
C42	177.50	38.05	N41°22'32"E	37.98
C43	177.50	60.04	N25°32'41"E	59.75
C44	177.50	49.64	N07°50'37"E	49.48
C45	272.50	65.28	S06°41'40"W	65.12
C46	272.50	22.89	S15°57'49"W	22.89
C47	152.50	43.06	N63°32'29"W	42.91
C48	152.50	142.59	N28°39'58"W	137.45
C49	172.50	31.81	N05°06'52"E	31.76
C50	172.50	111.75	N28°57'25"E	109.81
C51	122.50	45.69	N58°12'04"E	45.42
C52	122.50	51.03	N80°49'07"E	50.66
C53	207.50	51.68	N07°18'13"W	51.55
C54	50.00	9.22	S46°00'09"W	9.21
C55	15.00	12.86	N65°16'34"E	12.47
C56	50.00	56.34	S83°33'54"W	53.41
C57	50.00	43.49	N39°14'10"W	42.13
C59	50.00	58.83	S85°24'16"E	55.49
C60	50.00	9.38	S46°19'15"E	9.37
C61	15.00	12.89	N65°33'22"W	12.49
C62	227.50	14.57	N01°39'58"E	14.56
C63	227.50	59.41	N10°58'52"E	59.24
C64	227.50	59.41	N25°56'34"E	59.24
C65	227.50	55.96	N40°28'12"E	55.82
C66	152.50	4.55	S01°01'26"E	4.55
C67	2159.56	0.31	N43°22'57"W	0.31
C68	227.50	27.65	S89°16'12"W	27.63
C69	227.50	53.31	S79°04'31"W	53.19
C70	177.50	9.69	N24°27'05"W	9.69
C71	122.50	46.77	N33°49'31"W	46.49
C72	122.50	85.36	N80°03'30"E	83.64
C73	15.00	9.55	S61°44'15"E	9.39
C74	15.00	4.22	S35°25'45"E	4.21
C75	55.00	60.31	N58°46'38"W	57.34
C76	55.00	66.62	S55°06'22"W	62.62
C77	55.00	105.31	S34°26'59"E	89.95
C78	55.00	20.43	N80°03'16"E	20.31
C79	55.00	21.13	N58°24'29"E	21.00
C80	15.00	13.78	S73°42'44"W	13.30
C81	177.50	61.90	S89°58'09"E	61.58
C82	177.50	61.79	N70°04'07"E	61.48
C83	122.50	12.88	S63°06'32"W	12.88
C84	122.50	13.34	S69°14'31"W	13.34
C85	172.50	55.51	S81°34'52"W	55.27
C86	172.50	5.87	N88°13'27"W	5.87
C87	122.50	29.32	N51°37'12"W	29.25

PHASE 4A
COMMON AREAS & STREET R/W ADDRESS & AREA CHART

COMMON AREA NO. 1	5314 FLAT ROCK POINT 5329 FLAT ROCK POINT	155,440 S.F.	3.545 ACRES
COMMON AREA NO. 2	5431 FLAT ROCK POINT	5,482 S.F.	0.126 ACRE
COMMON AREA NO. 3	4070 FLAT ROCK POINT	45,028 S.F.	1.034 ACRES
COMMON AREA NO. 4	5390 AUDRY LANE	132,344 S.F.	3.038 ACRES
STREET R/W		256,254 S.F.	5.883 ACRES

TOTAL PHASE 4A **(1,398,939 S.F.)**

RETAINING WALL ADDRESS CHART

RETAINING WALL #1	4153 FLAT ROCK POINT
RETAINING WALL #2	4068 FLAT ROCK POINT

GEORGIA REGISTERED NO. 3082 LAND SURVEYOR THOMAS M. HIPP

		No.	Revision/Issue	By
DATE:	1/10/22			
SCALE:	N/A			
DRAWN:	TH			
APPROVED:	AH			
JOB NO.:	14021			

ACR Engineering, inc.
ATLANTA COMMERCIAL & RESIDENTIAL ENGINEERING
600 PINNACLE COURT
SUITE 685
NORCROSS, GA 30071
TEL: (678) 291-0000
FAX: (678) 291-6887

Sheet 5 Of 6

FINAL PLAT
FOR
FLAT ROCK HILLS
PHASE 4A
LAND LOT 47 AND 50 – 16TH DISTRICT
Dekalb County, GEORGIA

CITY COUNCIL AGENDA ITEM

SUBJECT: SDP22-000001 5627 Browns Mill Road

AGENDA SECTION: (*check all that apply*)

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

CATEGORY: (*check all that apply*)

☐ **ORDINANCE** ☐ **RESOLUTION** ☐ **CONTRACT** ☐ **POLICY** ☐ **STATUS REPORT**

☒ **OTHER, PLEASE STATE: Not a public hearing, but a decision is to be rendered**

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

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

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

Current Council Meeting: Wednesday, June 29, 2022

SUBMITTED BY: Keedra T. Jackson, Acting Director of Planning & Zoning

PRESENTER: Keedra T. Jackson

PURPOSE: The applicant proposes to Phase 4A of the Flat Rock Hills subdivision. The subdivision will consist of 91 lots: Lots 1-27; lots 43-58; and 102-149. The disturbed acreage will be 28.44. The applicant will follow the R-100 development standards. 5627 Browns Mill Road.

FACTS: The application review started under the previous administration and was inherited by the current staff in January of 2022. In the subsequent month it was discovered that the developer had received approvals from DeKalb County; however, our records did not reflect the process in which Preliminary Plats and Final Plats are to be handled according to Section 14-88 of the Chapter 27 City of Stonecrest Zoning Ordinance. The applicant was instructed to submit a Preliminary Plat application where payment was collected.

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

RECOMMENDED ACTION: Approval

ATTACHMENTS:

CITY COUNCIL AGENDA ITEM

(1) Attachment 1 - Cover Letter
(2) Attachment 2 - Staff Report
(3) Attachment 3 - Preliminary Plat
(4) Attachment 4 - Concept Plat
(5) Attachment 5 - Click or tap here to enter text.

THE CITY OF STONECREST GEORGIA

Mayor and City Council

Mayor and City Council Meeting June 29, 2022

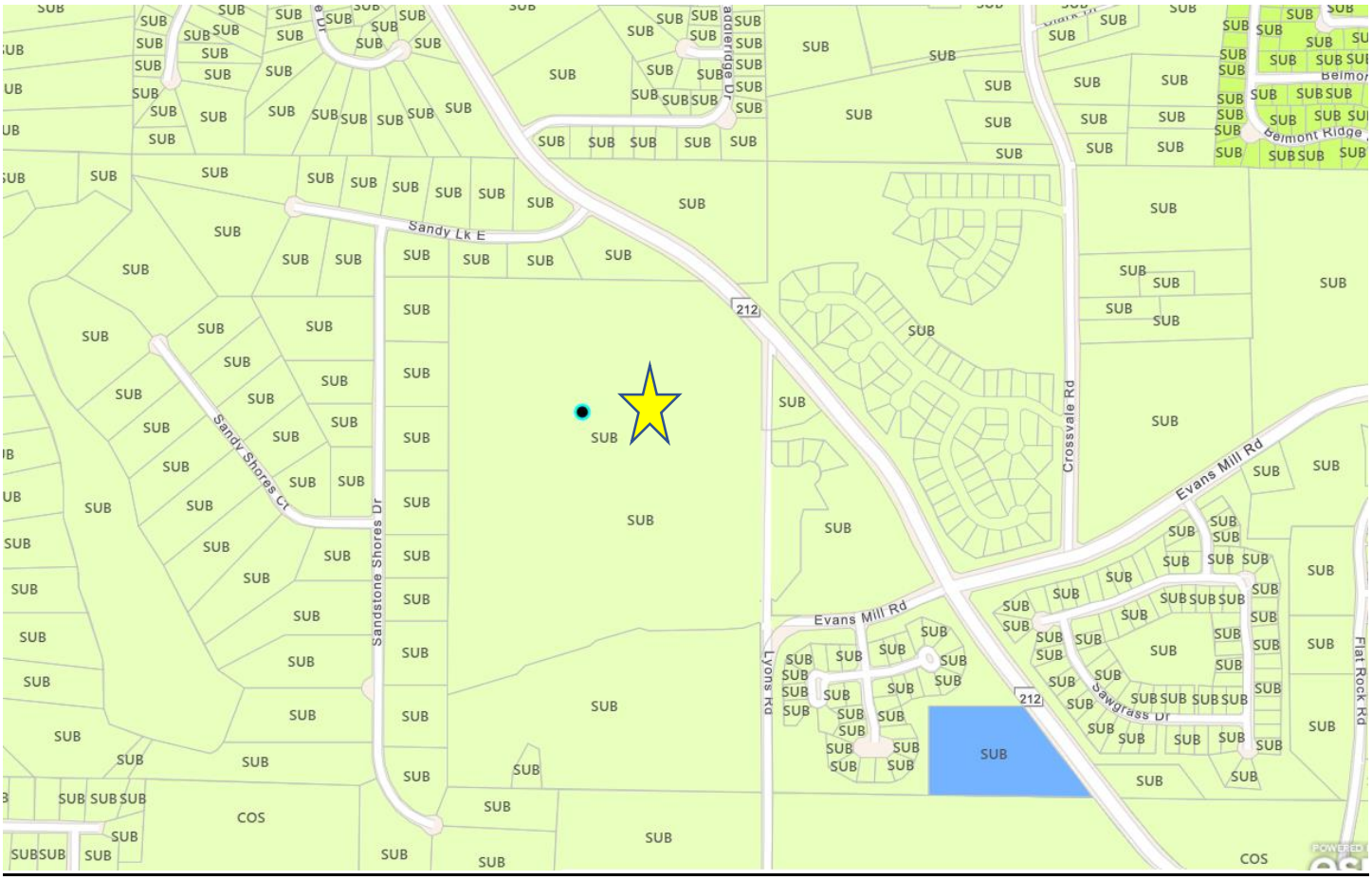
Staff Analysis of Preliminary Plat

Petition Number:	SPD22-000001
Applicant:	Tiffany D. Hogan
Owner:	D. R. Horton
Project Location:	5627 Browns Mill Road
Parcels:	16-047-03-014
Council District:	Council District 4
Acreage:	32.095 +/- acres
Existing Zoning:	R-100
Proposed Zoning:	R-100
Comprehensive Plan Community: Area Designation	Suburban
Proposed Development/Request:	The applicant is requesting an approval of the Final Plat of the Flat Rock Hills
Staff Recommendations:	***Approval***
Planning Commission	***N/A***

THE CITY OF STONECREST GEORGIA

Mayor and City Council

Zoning Map



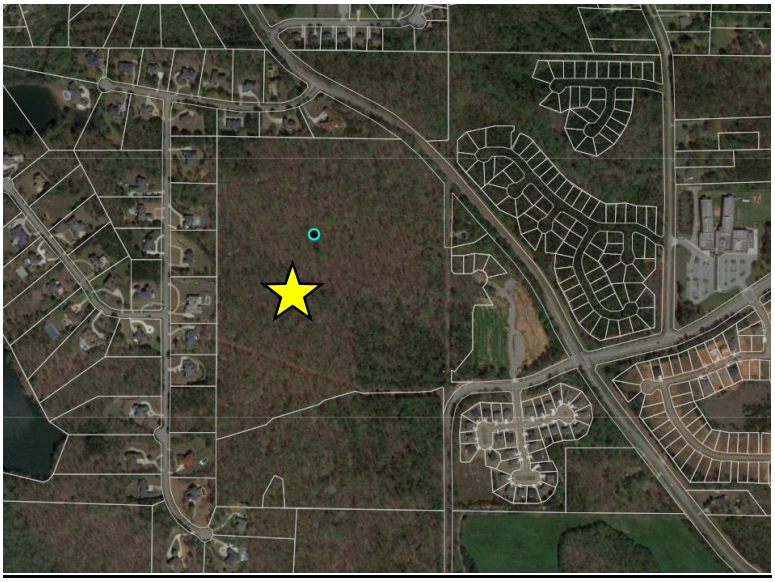
Proposed Zoning: R-100 (Residential Medium Lot)

Subject Property

THE CITY OF STONECREST GEORGIA

Mayor and City Council

Aerial Map



Subject Property

SDP22-000010

Location

The subject property is located at 5627 Browns Mill Road (Parcel ID: 16-047-03-014). The Subject Property consists of a ±32.095 -acres in Land Lots 047, of the 16th District, of City of Stonecrest, DeKalb County, Georgia ("Subject Property").

The property is bounded by Flat Rock Elementary to the east, by Sandstone Estates to the north and west and southern portion.

Background:

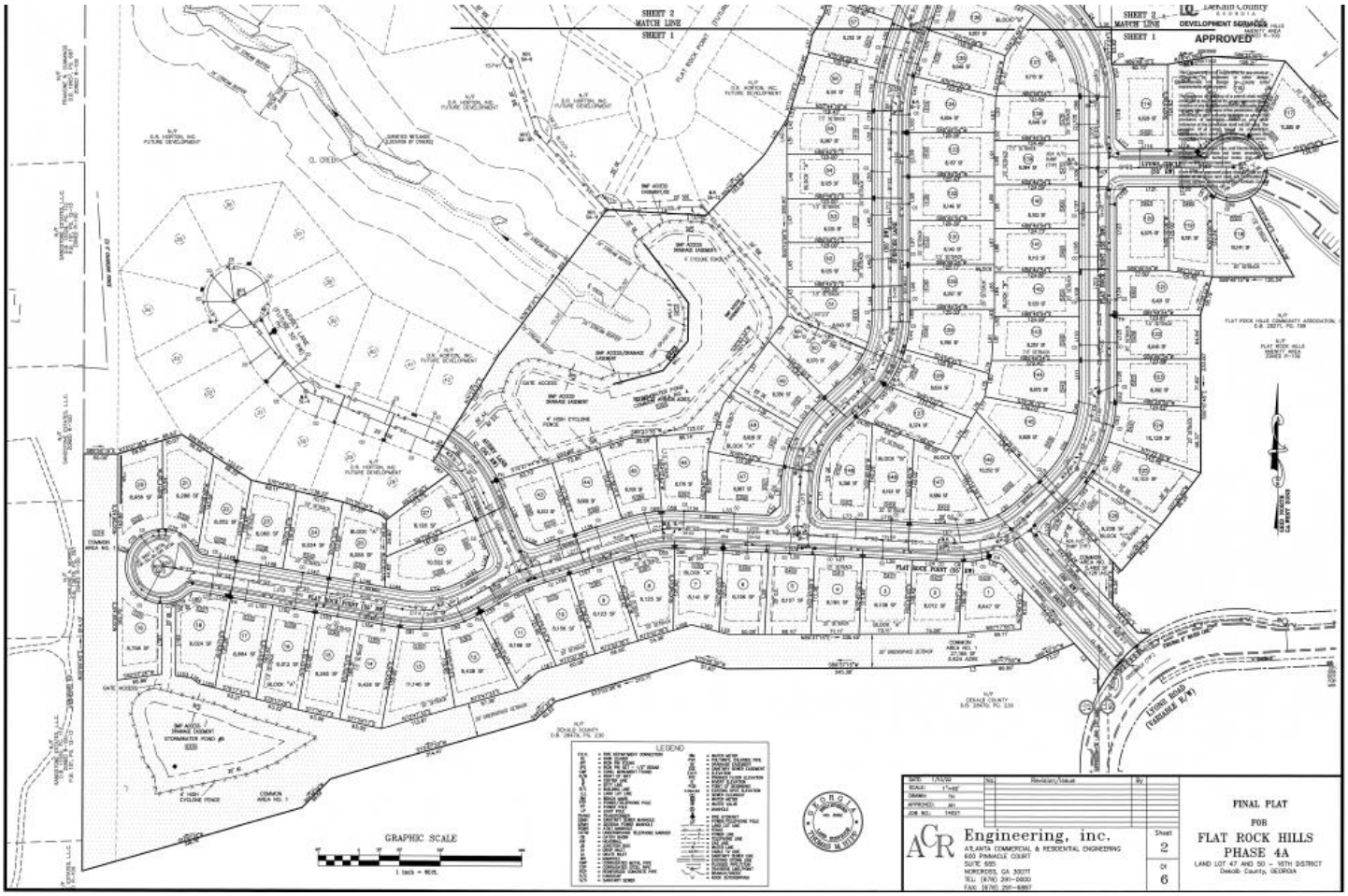
The preliminary plat review started under the administration of DeKalb County in 2005. The City Council at the City of Stonecrest were introduced to this subdivision in 2019 when community discussions regarding the construction of the subdivision began to take place. The current administration were introduced to this subdivision in January of 2022 when the developer inquired about the status of the final plat. In the subsequent month it was discovered that the developer had received approvals from DeKalb County; however, our did not reflect the process in which Preliminary Plats and Final Plats are to be handled according to Section 14-88 of the Chapter 27 City of Stonecrest Zoning Ordinance. The applicant was instructed to submit a Preliminary Plat application where payment was collected. Staff has completed two thorough reviews with the applicant. A Performance Bond and a Maintenance Bond has been applied to the project.

Mayor and City Council

Details of the Preliminary Plat:

The applicant proposes to Phase 4A of the Flat Rock Hills subdivision. The subdivision will consist of 91 lots: Lots 1-27; lots 43-58; and 102-149. The disturbed acreage will be 28.44. The applicant will follow the R-100 development standards.

The subject property is predominantly surrounded by single family residential with the R-100 zoning category. Detail site and architectural plans must be submitted to the Planning & Zoning Department for the Pre-Development Review Team and shall be in substantial conformity with the City of Stonecrest Development Standards.



Mayor and City Council

STANDARDS OF PRELIMINARY PLAT REVIEW:

Section *14-88 of the Stonecrest Zoning Ordinance list eight factors to be considered in a technical review of a zoning case completed by the Community Development Department and Planning Commission. Each element is listed with staff analysis.*

The owner of the land where the proposed development is to occur, or his authorized agent, shall file a preliminary plat with the Director along with an application for approval. The application shall:

(1)

Be submitted with the plan set for a Land Disturbance Permit;

(2)

Be accompanied by minimum of six copies of the plans, which must be prepared by a registered civil engineer, surveyor, or landscape architect, as described in these regulations and complying in all respects with these regulations and conforming with the zoning of the property;

(3)

Be accompanied by an application fee in the amount set by the mayor and city council;

(4)

Be accompanied by a tree survey;

(5)

Include the name, address and telephone number of an agent who is authorized to receive all notices required by these regulations;

(6)

Be signed by the owner of the property, or if the application is not signed by the owner, a completed indemnification agreement signed by the owner of the property;

(7)

Be accompanied with a consent affidavit from the property owner;

(8)

Be accompanied by a small map of the City of Stonecrest depicted the subdivision location within the City;

(9)

Be accompanied by a vicinity map at a scale of 400 feet to one inch showing the location of the tract with reference to surrounding properties, streets, municipal boundaries, and streams within 500 feet of the tract show zoning districts of adjoining property;

(10)

Include the names of adjoining property owners and the zoning classifications of adjacent properties;

(11)

Include the name, address and phone of developer and engineer;

(12)

Be accompanied by a certification by the applicant that no lots platted are nonconforming or will result in any nonconforming lots;

(13)

The applicant shall obtain the approval of the DeKalb County Health Department and the DeKalb County Department for Watershed Management; and

(14)

Payment of the appropriate development review application fee.

(Ord. No. 2018-06-03, § 14-88, 6-3-2018)

- **Whether the proposed land use change will permit uses that are suitable in consideration of the use and development of adjacent and nearby property or properties.**

  As shown in the table below, the subject property is surrounded by industrial and residential development. * *Please see the map below table*

THE CITY OF STONECREST GEORGIA

Mayor and City Council

ADJACENT ZONING AND LAND USE		
	Zoning	**Zoning Land Use**
Adjacent: North	R-100(Residential Medium Lot) District	Single-family (Sandstone Estates)
Adjacent: East	R-100 (Residential Medium Lot) District	Single-family (Sandstone Estates) Flat Rock Hills Elementary
Adjacent: South	R-100 (Residential Medium Lot District	Single-Family (Sandstone Estates)
Adjacent: West	R-100 (Med Residential)	Single-family Residential (Sandstone Estates)

STAFF RECOMMENDATION

The applicant has met all of the Preliminary Plat requirements stated in Section 14-88 of Chapter 14; therefore, staff recommends **APPROVAL** of SDP22-000010**.**

05131R

Item XIII. c.

SKETCH PLAT
FOR
R-100 CONSERVATION SUBDIVISION
CREEKWOOD

BY
D.R. HORTON INC.
8200 ROBERTS DRIVE, SUITE 400
ATLANTA, GEORGIA 30350
(770) 730-7900

GENERAL NOTES

1. Owner (Parcels 16-0048-01-003, 16-50-01-001, 16-50-02-001, 16-50-03-001, 16-50-07-001, 16-50-06-001, and 16-50-04-006):
S.C.T. HOLDINGS, L.L.C.
999 Peachtree Street,
Suite 2300
Atlanta, GA 30309
Contact: C. Sue Phillips

Owner (Parcel 16-0048-01-001):
Crutchfield Family Limited Partnership
5585 Silver Ridge Drive
Stone Mountain, GA 30087

Owner (Parcel 16-0048-01-002):
Jeannine Stringer Weathers
5475 Winsley Circle
Suwanee, GA 30024

2. Developer:
D.R. HORTON, INC..
8200 Roberts Drive,
Suite 400
Atlanta, Georgia 30350
(770) 730-7900
Contact: Jim Huffstetler

2. Engineer:
DEVELOPMENT CONSULTANTS GROUP, INC.
2400 Meadowbrook Parkway
Duluth, Georgia 30096
(770) 279-1710
Contact: Jonathan H. Nicol, PE

3. Boundary information shown hereon is taken from an ALTA/Boundary Survey by Metro Engineering and Surveying Co, Inc. dated 2-24-05.

4. Topographic information shown hereon is taken from an aerial survey by BEI Aerial Mapping dated May 13, 2005. Contour interval is two feet.

5. Conceptual layout obtained from a plan by Franzman/Davis & Associates, ltd (division of Jordan, Jones + Goulding, Inc.) dated April 2005.

6. There is a historic cemetery, the Old Flat Rock Cemetery, located on this property (a 100' setback has been established around the cemetery).

7. Natural features such as known stream buffers, wetlands, and cemeteries are shown on the plans.

8. There are no known existing structures, thus no known septic tanks.

9. Soil information taken from Soil Survey of DeKalb County Georgia dated July 1982 by USDA Soil Conservation Service in cooperation with University of Georgia College of Agriculture, Agriculture Experiment Stations and Dekalb County Planning Department.

10. This property is shown on DeKalb County Tax Maps as being in Land Lots 47, 48, 50, and 79 of the 16th Land District.

11. There are no known formerly recorded subdivisions crossing this property.

12. This property is zoned R-100. Proposed use is detached single-family dwellings within a Conservation Subdivision. There are no conditions of zoning.

13. There are no known special permits for this property.

14. There are no known variances for this property.

15. Sanitary sewer service (gravity sewer) to be provided by DeKalb County Water & Sewer Department.

16. Water service to be provided by DeKalb County Water & Sewer Department.

17. No portion of this project lies within a Federally Designated Special Flood Hazard Area; reference Community Panel No. 13089C0166H dated May 7, 2001, and 13089C0168H dated May 7, 2001.

18. There are no wetlands shown on this property as referenced by US Department of the Interior Fish and Wildlife Service, National Wetlands Inventory Map - Redan, GA dated 1990. Wetlands shown on plat taken from a survey by Land Development Surveyors Inc. dated 5/10/05. The wetlands area makes up 0.7% of the total greenspace area.

19. Approximate distance to receiving waters for this property are 2000± FT to Pole Bridge Creek and 1200± FT to South River, and 1800± ft to Sandy Lake.

20. There are no known bury pits located on this property.

21. Property is to be developed as a Conservation Subdivision.
Minimum lot width = 60 feet at R/W (Corner lot min. width = 75 feet)
Minimum lot size = 8,000 square feet
Minimum setback requirements:
Front yard setback - 50' major thoroughfare
- 40' minor thoroughfare
- 35 collector streets
- 20 interior streets
Interior side yard setback - 7.5 feet
Rear yard - 20 feet
Maximum building height - 35 feet
Minimum dwelling size is 2,000 square feet.
4 parking spaces per lot

22. No transitional buffers are required for this property.

23. The owner of the property is responsible for compliance with the Corps of Engineers' requirements regarding wetlands.

24. All utilities to be located underground.

25. Protective covenants will be filed with recording of Final Plat.

26. Streetlights to be provided prior to Final Plat.

27. Sidewalks are required.

28. The provided greenspace area exceeds the 20 percent minimum requirement.

29. All horizontal curve radii are typically 150' or greater.

30. Sketch plat approval does not constitute approval of the storm drainage or sanitary sewer systems. No construction shall begin until construction plans are approved and a development permit is obtained.

31. Recorded off-site sewer easement required prior to issuance of development permit.

32. All public improvements and required easements shall be extended through the parcel on which new development is proposed.

33. All proposed streets are planned to be 12% grade or less. If a grade greater than 12% is necessary, approval from the development director will be required.

34. A 75' Tributary buffer will be maintained on all state waters that are not approved for a buffer encroachment variance by DeKalb County or GA E.P.D.

35. 5' planting strips, 5' concrete sidewalks, and 6" header curb to be provided on both sides of all interior streets. A.D.A. ramps to be provided at all street intersections.

36. The total drainage and sewer easement area makes up 7.0% of the total green space area.

37. Notice of public meeting regarding sketch plat to be sent to:
Kathy Zickert
Smith, Gambrell & Russell, LLP
1230 Peachtree Street, NE
Promenade II
Suite 3100
Atlanta, GA 30309-3592

38. The sight distance from the proposed entrances of the Creekwood Subdivision meet or exceed 10 times the posted speed limit of the intersected streets in both directions based on the existing topography. The sight distance provides clear visibility of an object 3.5 feet above the center of the existing travel lane, viewed from the centerline of the proposed street measured 10 feet from the edge of pavement of the existing street, at a height of 3.5' feet above the ground.

39. The internal streets of the Creekwood project will be designed to have adequate corner sight distance for local street intersections per DeKalb County standards. The regulated speed limit will be 25 miles per hour throughout the development. The sight distance will be equal to or exceed 250 feet in both directions for all internal streets, which is equal to or exceeds 10 times the regulated speed limit of the intersected street. The sight distance will provide clear visibility of an object 3.5 feet above the center of the travel lane, viewed from the centerline of the proposed street measured 10 feet from the edge of pavement of the existing street, at a height of 3.5' feet above the ground.

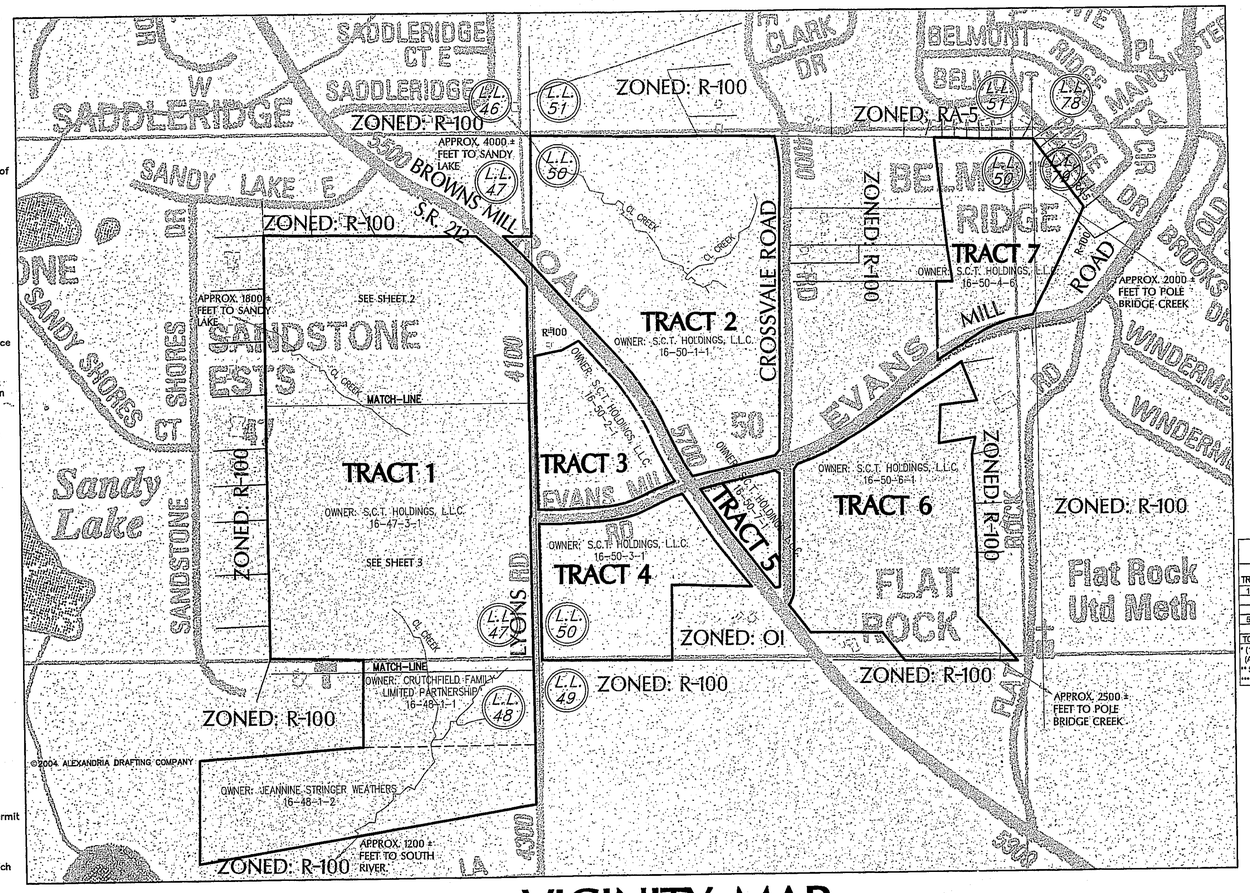
40. A fence shall be required around each detention pond.

41. Traffic control/calming measures to be incorporated into final design.

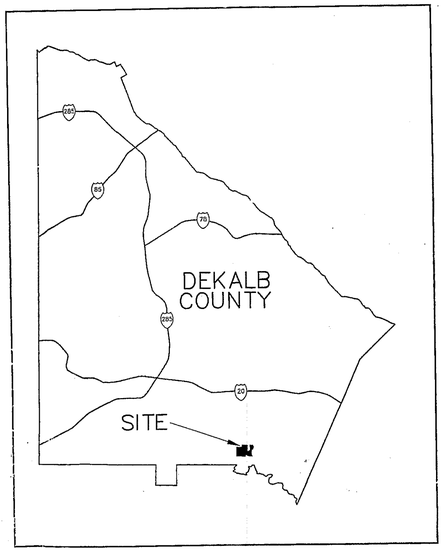
42. All road improvements within state right-of-way to be coordinated with Georgia Department of Transportation.

INDEX

TRACTS ONE & THREE SKETCH PLAT 1-3
TRACT TWO SKETCH PLAT 4
TRACT FOUR SKETCH PLAT 5
TRACTS FIVE & SIX SKETCH PLAT 6
TRACT SEVEN SKETCH PLAT 7
EVANS MILL ROAD IMPROVEMENT & STRIPING PLAN 8
TREE SURVEY 9



VICINITY MAP
1" = 400'
LOCATED IN
DEKALB COUNTY, GEORGIA
SIXTEENTH LAND DISTRICT
LAND LOTS 47, 48, 50 & 79
PARCELS AS SHOWN ABOVE



LOCATION MAP
1" = 20,000'

GREENSPACE REQUIREMENTS CHART

TRACT	TOTAL ACRES	ADJUSTED TOTAL ACERAGE**	TOTAL LOTS	DENSITY LOTS/ACRE	GREENSPACE PROVIDED***	EASEMENT AREA (AC)	WETLANDS AREA (AC)	% WETLANDS/ EASEMENTS	AVG. LOT SIZE	GREENSPACE REQUIRED/AC*	GREENSPACE PERCENTAGE
1 & 3	122.83	122.83	147	1.20	58.78	3.78	0.30	6.98%	10,391	15.57	47.85%
2	47.27	47.27	95	2.03	14.33	1.95	0.01	13.68%	9,311	12.54	30.32%
4	16.29	15.26	33	2.03	1.99	0.48	0.00	23.12%	9,398	425	13.02%
5 & 6	33.30	32.42	82	2.46	5.51	1.15	0.21	24.68%	9,373	10.62	17.00%
7	16.28	16.28	31	1.91	3.19	1.02	0.26	40.13%	9,958	3.59	19.62%
TOTAL	235.95	234.07	389	1.65	83.80	8.37	0.78	10.92%	9,791	46.56	35.80%

* (15,000-AVG. LOT=A)
(A*NUMBER OF LOTS=REQ'D GREENSPACE)
** SEE SUMMARY ON EACH SHEET
*** PROVIDED GREENSPACE AREA DOES NOT INCLUDE 50' GREENSPACE STRIP OR RECREATION AREA

DEKALB COUNTY SKETCH PLAT NOTE:

This sketch plat has been submitted to and approved by the Planning Commission of Dekalb County, on this 7th day of December, 2005

By: _____ (By Dir.)
Planning Commission Chairman
Dekalb County, Georgia

PUBLIC SANITATION NOTES

1. Collection vehicles must be able to enter and exit subdivision in a forward motion.
2. Overhead clearance should be a minimum of 16 feet.
3. On-street parking should not be allowed during the hours of 8 am and 5pm on solid waste collection days.
4. Landscaping within a cul-de-sac should include landscaping buffers and/or curb aprons.

ISSUE NO.	DATE	DESCRIPTION
1	7/21/05	SUBMIT FOR REVIEW
2	10/12/05	ADDRESS COMMENTS AND REVISE STREET & LOT LAYOUT
3	10/31/05	ADDRESS ADDITIONAL COMMENTS
4	11/10/05	ADDRESS DEKALB COUNTY TRANSPORTATION COMMENTS
5	12/12/05	ADJUST LOTS ON TRACT ONE (BLOCK A)

GEORGIA REGISTERED No. 27037 PROFESSIONAL ENGINEER JONATHAN H. NICOL
12/12/05

DEVELOPER:
D.R. HORTON, INC..
CONTACT: Jim Huffstetler
8200 Roberts Drive, Suite 400
Atlanta, Georgia 30350
(770) 730-7900

PREPARED BY :
DEVELOPMENT CONSULTANTS GROUP
2400 Meadowbrook Parkway
Duluth, Georgia 30096
Telephone: (770) 279-1710
Fax: (770) 921-9426

DCG DEVELOPMENT CONSULTANTS GROUP
CONSULTING ENGINEERS PLANNERS & SURVEYORS

TRACTS ONE & THREE SUMMARY

TRACT 1 ACRES – 111.2
TRACT 3 ACRES – 11.6
TOTAL ACRES – 122.8
TOTAL R/W RELOCATED – 0.60 AC
(NOT INCLUDED IN TOTAL ACERAGE)
TOTAL LOTS – 147
DENSITY – 1.2 LOTS/ACRE
TOTAL GREENSPACE – 58.2 AC (47.4%)

NOTE: GREENSPACE AREA DOES NOT INCLUDE 50' GREENSPACE STRIP OR RECREATION AREA

BLOCK	LOTS
A	120
B	27
TOTAL	147

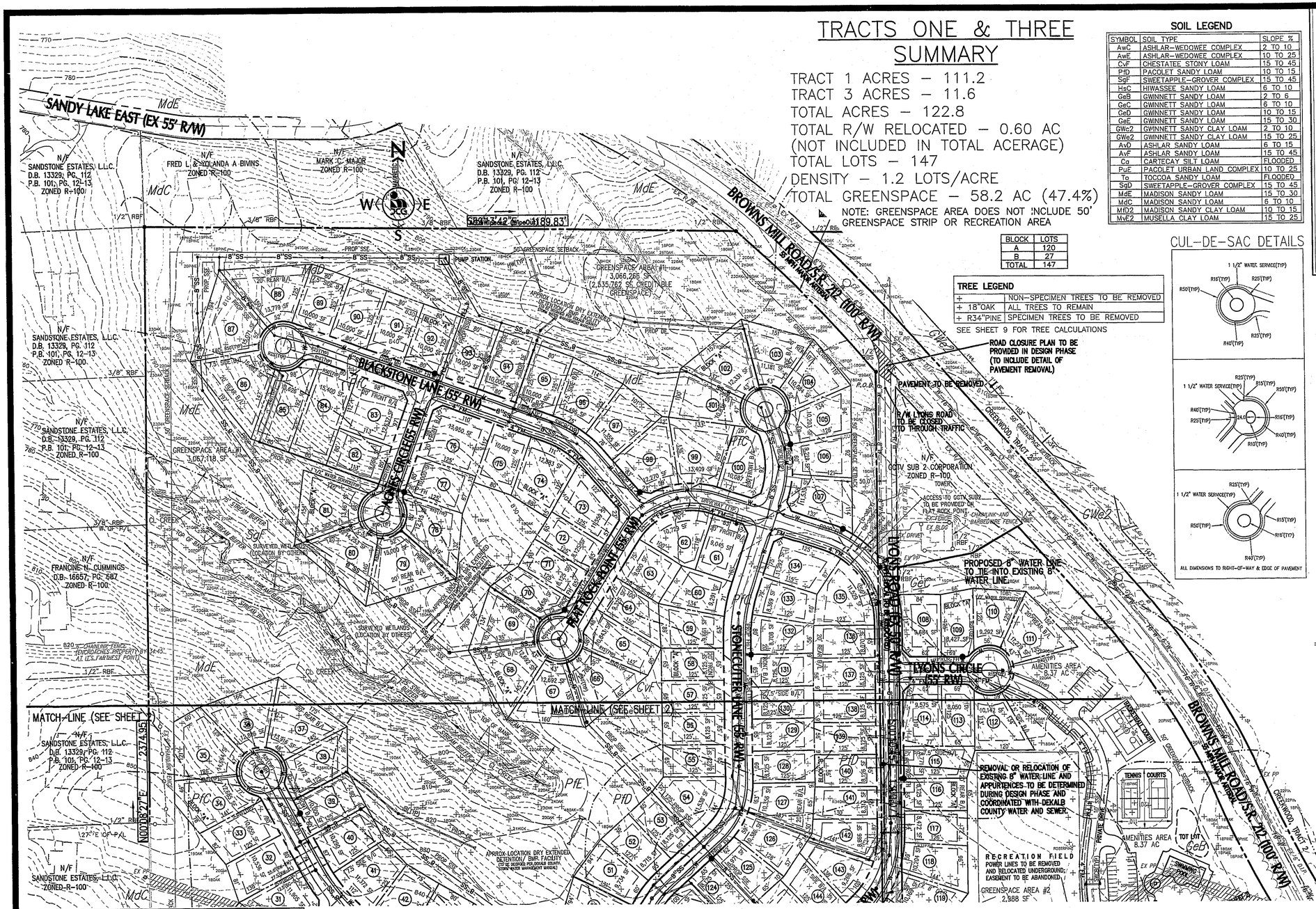
SOIL LEGEND

SYMBOL	SOIL TYPE	SLOPE %
AwC	ASHLAR–WEDOWEE COMPLEX	2 TO 10
AwE	ASHLAR–WEDOWEE COMPLEX	10 TO 25
CvF	CHESTATEE STONY LOAM	15 TO 45
PrD	PACOLET SANDY LOAM	10 TO 15
SgF	SWEETAPPLE–GROVER COMPLEX	15 TO 45
HsC	HIWASSEE SANDY LOAM	6 TO 10
GeB	GWINNETT SANDY LOAM	2 TO 6
GeC	GWINNETT SANDY LOAM	6 TO 10
GeD	GWINNETT SANDY LOAM	10 TO 15
GeE	GWINNETT SANDY LOAM	15 TO 30
GWc2	GWINNETT SANDY CLAY LOAM	2 TO 10
GWe2	GWINNETT SANDY CLAY LOAM	15 TO 25
AvD	ASHLAR SANDY LOAM	6 TO 15
AvF	ASHLAR SANDY LOAM	15 TO 45
Ca	CARTECAY SILT LOAM	FLOODED
PuE	PACOLET URBAN LAND COMPLEX	10 TO 25
To	TOCCOA SANDY LOAM	FLOODED
SgD	SWEETAPPLE–GROVER COMPLEX	15 TO 45
MdE	MADISON SANDY LOAM	15 TO 30
MdC	MADISON SANDY LOAM	6 TO 10
MfD2	MADISON SANDY CLAY LOAM	10 TO 15
MwE2	MUSELLA CLAY LOAM	15 TO 25

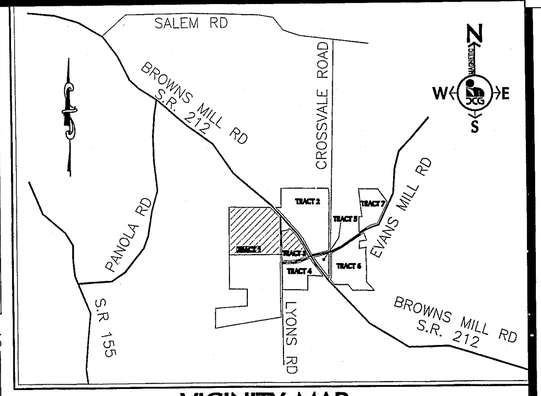
TREE LEGEND

+	NON–SPECIMEN TREES TO BE REMOVED
+ 18"OAK	ALL TREES TO REMAIN
+ R34"PINE	SPECIMEN TREES TO BE REMOVED

SEE SHEET 9 FOR TREE CALCULATIONS



CUL-DE-SAC DETAILS



VICINITY MAP
not to scale

LEGEND

IPS = IRON PIN SET – 1/2" REBAR
IPF = IRON PIN FOUND
ESMT = EASEMENT
PROP = PROPOSED
PREV = PREVIOUS
C/M = CONC. MONUMENT FOUND
R/W = RIGHT OF WAY
℄/℄ = CENTERLINE
PL = PROPERTY LINE
B/L = BUILDING LINE
STA = STATION
LLL = LAND LOT LINE
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PTP = POWER/TELEPHONE POLE
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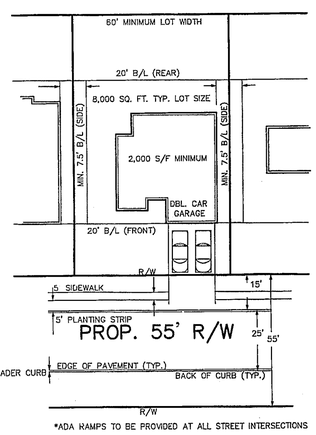
CSP = CORRUGATED STEEL PIPE
RCP = REINFORCED CONCRETE PIPE
PEP = POLYETHYLENE PIPE
PVC = POLYVINYL CHLORIDE PIPE
DE = DRAINAGE EASEMENT
SSE = SANITARY SEWER EASEMENT
FFE = FINISHED FLOOR ELEVATION
IE = INVERT ELEVATION
X(94.56) = PROPOSED SPOT ELEVATION
X(94.56) = EXISTING SPOT ELEVATION
BC = BACK OF CURB
WV = WATER VALVE
GV = GATE VALVE
FH = FIRE HYDRANT
PC = PROPERTY CORNER
MH = MANHOLE
FH = FIRE HYDRANT
PP = POWER/TELEPHONE POLE
100-YR FLOODPLAIN
LLL = LAND LOT LINE
F = FENCE
P = POWER LINE
T = TELEPHONE LINE
G = GAS LINE
SS = SANITARY SEWER LINE
DS = DRAINAGE STORM LINE
PS = PLUGGED PIPE/STUB
RF = TRANSFORMER LINE/FCHT
BRANCH/CREEK

TYPICAL LOT LAYOUT



*ADA RAMPS TO BE PROVIDED AT ALL STREET INTERSECTIONS

NOTES:
1. TRACTS 1 –7 SHOWN HEREIN ARE ZONED R–100 SINGLE FAMILY RESIDENTIAL.
2. MINIMUM SETBACKS:
   FY (MAJOR THOROUGHFARE) - 50'
   FY (MINOR THOROUGHFARE) - 40'
   FY (OTHER ROADS) - 20'
   SY - 7.5'
   RY - 20'
   MAXIMUM BLDG HEIGHT - 35'
   MINIMUM LOT AREA - 8,000 S.F.
3. CONCEPTUAL LAYOUT OBTAINED FROM PLAN BY FRANZMAN/DAVIS & ASSOCIATES, LTD (DIVISION OF JORDAN, JONES + GOULDING, INC.) DATED 04/05.
4. BOUNDARY INFORMATION OBTAINED FROM AN ALTA / BOUNDARY SURVEY BY METRO ENGINEERING AND SURVEYING CO., INC. DATED 2–24–05.
5. THIS PROPERTY IS NOT WITHIN A 100–YEAR FLOOD HAZARD AREA, REFERENCE F.I.R.M. PANEL NUMBERS 13089C0166H AND 13089C0168H DATED MAY 7, 2001.

LOT SUMMARY TRACTS 1 & 3

LOT	BLOCK	LOT AREA	REDUCTION	LOT	BLOCK	LOT AREA	REDUCTION	LOT	BLOCK	LOT AREA	REDUCTION	LOT	BLOCK	LOT AREA	REDUCTION	LOT	BLOCK	LOT AREA	REDUCTION	LOT	BLOCK	LOT AREA	REDUCTION
1	A	8,288	6,152	26	A	13,677	1,323	51	A	9,734	5,266	76	A	13,950	1,050	101	A	10,836	4,164	126	B	10,386	4,614
2	A	8,000	6,556	27	A	13,446	1,554	52	A	8,715	6,285	77	A	10,000	5,000	102	A	12,331	2,669	127	B	10,356	4,644
3	A	9,444	5,556	28	A	13,935	1,065	53	A	8,125	6,875	78	A	12,115	2,885	103	A	11,181	3,819	128	B	8,125	6,875
4	A	8,873	6,127	29	A	11,541	3,459	54	A	11,538	3,462	79	A	15,000	0	104	A	10,084	4,916	129	B	8,125	6,875
5	A	8,288	6,712	30	A	11,803	3,197	55	A	8,125	6,875	80	A	14,253	747	105	A	10,203	4,797	130	B	8,125	6,875
6	A	8,125	6,875	31	A	11,905	3,095	56	A	8,125	6,875	81	A	13,467	1,533	106	A	9,219	5,781	131	B	8,125	6,875
7	A	8,125	6,875	32	A	10,536	4,464	57	A	8,125	6,875	82	A	9,066	5,934	107	A	11,535	3,465	132	B	8,708	6,292
8	A	8,125	6,875	33	A	10,655	4,345	58	A	8,125	6,875	83	A	12,637	2,363	108	A	9,684	5,316	133	B	8,369	6,631
9	A	8,125	6,875	34	A	12,685	2,315	59	A	9,861	5,339	84	A	15,400	0	109	A	8,427	6,573	134	B	11,292	3,708
10	A	9,096	5,904	35	A	14,694	306	60	A	9,291	5,709	85	A	13,626	1,374	110	A	9,292	5,708	135	B	11,529	3,471
11	A	9,529	5,471	36	A	12,886	2,114	61	A	9,045	5,955	86	A	15,082	0	111	A	11,279	3,721	136	B	8,070	6,930
12	A	8,125	6,875	37	A	13,916	1,084	62	A	10,729	4,271	87	A	15,071	0	112	A	10,142	4,858	137	B	8,125	6,875
13	A	8,125	6,875	38	A	11,072	3,928	63	A	9,000	6,000	88	A	13,779	1,221	113	A	8,050	6,950	138	B	8,125	6,875
14	A	14,563	437	39	A	10,000	5,000	64	A	9,325	5,675	89	A	10,000	5,000	114	A	9,575	5,425	139	B	8,125	6,875
15	A	13,150	1,850	40	A	10,290	4,710	65	A	10,843	4,157	90	A	10,000	5,000	115	A	8,771	6,229	140	B	8,126	6,874
16	A	11,035	3,965	41	A	11,372	3,628	66	A	12,786	2,214	91	A	10,000	5,000	116	A	8,125	6,875	141	B	8,313	6,687
17	A	11,643	3,357	42	A	10,523	4,477	67	A	12,692	2,308	92	A	10,000	5,000	117	A	8,472	6,528	142	B	8,866	6,134
18	A	10,000	5,000	43	A	10,000	5,000	68	A	12,692	2,308	93	A	10,000	5,000	118	A	10,204	4,796	143	B	9,268	5,732
19	A	10,000	5,000	44	A	12,308	2,692	69	A	10,782	4,218	94	A	10,000	5,000	119	A	10,169	4,831	144	B	8,488	6,512
20	A	10,311	4,689	45	A	13,045	1,955	70	A	8,458	6,542	95	A	10,000	5,000	120	A	9,212	5,788	145	B	8,125	6,875
21	A	11,493	3,507	46	A	12,151	2,849	71	A	8,125	6,875	96	A	11,496	3,504	121	B	9,911	5,089	146	B	8,125	6,875
22	A	11,866	3,134	47	A	8,739	6,261	72	A	8,125	6,875	97	A	11,355	3,645	122	B	10,689	4,311	147	B	11,314	3,686
23	A	10,000	5,000	48	A	9,856	5,144	73	A	11,559	3,441	98	A	12,270	2,730	123	B	9,605	5,395		TOTAL	1,532,310	673,240
24	A	13,773	1,227	49	A	9,331	5,669	74	A	12,883	2,117	99	A	13,409	1,591	124	B	8,125	6,875				
25	A	13,059	1,941	50	A	9,806	5,194	75	A	10,000	5,000	100	A	10,087	4,913	125	B	8,971	6,029				

GEORGIA REGISTERED No. 27067 PROFESSIONAL ENGINEER NATHAN H. NICOLL
12/12/05

0 100 200 300
scale feet

DEVELOPER:
D.R. HORTON, INC..
CONTACT: Jim Huffstetler
8200 Roberts Drive, Suite 400
Atlanta, Georgia 30350
(770) 730–7900

PREPARED BY :
DEVELOPMENT CONSULTANTS GROUP
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Telephone: (770) 279–1710
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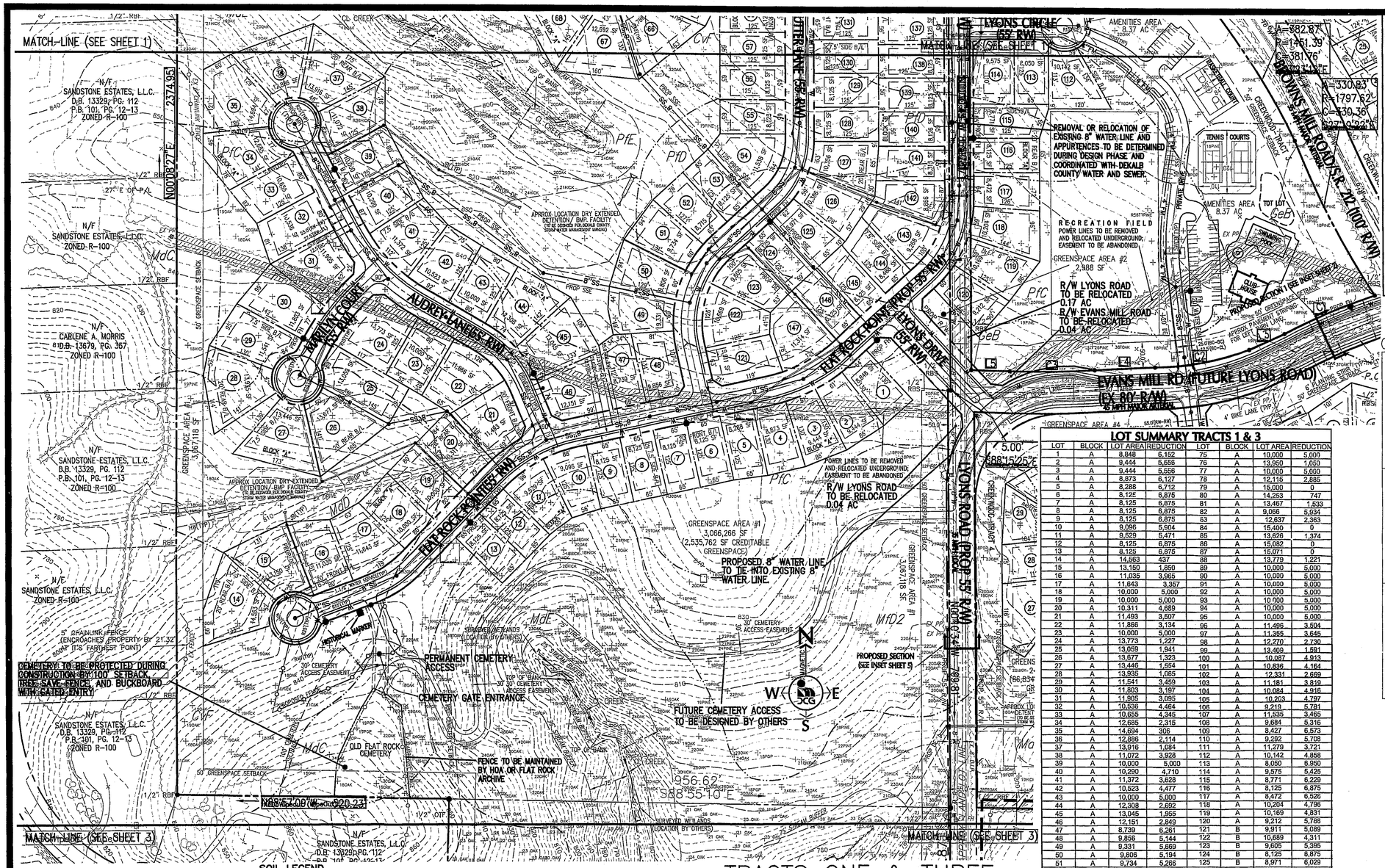
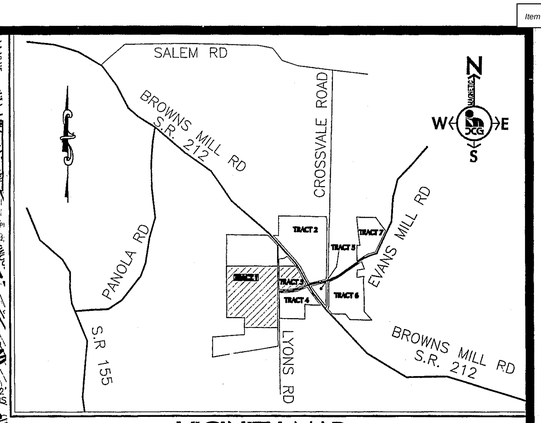
ISSUE #5 – 12/12/05 – ADJUSTED LOTS ON TRACT ONE (BLOCK A)
ISSUE #4 – 11/10/05 – ADDRESS DEKALB COUNTY TRANSPORTATION COMMENTS
ISSUE #3 – 10/31/05 – ADDRESS COMMENTS
ISSUE #2 – 10/12/05 – ADDRESS COMMENTS AND REVISE STREET & LOT LAYOUT

DCG DEVELOPMENT CONSULTANTS GROUP
CONSULTING ENGINEERS PLANNERS & SURVEYORS

R–100 CONSERVATION SUBDIVISION SKETCH PLAT
For
TRACT 1
CREEKWOOD

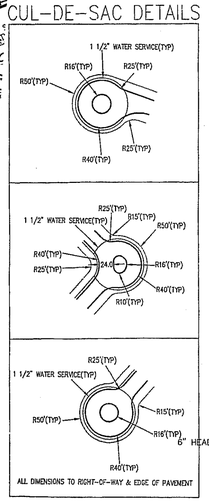
DESIGNED:	JN	DEKALB COUNTY FILE NO. 05131R	1
DRAWN:	GC		OF
CHECKED:	DY		9
APPROVED:	JN	LAND LOT(S) 47, 48, 50, & 79	ISSUE #
DATE:	7/21/05	16TH LAND DISTRICT	5
SCALE:	1" = 100'		
JOB #	05027	DeKalb COUNTY, GA.	



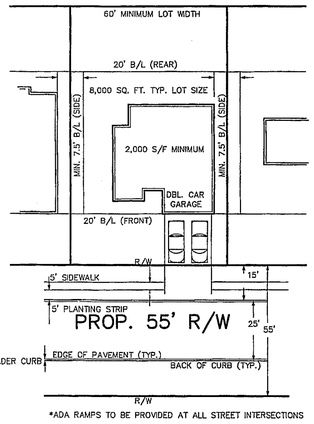


VICINITY MAP
not to scale

CUL-DE-SAC DETAILS



TYPICAL LOT LAYOUT



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TREE LEGEND	
+	NON–SPECIMEN TREES TO BE REMOVED
+ 18"OAK	ALL TREES TO REMAIN
+ R34"PINE	SPECIMEN TREES TO BE REMOVED

SEE SHEET 9 FOR TREE CALCULATIONS

ISSUE #5 – 12/12/05 – ADJUSTED LOTS ON TRACT ONE (BLOCK A)
ISSUE #4 – 11/10/05 – ADDRESS DEKALB COUNTY TRANSPORTATION COMMENTS
ISSUE #3 – 10/31/05 – ADDRESS COMMENTS
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LEGEND

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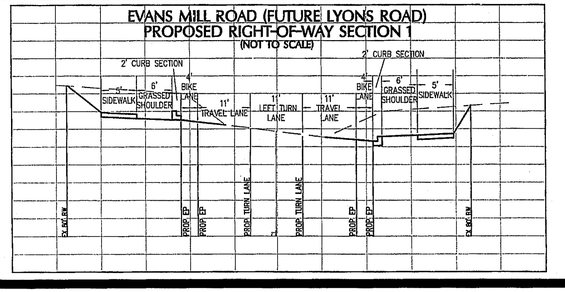
RCP	= REINFORCED CONCRETE PIPE
PVC	= POLYVETHYLENE PIPE
FVC	= FIBER VITRIFIED CLAY PIPE
DE	= DRAINAGE EASEMENT
SSE	= SANITARY SEWER EASEMENT
ELEV	= ELEVATION
FFE	= FINISHED FLOOR ELEVATION
HF	= INVERT ELEVATION
x(394.50)	= PROPOSED SPOT ELEVATION
x 394.54	= EXISTING SPOT ELEVATION
BC	= BACK OF CURB
WV	= WATER VALVE
GV	= GATE VALVE
FH	= FIRE HYDRANT
●	= PROPERTY CORNER
⊗	= MANHOLE
	= FIRE HYDRANT
	= POWER/TELEPHONE POLE
	= 100–YR FLOODPLAIN
	= LAND LOT LINE
	= FENCE
	= POWER LINE
	= TELEPHONE LINE
	= GAS LINE
	= WATER LINE
	= SANITARY SEWER LINE
	= FLOWED TURN LINE
	= PLUGGED PIPE/STUB
	= TRAVERSE LINE/POINT
	= BRANCH/CREEK

SOIL LEGEND

SYMBOL	SOIL TYPE	SLOPE %	SYMBOL	SOIL TYPE	SLOPE %
AwC	ASHLAR–WEDOWEE COMPLEX	2 TO 10	GWe2	GWINNETT SANDY CLAY LOAM	15 TO 25
AwE	ASHLAR–WEDOWEE COMPLEX	10 TO 25	AvD	ASHLAR SANDY LOAM	6 TO 15
CvF	CHESTATEE STONY LOAM	15 TO 45	AvF	ASHLAR SANDY LOAM	15 TO 45
PfD	PACOLET SANDY LOAM	10 TO 15	Ca	CARTECAY SILT LOAM	FLOODED
SgF	SWEETAPPLE–GROVER COMPLEX	15 TO 45	PuE	PACOLET URBAN LAND COMPLEX	10 TO 25
HsC	HIWASSEE SANDY LOAM	6 TO 10	To	TOCCOA SANDY LOAM	FLOODED
GeB	GWINNETT SANDY LOAM	2 TO 6	SgD	SWEETAPPLE–GROVER COMPLEX	15 TO 45
GeC	GWINNETT SANDY LOAM	6 TO 10	MdE	MADISON SANDY LOAM	15 TO 30
GeD	GWINNETT SANDY LOAM	10 TO 15	MdC	MADISON SANDY LOAM	6 TO 10
GeE	GWINNETT SANDY LOAM	15 TO 30	MfD2	MADISON SANDY CLAY LOAM	10 TO 15
GWc2	GWINNETT SANDY CLAY LOAM	2 TO 10	MvE2	MUSELLA CLAY LOAM	15 TO 25



TRACTS ONE & THREE SUMMARY

TRACT 1 ACRES – 111.2
TRACT 3 ACRES – 11.6
TOTAL ACRES – 122.8
TOTAL R/W RELOCATED – 0.60 AC
(NOT INCLUDED IN TOTAL ACERAGE)
TOTAL LOTS – 147
DENSITY – 1.2 LOTS/ACRE
TOTAL GREENSPACE – 58.2 AC (47.4%)

NOTE: GREENSPACE AREA DOES NOT INCLUDE 50' GREENSPACE STRIP OR RECREATION AREA

BLOCK	LOTS
A	120
B	27
TOTAL	147

LOT SUMMARY TRACTS 1 & 3

LOT	BLOCK	LOT AREA	REDUCTION	LOT	BLOCK	LOT AREA	REDUCTION
1	A	8,848	6,152	75	A	10,000	5,000
2	A	9,444	5,556	76	A	13,950	1,050
3	A	9,444	5,556	77	A	10,000	5,000
4	A	8,873	6,127	78	A	12,115	2,885
5	A	8,288	6,712	79	A	15,000	0
6	A	8,125	6,875	80	A	14,253	747
7	A	8,125	6,875	81	A	13,467	1,533
8	A	8,125	6,875	82	A	9,066	5,934
9	A	9,125	6,875	83	A	12,637	2,363
10	A	9,096	5,904	84	A	15,400	0
11	A	9,529	5,471	85	A	13,626	1,374
12	A	8,125	6,875	86	A	15,082	0
13	A	8,129	6,875	87	A	15,071	0
14	A	14,563	437	88	A	13,779	1,221
15	A	13,150	1,850	89	A	10,000	5,000
16	A	11,035	3,965	90	A	10,000	5,000
17	A	11,643	3,357	91	A	10,000	5,000
18	A	10,000	5,000	92	A	10,000	5,000
19	A	10,000	5,000	93	A	10 000	5,000
20	A	10,311	4,689	94	A	10,000	5,000
21	A	11,493	3,507	95	A	10,000	5,000
22	A	11,866	3,134	96	A	11,496	3,504
23	A	10,000	5,000	97	A	11,355	3,645
24	A	13,773	1,227	98	A	12,270	2,730
25	A	13,059	1,941	99	A	13,409	1,591
26	A	13,677	1,323	100	A	10,087	4,913
27	A	13,446	1,554	101	A	10,836	4,164
28	A	13,935	1,065	102	A	12,331	2,669
29	A	11,541	3,459	103	A	11,181	3,819
30	A	11,803	3,197	104	A	10,084	4,916
31	A	11,905	3,095	105	A	10,263	4,797
32	A	10,536	4,464	106	A	8,219	5,781
33	A	10,655	4,345	107	A	11,535	3,465
34	A	12,685	2,315	108	A	9,684	5,316
35	A	14,694	306	109	A	8,427	6,573
36	A	12,886	2,114	110	A	9,292	5,708
37	A	13,916	1,084	111	A	11,279	3,721
38	A	11,072	3,928	112	A	10,142	4,858
39	A	10,000	5,000	113	A	8,050	6,950
40	A	10,290	4,710	114	A	9,575	5,425
41	A	11,372	3,628	115	A	8,771	6,229
42	A	10,523	4,477	116	A	8,125	6,875
43	A	10,000	5,000	117	A	8,472	6,528
44	A	12,308	2,692	118	A	10,204	4,796
45	A	13,045	1,955	119	A	10,169	4,831
46	A	12,151	2,849	120	A	9,212	5,788
47	A	8,739	6,261	121	B	9,911	5,089
48	A	9,856	5,144	122	B	10,689	4,311
49	A	9,331	5,669	123	B	9,605	5,395
50	A	9,806	5,194	124	B	8,125	6,875
51	A	9,734	5,266	125	B	8,971	6,029
52	A	8,715	6,285	126	B	10,386	4,614
53	A	8,125	6,875	127	B	10,356	4,644
54	A	11,538	3,462	128	B	8,125	6,875
55	A	8,125	6,875	129	B	8,125	6,875
56	A	8,125	6,875	130	B	8,125	6,875
57	A	8,125	6,875	131	B	8,125	6,875
58	A	8,125	6,875	132	B	8,708	6,292
59	A	9,661	5,339	133	B	8,369	6,631
60	A	9,291	5,709	134	B	11,292	3,708
61	A	9,045	5,955	135	B	11,529	3,471
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63	A	9,000	6,000	137	B	8,125	6,875
64	A	9,325	5,675	138	B	8,125	6,875
65	A	10,843	4,157	139	B	8,125	6,875
66	A	12,786	2,214	140	B	8,126	6,874
67	A	12,692	2,308	141	B	8,313	6,687
68	A	12,692	2,308	142	B	8,866	6,134
69	A	10,782	4,218	143	B	9,268	5,732
70	A	8,458	6,542	144	B	8,488	6,512
71	A	8,125	6,875	145	B	8,125	6,875
72	A	8,125	6,875	146	B	8,125	6,875
73	A	11,559	3,441	147	B	11,314	3,686
74	A	12,883	2,117		TOTAL	1,532,310	673,240

0 100 200 300
scale feet

GEORGIA REGISTERED No. 27087 PROFESSIONAL ENGINEER NATHAN H. HUFF
12/12/05

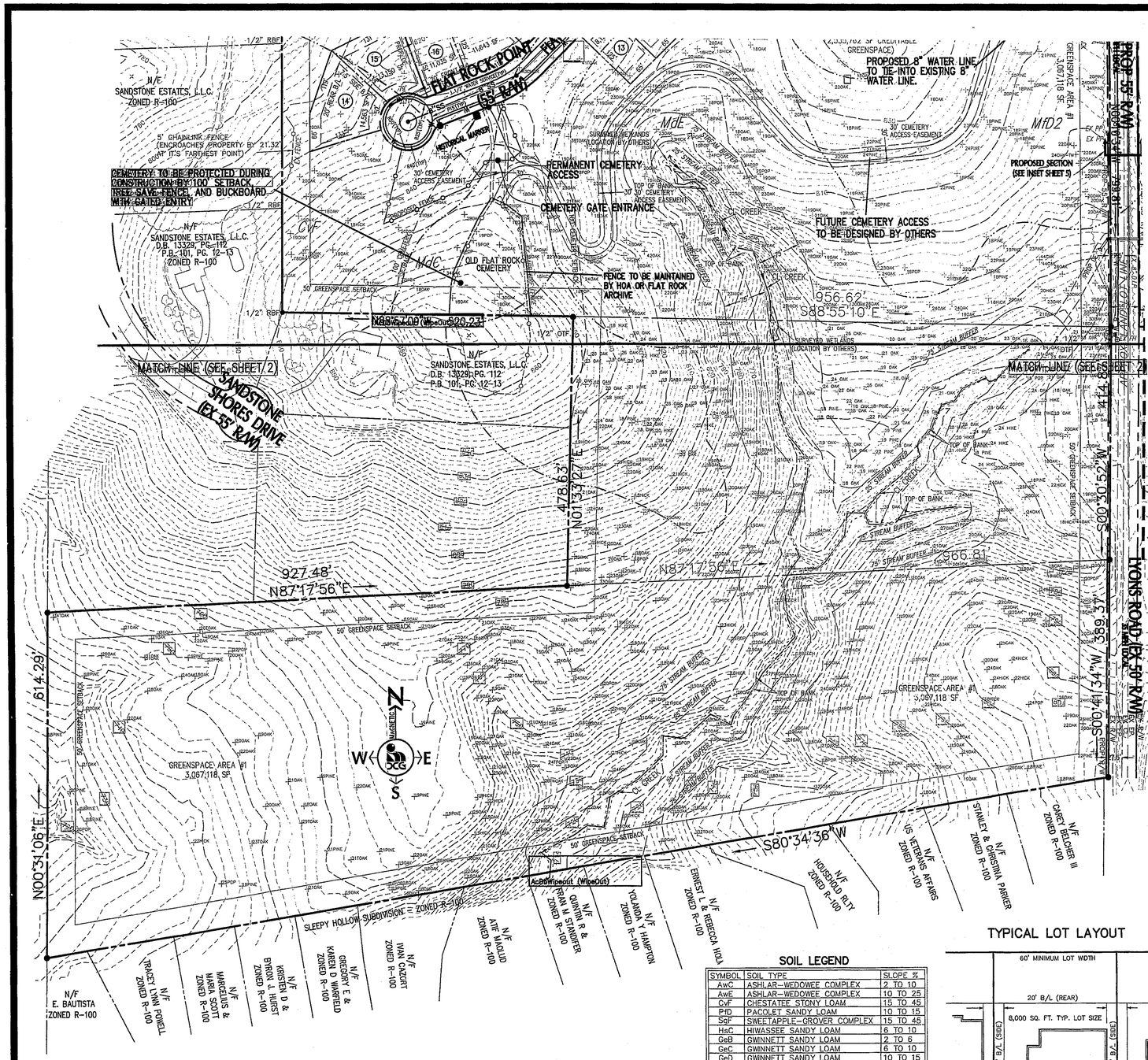
DEVELOPER:
D.R. HORTON, INC..
CONTACT: Jim Huffstetler
8200 Roberts Drive, Suite 400
Atlanta, Georgia 30350
(770) 730–7900

PREPARED BY :
DEVELOPMENT CONSULTANTS GROUP
2400 Meadowbrook Parkway
Duluth, Georgia 30096
Telephone: (770) 279–1710
Fax: (770) 921–9426

R-100 CONSERVATION SUBDIVISION SKETCH PLAT
For
TRACT 1 (CONTINUED)
CREEKWOOD

DEVELOPMENT CONSULTANTS GROUP
CONSULTING ENGINEERS PLANNERS & SURVEYORS

DESIGNED:	JN	DEKALB COUNTY FILE NO. 05131R	2 OF 9
DRAWN:	GC		
CHECKED:	DY		
APPROVED:	JN	LAND LOT(S) 47, 48, 50, & 79	ISSUE # 5
DATE:	7/21/05	16TH LAND DISTRICT	
SCALE:	1" = 100'		
JOB #	05027	DeKalb COUNTY, GA.	



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TOTAL ACRES – 122.8
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(NOT INCLUDED IN TOTAL ACERAGE)
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DENSITY – 1.2 LOTS/ACRE
TOTAL GREENSPACE – 58.2 AC (47.4%)

NOTE: GREENSPACE AREA DOES NOT INCLUDE 50' GREENSPACE STRIP OR RECREATION AREA

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4	A	8,873	6,127	78	A	12,115	2,885
5	A	8,288	6,712	79	A	15,000	0
6	A	8,125	6,875	80	A	14,253	747
7	A	8,125	6,875	81	A	13,467	1,533
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9	A	8,125	6,875	83	A	12,637	2,363
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12	A	8,125	6,875	86	A	15,082	0
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53	A	8,125	6,875	127	B	10,356	4,644
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66	A	12,786	2,214	140	B	8,126	6,874
67	A	12,692	2,308	141	B	8,313	6,687
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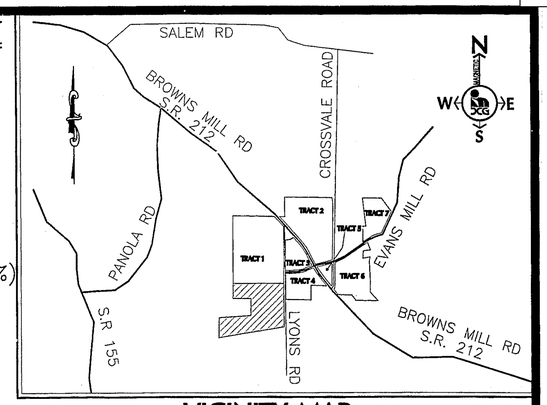
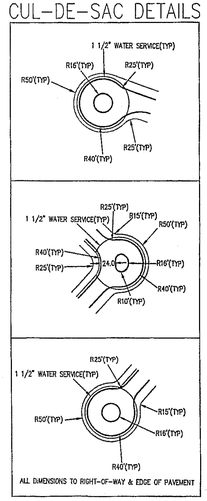
70	A	8,458	6,542	144	B	8,488	6,512
71	A	8,125	6,875	145	B	8,125	6,875
72	A	8,125	6,875	146	B	8,125	6,875
73	A	11,559	3,441	147	B	11,314	3,686
74	A	12,883	2,117		TOTAL	1,527,486	678,087



VICINITY MAP
not to scale

CUL-DE-SAC DETAILS



LEGEND

IPS = IRON PIN SET – 1/2" REBAR
IPF = IRON PIN FOUND
ESMT = EASEMENT
PROP = PROPOSED
PREV = EXISTING
CMF = CONC. MONUMENT FOUND
R/W = RIGHT OF WAY
℄ & CL = CENTERLINE
℄ = PROPERTY LINE
B/L = BUILDING LINE
STA = STATION
LLL = LAND LOT LINE
BM = BENCH MARK
P/P = POWER/TELEPHONE POLE
PP = POWER POLE
LP = LIGHT POLE
TRANS = TRANSFORMER
BSMH = BELLSOUTH MANHOLE
UGTM = UNDERGROUND TELEPHONE MARKER
CB = CATCH BASIN
FH = HYDRANT
JB = JUNCTION BOX
DI = DROP INLET
GI = GRATE INLET
MH = MANHOLE
CMP = CORRUGATED METAL PIPE
CSP = CORRUGATED STEEL PIPE
RCP = REINFORCED CONCRETE PIPE
PEP = POLYETHYLENE PIPE
PVC = POLYVINYL CHLORIDE PIPE
DE = DRAINAGE EASEMENT
SSE = SANITARY SEWER EASEMENT
ELEV = ELEVATION
FFE = FINISHED FLOOR ELEVATION
IE = INVERT ELEVATION
X (SHLD) = PROPOSED SPOT ELEVATION
X 394.84 = EXISTING SPOT ELEVATION
BC = BACK OF CURB
WV = WATER VALVE
AV = GATE VALVE
FH = FIRE HYDRANT
PM = PROPERTY CORNER
MH = MANHOLE
FH = FIRE HYDRANT
P/P = POWER/TELEPHONE POLE
TOF = TOP OF FOUNDRAIN
LL = LAND LOT LINE
F = FENCE
P = POWER LINE
T = TELEPHONE LINE
G = GAS LINE
W = WATER LINE
S = SANITARY SEWER LINE
= EXISTING STORM LINE
= PLUGGED PIPE/STUB
= TRAVERSE LINE/POINT
= BRANCH/CREEK

NOTES:
1. TRACTS 1 –7 SHOWN HEREIN ARE ZONED R–100 SINGLE FAMILY RESIDENTIAL.

2. MINIMUM SETBACKS:
FY (MAJOR THOROUGHFARE) - 50'
FY (MINOR THOROUGHFARE) - 40'
FY (OTHER ROADS) - 20'
SY - 7.5'
RY - 20'
MAXIMUM BLDG HEIGHT - 35'
MINIMUM LOT AREA - 8,000 S.F.

3. CONCEPTUAL LAYOUT OBTAINED FROM PLAN BY FRANZMAN/DAVIS & ASSOCIATES, LTD (DIVISION OF JORDAN, JONES + GOULDING, INC.) DATED 04/05.

4. BOUNDARY INFORMATION OBTAINED FROM AN ALTA / BOUNDARY SURVEY BY METRO ENGINEERING AND SURVEYING CO., INC. DATED 2–24–05.

5. THIS PROPERTY IS NOT WITHIN A 100–YEAR FLOOD HAZARD AREA, REFERENCE F.I.R.M. PANEL NUMBERS 13089C0166H AND 13089C0168H DATED MAY 7, 2001.

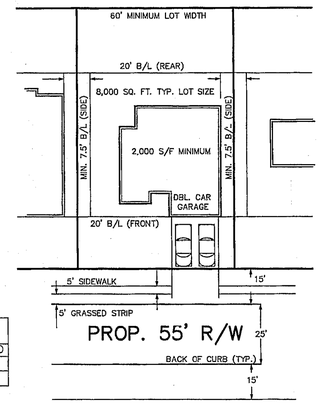
SOIL LEGEND

SYMBOL	SOIL TYPE	SLOPE %
AwC	ASHLAR–WEDOWEE COMPLEX	2 TO 10
AwE	ASHLAR–WEDOWEE COMPLEX	10 TO 25
CvF	CHESTATEE STONY LOAM	15 TO 45
PfD	PACOLET SANDY LOAM	10 TO 15
SgF	SWEETAPPLE–GROVER COMPLEX	15 TO 45
HsC	HIWASSEE SANDY LOAM	6 TO 10
GeB	GWINNETT SANDY LOAM	2 TO 6
GeC	GWINNETT SANDY LOAM	6 TO 10
GeD	GWINNETT SANDY LOAM	10 TO 15
GeE	GWINNETT SANDY LOAM	15 TO 30
GWc2	GWINNETT SANDY CLAY LOAM	2 TO 10
GWe2	GWINNETT SANDY CLAY LOAM	15 TO 25
AvD	ASHLAR SANDY LOAM	6 TO 15
AvF	ASHLAR SANDY LOAM	15 TO 45
Ca	CARTECAY SILT LOAM	FLOODED
PuE	PACOLET URBAN LAND COMPLEX	10 TO 25
To	TOCCOA SANDY LOAM	FLOODED
SgD	SWEETAPPLE–GROVER COMPLEX	15 TO 45
MdE	MADISON SANDY LOAM	15 TO 30
MdC	MADISON SANDY LOAM	6 TO 10
MfD2	MADISON SANDY CLAY LOAM	10 TO 15
MvE2	MUSELLA CLAY LOAM	15 TO 25

TREE LEGEND	
+	NON–SPECIMEN TREES TO BE REMOVED
+ 18"OAK	ALL TREES TO REMAIN
+ R34"PINE	SPECIMEN TREES TO BE REMOVED

SEE SHEET 9 FOR TREE CALCULATIONS

TYPICAL LOT LAYOUT



BLOCK	LOTS
A	120
B	27
TOTAL	147

GEORGIA REGISTERED No. 27087 PROFESSIONAL ENGINEER JONATHAN H. NICK
12/12/05

DEVELOPER:
D.R. HORTON, INC..
CONTACT: Jim Huffstetler
8200 Roberts Drive, Suite 400
Atlanta, Georgia 30350
(770) 730–7900

0 100 200 300
scale feet

PREPARED BY :
DEVELOPMENT CONSULTANTS GROUP
2400 Meadowbrook Parkway
Duluth, Georgia 30096
Telephone: (770) 279–1710
Fax: (770) 921–9426

ISSUE #5 – 12/12/05 – ADJUSTED LOTS ON TRACT 1 (BLOCK A)
ISSUE #4 – 11/10/05 – ADDRESS DEKALB COUNTY TRANSPORTATION COMMENTS
ISSUE #3 – 10/31/05 – ADDRESS COMMENTS
ISSUE #2 – 10/12/05 – ADDRESS COMMENTS AND REVISE STREET & LOT LAYOUT

DCG DEVELOPMENT CONSULTANTS GROUP
CONSULTING ENGINEERS PLANNERS & SURVEYORS

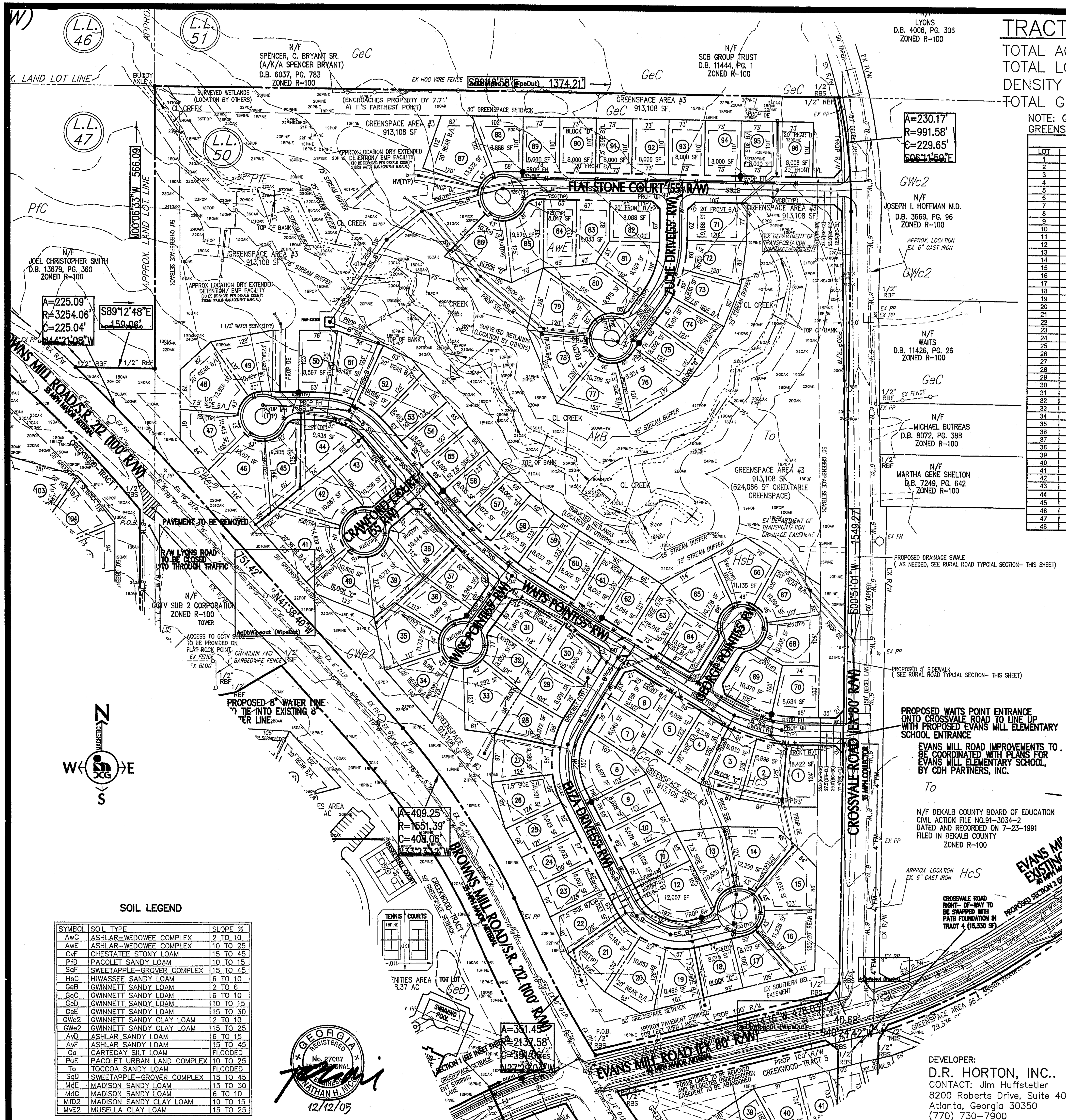
R-100 CONSERVATION SUBDIVISION SKETCH PLAT

For

TRACT 1 (CONTINUED)

CREEKWOOD

DESIGNED:	JN		3 OF 9
DRAWN:	GC		
CHECKED:	DY		
APPROVED:	JN	LAND LOT(S) 47, 48, 50, & 79	ISSUE # 5
DATE:	7/21/05	16TH LAND DISTRICT	
SCALE:	1" = 100'		
JOB #	05027	DeKalb COUNTY, GA.	



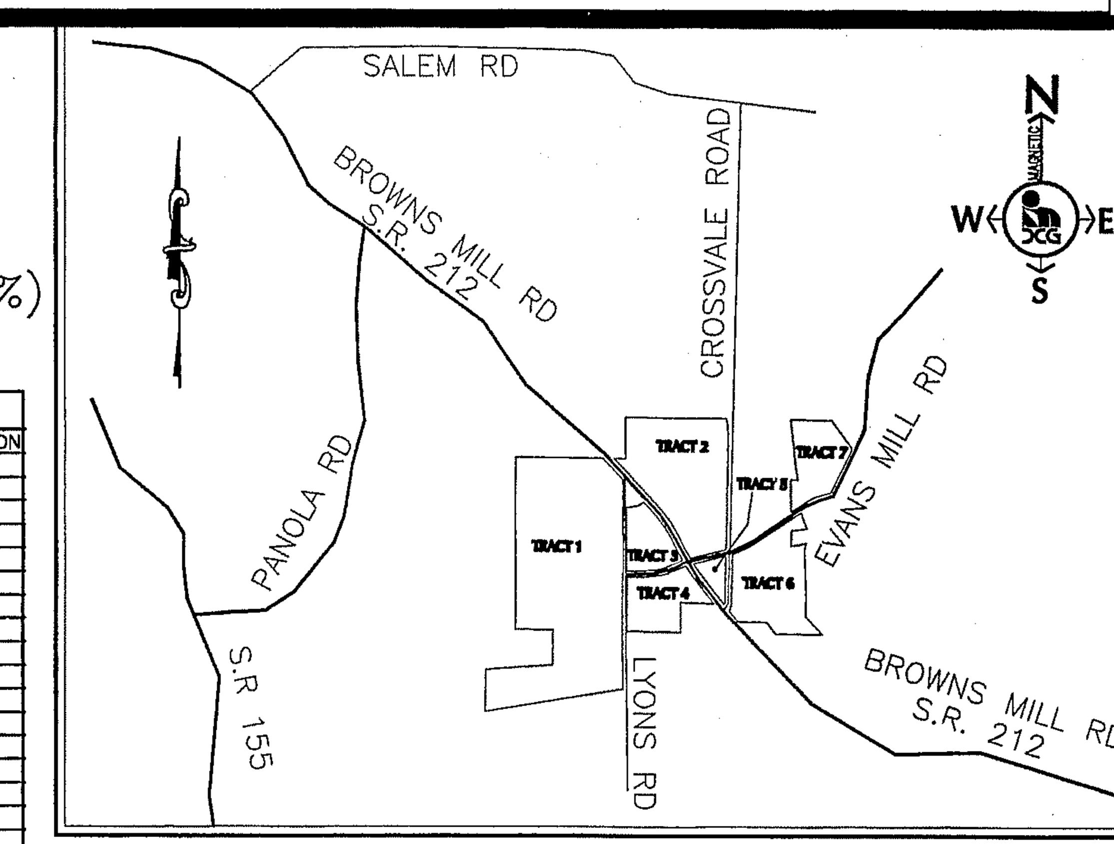
TRACT TWO SUMMARY

TOTAL ACRES – 47.3
TOTAL LOTS – 96
DENSITY – 2.0 LOTS/ACRE
TOTAL GREENSPACE – 14.3 AC (30.3%)

NOTE: GREENSPACE AREA DOES NOT INCLUDE 50' GREENSPACE STRIP OR RECREATION AREA

LOT SUMMARY TRACT 2

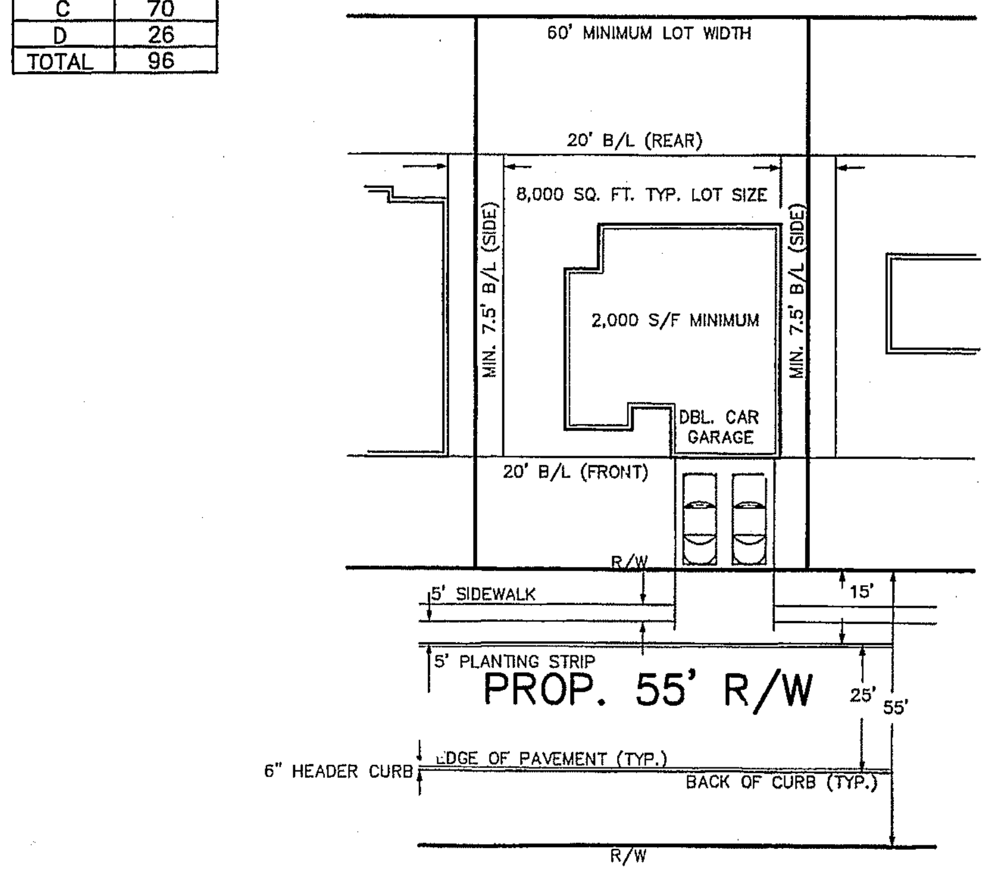
LOT	BLOCK	LOT AREA	REDUCTION	LOT	BLOCK	LOT AREA	REDUCTION
1	C	8,422	6,578	49	C	10,496	4,504
2	C	8,996	6,004	50	C	8,567	6,433
3	C	9,030	5,970	51	C	9,426	5,574
4	C	8,538	6,462	52	C	9,886	5,114
5	C	8,028	6,972	53	C	8,493	6,507
6	C	8,189	6,811	54	C	8,002	6,998
7	C	8,040	6,960	55	C	8,002	6,998
8	C	10,607	4,393	56	C	8,005	6,995
9	C	8,028	6,972	57	C	8,072	6,928
10	C	8,028	6,972	58	C	8,072	6,928
11	C	8,028	6,972	59	C	8,037	6,963
12	C	12,007	2,993	60	C	8,002	6,998
13	C	10,520	4,480	61	C	8,002	6,998
14	C	12,250	2,750	62	C	8,054	6,946
15	C	11,032	3,968	63	D	8,015	6,985
16	C	11,226	3,774	64	D	8,098	6,902
17	C	8,102	6,898	65	D	10,778	4,222
18	C	8,015	6,985	66	D	11,135	3,865
19	C	8,495	6,505	67	D	10,994	4,006
20	C	10,857	4,143	68	D	10,235	4,765
21	C	10,183	4,817	69	D	10,370	4,630
22	C	9,033	5,967	70	D	8,684	6,316
23	C	8,007	6,993	71	D	9,188	5,812
24	C	8,032	6,968	72	D	8,752	6,248
25	C	8,029	6,971	73	D	8,830	6,170
26	C	9,391	5,609	74	D	8,401	6,599
27	C	9,180	5,820	75	D	8,002	6,998
28	C	8,072	6,928	76	D	9,954	5,046
29	C	8,001	6,999	77	D	10,308	4,692
30	C	8,000	7,000	78	D	10,703	4,297
31	C	8,810	6,190	79	D	11,720	3,280
32	C	8,050	6,950	80	D	9,915	5,085
33	C	11,692	3,308	81	D	9,109	5,891
34	C	9,951	5,049	82	D	8,088	6,912
35	C	11,733	3,267	83	D	8,033	6,967
36	C	8,089	6,911	84	D	8,847	6,153
37	C	8,245	6,755	85	D	9,679	5,321
38	C	10,444	4,556	86	D	10,309	4,691
39	C	9,721	5,279	87	D	13,372	1,628
40	C	10,606	4,394	88	D	8,886	6,114
41	C	14,429	571	89	D	8,000	7,000
42	C	10,067	4,933	90	D	8,000	7,000
43	C	10,296	4,704	91	D	8,000	7,000
44	C	9,936	5,064	92	D	8,000	7,000
45	C	9,505	5,495	93	D	8,000	7,000
46	C	13,071	1,929	94	D	8,000	7,000
47	C	10,413	4,587	95	D	8,000	7,000
48	C	12,856	2,144	96	D	8,008	6,992
					TOTAL	386,661	258,339



VICINITY MAP
not to scale

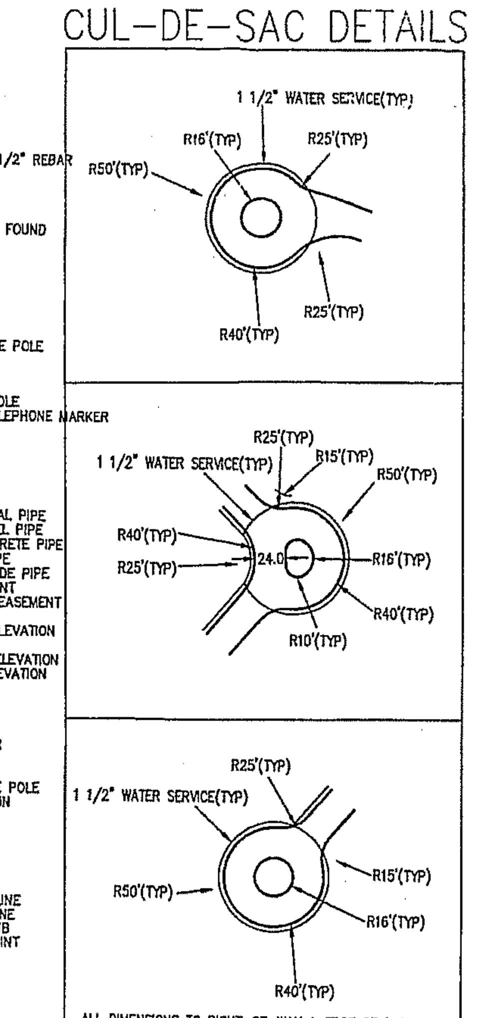
BLOCK	LOTS
C	70
D	26
TOTAL	96

TYPICAL LOT LAYOUT



*ADA RAMPS TO BE PROVIDED AT ALL STREET INTERSECTIONS

CUL-DE-SAC DETAILS



LEGEND

- IPS = IRON PIN SET – 1/2" REBAR
- IPF = IRON PIN FOUND
- ESMT = EASEMENT
- PROP = PROPOSED
- PREV = EXISTING
- CMF = CONC. MONUMENT FOUND
- R/W = RIGHT OF WAY
- ℄ or CL = CENTERLINE
- PL = PROPERTY LINE
- B/L = BUILDING LINE
- STA = STATION
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- PTP = POWER/TELEPHONE POLE
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- TRANS = TRANSFORMER
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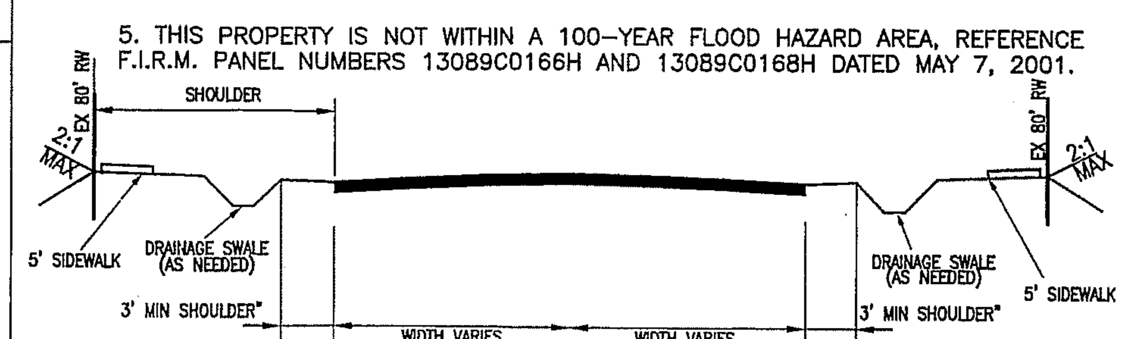
- X(994.84) = PROPOSED SPOT ELEVATION
- X 994.84 = EXISTING SPOT ELEVATION
- BC = BACK OF CURB
- WV = WATER VALVE
- GV = GATE VALVE
- FH = FIRE HYDRANT
- ● = PROPERTY CORNER
- ⊗ = MANHOLE
- = FIRE HYDRANT
- Ø = POWER/TELEPHONE POLE
- .... = 100-YR FLOODPLAIN
- = LAND LOT LINE
- —O— = FENCE
- —P— = POWER LINE
- —T— = TELEPHONE LINE
- —G— = GAS LINE
- —W— = WATER LINE
- —S— = SANITARY SEWER LINE
- = EXISTING STORM LINE
- = PLUGGED PIPE/STUB
- = TRAVERSE LINE/POINT
- = BRANCH/CREEK

NOTES:

1. TRACTS 1 –7 SHOWN HEREIN ARE ZONED R–100 SINGLE FAMILY RESIDENTIAL.
2. MINIMUM SETBACKS:
   FY (MAJOR THOROUGHFARE) - 50'
   FY (MINOR THOROUGHFARE) - 40'
   FY (OTHER ROADS) - 20'
   SY - 7.5'
   RY - 20'
   MAXIMUM BLDG HEIGHT - 35'
   MINIMUM LOT AREA - 8,000 S.F.
3. CONCEPTUAL LAYOUT OBTAINED FROM PLAN BY FRANZMAN/DAVIS & ASSOCIATES, LTD (DIVISION OF JORDAN, JONES + GOULDING, INC.) DATED 04/05.
4. BOUNDARY INFORMATION OBTAINED FROM AN ALTA / BOUNDARY SURVEY BY METRO ENGINEERING AND SURVEYING CO., INC. DATED 2–24–05.
5. THIS PROPERTY IS NOT WITHIN A 100–YEAR FLOOD HAZARD AREA, REFERENCE F.I.R.M. PANEL NUMBERS 13089C0166H AND 13089C0168H DATED MAY 7, 2001.



RURAL ROAD TYPICAL SECTION
CROSSVALE ROAD
LOCAL RESIDENTIAL RURAL ROADWAY (NOT TO SCALE)

SOIL LEGEND

SYMBOL	SOIL TYPE	SLOPE %
AwC	ASHLAR–WEDOWEE COMPLEX	2 TO 10
AwE	ASHLAR–WEDOWEE COMPLEX	10 TO 25
CvF	CHESTATEE STONY LOAM	15 TO 45
PfD	PACOLET SANDY LOAM	10 TO 15
SgF	SWEETAPPLE–GROVER COMPLEX	15 TO 45
HsC	HIWASSEE SANDY LOAM	6 TO 10
GeB	GWINNETT SANDY LOAM	2 TO 6
GeC	GWINNETT SANDY LOAM	6 TO 10
GeD	GWINNETT SANDY LOAM	10 TO 15
GeE	GWINNETT SANDY LOAM	15 TO 30
GWc2	GWINNETT SANDY CLAY LOAM	2 TO 10
GWe2	GWINNETT SANDY CLAY LOAM	15 TO 25
AvD	ASHLAR SANDY LOAM	6 TO 15
AvF	ASHLAR SANDY LOAM	15 TO 45
Ca	CARTECAY SILT LOAM	FLOODED
PuE	PACOLET URBAN LAND COMPLEX	10 TO 25
To	TOCCOA SANDY LOAM	FLOODED
SgD	SWEETAPPLE–GROVER COMPLEX	15 TO 45
MdE	MADISON SANDY LOAM	15 TO 30
MdC	MADISON SANDY LOAM	6 TO 10
MfD2	MADISON SANDY CLAY LOAM	10 TO 15
MvE2	MUSELLA CLAY LOAM	15 TO 25

GEORGIA REGISTERED PROFESSIONAL ENGINEER No. 27087 NATHAN H. NIC...
12/12/05

TREE LEGEND

+	NON–SPECIMEN TREES TO BE REMOVED
+ 18"OAK	ALL TREES TO REMAIN
+ R34"PINE	SPECIMEN TREES TO BE REMOVED

SEE SHEET 9 FOR TREE CALCULATIONS

0 100 200 300
scale feet

DEVELOPER:
D.R. HORTON, INC..
CONTACT: Jim Huffstetler
8200 Roberts Drive, Suite 400
Atlanta, Georgia 30350
(770) 730–7900

PREPARED BY :
DEVELOPMENT CONSULTANTS GROUP
2400 Meadowbrook Parkway
Duluth, Georgia 30096
Telephone: (770) 279–1710
Fax: (770) 921–9426

ISSUE #5 – 12/12/05 – ADJUST LOTS TRACT ONE (BLOCK A)
ISSUE #4 – 11/10/05 – ADDRESS DEKALB COUNTY TRANSPORTATION COMMENTS
ISSUE #3 – 10/31/05 – ADDRESS COMMENTS
ISSUE #2 – 10/12/05 – ADDRESS COMMENTS AND REVISE STREET & LOT LAYOUT

R–100 CONSERVATION SUBDIVISION SKETCH PLAT
For
TRACT 2
CREEKWOOD

DEVELOPMENT CONSULTANTS GROUP
CONSULTING ENGINEERS PLANNERS & SURVEYORS

DESIGNED: JN		DEKALB COUNTY FILE NO. 05131R	4 OF 9
DRAWN: GC			
CHECKED: DY			
APPROVED: JN		LAND LOT(S) 47, 48, 50, & 79	ISSUE # 5
DATE: 7/21/05		16TH LAND DISTRICT	
SCALE: 1" = 100'			
JOB # 05027		DeKalb COUNTY, GA.	

Z:\Acadfile\05027\Rez-Conc\05027con-cso 11-21-05 lot revisions.dwg, TRACT TWO, 12/12/2005 4:32:37 PM, jp, 1:1

LOT SUMMARY TRACT 4			
LOT	BLOCK	LOT AREA	REDUCTION
1	E	10,279	4,721
2	E	8,611	6,389
3	E	8,395	6,605
4	E	8,283	6,717
5	E	12,025	2,975
6	E	9,470	5,530
7	E	10,565	4,435
8	E	8,685	6,315
9	E	8,089	6,315
10	E	8,208	6,792
11	E	8,235	6,765
12	E	8,396	6,604
13	E	8,413	6,587
14	E	11,376	3,624
15	E	9,723	5,277
16	E	8,025	6,975
17	E	8,552	6,448
18	E	8,265	6,735
19	E	8,059	6,941
20	E	9,733	5,267
21	E	11,609	3,391
22	E	12,776	2,224
23	E	9,058	5,942
24	E	8,800	6,200
25	E	9,090	5,910
26	E	11,126	3,874
27	E	13,095	1,905
28	E	8,073	6,927
29	E	8,529	6,471
30	E	9,926	5,074
31	E	8,220	6,780
32	E	8,450	6,550
33	E	9,934	5,066
	TOTAL	310,073	184,927

TRACT FOUR SUMMARY

TOTAL ACRES – 16.3
TOTAL WALKING PATH R/W – 1.0 AC
ADJUSTED TOTAL ACRES – 15.3
TOTAL LOTS – 33
DENSITY – 2.03 LOTS/ACRE
TOTAL GREENSPACE – 2.0 AC (13.0%)

NOTE: GREENSPACE AREA DOES NOT INCLUDE 50' GREENSPACE STRIP OR RECREATION AREA

BLOCK	LOTS
E	33
TOTAL	33

BOUNDARY CURVE TABLE TRACT 4						
CURVE	LENGTH	RADIUS	CHORD	CHORD DIRECTION	TANGENT	DELTA
C1	170.55'	1709.58'	170.48'	N89°03'14"E	85.34'	5°42'57"
C2	212.14'	606.88'	211.06'	N79°15'02"E	107.17'	20°01'43"
C3	190.93'	971.70'	190.62'	N67°22'31"E	95.77'	11°15'29"
C4	312.50'	2428.69'	312.29'	S36°21'06"E	156.47'	7°22'20"

BOUNDARY LINE TABLE TRACT 4		
LINE	LENGTH	BEARING
L1	64.56'	S88°15'25"E
L2	110.49'	N86°57'23"E
L3	84.65'	N65°33'55"E
L4	161.05'	S33°54'25"E
L5	172.79'	S38°19'17"E

SOIL LEGEND

SYMBOL	SOIL TYPE	SLOPE %
AwC	ASHLAR–WEDOWEE COMPLEX	2 TO 10
AwE	ASHLAR–WEDOWEE COMPLEX	10 TO 25
CvF	CHESTATEE STONY LOAM	15 TO 45
PfD	PACOLET SANDY LOAM	10 TO 15
SgF	SWEETAPPLE–GROVER COMPLEX	15 TO 45
HsC	HIWASSEE SANDY LOAM	6 TO 10
GeB	GWINNETT SANDY LOAM	2 TO 6
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LEGEND

IPS = IRON PIN SET – 1/2" REBAR
IPF = IRON PIN FOUND
ESMT = EASEMENT
PROP = PROPOSED
PROJ = EXISTING
CMF = CONC. MONUMENT FOUND
R/W = RIGHT OF WAY
℄ or CL = CENTERLINE
P/L = PROPERTY LINE
B/L = BUILDING LINE
STA = STATION
LLL = LAND LOT LINE
BM = BENCH MARK
PTP = POWER/TELEPHONE POLE
PP = POWER POLE
LP = LIGHT POLE
TRANS = TRANSFORMER
BSMH = BELLSOUTH MANHOLE
UGTM = UNDERGROUND TELEPHONE MARKER
CB = CATCH BASIN
HW = HEADWALL
JB = JUNCTION BOX
DI = DROP INLET
GI = GRATE INLET
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CMP = CORRUGATED METAL PIPE
CSP = CORRUGATED STEEL PIPE
RCP = REINFORCED CONCRETE PIPE
PEP = POLYETHYLENE PIPE
PVC = POLYVINYL CHLORIDE PIPE
DE = DRAINAGE EASEMENT
SSE = SANITARY SEWER EASEMENT
ELEV = ELEVATION
FFE = FINISHED FLOOR ELEVATION
IE = INVERT ELEVATION
X(999.99) = PROPOSED SPOT ELEVATION
X999.99 = EXISTING SPOT ELEVATION
BC = BACK OF CURB
WV = WATER VALVE
GV = GATE VALVE
FH = FIRE HYDRANT
PC = PROPERTY CORNER
FIRE = FIRE HYDRANT
PP = POWER POLE
PTP = POWER/TELEPHONE POLE
100-YR FLOODPLAIN
LLL = LAND LOT LINE
FENCE
POWER LINE
TELEPHONE LINE
GAS LINE
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SANITARY SEWER LINE
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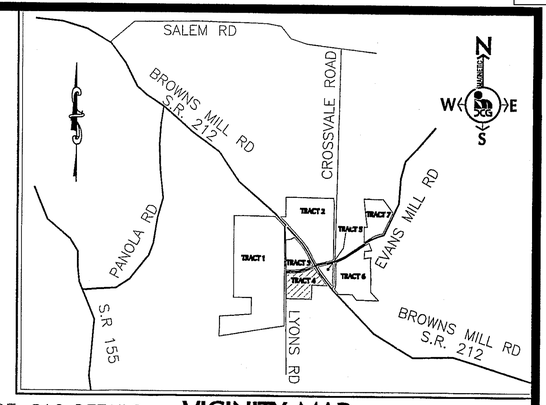
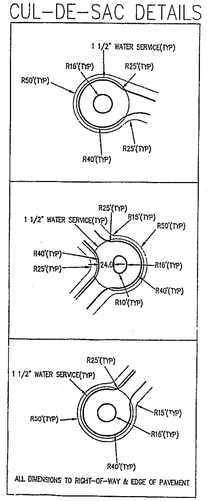
PLUGGED PIPE/STUB
TRAVERSE LINE/POINT
BRANCH/CREEK

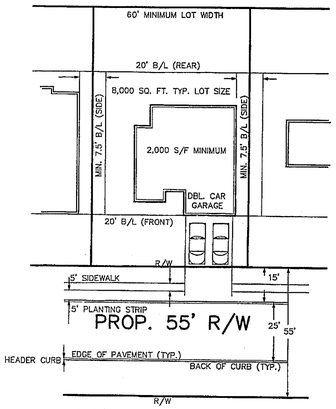


VICINITY MAP
not to scale

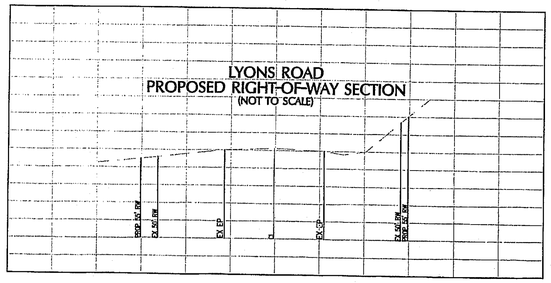
CUL-DE-SAC DETAILS



TYPICAL LOT LAYOUT

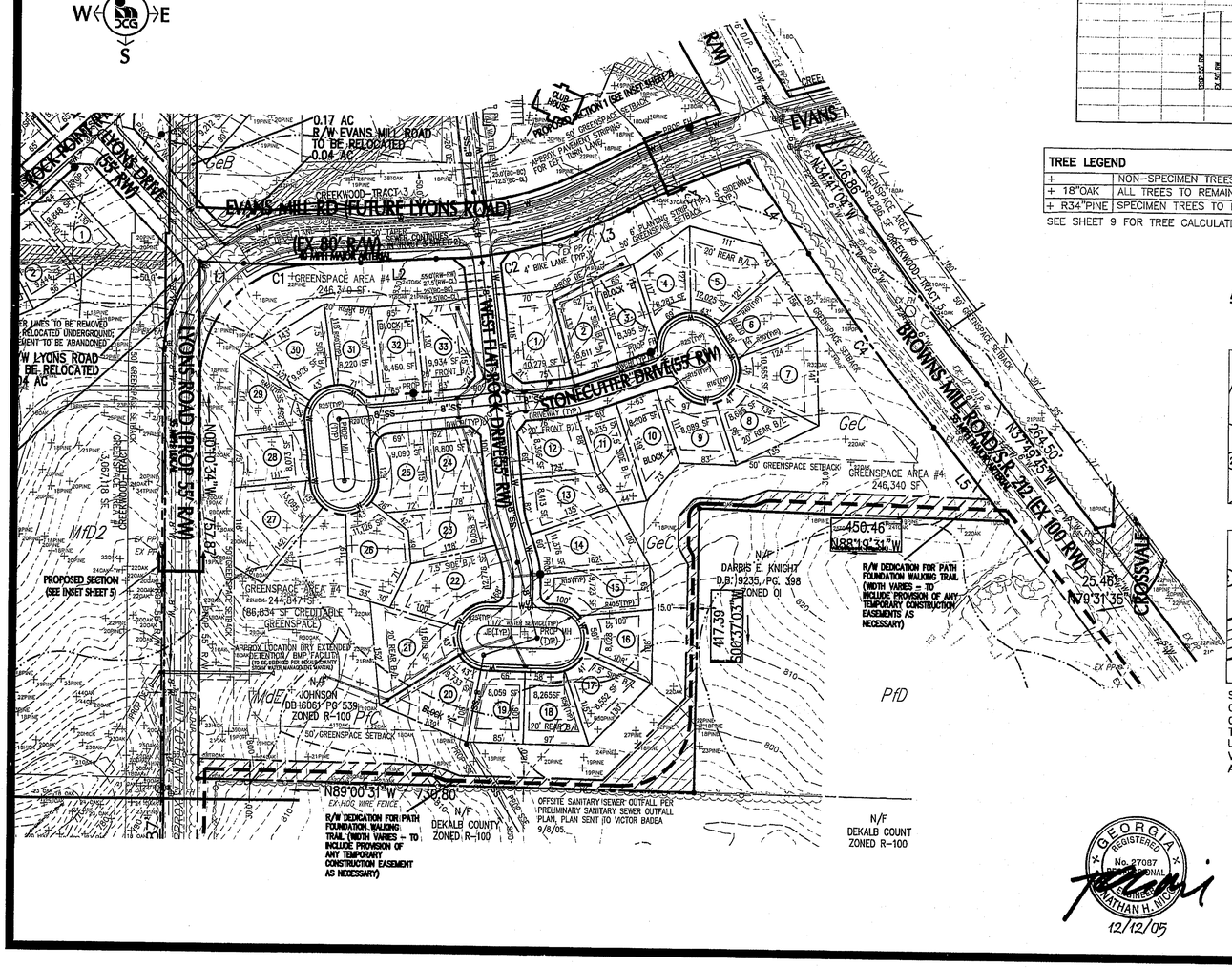


*ADA RAMPS TO BE PROVIDED AT ALL STREET INTERSECTIONS

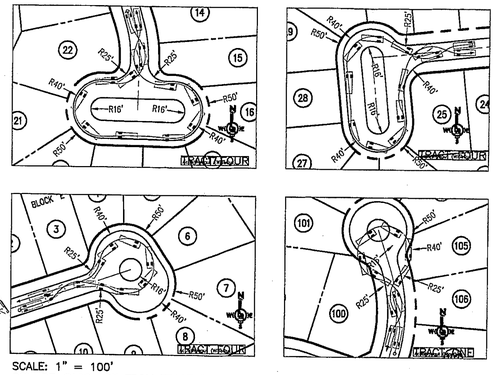


TREE LEGEND	
+	NON-SPECIMEN TREES TO BE REMOVED
+ 18"OAK	ALL TREES TO REMAIN
+ R34"PINE	SPECIMEN TREES TO BE REMOVED

SEE SHEET 9 FOR TREE CALCULATIONS



CUL-DE-SAC TURNING RADII ANALYSIS FOR SANITATION AND FIRE TRUCKS



SCALE: 1" = 100'
CUL-DE-SACS ARE FROM TRACT FOUR, EXCEPT STANDARD CUL-DE-SAC (FROM TRACT ONE).
CUL-DE-SAC PAVEMENT RADII ARE 40' FOR ALL CUL-DE-SACS.
TURNING PATHS ASSUME THAT STREET IS UNOBSTRUCTED AND THE TRUCK WILL BE ABLE TO USE ENTIRE PAVEMENT WIDTH.
VEHICLE TYPE USED FOR ALL CUL-DE-SACS IS SU-30 (30' SINGLE-UNIT TRUCK) FROM AASHTO "A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS", 2001 EDITION.

0 100 200 300
scale feet

NOTES:
1. TRACTS 1 –7 SHOWN HEREIN ARE ZONED R-100 SINGLE FAMILY RESIDENTIAL.
2. MINIMUM SETBACKS:
   FY (MAJOR THOROUGHFARE) - 50'
   FY (MINOR THOROUGHFARE) - 40'
   FY (OTHER ROADS) - 20'
   SY - 7.5'
   RY - 20'
   MAXIMUM BLDG HEIGHT - 35'
   MINIMUM LOT AREA - 8,000 S.F.
3. CONCEPTUAL LAYOUT OBTAINED FROM PLAN BY FRANZMAN/DAVIS & ASSOCIATES, LTD (DIVISION OF JORDAN, JONES + GOULDING, INC.) DATED 04/05.
4. BOUNDARY INFORMATION OBTAINED FROM AN ALTA / BOUNDARY SURVEY BY METRO ENGINEERING AND SURVEYING CO., INC. DATED 2-24-05.
5. THIS PROPERTY IS NOT WITHIN A 100-YEAR FLOOD HAZARD AREA, REFERENCE F.I.R.M. PANEL NUMBERS 13089C0166H AND 13089C0168H DATED MAY 7, 2001.

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ISSUE #4 – 11/10/05 – ADDRESS DEKALB COUNTY TRANSPORTATION COMMENTS
ISSUE #3 – 10/31/05 – ADDRESS COMMENTS
ISSUE #2 – 10/12/05 – ADDRESS COMMENTS AND REVISE STREET & LOT LAYOUT

GEORGIA REGISTERED No. 27087 PROFESSIONAL ENGINEER JONATHAN H. HICKS
12/12/05

DEVELOPER:
D.R. HORTON, INC..
CONTACT: Jim Huffstetler
8200 Roberts Drive, Suite 400
Atlanta, Georgia 30350
(770) 730-7900

PREPARED BY :
DEVELOPMENT CONSULTANTS GROUP
2400 Meadowbrook Parkway
Duluth, Georgia 30096
Telephone: (770) 279-1710
Fax: (770) 921-9426

R-100 CONSERVATION SUBDIVISION SKETCH PLAT
For
TRACT 4
CREEKWOOD

DEVELOPMENT CONSULTANTS GROUP
CONSULTING ENGINEERS PLANNERS & SURVEYORS

DESIGNED:	JN	DEKALB COUNTY FILE NO. 05131R	5 OF 9
DRAWN:	GC		
CHECKED:	DY		
APPROVED:	JN	LAND LOT(S) 47, 48, 50, & 79	ISSUE #
DATE:	7/21/05	16TH LAND DISTRICT	5
SCALE:	1" = 100'		
JOB #	05027	DeKalb COUNTY, GA.	

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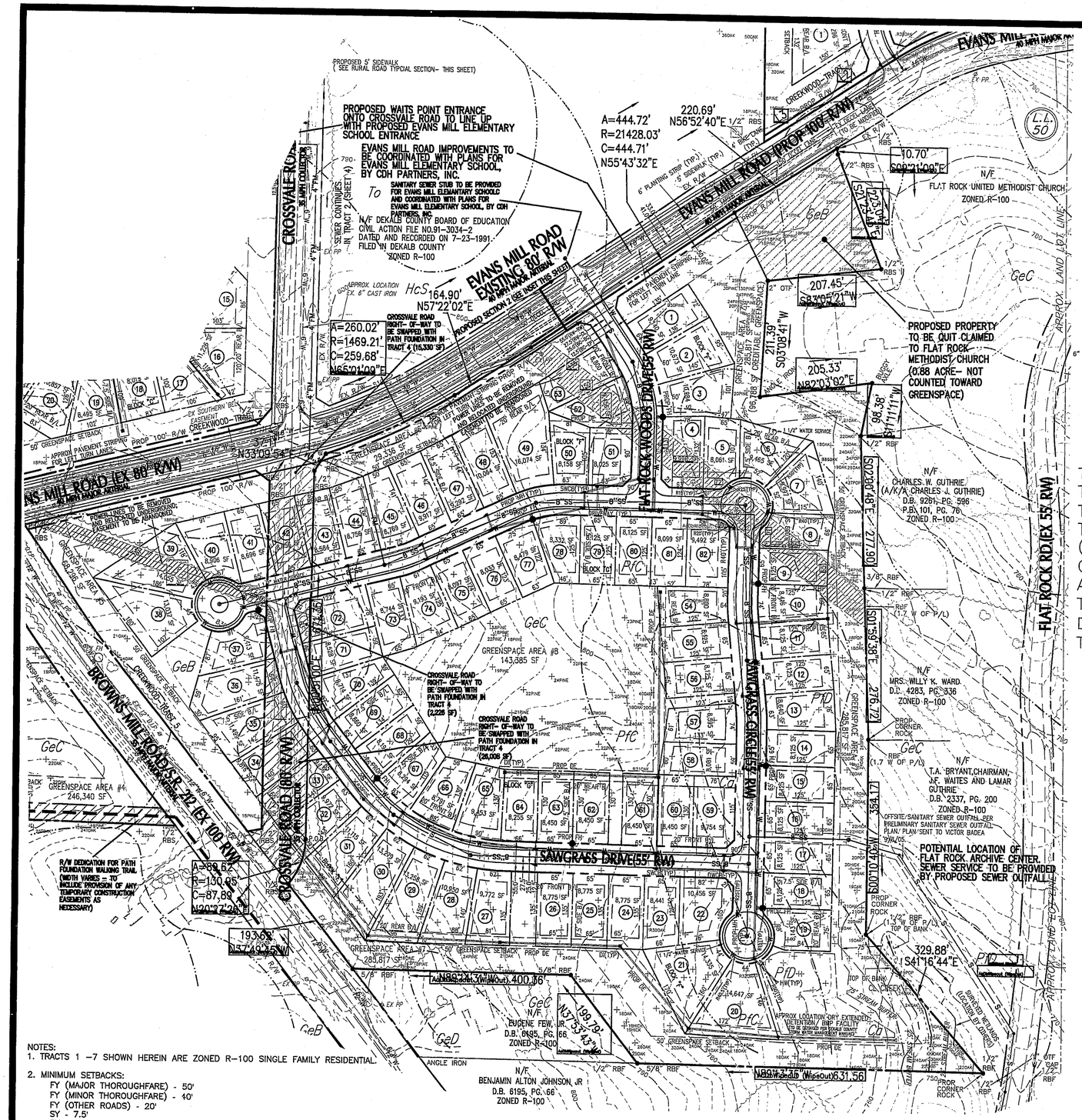

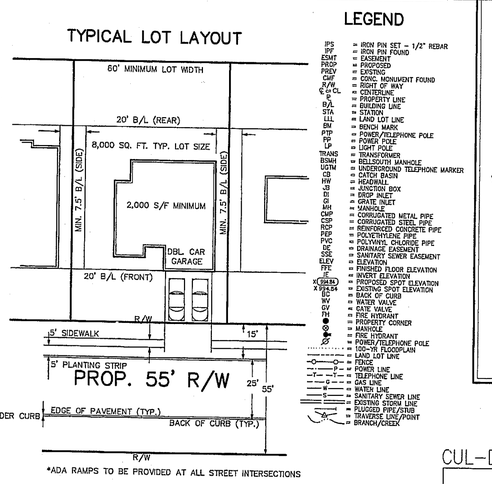

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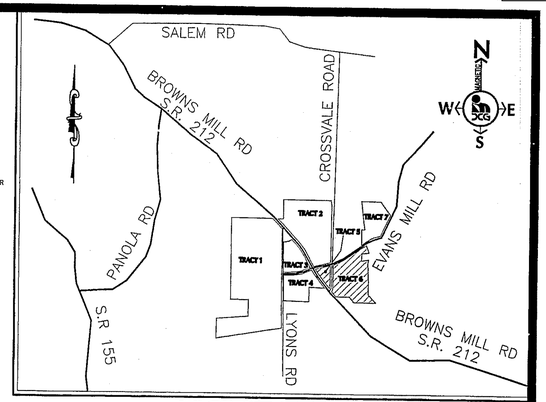
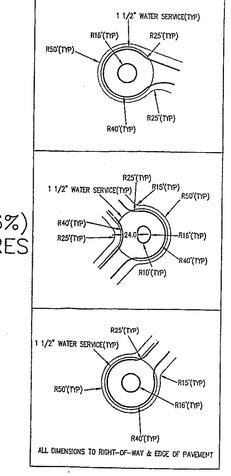
ELEV	= ELEVATION
FFL	= FINISHED FLOOR ELEVATION
IE	= INVERT ELEVATION
X 158.96	= PROPOSED SPOT ELEVATION
X 159.54	= EXISTING SPOT ELEVATION
BC	= BACK OF CURB
WV	= WATER VALVE
GV	= GATE VALVE
FH	= FIRE HYDRANT
	= PROPERTY CORNER
	= MANHOLE
	= FIRE HYDRANT
	= POWER/TELEPHONE POLE
	= 100-YR FLOODPLAIN
	= LAND LOT LINE
	= FENCE
	= POWER LINE
	= TELEPHONE LINE
	= GAS LINE
	= WATER LINE
	= SANITARY SEWER LINE
	= EXISTING STORM LINE
	= PROPOSED PIPE/STUB
	= DRAINAGE LINE/POINT
	= BRANCH/CREEK



VICINITY MAP
not to scale

CUL-DE-SAC DETAILS



SOIL LEGEND

SYMBOL	SOIL TYPE	SLOPE %
AwC	ASHLAR-WEDOWEE COMPLEX	2 TO 10
AwE	ASHLAR-WEDOWEE COMPLEX	10 TO 25
CvF	CHESTATEE STONY LOAM	15 TO 45
PfD	PACOLET SANDY LOAM	10 TO 15
SgF	SWEETAPPLE-GROVER COMPLEX	15 TO 45
HsC	HIWASSEE SANDY LOAM	6 TO 10
GeB	GWINNETT SANDY LOAM	2 TO 6
GeC	GWINNETT SANDY LOAM	6 TO 10
GeD	GWINNETT SANDY LOAM	10 TO 15
GeE	GWINNETT SANDY LOAM	15 TO 30
GWc2	GWINNETT SANDY CLAY LOAM	2 TO 10
GWe2	GWINNETT SANDY CLAY LOAM	15 TO 25
AvD	ASHLAR SANDY LOAM	6 TO 15
AvF	ASHLAR SANDY LOAM	15 TO 45
Ca	CARTECAY SILT LOAM	FLOODED
PuE	PACOLET URBAN LAND COMPLEX	10 TO 25
To	TOCCOA SANDY LOAM	FLOODED
SgD	SWEETAPPLE-GROVER COMPLEX	15 TO 45
MdE	MADISON SANDY LOAM	15 TO 30
MdC	MADISON SANDY LOAM	6 TO 10
MfD2	MADISON SANDY CLAY LOAM	10 TO 15
MvE2	MUSELLA CLAY LOAM	15 TO 25

TREE LEGEND

+	NON-SPECIMEN TREES TO BE REMOVED
+ 18"OAK	ALL TREES TO REMAIN
+ R34"PINE	SPECIMEN TREES TO BE REMOVED

SEE SHEET 9 FOR TREE CALCULATIONS

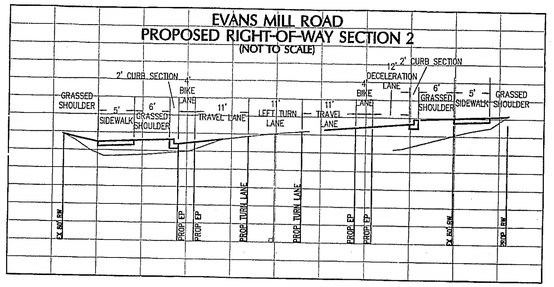
TRACTS FIVE & SIX SUMMARY

TRACT 5 ACRES – 3.6
TRACT 6 ACRES – 29.7
TOTAL ACRES – 33.3
TOTAL R/W SWAP – 1.00 AC
(NOT INCLUDED IN TOTAL ACERAGE)
QUIT CLAIM PROPERTY – 0.88 AC (2.6%)
ADJUSTED TOTAL ACERAGE – 32.4 ACRES
TOTAL LOTS – 82
DENSITY – 2.5 LOTS / ACRE
TOTAL GREENSPACE – 5.5 AC (17.0%)
NOTE: GREENSPACE AREA DOES NOT INCLUDE 50' GREENSPACE STRIP OR RECREATION AREA

LOT SUMMARY TRACTS 5 & 6

LOT	BLOCK	LOT AREA	REDUCTION	LOT	BLOCK	LOT AREA	REDUCTION
1	F	9,140	5,860	42	F	8,656	6,344
2	F	10,673	4,327	43	F	8,584	6,416
3	F	10,284	4,716	44	F	8,756	6,244
4	F	9,996	5,004	45	F	8,769	6,231
5	F	8,061	6,939	46	F	9,917	5,083
6	F	9,465	5,535	47	F	9,292	5,708
7	F	9,997	5,003	48	F	10,064	4,936
8	F	8,089	6,911	49	F	16,074	0
9	F	8,125	6,875	50	F	8,158	6,842
10	F	8,416	6,584	51	F	8,025	6,975
11	F	8,125	6,875	52	F	9,456	5,544
12	F	8,125	6,875	53	F	8,800	6,200
13	F	8,640	6,360	54	G	8,800	6,200
14	F	8,125	6,875	55	G	8,125	6,875
15	F	8,125	6,875	56	G	8,125	6,875
16	F	8,125	6,875	57	G	8,595	6,405
17	F	8,125	6,875	58	G	8,081	6,919
18	F	8,125	6,875	59	G	9,754	5,246
19	F	8,143	6,857	60	G	8,450	6,550
20	F	14,647	353	61	G	8,450	6,550
21	F	14,335	665	62	G	8,450	6,550
22	F	10,456	4,544	63	G	8,450	6,550
23	F	8,441	6,559	64	G	8,255	6,745
24	F	8,775	6,225	65	G	9,453	5,547
25	F	8,775	6,225	66	G	8,791	6,209
26	F	8,775	6,225	67	G	8,294	6,706
27	F	9,772	5,228	68	G	8,194	6,806
28	F	10,950	4,050	69	G	8,860	6,140
29	F	13,258	1,742	70	G	8,714	6,286
30	F	13,279	1,721	71	G	8,528	6,472
31	F	11,115	3,885	72	G	10,477	4,523
32	F	9,972	5,028	73	G	8,744	6,256
33	F	9,136	5,864	74	G	9,193	5,807
34	F	9,816	5,184	75	G	8,097	6,903
35	F	11,499	3,501	76	G	8,033	6,967
36	F	11,475	3,525	77	G	8,479	6,521
37	F	9,413	5,587	78	G	8,332	6,668
38	F	13,037	1,963	79	G	8,125	6,875
39	F	14,055	945	80	G	8,125	6,875
40	F	8,906	6,094	81	G	8,099	6,901
41	F	8,696	6,304	82	G	9,492	5,508
					TOTAL	769,603	462,471

BLOCK	LOTS
F	53
G	29
TOTAL	82



NOTES:
1. TRACTS 1 –7 SHOWN HEREIN ARE ZONED R-100 SINGLE FAMILY RESIDENTIAL.

2. MINIMUM SETBACKS:
FY (MAJOR THOROUGHFARE) - 50'
FY (MINOR THOROUGHFARE) - 40'
FY (OTHER ROADS) - 20'
SY - 7.5'
RY - 20'
MAXIMUM BLDG HEIGHT - 35'
MINIMUM LOT AREA - 8,000 S.F.

3. CONCEPTUAL LAYOUT OBTAINED FROM PLAN BY FRANZMAN/DAVIS & ASSOCIATES, LTD (DIVISION OF JORDAN, JONES + GOULDING, INC.) DATED 04/05.

4. BOUNDARY INFORMATION OBTAINED FROM AN ALTA / BOUNDARY SURVEY BY METRO ENGINEERING AND SURVEYING CO., INC. DATED 2–24–05.

5. THIS PROPERTY IS NOT WITHIN A 100–YEAR FLOOD HAZARD AREA, REFERENCE F.I.R.M. PANEL NUMBERS 13089C0166H AND 13089C0168H DATED MAY 7, 2001.

0 100 200 300
scale feet

GEORGIA REGISTERED No. 27087 PROFESSIONAL ENGINEER NATHAN H. HICKS
12/12/05

DEVELOPER:
D.R. HORTON, INC..
CONTACT: Jim Huffstetler
8200 Roberts Drive, Suite 400
Atlanta, Georgia 30350
(770) 730–7900

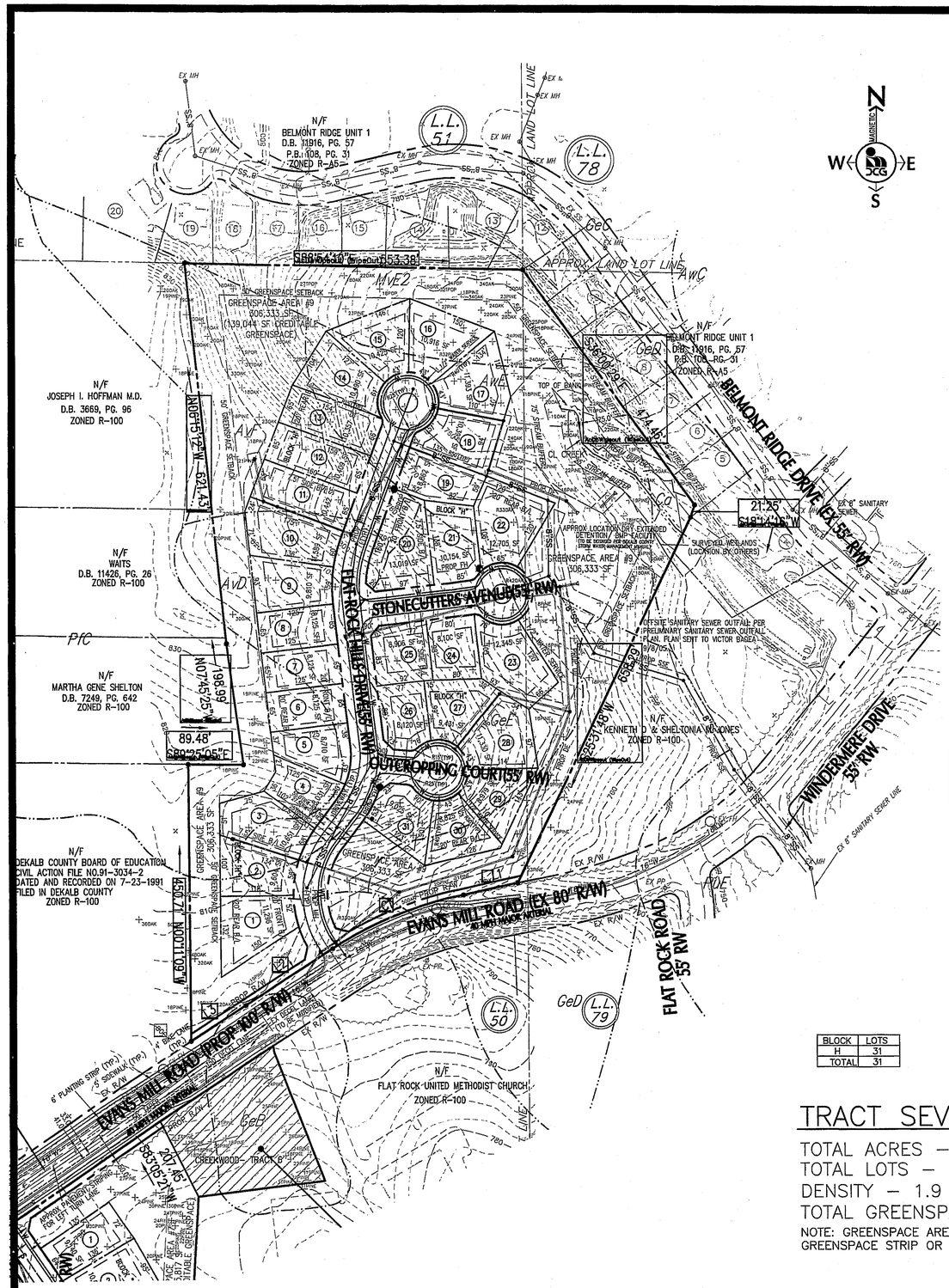
PREPARED BY :
DEVELOPMENT CONSULTANTS GROUP
2400 Meadowbrook Parkway
Duluth, Georgia 30096
Telephone: (770) 279–1710
Fax: (770) 921–9426

ISSUE #5 – 12/12/05 – ADJUST LOTS ON TRACT ONE (BLOCK A)
ISSUE #4 – 11/10/05 – ADDRESS DEKALB COUNTY TRANSPORTATION COMMENTS
ISSUE #3 – 10/31/05 – ADDRESS COMMENTS
ISSUE #2 – 10/12/05 – ADDRESS COMMMENTS AND REVISE STREET & LOT LAYOUT

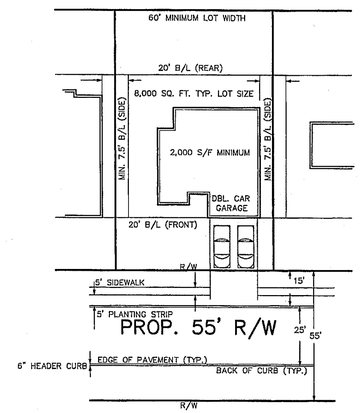
DCG DEVELOPMENT CONSULTANTS GROUP
CONSULTING ENGINEERS PLANNERS & SURVEYORS

R-100 CONSERVATION SUBDIVISION SKETCH PLAT
For
TRACTS 5 & 6
CREEKWOOD

DESIGNED:	JN	DEKALB COUNTY FILE NO. 05131R	6 OF 9
DRAWN:	GC		
CHECKED:	DY		
APPROVED:	JN	LAND LOT(S) 47, 48, 50, & 79	ISSUE # 5
DATE:	7/21/05	16TH LAND DISTRICT	
SCALE:	1" = 100'	DeKalb COUNTY, GA.	
JOB #	05027		



TYPICAL LOT LAYOUT

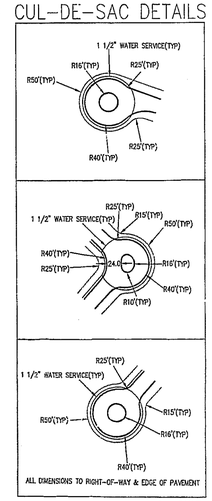


*ADA RAMPS TO BE PROVIDED AT ALL STREET INTERSECTIONS

LEGEND

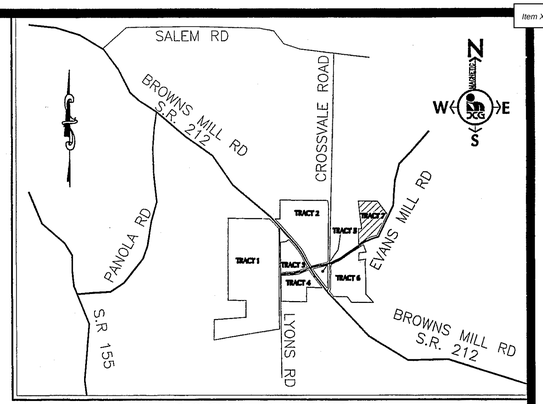
IPS	=	IRON PIN SET - 1/2" REBAR
IPF	=	IRON PIN FOUND
ESMT	=	EASEMENT
PROP	=	PROPOSED
PREV	=	EXISTING
CMF	=	CONC. MONUME..T FOUND
R/W	=	RIGHT OF WAY
℄ or CL	=	CENTERLINE
P	=	PROPERTY LINE
B/L	=	BUILDING LINE
STA	=	STATION
LLL	=	LAND LOT LINE
BM	=	BENCH MARK
PTP	=	POWER/TELEPHONE POLE
PP	=	POWER POLE
LP	=	LIGHT POLE
TRANS	=	TRANSFORMER
BSMH	=	BELLSOUTH MANHOLE
UGTM	=	UNDERGROUND TELEPHONE MARKER
CB	=	CATCH BASIN
HW	=	HEADWALL
JB	=	JUNCTION BOX
DI	=	DROP INLET
GI	=	GRATE INLET
MH	=	MANHOLE
CMP	=	CORRUGATED METAL PIPE
CSP	=	CORRUGATED STEEL PIPE
RCP	=	REINFORCED CONCRETE PIPE
PEP	=	POLYETHYLENE PIPE
PVC	=	POLYVINYL CHLORIDE PIPE
DE	=	DRAINAGE EASEMENT
SSE	=	SANITARY SEWER EASEMENT
ELEV	=	ELEVATION
FFE	=	FINISHED FLOOR ELEVATION
IE	=	INVERT ELEVATION
X(PROP)	=	PROPOSED SPOT ELEVATION
X394.04	=	EXISTING SPOT ELEVATION
BC	=	BACK OF CURB
WV	=	WATER VALVE
GV	=	GATE VALVE
FH	=	FIRE HYDRANT
PC	=	PROPERTY CORNER
PK	=	PARKING
WM	=	WATER METER
JB	=	POWER/TELEPHONE POLE
	=	100-YR FLOODPLAIN
	=	LAND LOT LINE
	=	FENCE
	=	POWER LINE
	=	TELEPHONE LINE
	=	GAS LINE
	=	WATER LINE
	=	SANITARY SEWER LINE
	=	EXISTING STORM LINE
	=	PLUGGED PIPE/STUB
	=	TRAVERSE LINE/POINT
	=	BRANCH/CREEK

CUL-DE-SAC DETAILS



VICINITY MAP

not to scale



SOIL LEGEND

SYMBOL	SOIL TYPE	SLOPE %
AwC	ASHLAR-WEDOWEE COMPLEX	2 TO 10
AwE	ASHLAR-WEDOWEE COMPLEX	10 TO 25
CvF	CHESTATEE STONY LOAM	15 TO 45
PfD	PACOLET SANDY LOAM	10 TO 15
SgF	SWEETAPPLE-GROVER COMPLEX	15 TO 45
HsC	HIWASSEE SANDY LOAM	6 TO 10
GeB	GWINNETT SANDY LOAM	2 TO 6
GeC	GWINNETT SANDY LOAM	6 TO 10
GeD	GWINNETT SANDY LOAM	10 TO 15
GeE	GWINNETT SANDY LOAM	15 TO 30
GWe2	GWINNETT SANDY CLAY LOAM	2 TO 10
GWe2	GWINNETT SANDY CLAY LOAM	15 TO 25
AvD	ASHLAR SANDY LOAM	6 TO 15
AvF	ASHLAR SANDY LOAM	15 TO 45
Ca	CARTECAY SILT LOAM	FLOODED
PuE	PACOLET URBAN LAND COMPLEX	10 TO 25
To	TOCCOA SANDY LOAM	FLOODED
SgD	SWEETAPPLE-GROVER COMPLEX	15 TO 45
MdE	MADISON SANDY LOAM	15 TO 30
MdC	MADISON SANDY LOAM	6 TO 10
MfD2	MADISON SANDY CLAY LOAM	10 TO 15
MvE2	MUSELLA CLAY LOAM	15 TO 25

BOUNDARY CURVE TABLE TRACT 7						
CURVE	LENGTH	RADIUS	CHORD	CHORD DIRECTION	TANGENT	DELTA
C1	233.67'	595.51'	232.17'	S68°03'06"W	118.36'	22°28'56"

BOUNDARY LINE TABLE TRACT 7		
LINE	LENGTH	BEARING
L1	91.73'	S78°00'39"W
L2	168.05'	S56°52'22"W
L3	106.88'	S56°52'05"W

LOT SUMMARY TRACT 7			
LOT	BLOCK	LOT AREA	REDUCTION
1	H	11,296	3,704
2	H	9,604	5,396
3	H	10,651	4,349
4	H	8,031	6,969
5	H	8,710	6,290
6	H	8,125	6,875
7	H	8,125	6,875
8	H	8,125	6,875
9	H	9,810	5,190
10	H	11,589	3,411
11	H	10,442	4,558
12	H	10,409	4,591
13	H	10,357	4,643
14	H	10,490	4,510
15	H	10,425	4,575
16	H	10,916	4,084
17	H	11,393	3,607
18	H	10,395	4,605
19	H	8,862	6,138
20	H	13,019	1,981
21	H	10,154	4,846
22	H	12,705	2,295
23	H	12,345	2,655
24	H	8,100	6,900
25	H	8,906	6,094
26	H	8,120	6,880
27	H	9,431	5,569
28	H	11,330	3,670
29	H	8,979	6,021
30	H	8,825	6,175
31	H	9,025	5,975
	TOTAL	308,694	156,306

BLOCK	LOTS
H	31
TOTAL	31

TREE LEGEND	
+	NON-SPECIMEN TREES TO BE REMOVED
+ 18"OAK	ALL TREES TO REMAIN
+ R34"PINE	SPECIMEN TREES TO BE REMOVED

SEE SHEET 9 FOR TREE CALCULATIONS

NOTES:
1. TRACTS 1 -7 SHOWN HEREIN ARE ZONED R-100 SINGLE FAMILY RESIDENTIAL.

2. MINIMUM SETBACKS:
FY (MAJOR THOROUGHFARE) - 50'
FY (MINOR THOROUGHFARE) - 40'
FY (OTHER ROADS) - 20'
SY - 7.5'
RY - 20'
MAXIMUM BLDG HEIGHT - 35'
MINIMUM LOT AREA - 8,000 S.F.

3. CONCEPTUAL LAYOUT OBTAINED FROM PLAN BY FRANZMAN/DAVIS & ASSOCIATES, LTD (DIVISION OF JORDAN, JONES + GOULDING, INC.) DATED 04/05.

4. BOUNDARY INFORMATION OBTAINED FROM AN ALTA / BOUNDARY SURVEY BY METRO ENGINEERING AND SURVEYING CO., INC. DATED 2-24-05.

5. THIS PROPERTY IS NOT WITHIN A 100-YEAR FLOOD HAZARD AREA, REFERENCE F.I.R.M. PANEL NUMBER 13089C0166H DATED MAY 7, 2001.

TRACT SEVEN SUMMARY

TOTAL ACRES - 16.3
TOTAL LOTS - 31
DENSITY - 1.9 LOTS/ACRE
TOTAL GREENSPACE - 3.2 ACRES (19.6%)
NOTE: GREENSPACE AREA DOES NOT INCLUDE 50' GREENSPACE STRIP OR RECREATION AREA

GEORGIA REGISTERED No. 27007 PROFESSIONAL ENGINEER JONATHAN H. NICOLL
12/12/05

0 100 200 300
scale feet

DEVELOPER:
D.R. HORTON, INC..
CONTACT: Jim Huffstetler
8200 Roberts Drive, Suite 400
Atlanta, Georgia 30350
(770) 730-7900

PREPARED BY :
DEVELOPMENT CONSULTANTS GROUP
2400 Meadowbrook Parkway
Duluth, Georgia 30096
Telephone: (770) 279-1710
Fax: (770) 921-9426

ISSUE #5 - 12/12/05 - ADJUST LOTS ON TRACT ONE (BLOCK A)
ISSUE #4 - 11/10/05 - ADDRESS DEKALB COUNTY TRANSPORTATION COMMENTS
ISSUE #3 - 10/31/05 - ADDRESS COMMENTS
ISSUE #2 - 10/12/05 - ADDRESS COMMENTS AND REVISE STREET & LOT LAYOUT

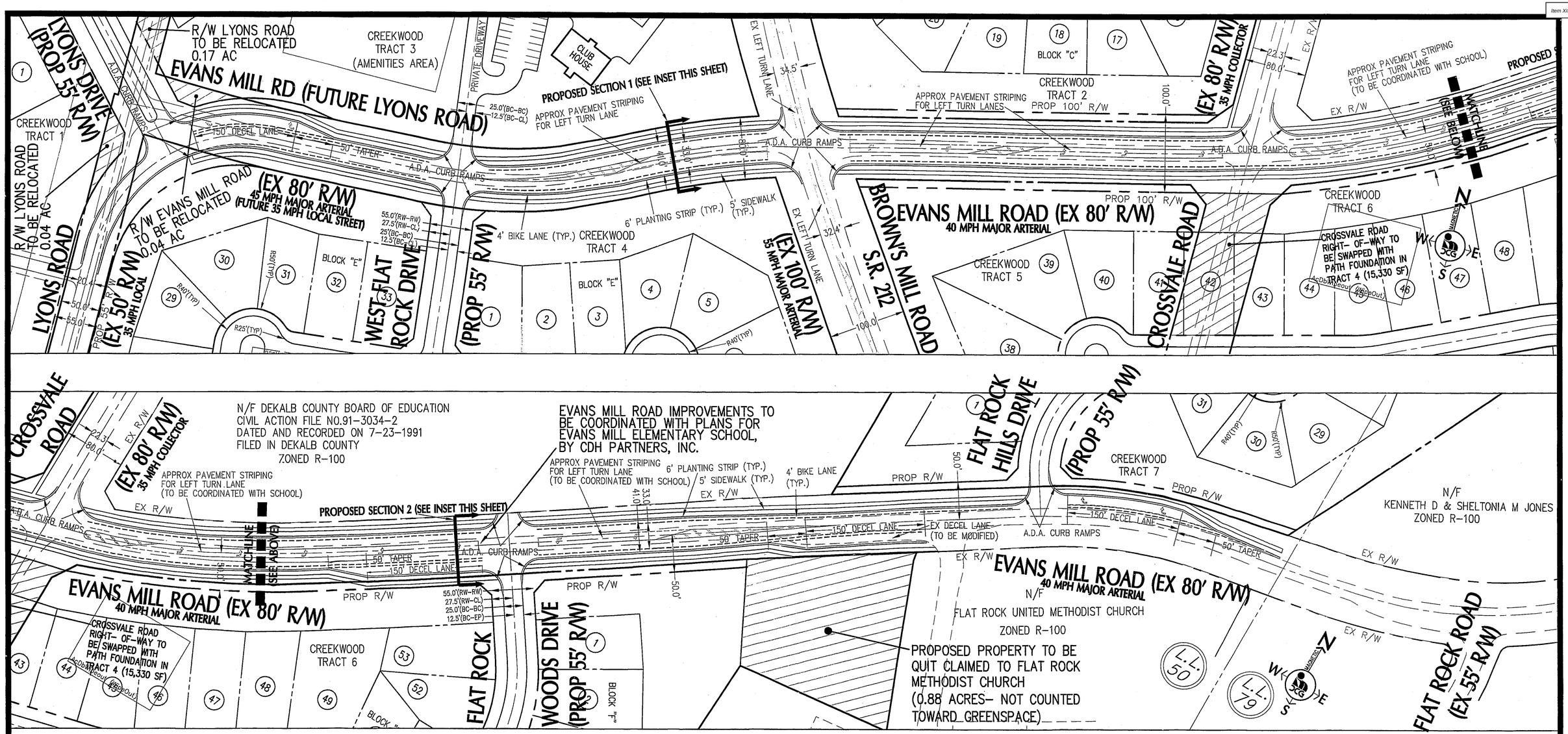
DCG DEVELOPMENT CONSULTANTS GROUP
CONSULTING ENGINEERS PLANNERS & SURVEYORS

R-100 CONSERVATION SUBDIVISION SKETCH PLAT

For

TRACT 7
CREEKWOOD

DESIGNED:	JN	DEKALB COUNTY FILE NO. 05131R	7 OF 9
DRAWN:	GC		
CHECKED:	DY		
APPROVED:	JN	LAND LOT(S) 47, 48, 50, & 79	ISSUE # 5
DATE:	7/21/05	16TH LAND DISTRICT	
SCALE:	1" = 100'		
JOB #	05027	DeKalb COUNTY, GA.	



LEGEND

IPS	= IRON PIN SET – 1/2" REBAR
IPF	= IRON PIN FOUND
ESMT	= EASEMENT
PROP	= PROPOSED
PREV	= EXISTING
CMF	= CONC. MONUMENT FOUND
R/W	= RIGHT OF WAY
℄ or CL	= CENTERLINE
PL	= PROPERTY LINE
B/L	= BUILDING LINE
STA	= STATION
LL	= LAND LOT LINE
BM	= BENCH MARK
PTP	= POWER/TELEPHONE POLE
PP	= POWER POLE
LP	= LIGHT POLE
TRANS	= TRANSFORMER
BSMH	= BELLSOUTH MANHOLE
USTM	= UNDERGROUND TELEPHONE MARKER
CB	= CATCH BASIN
HW	= HEADWALL
JB	= JUNCTION BOX
DI	= DROP INLET
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CSP	= CORRUGATED STEEL PIPE
RCP	= REINFORCED CONCRETE PIPE
PEP	= POLYETHYLENE PIPE
PVC	= POLYVINYL CHLORIDE PIPE
DE	= DRAINAGE EASEMENT
SSE	= SANITARY SEWER EASEMENT
ELEV	= ELEVATION
FFE	= FINISHED FLOOR ELEVATION
25	= PAVEMENT ELEVATION
X(995.65)	= PROPOSED SPOT ELEVATION
X 995.65	= EXISTING SPOT ELEVATION
BC	= BEGINNING OF CURB
WV	= WATER VALVE
GV	= GATE VALVE
FH	= FIRE HYDRANT
●	= PROPERTY CORNER
MH	= MANHOLE
	= FIRE HYDRANT
	= POWER/TELEPHONE POLE
	= 100-YR FLOODPLAIN
	= LAND LOT LINE
—O—	= FENCE
—P—	= POWER LINE
—T—	= TELEPHONE LINE
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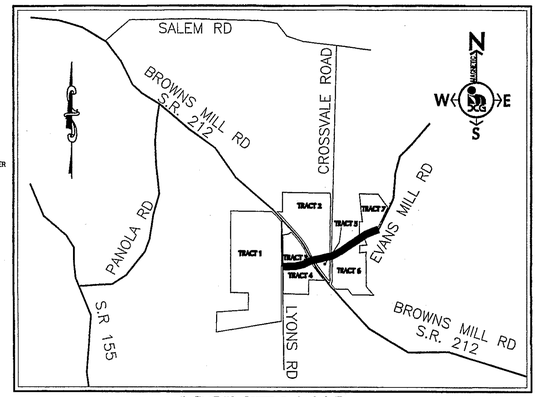
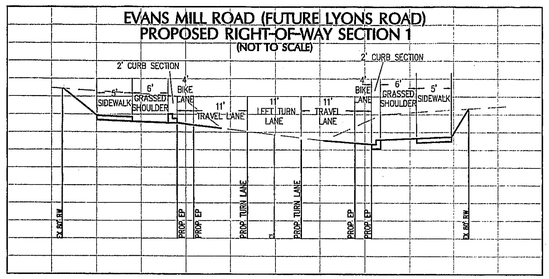
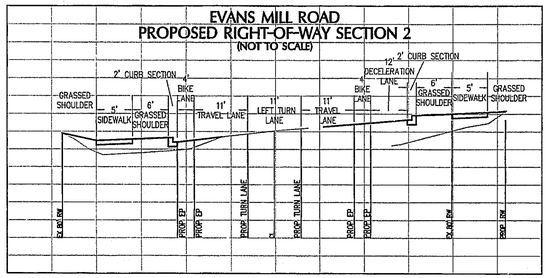


VICINITY MAP
not to scale





0 60 120 180
scale feet

ISSUE #5 – 12/12/05 – ADJUSTED LOTS ON TRACT ONE (BLOCK A)
ISSUE #4 – 11/10/05 – ADDRESS DEKALB COUNTY TRANSPORTATION COMMENTS
ISSUE #3 – 10/31/05 – ADDRESS COMMENTS
ISSUE #2 – 10/12/05 – ADDRESS COMMENTS AND REVISE STREET & LOT LAYOUT

GEORGIA REGISTERED No. 27087 PROFESSIONAL ENGINEER JONATHAN H. HICKS
12/12/05

DEVELOPER:
D.R. HORTON, INC..
CONTACT: Jim Huffstetler
8200 Roberts Drive, Suite 400
Atlanta, Georgia 30350
(770) 730-7900

PREPARED BY :
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Fax: (770) 921-9426

DCG DEVELOPMENT CONSULTANTS GROUP
CONSULTING ENGINEERS PLANNERS & SURVEYORS

R-100 CONSERVATION SUBDIVISION SKETCH PLAT
For
EVANS MILL ROAD IMPROVEMENTS & STRIPING PLAN
CREEKWOOD

DESIGNED:	JN/DML	DEKALB COUNTY FILE NO. 05131R	8 OF 9
DRAWN:	DML/GC		
CHECKED:	DY		
APPROVED:	JN	LAND LOT(S) 47, 48, 50, & 79	ISSUE # 5
DATE:	7/21/05	16TH LAND DISTRICT	
SCALE:	1" = 60'		
JOB #	05027	DeKalb COUNTY, GA.	

PRELIMINARY TREE CALC. SUMMARY (TREES REMAINING)

Total Acres	235.90
Lots shown	389.00
Density Required = 15u/ac.	3,538.50
Preservation required = 120in/ac.	28,308.00
Lot trees required = 2/lot	778.00

REMAINING NON-SPECIMEN TREES

DBH		Conversion from DBH to Units	# of Trees	Existing Density Factor	Existing Inches
18		4.8	281	1348.8	5058
18		4.8	205	984	3690
19		5.4	169	912.6	3211
19		5.4	68	367.2	1292
20		5.4	154	831.6	3080
20		5.4	55	297	1100
21		5.4	84	453.6	1764
21		5.4	39	210.6	819
22		6.0	131	786	2882
22		6.0	42	252	924
23		6.0	51	306	1173
23		6.0	25	150	575
24		6.0	109	654	2616
24		7.4	23	170.2	552
25		6.8	20	136	500
25		6.8	9	61.2	225
26		7.4	29	214.6	754
26		7.4	3	22.2	78
27		8.0	10	80	270
27		8.0	6	48	162
28		8.6	19	163.4	532
28		8.6	1	8.6	28
29		9.2	7	64.4	203
29		9.2	2	18.4	58
		total	1,542	8,540.4	31,546

REMAINING MUTLI-TRUNK TREES

Overall DBH	# of Trees	Type	Split DBH	Conversion from DBH to Units	Split # of Trees	Existing Density Factor	Existing Inches
20	1	twin	10	3.2	2	6.4	20
22	2	twin	11	3.2	4	12.8	44
23	3	twin	11	3.2	3	9.6	33
			12	3.2	3	9.6	36
24	8	twin	12	3.2	16	51.2	192
26	1	twin	13	4.0	2	8	26
27	4	twin	13	4.0	4	16	52
			14	4.0	4	16	56
28	1	twin	14	4.0	2	8	28
29	2	twin	14	4.0	4	16	56
			15	4.0	4	16	60
30	6	twin	15	4.0	12	48	180
31	1	twin	15	4.0	1	4	15
			16	4.8	1	4.8	16
32	3	twin	16	4.8	6	28.8	96
32	2	triple	10	3.2	2	6.4	20
			11	3.2	4	12.8	44
33	1	triple	11	3.2	3	9.6	33
34	4	twin	17	4.8	8	38.4	136
34	2	twin	17	4.8	4	19.2	68
36	5	twin	18	4.8	10	48	180
36	1	triple	12	3.2	3	9.6	36
37	1	twin	18	4.8	1	4.8	18
			19	5.4	1	5.4	19
38	3	twin	19	5.4	6	32.4	114
40	1	twin	20	5.4	1	5.4	20
41	2	twin	20	5.4	2	10.8	40
			21	5.4	2	10.8	42
42	2	twin	21	5.4	4	21.6	84
45	1	twin	22	6.0	1	6	22
			23	6.0	1	6	23
46	1	twin	23	6.0	2	12	46
50	1	triple	16	4.8	1	4.8	16
			17	4.8	2	9.6	34
58	1	twin	29	9.2	2	18.4	58
58	1	triple	19	5.4	2	10.8	38
			20	5.4	1	5.4	20
60	1	triple	30	9.8	3	29.4	90
				total	132	586.4	2,091

REMAINING SPECIMEN TREES

DBH		Conversion from DBH to Units	# of Trees	Existing Density Factor	Existing Inches
20	dogwood	5.4	1	5.4	20
22	dogwood	6	1	6	22
30		9.8	15	147	450
30		9.8	3	29.4	90
31		10.4	5	52	155
31		10.4	2	20.8	62
32		11.2	10	112	320
33		11.8	2	23.6	66
33		11.8	1	11.8	33
34		12.6	7	88.2	238
36		14.2	2	28.4	72
36		14.2	1	14.2	36
38		15.8	1	15.8	38
39		16.6	1	16.6	39
40		17.4	1	17.4	40
41		18.4	1	18.4	41
42		19.2	2	38.4	84
44		21.2	2	42.4	88
48		25.2	2	50.4	96
50		27.2	1	27.2	50
		total	61	765.4	2,040

Total Trees	**1,735**	
Total Density Units	**9,892**	
Total Density Units Required	*3,462*	
Total Density Factor	**43**	**per acre**
Total Density Factor Required	*15*	*per acre*
Total Inches from Remaining Trees 18" and greater	**35,677**	
Total Inches Required	*28,308*	
Total Inches per Acre	**155**	**per acre**
Total Inches per Acre Required	*120*	*per acre*

SPECIMEN REMOVED

DBH		Conversion from DBH to Units	# of Trees	Existing Density Factor	Existing Inches
30		9.8	9	88.2	270
30		9.8	10	98	300
31		10.4	2	20.8	62
31		10.4	1	10.4	31
32		11.2	3	33.6	96
32		11.2	1	11.2	32
33		11.8	2	23.6	66
34		12.6	3	37.8	102
34		12.6	3	37.8	102
36		14.2	3	42.6	108
36		14.2	1	14.2	36
38		15.8	1	15.8	38
38		15.8	1	15.8	38
41		18.4	1	18.4	41
		total removed	41	468.2	1,322

REPLACEMENT TREES FOR SPECIMEN REMOVED

Inches Removed	1,322
Multiplier	1.5
Inches Required	1,983

evergreen trees

TREE SURVEY NOTES

1. TREE CALCULATIONS WERE TAKEN FROM A TREE SURVEY.

2. TREES 18" OR GREATER HAVE BEEN LOCATED ON SHEETS 1–8. THEIR LOCATIONS ARE IDENTIFIED BY A '+' SYMBOL.

3. SPECIMEN TREES HAVE BEEN LOCATED ON SHEETS 1–8. THEIR LOCATIONS ARE IDENTIFIED BY A '+' SYMBOL AS WELL AS A DESCRIPTION OF SIZE AND SPECIES.

4. TREES TO REMAIN CALCULATIONS DO NOT INCLUDE TREES LOCATED IN REQUIRED BUFFER ZONES.

5. CALCULATIONS ARE BASED ON TREES 18" OR GREATER TO REMAIN:
 TOTAL TREES – 1,735
 TOTAL DENSITY UNITS – 9,892 (3,462 REQUIRED)
 TOTAL DENSITY FACTOR – 43 PER ACRE (15 REQUIRED)
 TOTAL INCHES – 35,677 (27,696 REQUIRED)
 TOTAL INCHES PER ACRE – 155 (120 REQUIRED)

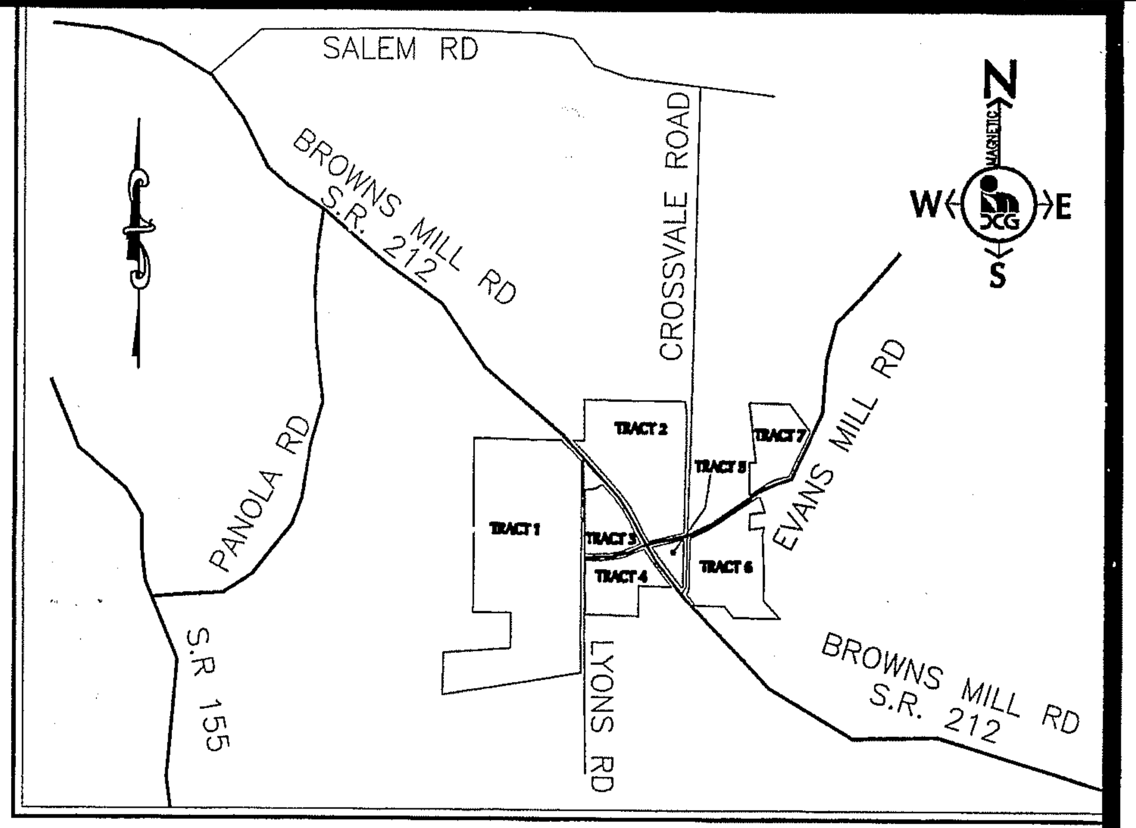
6. INCHES OF SPECIMEN TREES REMOVED WILL BE REPLACED USING A MULTIPLIER OF 1.5.
 TOTAL INCHES SPECIMEN TREES REMOVED – 1,322
 TOTAL INCHES REPLACED – 1,938

7. TWO (2) TREES (2" DBH, MIN.) PER LOT WILL BE PLANTED IN THE FRONT YARD OF EVERY LOT.
 TOTAL LOTS – 389
 TOTAL FRONT YARD TREES REQUIRED – 778
 TOTAL UNITS CREDITED – 311.2

8. TOTAL INCHES REMAINING AND CREDITED – 37,926.2 (161 INCHES PER ACRE)

TREE PROTECTION NOTES

1. All tree protection ribbon and erosion control measures to be installed prior to land disturbance.
2. Where tree protection and silt fence are specified, protection ribbon may be attached to top of silt fence stakes.
3. For silt fence detail and additional erosion control details, see Sediment and Erosion Control Detail sheet.
4. Tree Protection Areas:
 a. The root system within the dripline is generally considered to be the critical root zone. To protect these critical root zones, a tree protection area shall be established around each tree or group of trees to be retained.
  1) The tree protection area shall include no less than the total area beneath the tree canopy as defined by the dripline of the tree or group of tress collectively.
  2) Layout of the project site utility and grading plans shall avoid disturbance of the tree protection areas.
  3) Construction site activities such as parking, materials storage, concrete washout, burnhole placement, etc. shall be arranged as to prevent disturbances within the tree protection areas.
 b. Protective Barriers
  1) Protective tree fencing, staking or continuous ribbon shall be installed between the tree protection areas and areas proposed to be cleared, graded or otherwise disturbed on the site, prior to any land disturbance.
  2) All tree protection areas are recommended to be designated as such with "tree save area signs" posted in addition to the required protective fencing, staking or continuous ribbon. Signs requesting subcontractor cooperation and compliance with the tree protection standards are recommended for site entrances.
  3) All tree protection areas must be protected from soil sedimentation intrusion through the use of silt screens or other acceptable measures placed up-slope from the tree protection area.
  4) All protective tree fencing, staking or continuous ribbon and all erosion control barriers must be installed prior to and maintained throughout the land disturbance and construction process, and should not be removed until final landscaping is installed.



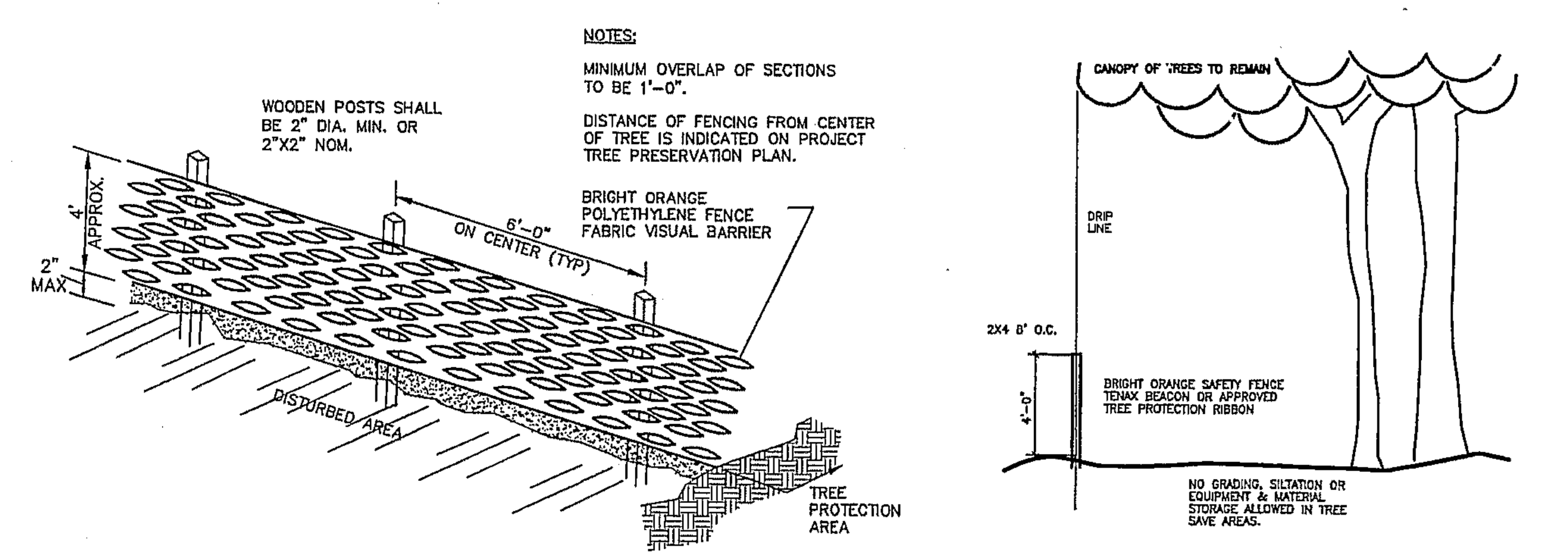
VICINITY MAP
not to scale

TREE LEGEND

+	NON–SPECIMEN TREES TO BE REMOVED
+ 18"OAK	ALL TREES TO REMAIN
+ R34"PINE	SPECIMEN TREES TO BE REMOVED

SEE SHEETS 1–8 FOR TREE SURVEY INFORMATION

ALL BUFFERS AND TREE SAVE AREAS SHALL BE CLEARLY IDENTIFIED WITH FLAGGING AND/OR FENCING PRIOR TO COMMENCEMENT OF ANY LAND DISTURBANCE.



Tr TREE PROTECTION
NOT TO SCALE

ISSUE #5 – 12/12/05 – ADJUSTED TREES BASED ON LOT ADJUSTMENT TRACT ONE (BLOCK A)
ISSUE #4 – 11/10/05 – ADDRESS DEKALB COUNTY TRANSPORTATION COMMENTS
ISSUE #3 – 10/31/05 – ADDRESS COMMENTS
ISSUE #2 – 10/12/05 – ADDRESS COMMENTS AND REVISE STREET & LOT LAYOUT

GEORGIA REGISTERED NO. 802 PROFESSIONAL LANDSCAPE ARCHITECT MARY DASCH YOUNT — DECEMBER 12, 2005

GEORGIA REGISTERED No. 27087 PROFESSIONAL ENGINEER NATHAN H. NICO — 12/12/05

DEVELOPER:
D.R. HORTON, INC..
CONTACT: Jim Huffstetler
8200 Roberts Drive, Suite 400
Atlanta, Georgia 30350
(770) 730–7900

0 100 200 300
scale feet

PREPARED BY :
DEVELOPMENT CONSULTANTS GROUP
2400 Meadowbrook Parkway
Duluth, Georgia 30096
Telephone: (770) 279–1710
Fax: (770) 921–9426

DEVELOPMENT CONSULTANTS GROUP
CONSULTING ENGINEERS PLANNERS & SURVEYORS

R–100 CONSERVATION SUBDIVISION SKETCH PLAT
For
TREE SURVEY
EVANS MILL ROAD TRACT

DESIGNED:	JN	DEKALB COUNTY FILE NO. 05131R	9 OF 9
DRAWN:	GC/LO/MT		
CHECKED:	JN		
APPROVED:	JN		
DATE:	7/21/05	LAND LOT(S) 47, 48, 50, & 79	ISSUE # 5
SCALE:	1" = 100'	16TH LAND DISTRICT	
JOB #	05027	DeKalb COUNTY, GA.	

Z:\Acadfile\05027\Rez-Conc\05027con-cso 11-21-05 lot revisions.dwg, TREE SURVEY, 12/12/2005 4:36:05 PM, jp, 1:1

Item XIII. c.

EROSION, SEDIMENTATION & POLLUTION CONTROL PLAN CHECKLIST
COMMON DEVELOPMENT CONSTRUCTION PROJECTS (Primary and Tertiary Permittees)
SWCD:____________

Project Name: FLAT ROCK HILLS PH4 Address: INTERSECTION OF EVANS MILL RD & CROSSVALE RD
City/County: Dekalb County Date on Plans: FEBRUARY 5, 2019, LAST REVISION 6/6/19
Name & email of person filling out checklist ABBAS HEIDARI, Email:abbas@acrengineers.com

Plan Page #	Included Y/N	TO BE SHOWN ON ES&PC PLAN
COVER	Y	1 The applicable Erosion, Sedimentation and Pollution Control Plan Checklist established by the Commission as of January 1 of the year in which the land-disturbing activity was permitted. (The completed Checklist must be submitted with the ES&PC Plan or the Plan will not be reviewed)
COVER	Y	2 Level II certification number issued by the Commission, signature and seal of the certified design professional. (Signature, seal and Level II number must be on each sheet pertaining to ES&PC Plan or the Plan will not be reviewed)
	N/A	3 Limit of disturbance shall be no greater than 50 acres at any one time without prior written authorization from the EPD District Office. If EPD approves the request to disturb 50 acres or more at any one time, the Plan must include at least 4 of the BMPs listed in Appendix 1 of this checklist.* (A copy of the written approval by EPD must be attached to the Plan for the Plan to be reviewed.)
ALL	Y	4 The name and phone number of the 24-hour local contact responsible for erosion, sedimentation and pollution controls.
COVER	Y	5 Provide the name, address, email address, and phone number of the primary permittee or tertiary permittee.
COVER	Y	6 Note total and disturbed acreage of the project or phase under construction.
COVER	Y	7 Provide the GPS location of the construction exit for the site. Give the Latitude and Longitude in decimal degrees.
ALL	Y	8 Initial date of the Plan and the dates of any revisions made to the Plan including the entity who requested the revisions.
COVER	Y	9 Description of the nature of construction activity.
COVER	Y	10 Provide vicinity map showing site's relation to surrounding areas. Include designation of specific phase, if necessary.
25	Y	11 Identify the project receiving waters and describe all sensitive adjacent areas including streams, lakes, residential areas, wetlands, marshlands, etc. which may be affected.
23	Y	12 Design professional's certification statement and signature that the site was visited prior to development of the ES&PC Plan as stated on Part IV page 23 of the permit.
23	Y	13 Design professional's certification statement and signature that the permittee's ES&PC Plan provides for an appropriate and comprehensive system of BMPs and sampling to meet permit requirements as stated on Part IV pg 22 of the permit.
25	Y	14 Clearly note the statement that "The design professional who prepared the ES&PC Plan is to inspect the installation of the initial sediment storage requirements and perimeter control BMPs within 7 days after installation." in accordance with Part IV A.5 page 27 of the permit.*
23	Y	15 Clearly note the statement that "Non-exempt activities shall not be conducted within the 25 or 50-foot undisturbed stream buffers as measured from the point of wrested vegetation or within 25-feet of the coastal marshland buffer as measured from the Jurisdictional Determination Line without first acquiring the necessary variances and permits."
23	Y	16 Provide a description of any buffer encroachments and indicate whether a buffer variance is required.
23	Y	17 Clearly note the statement that "Amendments/revisions to the ES&PC Plan which have a significant effect on BMPs with a hydraulic component must be certified by the design professional."
23	Y	18 Clearly note the statement that "Waste materials shall not be discharged to waters of the State, except as authorized by a Section 404 permit."
23	Y	19 Clearly note statement that "The escape of sediment from the site shall be prevented by the installation of erosion and sediment control measures and practices prior to land disturbing activities."
23	Y	20 Clearly note statement that "Erosion control measures will be maintained at all times. If full implementation of the approved Plan does not provide for effective erosion control, additional erosion and sediment control measures shall be implemented to control or treat the sediment source."
23	Y	21 Clearly note the statement "Any disturbed area left exposed for a period greater than 14 days shall be stabilized with mulch or temporary seeding."
	N/A	22 Indication that the applicable portion of the primary permittees ES&PC Plan is to be provided to each secondary permittee prior to the secondary conducting any construction activity and that each secondary shall sign the Plan or portion of the Plan applicable to their site. List the names and addresses of all secondary permittees.*
	N/A	23 Any construction activity which discharges storm water into an Impaired Stream Segment, or within 1 linear mile upstream of and within the same watershed as any portion of an Biota Impaired Stream Segment, must comply with Part III. C. of the permit. Include the completed Appendix 1 listing all the BMPs that will be used for those areas of the site which discharge to the Impaired Stream Segment.*
	N/A	24 If a TMDL Implementation Plan for sediment has been finalized for the Impaired Stream Segment (identified in item 23 above) at least six months prior to submittal of NOI, the ES&PC Plan must address any site-specific conditions or requirements included in the TMDL Implementation Plan.*
23	Y	25 BMPs for concrete washdown of tools, concrete mixer chutes, hoppers and the rear of the vehicles. Washout of the drum at the construction site is prohibited.
17-22	Y	26 Provide BMPs for the remediation of all petroleum spills and leaks.
23	Y	27 Description of practices to provide cover for building materials and building products on site.*
23	Y	28 Description of the measures that will be installed during the construction process to control pollutants in storm water that will occur after construction operations have been completed.
17-22,23	Y	29 Description of the practices that will be used to reduce the pollutants in storm water discharges.
COVER	Y	30 Description and chart or timeline of the intended sequence of major activities which disturb soils for the major portions of the site (i.e., initial perimeter and sediment storage BMPs, clearing and grubbing activities, excavation activities, utility activities, temporary and final stabilization).
23	Y	31 Provide complete requirements of inspections and record keeping by the primary permittee or tertiary permittee.
23	Y	32 Provide complete requirements of sampling frequency and reporting of sampling results.*
23	Y	33 Provide complete details for retention of records as per Part IV.F. of the permit.
23	Y	34 Description of analytical methods to be used to collect and analyze the samples from each location.*
23	Y	35 Appendix B rationale for NTU values at all outfall sampling points where applicable.*
19-20	Y	36 Delineate all sampling locations if applicable, perennial and intermittent streams and other water bodies into which storm water is discharged.*
17-22	Y	37 A description of appropriate controls and measures that will be implemented at the construction site including: (1) initial sediment storage requirements and perimeter control BMPs, (2) intermediate grading and drainage BMPs, and (3) final BMPs. For construction sites where there will be no mass grading and the initial perimeter control BMPs, intermediate grading and drainage BMPs, and final BMPs are the same, the Plan may combine all of the BMPs into a single phase.
17-22	Y	38 Plan addresses BMPs for all phases of common development including individual building lots and out-parcels, etc. regardless of who owns or operates the individual sites. Include a typical and any situational lots applicable.
ALL	Y	39 Graphic scale and North arrow.
17-22	Y	40 Existing and proposed contour lines with contour lines drawn at an interval in accordance with the following:

Map Scale	Ground Slope	Contour Intervals, ft
1 inch = 100ft or larger scale	Flat 0 - 2%	0.5 or 1
	Rolling 2 - 8%	1 or 2
	Steep 8% +	2,5 or 10

Plan Page #	Included Y/N	TO BE SHOWN ON ES&PC PLAN
	N/A	41 Use of alternative BMPs whose performance has been documented to be equivalent to or superior to conventional BMPs as certified by a Design Professional (unless disapproved by EPD or the Georgia Soil and Water Conservation Commission). Please refer to the Alternative BMP Guidance Document found at www.gaswcc.org.
	N/A	42 Use of alternative BMP for application to the Equivalent BMP List. Please refer to Appendix A-2 of the Manual for Erosion & Sediment Control in Georgia 2016 Edition.
17-22	Y	43 Delineation of the applicable 25-foot or 50-foot undisturbed buffers adjacent to State waters and any additional buffers required by the Local Issuing Authority. Clearly note and delineate all areas of impact.
17-22	Y	44 Delineation of on-site wetlands and all State waters located on and within 200 feet of the project site.
17-18	Y	45 Delineation and acreage of contributing drainage basins on the project site.
REPORT	Y	46 Provide hydrology study and maps of drainage basins for both the pre- and post-developed conditions.*
REPORT	Y	47 An estimate of the runoff coefficient or peak discharge flow of the site prior to and after construction activities are completed.*
19-20	Y	48 Storm-drain pipe and weir velocities with appropriate outlet protection to accommodate discharges without erosion. Identify/Delineate all storm water discharge points.
17-18	Y	49 Soil series for the project site and their delineation.
17-22	Y	50 The limits of disturbance for each phase of construction.
23	Y	51 Provide a minimum of 67 cubic yards of sediment storage per acre drained using a temporary sediment basin, retrofitted detention pond, and/or excavated inlet sediment traps for each common drainage location. Sediment storage volume must be in place prior to and during all land disturbance activities until final stabilization of the site has been achieved. A written justification explaining the decision to use equivalent controls when a sediment basin is not attainable must be included in the Plan for each common drainage location in which a sediment basin is not provided. A written justification as to why 67 cubic yards of storage is not attainable must also be given. Worksheets from the Manual must be included for structural BMPs and all calculations used by the design professional to obtain the required sediment storage when using equivalent controls. When discharging from sediment basins and impoundments, permittees are required to utilize outlet structures that withdraw water from the surface, unless infeasible. If outlet structures that withdraw water from the surface are not feasible, a written justification explaining this decision must be included in the Plan.
17-22,24	Y	52 Location of Best Management Practices that are consistent with, and no less stringent than, the Manual for Erosion and Sediment Control in Georgia. Use uniform coding symbols from the Manual, Chapter 6, with legend.
24	Y	53 Provide detailed drawings for all structural practices. Specifications must, at a minimum, meet the guidelines set forth in the Manual for Erosion and Sediment Control in Georgia.
17-22,24	Y	54 Provide vegetative plan, noting all temporary and permanent vegetative practices. Include species, planting dates and seeding, fertilizer, lime and mulching rates. Vegetative plan shall be site specific for appropriate time of year that seeding will take place and for the appropriate geographic region of Georgia.

*This requirement of the Common Development permit is not applicable to Tertiary Permittees with a Plan(s) for a typical individual lot(s), if the total land disturbance within the construction site is less than five (5) acres and the total land disturbance within each individual lot is less than one (1) acre. If applicable, the * checklist item would be N/A.

Effective January 1, 2019

City of Stonecrest Georgia
Planning & Zoning Department
☐ Make Corrections Noted
☐ Revise and Resubmit
☐ Submit Specified Item
☐ Comments Noted
☑ Approved
☐ Denied
Review is for general conformance with applicable City ordinances and Zoning codes and in no way, relieves the developer, property owner, contractor or their agents of the responsibility to comply with appropriate regulations. This review does not constitute any assumption of liability by the governing body or the reviewing engineers.
Date 2/18/20 By [signature]

State Soil and Water Conservation Commission RECEIVED 12-23-19

GSWCC Georgia Soil and Water Conservation Commission APPROVED #79601 1/24/20

APPROVED
"City of Stonecrest Plans Review"
LAND DEVELOPMENT / ENVIRONMENTAL
EROSION & SEDIMENT CONTROL PLAN
SITE PLAN
TREE PORTECTION PLAN
RESIDENTIAL LOT / SUBDIVISION / COMMERCIAL
Approval subject to final field inspection and all applicable codes and ordinances.
Date: 2/18/2020
By:
SITE PLANS MUST REMAIN ON THE SITE AT ALL TIMES

CONSTRUCTION PLANS
FOR
FLAT ROCK HILLS PHASE 4

STREET ADDRESS:
INTERSECTION OF LYONS RD AND BROWNS MILL RD
LAND LOT 47 AND 50
DISTRICT 16TH
Dekalb County, GEORGIA
TAX PARCEL NUMBER(S)
16-050-02-001, 16-047-03-001 AND 16-047-03-014
AP # 21219
AP # 3018768-LDP

ENGINEER'S CERTIFICATION FLOOD PLAIN:
I, MARK MILLER a registered professional engineer in the State of Georgia, hereby certify with my signature and seal, that the grading and drainage plans for the project known as FLAT ROCK HILLS PHASES 4 Development/Building Permit# , lying in Land Lot 47, AND 50of the 16TH District, DeKaib County, have been reviewed under my supervision, and state that, in my opinion, the execution of said plans has not diminished the natural storage capacity of the adjacent flood plain, nor caused any increase in the flood levels of the Base Flood (IRF – 100 Year Flood), and is in compliance with the Dekalb County Land Development Ordinance.This, the day of 20

Signature
Georgia Registration No. 20748

ENGINEER'S CERTIFICATION STORM WATER RUN-OFF:
I, MARK MILLER a registered professional engineer in the State of Georgia, hereby certify with my signature and seal, that the grading and drainage plans for the project known as FLAT ROCK HILLS PHASES 4 Development/Building Permit# , lying in Land Lot 47, AND 50 of the 16TH District, DeKaib County, have been reviewed under my supervision, and state that, in my opinion, the execution of said plans will comply with the DeKalb County Land Development Ordinance.
This, the day of 20

Signature
Georgia Registration No. 20748

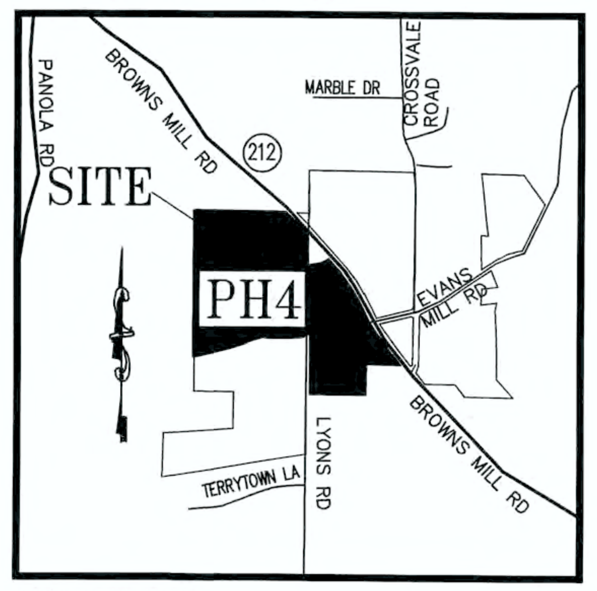
OWNER/DEVELOPER: D.R. HORTON INC.
1371 DOGWOOD DR SW
CONYERS, GA 30012
PHONE: (678) 509-0555
CONTACT: JAY COOMBE
E-MAIL: JRC@DRHORTON.COM

ENGINEER: ACR ENGINEERING, INC.
600 PINNACLE COURT
SUITE 685
NORCROSS, GEORGIA 30071
PHONE: (678) 291-0000
CONTACT: ABBAS HEIDARI
E-MAIL: ABBAS@ACRENGINEERS.COM

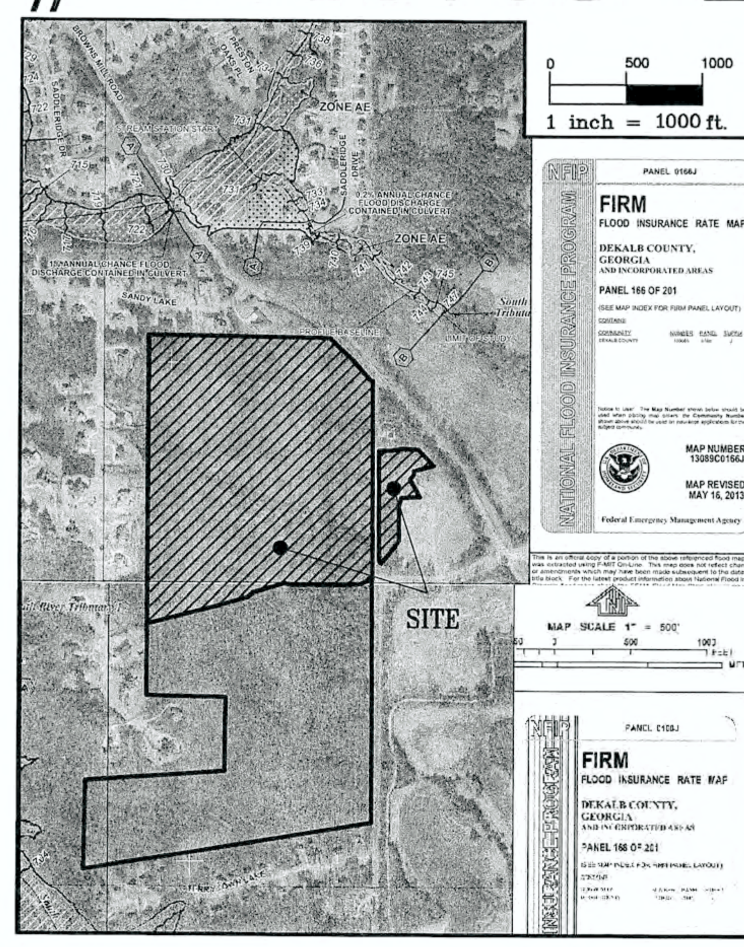
ISSUE				
NO.	DESCRIPTION	DATE	BY	APPR.
1	COMMENTS	4/10/19	IP	MM
2	COUNTY COMMENTS	6/6/19	IP	MM

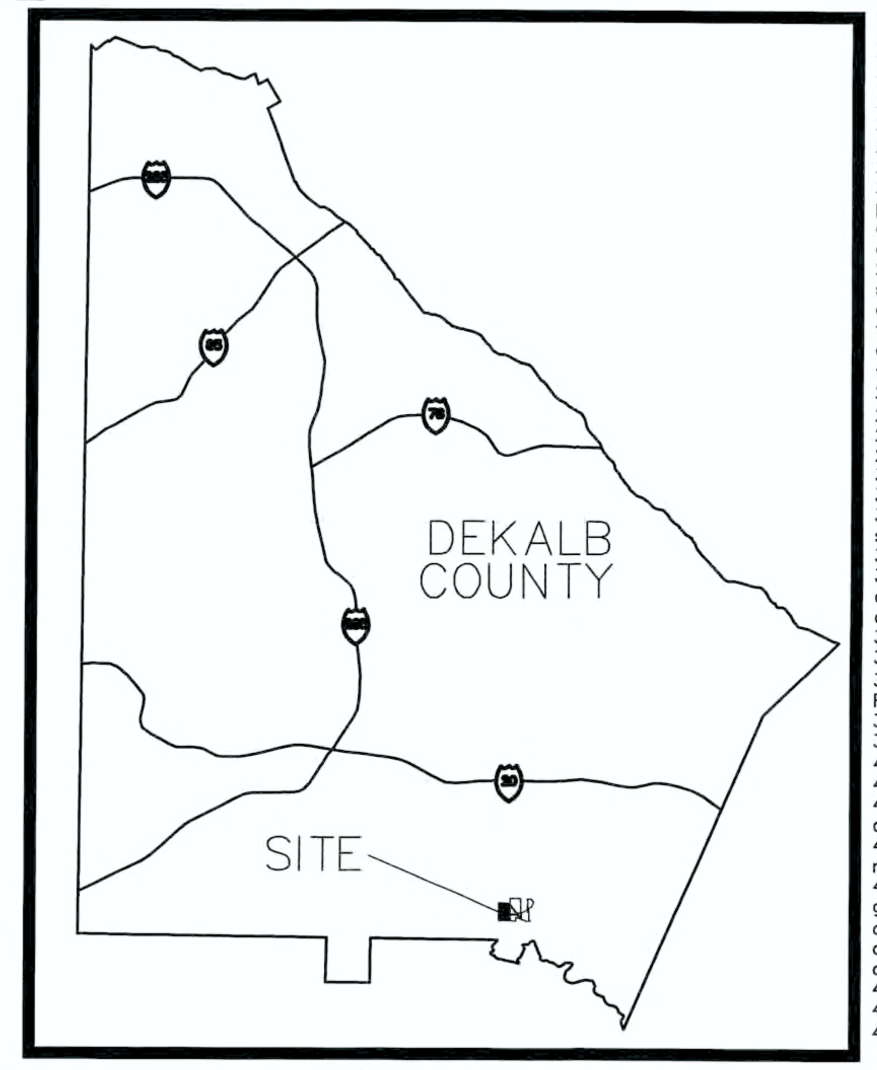
GENERAL NOTES:
1. This property is zoned R-100. Proposed use is detached single-family dwellings within a conservation subdivision.
2. Water service to be provided by Watershed department.
3. Sanitary sewer service (gravity sewer) to be provided by Dekalb County water & sewer department.
4. A 75-foot tributary buffer and 25-foot stream buffer will be maintained on all state waters that are not approved for a buffer encroachment variance by Dekalb County or georgia department of natural resources environmental protection division.
5. Sketch plat approval does not constitute approval of the storm drainage or sanitary sewer systems. No construction shall begin until construction plans are approved and a development permit is obtained.
6. The owner of the property is responsible for compliance with the corps of engineers' requirements regarding wetlands.
7. Waters of the united states, including adjacent wetlands, shown on the plat are under the jurisdiction of the army corps of engineers. Lot owners are subject to penalty by law for disturbance to these wetland areas without proper authorization.
8. Inert landfills or the burying of construction debris, tree stumps and tops or any other refuse is prohibited except in m-2 industrial districts per land development ordinance chapter 14, article ii, section 14-37 (b)(6).
9. Boundary information shown hereon is taken from an alta/boundary survey by metro engineering and surveying co. Inc., dated february 24, 2005.
10. Topographic information shown hereon is taken from an aerial topographic survey by bei aerial mapping dated may 13, 2005, and ground-run topographic surveys performed by development consultants group dated january 19, 2006. Contour interval is two feet.
11. Total number of lots: 149 lots
Total area : 60.44 AC.
Goss Density: 2.48 Lots/Acres
Total disturbed area = 44.2 ac.
Minimum lot width = 60 feet at r/w (corner lot min. Width = 75 feet)
Minimum lot size = 8,000 square feet
Minimum setback requirements: front yard setback – 50 feet
Major thoroughfare – 40 feet, Minor thoroughfare – 35 feet, Collector streets – 20 feet interior streets
Interior side yard setback – 7.5 feet
Rear yard – 20 feet
Maximum building height – 35 feet
Minimum dwelling size is 2,000 square feet.
12. There are wetlands shown on this property as referenced by us department of interior fish and wildlife service. National wetlands inventory map – redan, ga dated 1990.
13. Common areas, corner parks and recreation area will be owned and maintained by a mandatory homeowners association.
14. Stormwater detention is provided on-site. No water can be discharged closer than 25' from any property line.
15. Maximum cut or fill slope is 3h:1v.
16. All utilities to be located underground.
17. Protective covenants will be filed with recording of the final plat.
18. Streetlights are required.
19. Any above-ground utilities should be a minimum of 15 feet above all roadways.
20. There are no known historic resources on the phase two property.
21. There are no known "natural features" on the phase two property.
22. All proposed water lines shall be 8" dip.
23. There are no known bury pits on the phase two property.
24. The sight distance from the proposed entrances of the flat rock hills phase two subdivision will meet or exceed 10 times the posted speed limit of the intersected streets in both directions. The sight distance provides clear visibility of an object 3.5 feet above the center of the existing travel lane, viewed from the centerline of the proposed street measured 10 feet from the edge of pavement of the existing street, at a height of 3.5 feet above ground
25. The internal streets of the flat rock hills phase 2b and 3 will be designed to have adequate corner sight distance for local street intersections per Dekalb County standards. The regulated speed limit will be 25 miles per hour throughout the development. The sight distance will be equal to or exceed 250 feet in both directions for all internal streets, which is equal to or exceeds 10 times the regulated speed limit of the intersected street. The sight distance will provide clear visibility of an object 3.5 feet above the center of the travel lane, viewed from the centerline of the proposed street measured 10 feet from the edge of pavement of the existing street, at a height of 3.5' feet above the ground.
26. All street grades are less than the allowable maximum of 12 percent.
27. All horizontal curve radii are greater than the allowable minimum centerline radius of 150'.
28. Provided green space exceeds the 20 percent minimum requirement.
29. All island cul-de-sacs include inside curbing.
30. All public improvements & required easements shall be extended to the parcel on which new development is proposed.
31. There are no known existing structures on property, thus no known septic tanks.
32. The water and sewer service department requires that a backflow preventer device be installed on each domestic or fire service line, and any other type of water service connection.
33. Water meters must be located within the right-of-way.
34. Soil information taken from soil survey of Dekalb County georgia dated july 1982 by usda soil conservation service in cooperation with university of georgia college of agriculture, agriculture experiment stations and Dekalb County planning department.
35. No transitional buffers are required for property.
36. Recorded off-site sewer easement required prior to issuance of a development permit.
37. 5' planting strips, 5' concrete sidewalks, and 18" curb & gutter to be provided on both sides of all interior streets. A.D.A. Ramps to be provided at all street intersections.
38. The total drainage and sewer easement area makes up 2.9% of the total green space area.
39. A fence shall be required around the detention pond.
40. Traffic control/calming measures to be incorporated as necessary.
41. All road improvements within state right-of-way to be coordinated with georgia department of transportation.
42. All catch basins are to be in line per std. 402, 402a, 403b, 404a, 404b, 405, and 405a . Show one foot lid offset in cul-de-sacs and streets with header curb.
43. Detention facilities and erosion control measures are to be accomplished prior to any other construction on the site and maintained until permanent ground cover is established.
44. Compaction of all fill material between the front and rear building lines to be 95% standard proctor must be certified by georgia registered professional soils engineer prior to the installation of curb. This certification will be submitted to the chief of development inspections. Lots with 2' of fill or greater, as delineated on the construction plans, will require compaction certifications prior to issuance of building permits. The engineer will also provide a letter listing those lots that require compaction certification. Those lots that require compaction certification will be indicated on the final recorded plat.
45. All wood chips shall be removed from site and properly disposed of prior to the final plat.
46. All corrugated metal pipes to be fully asphalt coated with paved inverts or aluminum coated type ii.
47. N.P.D.E.S. Fee calculation; 44.2 ac. Disturbed x \$40/distr.Ac.=\$1832

PHASE 4
CONSTRUCTION EXIT
LATITUDE LONGITUDE
33.6493 -84.1713



VICINITY MAP SCALE 1"=2000'





LOCATION MAP

PROJECT NARRATIVE/SCOPE OF WORK:

THE PURPOSE OF THIS PROJECT IS TO CONSTRUCT A 149 LOT SINGLE FAMILY SUBDIVISION ON 60.44 ACRES IN Dekalb County.

NO PORTION OF THIS PROPERTY LIES WITHIN A DESIGNATED FLOOD PRONE AREA AS PER F.I.R.M. COMMUNITY PANEL 13089C0166J AND 13089C0168J Dekalb County, GEORGIA EFFECTIVE DATED MAY 16, 2013.

NOTE:
RECEIVING WATER FOR THIS PROJECT IS SOUTH RIVER TRIBUTARY 1

THIS SITE IS LOCATED AT LYONS ROAD, DEKALB COUNTY THE AREA OF THE TRACT TO BE DEVELOPED IS PRESENTLY SLOPES DOWN TOWARD SOUTH RIVER TRIBUTARY VIA SLOPES ALONG SOUTH AND WEST WEST OF PROPERTY. TOTAL SITE AREA IS 60.44 A.C.. THE SITE IS MIXED HARDWOOD AND EVERGREEN TREES.

NOTE:
THERE ARE NO BUFFER ENCROACHMENTS.

DESCRIPTION OF EXISTING CONDITIONS:
THIS SITE IS LOCATED AT LYONS ROAD, DEKALB COUNTY THE AREA OF THE TRACT TO BE DEVELOPED IS PRESENTLY SLOPES DOWN TOWARD SOUTH RIVER TRIBUTARY 1 VIA SLOPES ALONG SOUTH AND WEST WEST OF PROPERTY. TOTAL SITE AREA IS 60.44 A.C.. THE SITE IS MIXED HARDWOOD AND EVERGREEN TREES.

CONSTRUCTION SCHEDULE

ACTIVITY	WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 5	WEEK 6	WEEK 7	WEEK 8	WEEK 9	WEEK 10	WEEK 11	WEEK 12	WEEK 13	WEEK 14	WEEK 15	WEEK 16	WEEK 17	WEEK 18	WEEK 19	WEEK 20	WEEK 21	WEEK 22	WEEK 23	WEEK 24	WEEK 25	WEEK 26
CLEARING, GRUBBING & TREE PROTECTION INSTALLATION OF BMP'S INITIAL	●	●	●	●	●																					
CLEARING AND GRUBBING (FOR GRADING)				●	●	●	●	●	●	●	●															
DEMOLITION OF STRUCTURES		●	●	●																						
EROSION CONTROL IMPLEMENTATION	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
CUT AND FILL					●	●	●	●	●	●	●	●	●	●	●	●										
GRASSING (LIMIT EXPOSURE TO 7 DAYS)	AS AREAS ARE CLEARED																									
UTILITY INSTALLATION							●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
CONSTRUCTION		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
FINISH GRADING															●	●	●	●	●	●	●	●	●	●	●	●
FINAL STABILIZATION																									●	●
MAINT. EROSION CONTROL MEASURES	● THROUGHOUT LIFE OF PROJECT																									
TREE PROTECTION WITH EROSION CONTROL	● THROUGHOUT LIFE OF PROJECT																									

EROSION CONTROL INSTALLATION IS TO BE THE FIRST ACTION OF CONSTRUCTION.
ANTICIPATED START DATE: 3/05/19
ANTICIPATED END DATE: 3/05/21
NATURE OF CONSTRUCTION ACTIVITY IS SINGLE FAMILY SUBDIVISION CONSTRUCTION.

GEORGIA REGISTERED NO. 20748 PROFESSIONAL ENGINEER MARK A. MILLER

CALL 811 BEFORE YOU DIG — SAFE DIGGING PARTNER

THE FIRM OF ACR ENGINEERING, INC. DOES NOT CERTIFY TO THE ACCURACY OR THE LOCATION OF ANY UNDERGROUND UTILITIES EITHER SHOWN OR NOT SHOWN HEREON. CONTACT THE UTILITIES PROTECTION CENTER AT 1-800-282-7411 PRIOR TO ANY CONSTRUCTION.

"Dekalb County Development File # XXXXX"
ACR JOB NO. 14-021-E
PREPARED BY:
ACR ENGINEERING, INC.
600 PINNACLE COURT
SUITE 685
NORCROSS, GEORGIA 30071
(678) 291-0000

REVIEWED BY: MARK MILLER .

ENGINEER'S CERTIFICATION STATEMENT:
With my initials at the line above and my seal and signature below, I Mark A. Miller_A Professional Engineer licensed in the State of Georgia hereby certify that I have personally reviewed the attached submittal plans for a land disturbance permit. In my opinion these submittal plans meet all applicable regulations and ordinances of Dekalb County. Dekalb County and other affected parties may rely on this certification.

Signed: Georgia Registration #20748

SEWER ACCESS FEES NEED TO BE PAID UNDER THE FOLLOWING CIRCUMSTANCES:

SEWER ACCESS FEES MUST BE SETTLED WITH Dekalb County FOR NEW CONSTRUCTION OR REDEVELOPEMNT OR ADDITION OR CONVERSION AT THE FOLLOWING LOCATION:

330 WEST PONCE DE LEON, 2ND FLOOR
DECATUR, GA 30030

FAILURE TO SETTLE FEES WILL RESULT IN DELAYS FOR OBTAINING WATER & SEWER PLAN APPROVAL AS WELL AS CERTIFICATE OF OCCUPANCY/COMPLETION.

NPDES FEES:
Dekalb County: \$1768
GEORGIA STATE EPA: \$1768
TOTAL AREA = 60.44 ACRES
TOTAL DISTURBED AREA = 44.20 ACRES
IMPERVIOUS AREA = 18.0 ACRES
DISTURBED AREAS MUST BE STABALIZED

24-HOUR CONTACT
JAY COOMBE (678) 509-0555

EROSION DESIGN LEVEL II CERTIFICATION
MARK A. MILLER – CERTIFICATION # 0000015923 EXP. DATE 08/19/2020

1" = 20,000' GREENSPACE REQUIREMENTS CHART (PHASE 4)

PHASE	TOTAL ACRES	ADJUSTED TOTAL ACERAGE	TOTAL LOTS	DENSITY LOTS/ACRE	GREENSPACE PROVIDED***	EASEMENT AREA (AC)	WETLANDS AREA (AC)	% WETLANDS/ EASEMENTS	AVG. LOT SIZE	GREENSPACE REQUIRED (AC)*	GREENSPACE PERCENTAGE
4	60.44	60.44	149	2.48	15.90	2.99	0.28	9.36%	8,954	20.68	26.31%

* (15,000-AVG. LOT=A)
(A×NUMBER OF LOTS=REQ'D GREENSPACE)
*** PROVIDED GREENSPACE AREA DOES NOT INCLUDE 50' GREENSPACE STRIP OR IMPERVIOUS AREA WITHIN AMENITIES AREA

INDEX

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STORMWATER FACILITY / BMP PLAN	10-11
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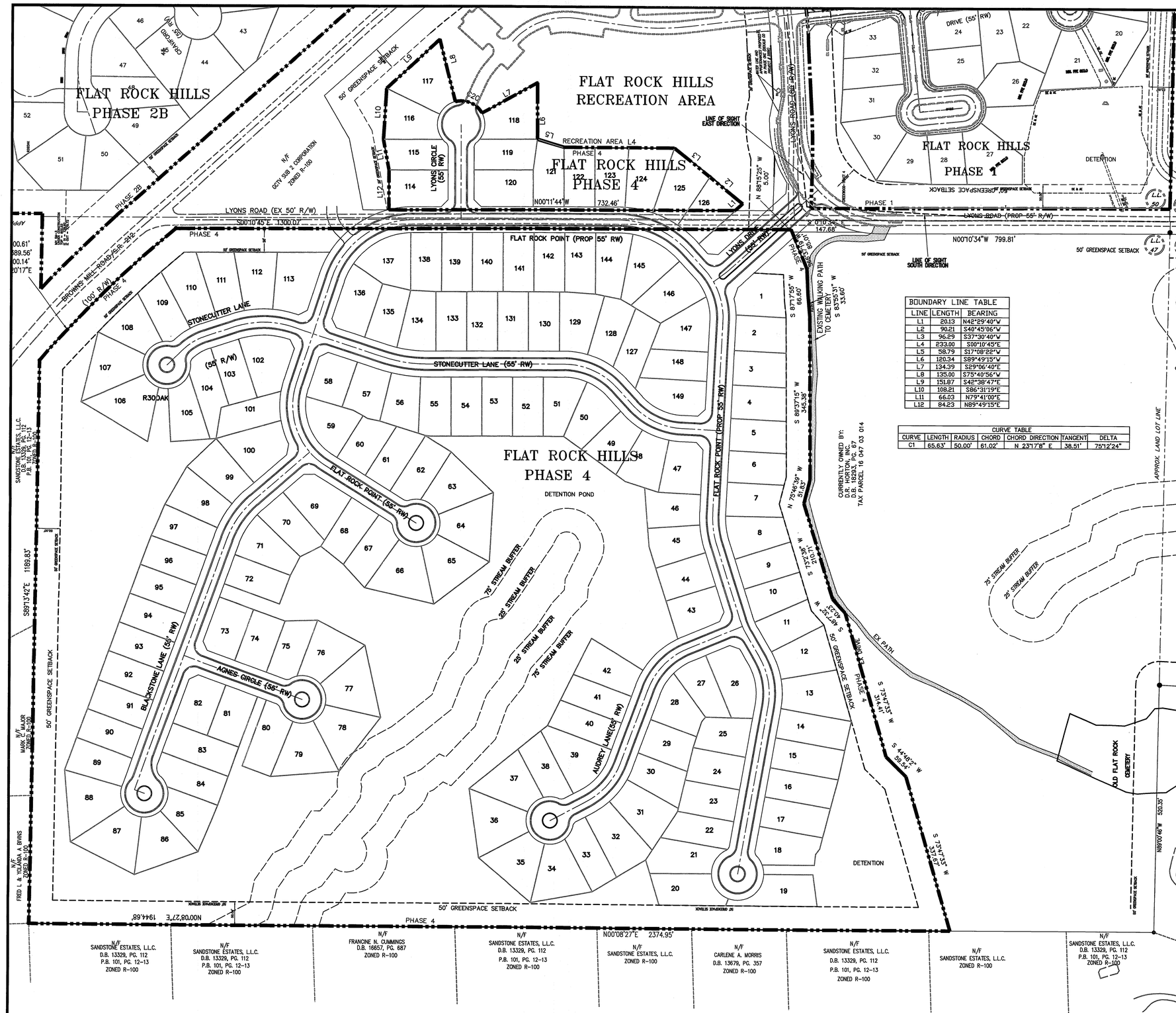
DEVELOPMENT SERVICES PERMITTING DISCLAIMER:
The approval of these plans and the issuance of this Land Disturbance Permit does not in any way suggest that all other requirements for the legal or appropriate operations for this activity, which may require additional permitting, have been met. The onus is on the owner/developer/builder to discover what additional permitting or approvals may be necessary to operate from this point in an appropriate and legal manner. Plan approval or permit issuance does not absolve the applicant from complying with all applicable laws, policies, standards or other permits which may be required for this project.

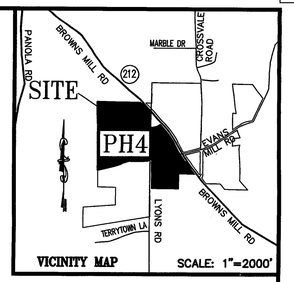
DRAWING: LDP/14021E-PH4	Sheet 1
DATE: FEBRUARY 5, 2019	Of 38

AP # 3018768-LDP FLAT ROCK HILLS PHASE 4



OWNER/DEVELOPER: D.R. HORTON INC.
1371 DOGWOOD DR SW
CONYERS, GA 30012
PHONE: (678) 509-0555
CONTACT: JAY COOMBE

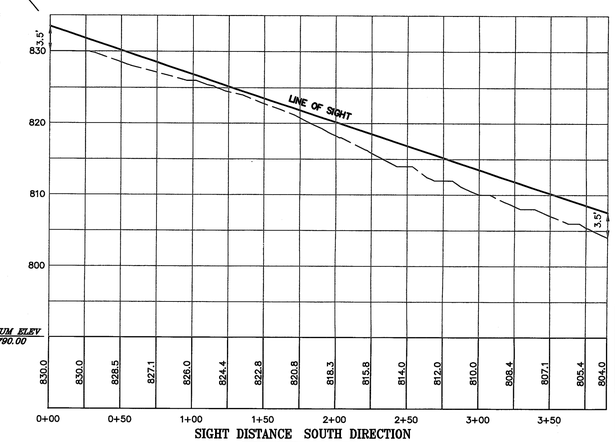
ENGINEER: ACR ENGINEERING, INC.
600 PINNACLE COURT
SUITE 685
NORCROSS, GEORGIA 30071
PHONE: (678) 291-0000
CONTACT: ABBAS HEIDARI



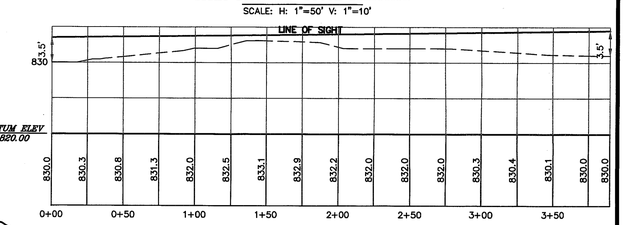
VICINITY MAP SCALE: 1"=2000'

BOUNDARY LINE TABLE		
LINE	LENGTH	BEARING
L1	20.13	N42°29'40"W
L2	90.21	S40°45'06"W
L3	96.29	S37°30'40"W
L4	233.00	S90°10'45"E
L5	58.79	S17°08'22"W
L6	120.34	S89°49'15"W
L7	134.39	S29°06'40"E
L8	135.00	S75°40'56"W
L9	151.87	S42°38'47"E
L10	108.21	S86°31'19"E
L11	66.03	N79°41'00"E
L12	84.23	N89°49'15"E

CURVE TABLE						
CURVE	LENGTH	RADIUS	CHORD	CHORD DIRECTION	TANGENT	DELTA
C1	65.63'	50.00'	61.02'	N 23°17'8" E	38.51'	75°12'24"



SIGHT DISTANCE SOUTH DIRECTION
SCALE: H: 1"=50' V: 1"=10'



SIGHT DISTANCE EAST DIRECTION
SCALE: H: 1"=50' V: 1"=10'

TOTAL AREA : 60.44 AC
TOTAL DISTURBED AREA: 44.2 ac.

24-HR CONTACT : JAY COOMBE (678) 509-0555

GEORGIA REGISTERED NO. 20748 PROFESSIONAL ENGINEER MARK A. MILLER

811 Call 811 Before You Dig

MASTER PLAN
FOR
FLAT ROCK HILLS PHASE 4

LAND LOT 47 AND 50 – 16TH DISTRICT
Dekalb County, GEORGIA

DATE: FEBRUARY 5, 2019	No.	Revision/Issue	By	Date
SCALE:	1	COMMENTS	IP	4/10/19
DRAWN: IP	2	COUNTY COMMENTS	IP	6/6/19
APPROVED: MM				
DRAWING: 14021E-P4				

ACR Engineering, inc.
ATLANTA COMMERCIAL & RESIDENTIAL ENGINEERING
600 PINNACLE COURT
SUITE 685
NORCROSS, GA 30071
TEL: (678) 291-0000
FAX: (678) 291-6887

Sheet 2 Of 38

ALL CATCH BASINS ARE TO BE IN-LINE PER STD. 402, 402A, 403B, 404A, 404B, 405, AND 405A. SHOW ONE FOOT (1') LID OFFSET IN CUL-DE-SACS.

DETENTION FACILITIES AND EROSION CONTROL MEASURES ARE TO BE ACCOMPLISHED PRIOR TO ANY OTHER CONSTRUCTION ON THE SITE AND MAINTAINED UNTIL PERMANENT GROUND COVER IS ESTABLISHED.

COMPACTION OF ALL FILL MATERIAL BETWEEN THE FRONT AND REAR BUILDING LINES TO BE 95% STANDARD PROCTOR AND MUST BE CERTIFIED BY GEORGIA REGISTERED PROFESSIONAL SOILS ENGINEER PRIOR TO THE INSTALLATION OF CURB. THIS CERTIFICATION WILL BE SUBMITTED TO THE CHIEF OF DEVELOPMENT INSPECTIONS. LOTS WITH TWO FEET (2') OF FILL OR GREATER, AS DELINEATED ON THE CONSTRUCTION PLANS, WILL REQUIRE A COMPACTION CERTIFICATION PRIOR TO ISSUANCE OF BUILDING PERMITS. THE ENGINEER WILL ALSO PROVIDE A LETTER LISTING THOSE LOTS THAT REQUIRE COMPACTION CERTIFICATION. THOSE LOTS THAT REQUIRE COMPACTION CERTIFICATION WILL BE INDICATED ON THE FINAL RECORDED PLAT.

ALL "STOP" SIGNS TO BE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) R1-1 SIGNS. ALL STOP BARS TO BE IN ACCORDANCE WITH MUTCD STANDARDS.

STREET CENTERLINE CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD	CHORD DIRECTION	TANGENT	DELTA
C1	104.52	150.00	102.42	N80°02'51"E	54.48	39°55'29"
C2	32.11	150.00	32.05	S66°13'06"W	16.12	12°15'58"
C3	71.17	200.00	70.80	N82°32'45"E	80.66	30°05'48"
C4	118.42	150.00	115.37	N70°07'23"E	62.49	42°14'06"
C5	166.45	200.00	161.69	N23°39'48"E	88.39	47°41'05"
C6	224.50	180.00	210.23	N35°54'36"W	129.49	71°27'42"
C7	199.47	150.00	185.09	S70°15'50"W	117.60	76°11'27"
C8	122.73	150.00	107.08	S46°20'13"E	65.03	46°52'41"
C9	109.49	150.00	107.08	N48°51'50"W	57.31	41°49'25"
C10	117.04	150.00	114.09	S25°09'13"W	61.68	44°42'15"
C11	124.84	150.00	121.27	N23°39'48"E	66.29	47°41'05"
C12	97.07	300.00	96.64	S09°05'24"W	48.96	18°32'18"
C13	126.99	200.00	124.86	N00°10'12"E	65.72	36°22'48"
C14	54.51	120.00	54.04	N31°01'54"W	27.01	25°22'12"
C15	101.68	200.00	100.59	N55°28'23"W	27.73	26°01'29"

LOT NO.	BLOCK	SQ. FT.	REDUCTION
1	A	8,589	6411
2	A	8,042	6958
3	A	8,113	6887
4	A	8,170	6830
5	A	8,082	6918
6	A	8,168	6832
7	A	8,111	6889
8	A	9,111	5889
9	A	8,116	6884
10	A	8,146	6854
11	A	8,141	6859
12	A	9,505	5495
13	A	11,140	3860
14	A	9,427	5573
15	A	9,260	5740
16	A	9,012	5988
17	A	8,684	6316
18	A	9,024	5976
19	A	8,073	6927
20	A	8,937	6063
21	A	9,288	5712
22	A	8,052	6948
23	A	8,060	6940
24	A	8,024	6976
25	A	8,055	6945
26	A	10,522	4478
27	A	8,126	6874
28	A	8,219	6781
29	A	8,002	6998
30	A	8,117	6883
31	A	10,476	4524
32	A	11,009	3991
33	A	8,141	6859
34	A	10,217	4783
35	A	10,285	4715
36	A	10,713	4287
37	A	10,018	4982
38	A	8,130	6870
39	A	10,831	4169
40	A	8,461	6539
41	A	8,068	6932
42	A	9,295	5705
43	A	8,513	6487
44	A	8,008	6992
45	A	8,100	6900
46	A	8,176	6824
47	A	8,009	6991
48	A	9,003	5997
49	A	8,504	6496
50	A	8,598	6402
51	A	8,861	6139
52	A	8,125	6875
53	A	8,125	6875
54	A	8,125	6875
55	A	8,289	6711
56	A	8,101	6899
57	A	8,207	6793
58	A	8,022	6978
59	A	8,143	6857
60	A	8,027	6973
61	A	8,107	6893
62	A	8,684	6316
63	A	9,721	5279
64	A	10,591	4409
65	A	10,591	4409
66	A	11,130	3870
67	A	8,522	6478
68	A	8,103	6897
69	A	10,492	4508
70	A	8,956	6044
71	A	9,031	5969
72	A	8,136	6864
73	A	8,802	6198
74	A	8,124	6876
75	A	8,060	6940
76	A	9,620	5380
77	A	10,807	4193
78	A	9,941	5059
79	A	10,269	4731
80	A	9,261	5739
81	A	8,046	6954
82	A	8,671	6329
83	A	9,653	5347
84	A	9,133	5867
85	A	8,375	6625
86	A	9,949	5051
87	A	11,202	3798
88	A	11,408	3592
89	A	8,464	6536
90	A	8,125	6875
91	A	8,125	6875
92	A	8,125	6875
93	A	8,125	6875
94	A	8,125	6875
95	A	8,125	6875
96	A	8,125	6875
97	A	8,342	6658
98	A	9,175	5825
99	A	9,998	5002
100	A	10,596	4404
101	A	8,112	6888
102	A	10,601	4399
103	A	8,001	6999
104	A	8,734	6266
105	A	8,201	6799
106	A	11,624	3376
107	A	11,175	3825
108	A	8,557	6443
109	A	8,334	6666
110	A	10,549	4451
111	A	9,334	5666
112	A	9,216	5784
113	A	11,235	3765
114	A	9,684	5316
115	A	8,427	6573
116	A	9,292	5708
117	A	11,279	3721
118	A	10,142	4858
119	A	8,338	6662
120	A	9,575	5425
121	A	8,483	6517
122	A	8,125	6875
123	A	8,472	6528
124	A	10,153	4847
125	A	8,944	6056
126	A	9,212	5788
127	B	8,373	6627
128	B	8,623	6377
129	B	9,767	5233
130	B	8,256	6744
131	B	8,140	6860
132	B	8,149	6851
133	B	8,157	6843
134	B	8,604	6396
135	B	8,049	6951
136	B	9,857	5143
137	B	9,715	5285
138	B	8,046	6954
139	B	8,094	6906
140	B	8,103	6897
141	B	8,112	6888
142	B	8,120	6880
143	B	8,259	6741
144	B	8,971	6029
145	B	9,829	5171
146	B	10,252	4748
147	B	9,590	5410
148	B	8,192	6808
149	B	9,396	5604
TOTAL		1,334,184	900,816

NOTE:
CURB RAMPS ON ACCESSIBLE ROUTES SHALL COMPLY WITH 2010 ADA SECTION 406 AND BE COORDINATED BETWEEN THE PROPOSED SIDEWALKS AND EXISTING.406.

BOUNDARY LINE TABLE

LINE	LENGTH	BEARING
L1	20.13	N42°29'40"W
L2	90.21	S40°45'06"W
L3	96.29	S37°30'40"W
L4	233.00	S00°10'45"E
L5	58.79	S17°08'22"W
L6	120.34	S89°49'15"W
L7	134.39	S29°06'40"E
L8	135.00	S75°40'56"W
L9	151.87	S42°38'47"E
L10	108.21	S86°31'19"E
L11	66.03	N79°41'00"E
L12	84.23	N89°49'15"E

CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD	CHORD DIRECTION	TANGENT	DELTA
C20	65.63'	50.00'	61.02'	N 23°17'8" E	38.51'	75°12'24"

BLOCK	LOTS
A	125
B	24
TOTAL	149

TOTAL AREA : 60.44 AC
TOTAL DISTURBED AREA: 44.2 ac.

LEGEND

- F.D.C. = FIRE DEPARTMENT CONNECTION
- RL = RAIN LEADER
- IPF = IRON PIN FOUND
- IPS = IRON PIN SET – 1/2" REBAR
- CMF = CONC. MONUMENT FOUND
- R/W = RIGHT OF WAY
- ℄ = CENTER LINE
- ℘ = PROPERTY LINE
- B/L = BUILDING LINE
- LLL = LAND LOT LINE
- BM = BENCH MARK
- PTP = POWER/TELEPHONE POLE
- PP = POWER POLE
- LP = LIGHT POLE
- TRANS = TRANSFORMER
- SSMH = SANITARY SEWER MANHOLE
- GPMH = GEORGIA POWER MANHOLE
- BSMH = AT&T MANHOLE
- UGTM = UNDERGROUND TELEPHONE MARKER
- CB = CATCH BASIN
- HW = HEADWALL
- JB = JUNCTION BOX
- DI = DROP INLET
- GI = GRATE INLET
- MH = MANHOLE
- CMP = CORRUGATED METAL PIPE
- CSP = CORRUGATED STEEL PIPE
- RCP = REINFORCED CONCRETE PIPE
- H/C = HANDICAP
- S/S = SANITARY SEWER
- WM = WATER METER
- PVC = POLYVINYL CHLORIDE PIPE
- DE = DRAINAGE EASEMENT
- SSE = SANITARY SEWER EASEMENT
- ELEV = ELEVATION
- FFE = FINISHED FLOOR ELEVATION
- IE = INVERT ELEVATION
- POB = POINT OF BEGINNING
- X 994.84 = EXISTING SPOT ELEVATION
- BC = BACK OF CURB
- FH = FIRE HYDRANT
- WV = WATER VALVE
- ● = PROPERTY CORNER
- ⊗ = MANHOLE
- = FIRE HYDRANT
- Ø = POWER/TELEPHONE POLE
- = LAND LOT LINE
- —O—O— = FENCE
- —P— = POWER LINE
- —T— —T— = TELEPHONE LINE
- —G— = GAS LINE
- —W— = WATER LINE
- —CATV— = CABLE TV LINE
- —S— = SANITARY SEWER LINE
- = EXISTING STORM LINE
- = PLUGGED PIPE/STUB
- = TRAVERSE LINE/POINT
- = BRANCH/CREEK
- V = ROCK OUTCROPPING

GRAPHIC SCALE
60 0 30 60 120
(IN FEET)
1 inch = 60 ft.

MAGNETIC

OWNER/DEVELOPER: D.R. HORTON INC.
1371 DOGWOOD DR SW
CONYERS, GA 30012
PHONE: (678) 509-0555
CONTACT: JAY COOMBE

ENGINEER: ACR ENGINEERING, INC.
600 PINNACLE COURT
SUITE 685
NORCROSS, GEORGIA 30071
PHONE: (678) 291-0000
CONTACT: ABBAS HEIDARI

GEORGIA REGISTERED NO. 20748 PROFESSIONAL ENGINEER MARK A. MILLER

CALL 811 BEFORE YOU DIG — SAFE DIGGING PARTNER

24-HR CONTACT : JAY COOMBE (678) 509-0555

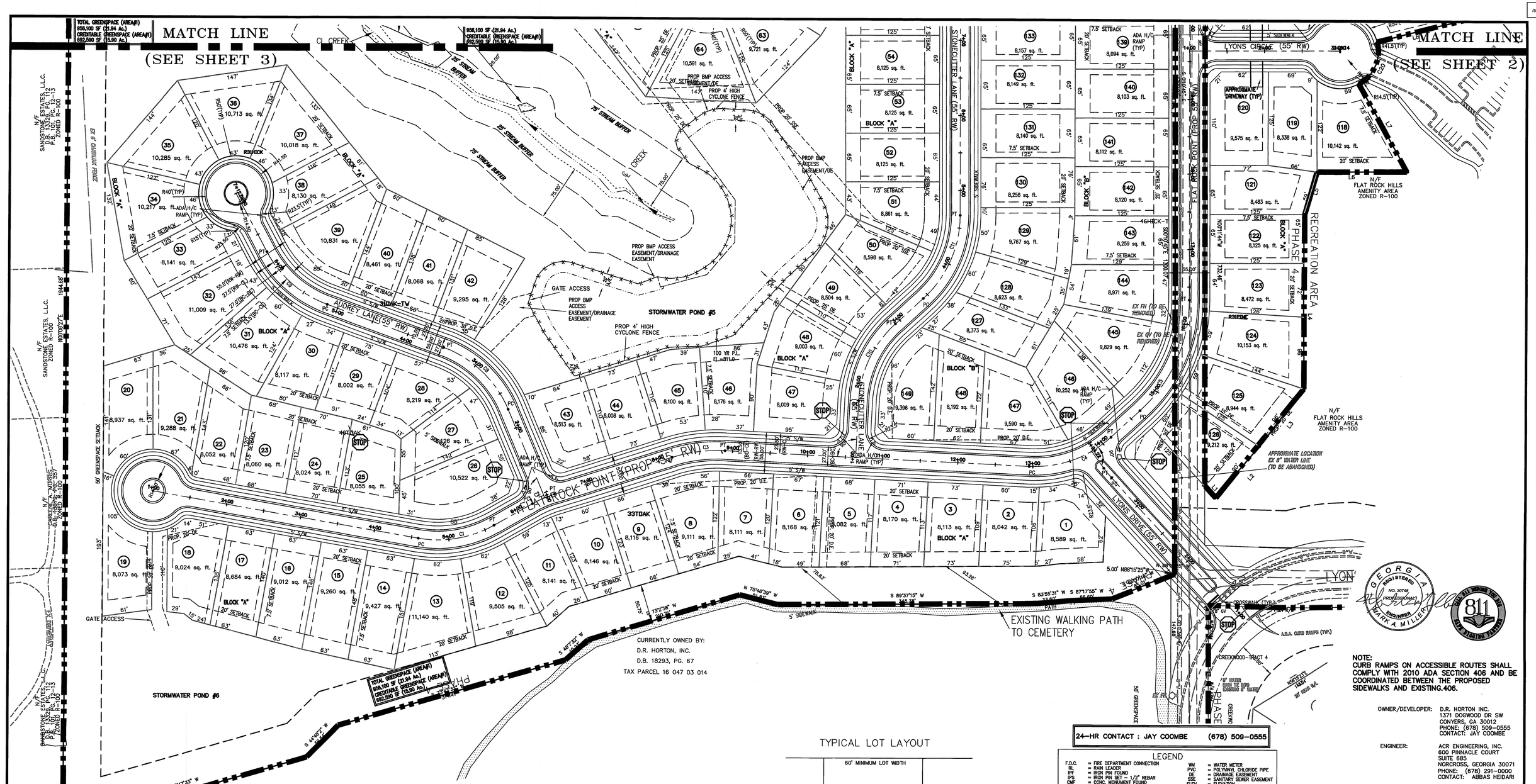
DATE:	FEBRUARY 5, 2019
SCALE:	1"=60'
DRAWN:	IP
APPROVED:	MM
DRAWING:	14021E-P4

No.	Revision/Issue	By	Date
1	COMMENTS	IP	4/10/19
2	COUNTY COMMENTS	IP	6/6/19

ACR Engineering, inc.
ATLANTA COMMERCIAL & RESIDENTIAL ENGINEERING
600 PINNACLE COURT
SUITE 685
NORCROSS, GA 30071
TEL: (678) 291-0000
FAX: (678) 291-6887

Sheet 3 Of 38

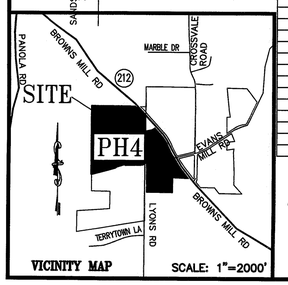
SITE PLAN
FOR
FLAT ROCK HILLS
PHASE 4
LAND LOT 47 AND 50 – 16TH DISTRICT
Dekalb County, GEORGIA



CURRENTLY OWNED BY:
D.R. HORTON, INC.
D.B. 18293, PG. 67
TAX PARCEL 16 047 03 014

NOTE: FOR LYONS ROAD SIGHT DISTANCE PROFILE SEE SHEET 2.

STREET CENTERLINE CURVE TABLE						
CURVE	LENGTH	RADIUS	CHORD	CHORD DIRECTION	TANGENT	DELTA
C1	104.52	150.00	102.42	N80°02'51"E	54.48	39°55'29"
C2	32.11	150.00	32.05	S66°13'06"W	16.12	12°15'58"
C3	71.17	200.00	70.80	N82°32'45"E	80.66	30°05'48"
C4	118.42	150.00	115.37	N70°07'23"E	62.49	42°14'06"
C5	166.45	200.00	161.69	N23°39'48"E	88.39	47°41'05"
C6	224.50	180.00	210.23	N35°54'36"W	129.49	71°27'42"
C7	199.47	150.00	185.09	S70°15'50"W	117.60	76°11'27"
C8	122.73	150.00	107.08	S46°20'13"E	65.03	46°52'41"
C9	109.49	150.00	107.08	N48°51'50"W	57.31	41°49'25"
C10	117.04	150.00	114.09	S25°09'13"W	61.68	44°42'15"
C11	124.84	150.00	121.27	N23°39'48"E	66.29	47°41'05"
C12	97.07	300.00	96.64	S09°05'24"W	48.96	18°32'18"
C13	126.99	200.00	124.86	N00°10'12"E	65.72	36°22'48"
C14	54.51	120.00	54.04	N31°01'54"W	27.01	25°22'12"
C15	101.68	200.00	100.59	N55°28'23"W	27.73	26°01'29"



VICINITY MAP SCALE: 1"=2000'

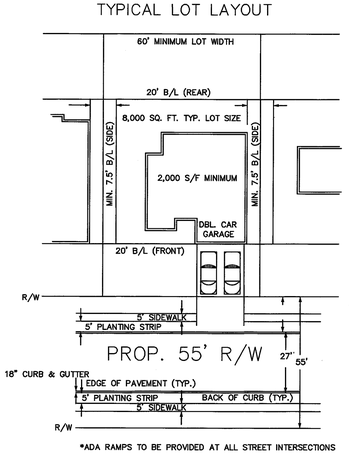
GRAPHIC SCALE
60 0 30 60 120
(IN FEET)
1 inch = 60 ft.

BLOCK	LOTS
A	125
B	24
TOTAL	149

TOTAL AREA : 60.44 AC
TOTAL DISTURBED AREA: 44.2 ac.

1. NECESSARY BARRICADES, SUFFICIENT LIGHTS, SIGNS AND OTHER TRAFFIC CONTROL METHODS AS MAY BE NECESSARY FOR THE PROTECTION AND SAFETY OF THE PUBLIC SHALL BE PROVIDED AND MAINTAINED THROUGHOUT THE WIDENING OF AND CONSTRUCTION ON Dekalb County ROADS.
2. Dekalb County SANITATION DEPARTMENT IS NOT RESPONSIBLE FOR GARBAGE PICK-UP ON PRIVATE STREETS.
3. "AS-BUILT" WATER/SEWER PLANS REQUIRED PRIOR TO ISSUANCE OF CERTIFICATE(S) OF OCCUPANCY, OR RECORDING OF FINAL SUBDIVISION PLAT.
4. NOTIFY WATER & SEWER INSPECTOR AT 770-621-7212 PRIOR TO START OF CONSTRUCTION.
5. CONTACT AT&T AT 770-391-2810 BEFORE STARTING CONSTRUCTION.
6. ALL PARKS AND GREEN SPACE WILL BE OWNED BY A QUALIFIED HOMEOWNERS ASSOCIATION.
7. THERE ARE NO KNOWN BURY PITS, NATURAL FEATURES, OR HISTORICAL RESOURCES ON THIS PROPERTY.
8. ALL ISLAND CUL-DE-SACS TO BE RAISED AND INCLUDE INSIDE CURBING.
9. TOPOGRAPHIC INFORMATION SHOWN HEREON IS TAKEN FROM AN AERIAL TOPOGRAPHIC SURVEY BY BEI AERIAL MAPPING DATED MAY 13, 2005, AND GROUND-RUN TOPOGRAPHIC SURVEYS PERFORMED BY DEVELOPMENT CONSULTANTS GROUP, DATED JANUARY 19, 2006. CONTOUR INTERVAL IS TWO FEET.
10. WATER & SEWER SERVICE TO BE PROVIDED BY Dekalb County DEPARTMENT OF PUBLIC WORKS 11. ELECTRICAL SERVICE TO BE UNDERGROUND.
12. PRELIMINARY PLAT APPROVAL DOES NOT CONSTITUTE APPROVAL OF THE STORM DRAINAGE OR SANITARY SEWER SYSTEMS. NO CONSTRUCTION SHALL BEGIN UNTIL CONSTRUCTION PLANS ARE APPROVED AND A DEVELOPMENT PERMIT IS OBTAINED.
13. THE OWNER OF THE PROPERTY IS RESPONSIBLE FOR COMPLIANCE WITH THE CORPS OF ENGINEERS REQUIREMENTS REGARDING WETLANDS.
14. 5' SIDEWALKS ARE PROPOSED. 16. STREET LIGHTS REQUIRED PRIOR TO APPROVAL OF FINAL PLAT
15. ALL SUBDIVISION STREETS COMPLY WITH "TYPICAL 2 LANE SECTION, WITH 18' CURB AND GUTTER, 55' R.O.W." Dekalb County STANDARD DETAIL, SHOWN ON SHEET 69 OF THESE PLANS.

TYPICAL LOT LAYOUT



*ADA RAMPS TO BE PROVIDED AT ALL STREET INTERSECTIONS

24-HR CONTACT : JAY COOMBE (678) 509-0555

LEGEND

F.D.C.	= FIRE DEPARTMENT CONNECTION	WM	= WATER METER
RL	= RAIN LEADER	PVC	= POLYVINYL CHLORIDE PIPE
IPF	= IRON PIN FOUND	DE	= DRAINAGE EASEMENT
IPS	= IRON PIN SET - 1/2" REBAR	SSE	= SANITARY SEWER EASEMENT
CMF	= CONC. MONUMENT FOUND	ELEV	= ELEVATION
R/W	= RIGHT OF WAY	FFE	= FINISHED FLOOR ELEVATION
℄	= CENTER LINE	IE	= INVERT ELEVATION
P/L	= PROPERTY LINE	POB	= POINT OF BEGINNING
B/L	= BUILDING LINE	X394.44	= EXISTING SPOT ELEVATION
LLL	= LAND LOT LINE	BC	= BACK OF CURB
BM	= BENCH MARK	FH	= FIRE HYDRANT
PTP	= POWER/TELEPHONE POLE	WV	= WATER VALVE
PP	= POWER POLE	●	= PROPERTY CORNER
LP	= LIGHT POLE	Ⓜ	= MANHOLE
TRANS	= TRANSFORMER		= FIRE HYDRANT
SSMH	= SANITARY SEWER MANHOLE		= POWER/TELEPHONE POLE
CPMH	= CEDAR POWER MANHOLE		= LAND LOT LINE
BSMH	= AT&T-MANHOLE	-O-	= FENCE
UGTM	= UNDERGROUND TELEPHONE MARKER	-P-	= POWER LINE
CB	= CATCH BASIN	-T-	= TELEPHONE LINE
HW	= HEADWALL	-G-	= GAS LINE
JB	= JUNCTION BOX	-W-	= WATER LINE
DI	= DROP INLET	-CATV-	= CABLE TV LINE
GI	= GRATE INLET	-S-	= SANITARY SEWER LINE
MH	= MANHOLE		= EXISTING STORM LINE
CMP	= CORRUGATED METAL PIPE		= PLUGGED PIPE/STUB
CSP	= CORRUGATED STEEL PIPE		= TRAVERSE LINE/POINT
RCP	= REINFORCED CONCRETE PIPE		= BRANCH/CREEK
H/C	= HANDICAP		= ROCK OUTCROPPING
S/S	= SANITARY SEWER		

NOTE:
CURB RAMPS ON ACCESSIBLE ROUTES SHALL COMPLY WITH 2010 ADA SECTION 406 AND BE COORDINATED BETWEEN THE PROPOSED SIDEWALKS AND EXISTING.406.

OWNER/DEVELOPER: D.R. HORTON INC.
1371 DOGWOOD DR SW
CONYERS, GA 30012
PHONE: (678) 509-0555
CONTACT: JAY COOMBE

ENGINEER: ACR ENGINEERING, INC.
600 PINNACLE COURT
SUITE 685
NORCROSS, GEORGIA 30071
PHONE: (678) 291-0000
CONTACT: ABBAS HEIDARI

NOTE; ALL CROSSWALKS AND RAMPS TO BE INSTALLED PER MUTCD AND ADA STANDARDS.

RETAINING WALLS TO BE APPROVED SEPARATELY IF HIGHER THAN 3.5' OR IF SUPPORTING AN ADDITIONAL SURCHARGE LOAD. CALCULATIONS AND DETAILED PLAN AND PROFILES TO BE DESIGNED AND SUBMITTED BY OTHERS.

ALL WALLS 2.5'(30") OR HIGHER SHALL HAVE A 42" MINIMUM HEIGHT GUARDRAIL SYSTEM TO RESTRAIN A MINIMUM FORCE OF 200 LB FROM ANY DIRECTION.

WALLS LOCATED WITHIN THE BUILDING SETBACKS MAY NOT BE USED TO SUPPORT PROPOSED HOME FOUNDATIONS.

ALL WALLS LOCATED IN OPEN SPACES OR IN MULITPLE LOTS SHALL BE MAINTAINED BY THE HOA.

DATE: FEBRUARY 5, 2019	No.	Revision/Issue	By	Date
SCALE: 1"=60'	1	COMMENTS	IP	4/10/19
DRAWN: IP	2	COUNTY COMMENTS	IP	6/6/19
APPROVED: MM				
DRAWING: 14021E-P4				

ACR Engineering, inc.
ATLANTA COMMERCIAL & RESIDENTIAL ENGINEERING
600 PINNACLE COURT
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TEL: (678) 291-0000
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Sheet 4 Of 38

SITE PLAN FOR FLAT ROCK HILLS PHASE 4

LAND LOT 47 AND 50 - 16TH DISTRICT
Dekalb County, GEORGIA

CITY COUNCIL AGENDA ITEM

SUBJECT: SPD22-000007 3418 Plunkett Road

AGENDA SECTION: (*check all that apply*)

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

CATEGORY: (*check all that apply*)

☐ **ORDINANCE** ☐ **RESOLUTION** ☐ **CONTRACT** ☐ **POLICY** ☐ **STATUS REPORT**

☒ **OTHER, PLEASE STATE: Not a public hearing, but a decision is to be rendered**

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

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

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

Current Council Meeting: Wednesday, June 29, 2022

SUBMITTED BY: Keedra T. Jackson, Acting Director of Planning & Zoning

PRESENTER: Keedra T. Jackson

PURPOSE: The applicant is requesting an approval of the Preliminary Plat for The Merritt Crest at Stonecrest Subdivision of 10 residential lots. 3418 Plunkett Road.

FACTS: The applicant proposes to subdivide the subject property into ten (10) lots on 12.187 acres of land. The subject property is currently zoned R-100 (Single Family Medium Lot). The minimum lot area for R-100 is 15,000 sf. The applicant is proposing a range of lot area from the smallest lot being 28, 716 sf to 62,015 sf for the largest lot. There is one ingress/egress to the subdivision. The street is 55-feet wide and will have sidewalks throughout the subdivision.

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

RECOMMENDED ACTION: Approval

ATTACHMENTS:

(1) Attachment 1 - Cover Letter

CITY COUNCIL AGENDA ITEM

(2) Attachment 2 - Staff Report
(3) Attachment 3 - Preliminary Plat
(4) Attachment 4 - Click or tap here to enter text.
(5) Attachment 5 - Click or tap here to enter text.

THE CITY OF STONECREST GEORGIA

Mayor and City Council

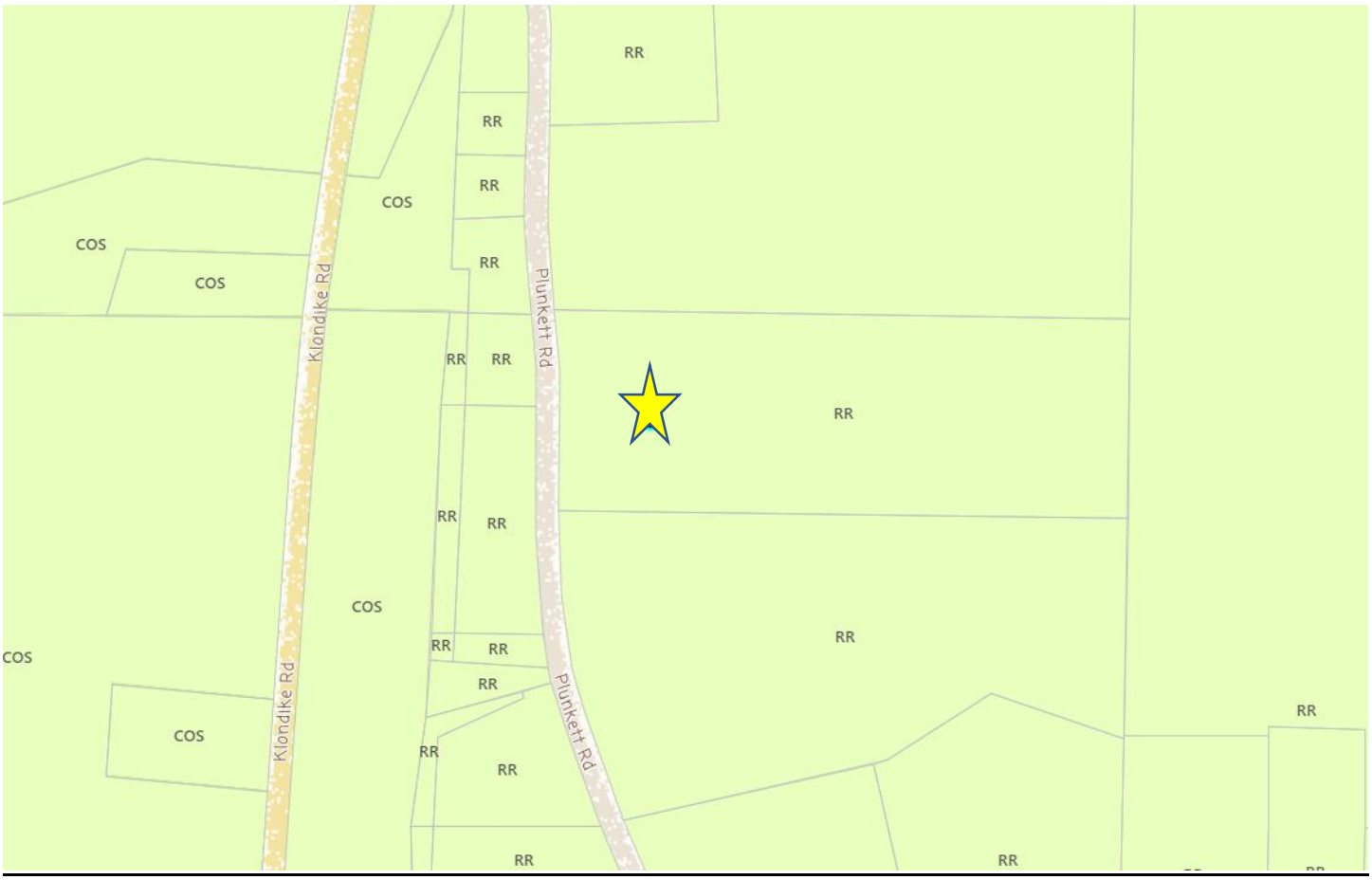
Mayor and City Council Meeting June 29, 2022

Staff Analysis of Preliminary Plat (Section 14-88)

Petition Number:	SPD22-000007
Applicant:	Olu Adegabi
Owner:	Merritt Homes, Inc.
Project Location:	3418 Plunkett Road
Parcels:	16-140-03-020
Council District:	Council District 1
Acreage:	12.187 +/- acres
Existing Zoning:	R-100
Proposed Zoning:	R-100
Comprehensive Plan Community: Area Designation	Rural Residential
Proposed Development/Request:	The applicant is requesting an approval of the Preliminary Plat for a Subdivision of 10 lots.
Staff Recommendations:	***Approval***
Planning Commission	***N/A***

Mayor and City Council

Zoning Map



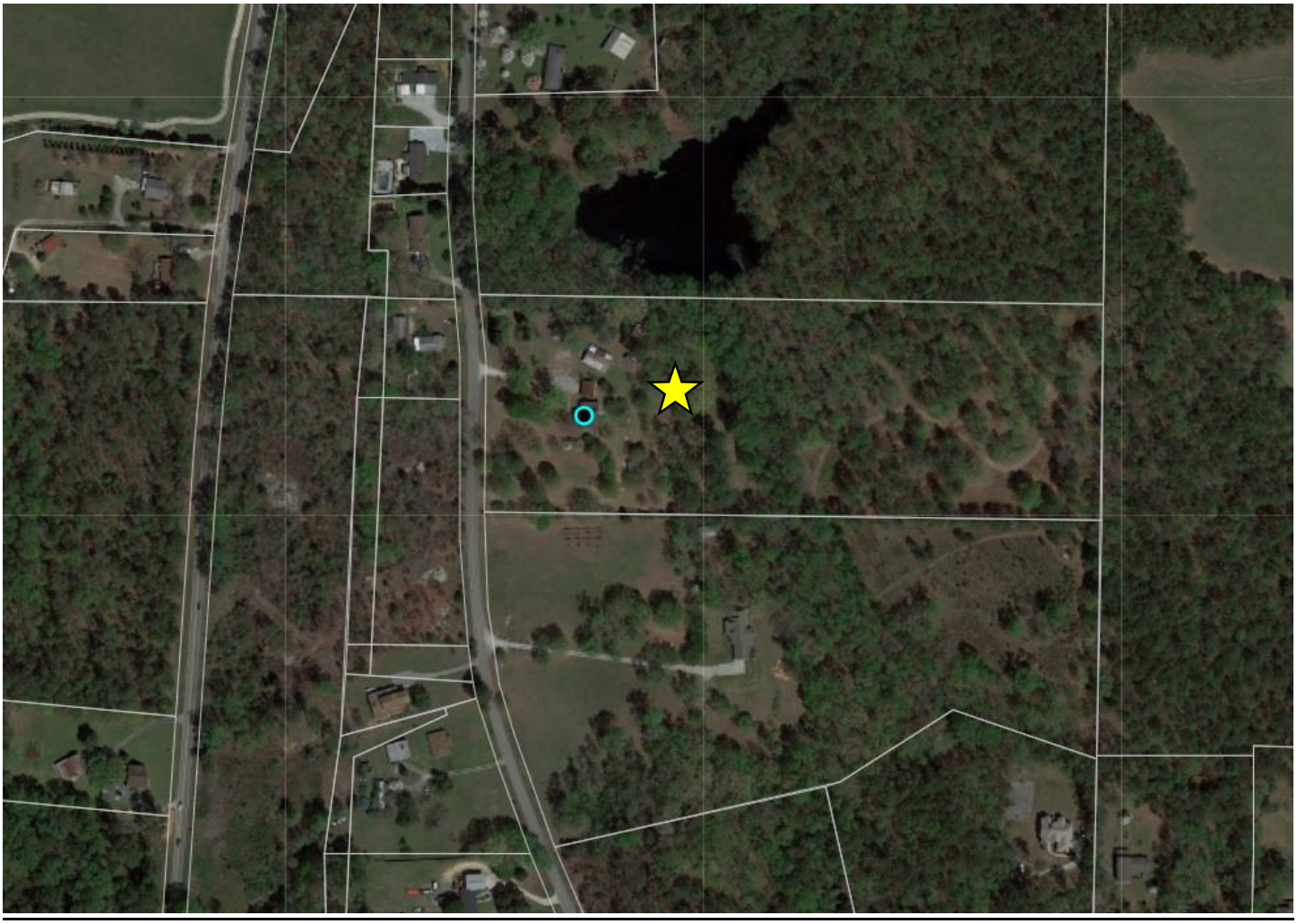
Current Zoning: R-100 (Residential Medium Lot)

Subject Property

THE CITY OF STONECREST GEORGIA

Mayor and City Council

Aerial Map



PROJECT OVERVIEW

Subject Property

SDP22-000007

THE CITY OF STONECREST GEORGIA

Mayor and City Council

Location

The subject property is located at 3418 Plunkett Road (Parcel ID: 16-140-03-020). The Subject Property consists of a ±12.187 -acres in Land Lots 140, of the 16th District, of City of Stonecrest, DeKalb County, Georgia ("Subject Property").

The property is bounded by Vaughter's Farm to the east, by single-family residential dwellings to the north, west and south.

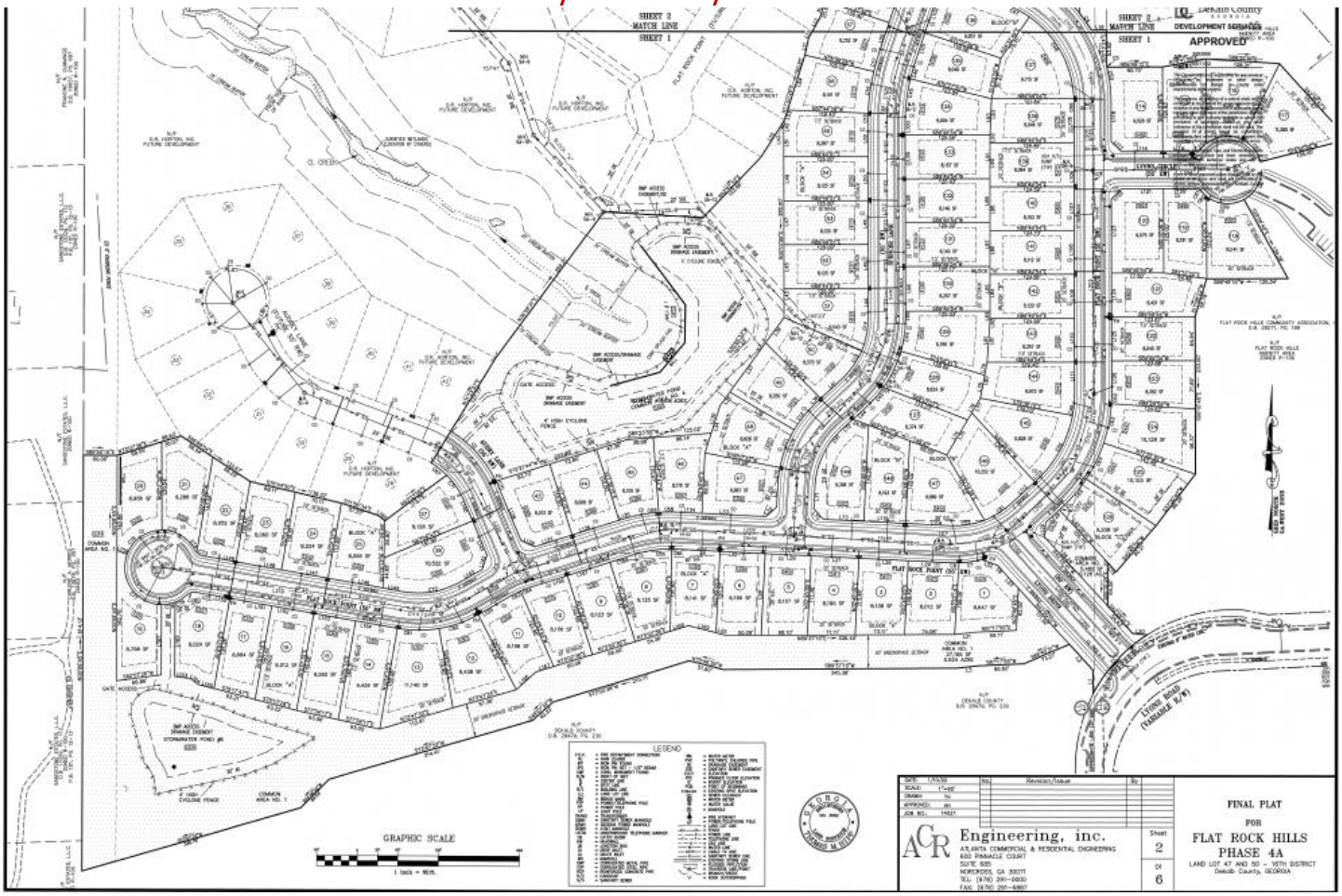
Background:

The subject property does not have a previous zoning history.

Details of the Preliminary Plat:

The subject property is a rectangular shaped lot and is heavily wooded in nature. The property is located at the northern corner near the intersection of Plunkett Road and Klondike Road. The property is located in the Arabia Mountain Overlay District.

The applicant proposes to subdivide the subject property into ten (10) lots on 12.187 acres of land. The subject property is currently zoned R-100 (Single Family Medium Lot). The minimum lot area for R-100 is 15,000 sf. The applicant is proposing a range of lot area from the smallest lot being 28, 716 sf to 62,015 sf for the largest lot. There is one ingress/egress to the subdivision. The street is 55 feet wide and will have sidewalks throughout the subdivision.



STANDARDS OF PRELIMINARY PLAT REVIEW:

Section *14-88 of the Stonecrest Zoning Ordinance list eight factors to be considered in a technical review of a zoning case completed by the Community Development Department and Planning Commission. Each element is listed with staff analysis.*

The owner of the land where the proposed development is to occur, or his authorized agent, shall file a preliminary plat with the Director along with an application for approval. The application shall:

(1)

Be submitted with the plan set for a Land Disturbance Permit;

(2)

Be accompanied by minimum of six copies of the plans, which must be prepared by a registered civil engineer, surveyor, or landscape architect, as described in these regulations and complying in all respects with these regulations and conforming with the zoning of the property;

(3)

Be accompanied by an application fee in the amount set by the mayor and city council;

(4)

Be accompanied by a tree survey;

(5)

Include the name, address and telephone number of an agent who is authorized to receive all notices required by these regulations;

(6)

Be signed by the owner of the property, or if the application is not signed by the owner, a completed indemnification agreement signed by the owner of the property;

(7)

Be accompanied with a consent affidavit from the property owner;

(8)

Be accompanied by a small map of the City of Stonecrest depicted the subdivision location within the City;

(9)

Be accompanied by a vicinity map at a scale of 400 feet to one inch showing the location of the tract with reference to surrounding properties, streets, municipal boundaries, and streams within 500 feet of the tract show zoning districts of adjoining property;

(10)

Include the names of adjoining property owners and the zoning classifications of adjacent properties;

(11)

Include the name, address and phone of developer and engineer;

(12)

Be accompanied by a certification by the applicant that no lots platted are nonconforming or will result in any nonconforming lots;

(13)

The applicant shall obtain the approval of the DeKalb County Health Department and the DeKalb County Department for Watershed Management; and

(14)

Payment of the appropriate development review application fee.

(Ord. No. 2018-06-03, § 14-88, 6-3-2018)

- **Whether the proposed land use change will permit uses that are suitable in consideration of the use and development of adjacent and nearby property or properties.**

  As shown in the table below, the subject property is surrounded by industrial and residential development. * *Please see the map below table*

ADJACENT ZONING AND LAND USE		
	Zoning	**Zoning Land Use**
Adjacent: North	R-100(Residential Medium Lot) District	Single-family
Adjacent: East	R-100 (Residential Medium Lot) District	Single-family (Vaughter's Farm)
Adjacent: South	R-100 (Residential Medium Lot District	Single-Family

Adjacent: West	R-100 (Med Residential)	Single-family Residential

STAFF RECOMMENDATION

The applicant has met all of the Preliminary Plat requirements stated in Section 14-88 of Chapter 14; therefore, staff recommends **APPROVAL of** SDP22-000007**.**

DEKALB COUNTY / CITY OF STONECREST COMMENTS / CERTIFICATION:

3418 PLUNKETT ROAD
STONECREST, GA 30038
DEKALB COUNTY
LAND LOT 140, 80th DISTRICT

PROJECT NOTES:

OWNER / DEVELOPER:
Merrit Homes, Inc.
Contact: Olu Adegabi
3069 Iona Court
Snellville, GA 30039
Tel. (404) 200-4960
Email: merrithomes@gmail.com

Carter Engineering Consultants, Inc.
3651 Mars Hill Road
Suite 2000
Watkinsville, GA 30677

Contact: Brian Kimsey, P.E.
Tel. (770) 725-1200
Email: brian@carterengineering.net

Property located at 3418 Plunkett Road, DeKalb County, GA

GENERAL NOTES:

1. ZONING = R-100 (RESIDENTIAL MEDIUM LOT-100)
2. TOTAL ACREAGE = 12.187 ACRES
3. BOUNDARY SURVEY BASED ON A SURVEY BY CARTER ENGINEERING CONSULTANTS, INC. DATED 2/10/21
4. USE OF PROPERTY = SINGLE-FAMILY RESIDENTIAL DWELLINGS
5. ALL LOTS TO BE SERVED BY DEKALB COUNTY WATER & SEWER
6. ALL UTILITIES SHALL BE UNDERGROUND
7. PER NATIONAL WETLANDS INVENTORY, THERE ARE NO WETLANDS LOCATED WITHIN THE SUBJECT PROPERTY.
8. THE RECEIVING WATERS OF THIS PROPERTY IS AN UNNAMED TRIBUTARY TO HONEY CREEK. THE RECEIVING WATER RUN THROUGH THE PROPERTY.
9. THERE ARE NO INERT WASTE BURY PITS LOCATED ON THIS PROPERTY.
10. ALL OPEN SPACE SHALL BE OWNED AND MAINTAINED BY A HOME OWNERS ASSOCIATION
11. BUILDING SETBACKS
    FRONT SETBACK: 35 FEET
    SIDE SETBACK: 10 FEET
    REAR SETBACK: 40 FEET
12. PROPOSED ELECTRICAL SERVICE TO SINGLE-FAMILY DWELLINGS SHALL BE UNDERGROUND
13. EX. TREE CANOPY AREA = 9.7 ACRES (422,532 SF)

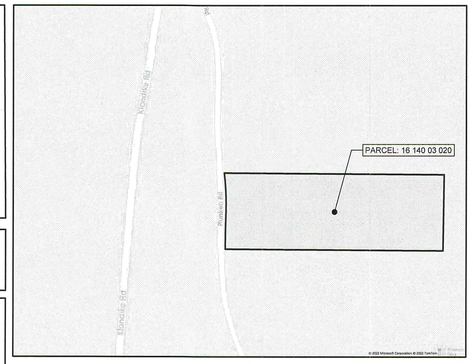
CLOSURE STATEMENT:

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 54,140 FEET.

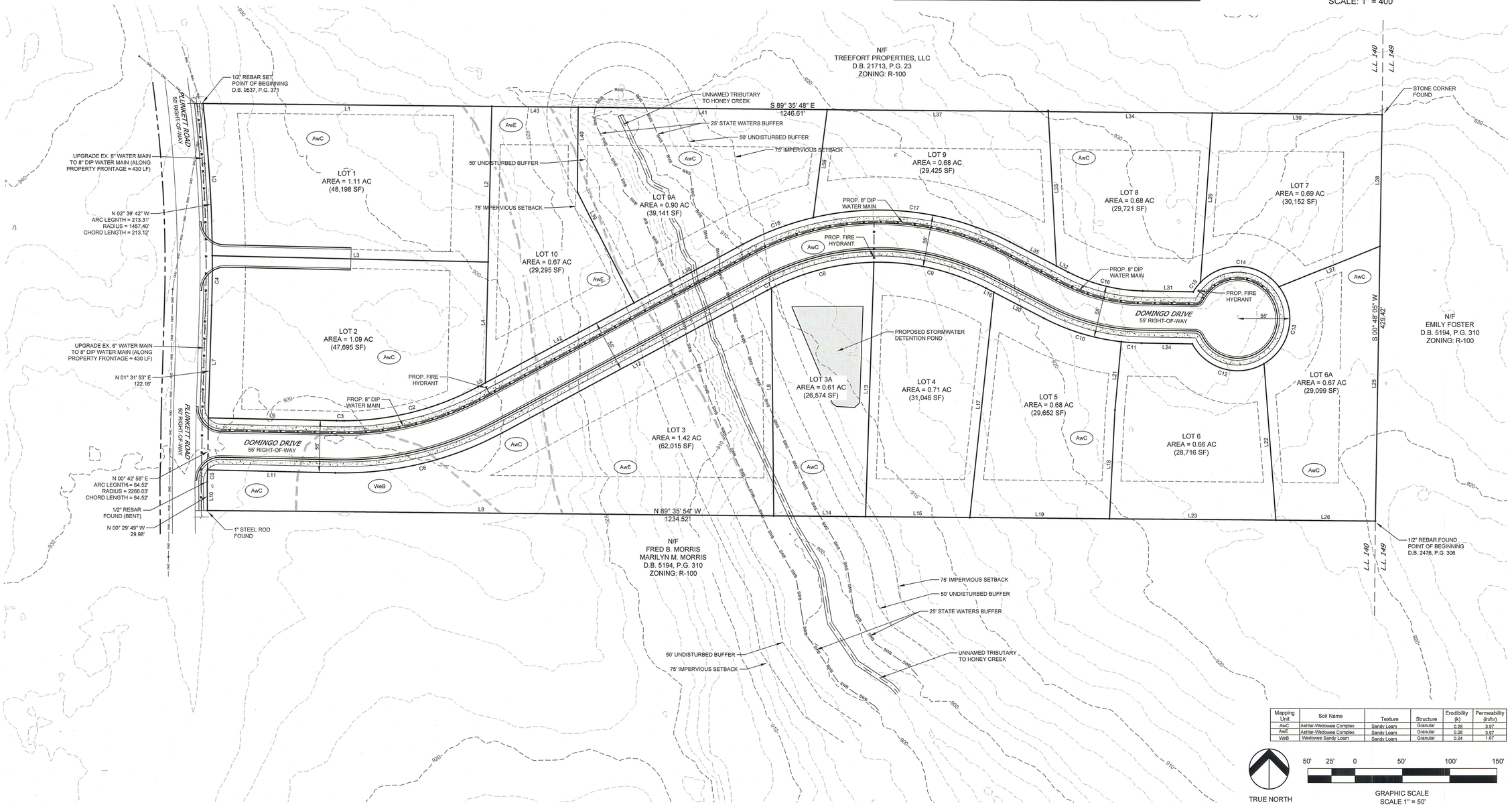
SURVEYOR'S ACKNOWLEDGEMENT:

IN MY OPINION, THIS PLAT, DRAWN BY ME OR UNDER MY SUPERVISION, WAS MADE FROM AN ACTUAL SURVEY, AND IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

NAME:_____ R.L.S. NO._____



SITE LOCATION MAP
SCALE: 1" = 400'



Mapping Unit	Soil Name	Texture	Structure	Erodibility (k)	Permeability (in/hr)
AwC	Ashlar-Wedowee Complex	Sandy Loam	Granular	0.28	3.97
AwE	Ashlar-Wedowee Complex	Sandy Loam	Granular	0.28	3.97
WeB	Wedowee Sandy Loam	Sandy Loam	Granular	0.24	1.67

REVISION BLOCK:

#	DATE	DESCRIPTION
A	05/24/22	INITIAL SUBMITTAL
B	06/15/22	ADDRESS STONECREST COMMENTS

GEORGIA REGISTERED NO. 26703 PROFESSIONAL ENGINEER J. BRIAN KIMSEY

GSWCC Level II Certification No. 000000003007

CARTER ENGINEERING CONSULTANTS

Carter Engineering Consultants, Inc.
3651 Mars Hill Road
Suite 2000
Watkinsville, GA 30677

P: 770.725.1200
F: 770.725.1204
www.carterengineering.net

PRELIMINARY PLAT
for
MERRIT CREST AT STONECREST
3418 PLUNKETT ROAD
DEKALB COUNTY, GA

PROJECT NAME:
3418 PLUNKETT ROAD

SHEET TITLE:
PRELIMINARY PLAT

SHEET NUMBER:
C-1

PROJECT NUMBER:
20001MHD

DATE:
05/24/22

LINE TABLE		
LINE	LENGTH	BEARING
L1	305.42'	S89° 35' 48.00"E
L2	164.23'	S1° 10' 29.53"W
L3	291.75'	N88° 49' 36.98"W
L4	127.56'	S1° 10' 29.53"W
L5	8.94'	S61° 36' 23.33"W
L6	135.60'	N88° 52' 39.47"W
L7	118.85'	N1° 31' 53.00"E
L8	240.63'	S0° 43' 49.25"E
L9	598.64'	N89° 35' 54.00"W
L10	29.98'	N0° 29' 49.00"W
L11	135.13'	S88° 52' 45.62"E
L12	317.98'	N61° 36' 23.33"E
L13	268.91'	S1° 44' 04.72"W
L14	97.00'	N89° 35' 54.00"W
L15	110.26'	N89° 35' 54.00"W
L16	9.49'	S62° 49' 39.58"E
L17	239.24'	S5° 54' 39.01"W
L18	114.97'	S2° 41' 20.15"W
L19	147.65'	N89° 35' 54.00"W
L20	59.55'	S62° 49' 39.58"E
L21	72.59'	S5° 08' 37.00"W
L22	165.84'	S4° 28' 52.16"E
L23	175.75'	N89° 35' 54.00"W
L24	53.53'	S89° 02' 03.95"E
L25	290.25'	S0° 48' 05.00"W
L26	105.22'	N89° 35' 54.00"W
L27	114.96'	N68° 03' 38.23"E
L28	139.17'	S0° 48' 05.00"W
L29	179.30'	N3° 49' 52.06"E
L30	179.57'	S89° 35' 48.00"E
L31	53.46'	N89° 02' 03.95"W
L32	13.54'	N62° 49' 39.58"W
L33	163.23'	N3° 10' 51.91"W
L34	173.43'	S89° 35' 48.00"E
L35	55.51'	N62° 49' 39.58"W
L36	114.91'	N7° 12' 14.93"E
L37	233.65'	S89° 35' 48.00"E
L38	130.71'	S61° 36' 23.33"W
L39	131.29'	N27° 16' 56.30"W
L40	89.60'	N0° 22' 19.92"E
L41	263.26'	S89° 35' 48.00"E
L42	178.32'	S61° 36' 23.33"W
L43	91.29'	S89° 35' 48.00"E

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	BEARING
C1	160.79'	1457.40'	160.71'	N3° 41' 36"W
C2	147.36'	301.50'	145.90'	S75° 36' 30"W
C3	7.95'	301.50'	7.95'	N89° 38' 05"W
C4	52.51'	1457.40'	52.50'	N0° 29' 57"E
C5	12.84'	2266.03'	12.84'	N1° 22' 10"E
C6	183.62'	356.50'	181.59'	N76° 21' 42"E
C7	4.75'	247.59'	4.75'	N62° 09' 24"E
C8	112.61'	247.51'	111.64'	N75° 44' 31"E
C9	122.66'	247.50'	121.41'	S77° 01' 32"E
C10	86.04'	236.50'	85.57'	S73° 15' 00"E
C11	21.51'	236.50'	21.50'	S86° 16' 38"E
C12	87.70'	55.00'	78.70'	S74° 42' 52"E
C13	93.56'	55.00'	82.68'	N10° 52' 29"E
C14	94.17'	55.00'	83.08'	N86° 54' 28"W
C15	12.55'	55.00'	12.52'	S37° 30' 12"W
C16	82.48'	178.99'	81.75'	N75° 50' 39"W
C17	213.66'	302.91'	209.26'	N83° 03' 50"W
C18	79.69'	302.53'	79.46'	S69° 09' 11"W

PROJECT NOTES:

OWNER / DEVELOPER:
Merrit Homes, Inc.
Contact: Olu Adegabi
3069 Iona Court
Snellville, GA 30039
Tel. (404) 200-4960
Email: merrithomes@gmail.com

Carter Engineering Consultants, Inc.
3651 Mars Hill Road
Suite 2000
Watkinsville, GA 30677

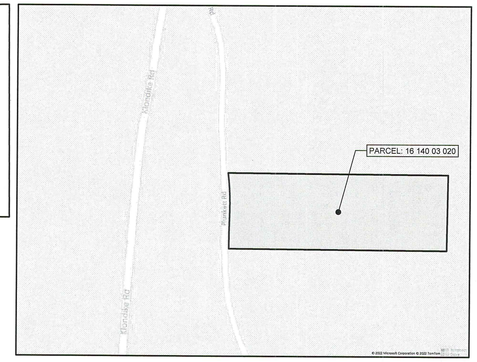
Contact: Brian Kimsey, P.E.
Tel. (770) 725-1200
Email: brian@carterengineering.net

Property located at 3418 Plunkett Road, DeKalb County, GA

GENERAL NOTES:

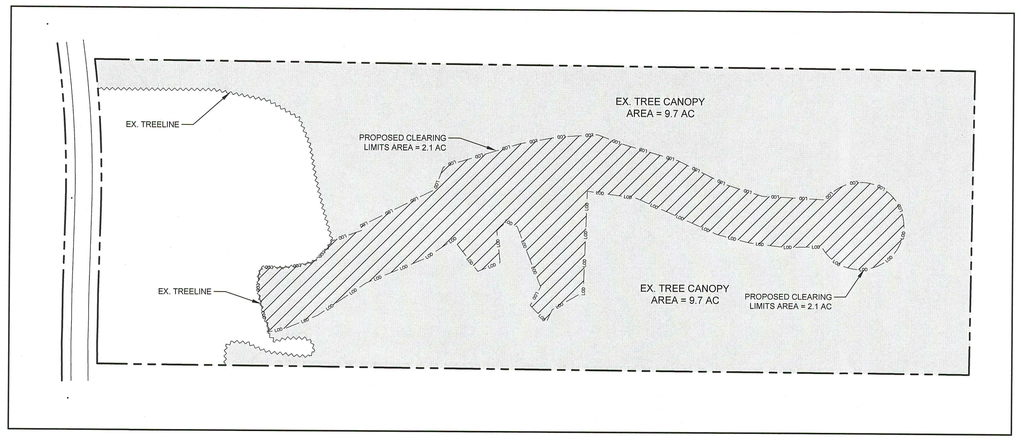
1. ZONING = R-100 (RESIDENTIAL MEDIUM LOT-100)
2. TOTAL ACREAGE = 12.187 ACRES
3. BOUNDARY SURVEY BASED ON A SURVEY BY CARTER ENGINEERING CONSULTANTS, INC. DATED 2/10/21
4. USE OF PROPERTY = SINGLE-FAMILY RESIDENTIAL DWELLINGS
5. ALL LOTS TO BE SERVED BY DEKALB COUNTY WATER & SEWER
6. ALL UTILITIES SHALL BE UNDERGROUND
7. PER NATIONAL WETLANDS INVENTORY, THERE ARE NO WETLANDS LOCATED WITHIN THE SUBJECT PROPERTY.
8. THE RECEIVING WATERS OF THIS PROPERTY IS AN UNNAMED TRIBUTARY TO HONEY CREEK. THE RECEIVING WATER RUN THROUGH THE PROPERTY.
9. THERE ARE NO INERT WASTE BURY PITS LOCATED ON THIS PROPERTY.
10. ALL OPEN SPACE SHALL BE OWNED AND MAINTAINED BY A HOME OWNERS ASSOCIATION
11. BUILDING SETBACKS
    FRONT SETBACK: 35 FEET
    SIDE SETBACK: 10 FEET
    REAR SETBACK: 40 FEET
12. PROPOSED ELECTRICAL SERVICE TO SINGLE-FAMILY DWELLINGS SHALL BE UNDERGROUND
13. EX. TREE CANOPY AREA = 9.7 ACRES (422,532 SF)

3418 PLUNKETT ROAD
STONECREST, GA 30038
DEKALB COUNTY
LAND LOT 140, 80th DISTRICT



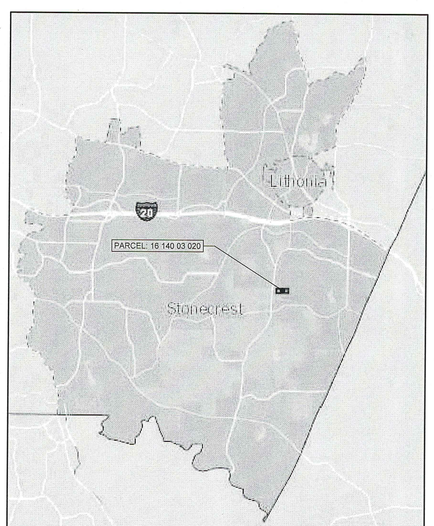
SITE LOCATION MAP

SCALE: 1" = 400'



TREE SURVEY MAP

SCALE: 1" = 100'



CITY OF STONECREST MAP

SCALE: N.T.S.

OWNER'S ACKNOWLEDGMENT:

"I, OLU ADEGABI, THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, ACKNOWLEDGES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY, AND FOR VALUE RECEIVED THE SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED, DO HEREBY CONVEY ALL STREETS INDICATED AS PUBLC STREETS AND RIGHTS-OF-WAYS, AND FURTHER DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES HEREON SHOWN FOR THE PURPOSES AND CONSIDERATIONS HEREIN EXPRESSED. IN CONSIDERATION OF THE APPROVAL OF THIS DEVELOPMENT PLAN AND OTHER VALUABLE CONSIDERATIONS, THE OWNER FURTHER RELEASES AND HOLDS HARMLESS THE CITY OF STONECREST FROM ANY/ALL CLAIMS, DAMAGES, OR DEMANDS ARISING ON ACCOUNT OF THE DESIGN, CONSTRUCTION AND MAINTENANCE OF THE PROPERTY SHOWN HEREON; ON ACCOUNT OF THE ROADS, FILLS, EMBANKMENTS, DITCHES, CROSS-DRAINS, CULVERTS, WATER MAINS, SEWER LINES, AND BRIDGES WITHIN THE PROPOSED RIGHTS-OF-WAY AND EASEMENTS SHOWN; AND ON ACCOUNT OF BACKWATER, THE COLLECTION AND DISCHARGE OF SURFACE WATER, OR THE CHANGING OF COURSES OF STREAMS. AND FURTHER THE OWNER WARRANTS THAT HE OWNS FEE SIMPLE TITLE TO THE PROPERTY SHOWN HEREON AND AGREES THAT THE CITY OF STONECREST SHALL NOT BE LIABLE TO HIM/HER, HIS/HER HEIRS, SUCCESSORS OR ASSIGNS FOR ANY CLAIMS OR DAMAGES RESULTING FROM THE CONSTRUCTION OR MAINTENANCE OF CROSS-DRAIN EXTENSIONS, DRIVES, STRUCTURES, STREETS, CULVERTS, CURBS OR SIDEWALKS, THE CHANGING OF COURSES OF STREAMS AND RIVERS, FLOODING FROM NATURAL CREEKS AND RIVERS, SURFACE WATERS AND ANY OTHER MATTER WHATSOEVER. I FURTHER WARRANT THAT I HAVE THE RIGHT TO SELL AND CONVEY THE LAND ACCORDING TO THIS PLAT AND DO HEREBY BIND MYSELF AND OWNERS SUBSEQUENT IN TITLE TO DEFEND BY VIRTUE OF THESE PRESENT.

THE OWNER OF RECORD OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED THERETO IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, HEREBY ACKNOWLEDGES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY, AND DEDICATED TO CITY OF STONECREST, AS NOTED BELOW, THE COMPLETE OWNERSHIP AND USE OF ALL IMPROVEMENTS CONSTRUCTED OR TO BE CONSTRUCTED IN ACCORDANCE WITH THIS PLAT, AND DEDICATES TO THE USE OF THE PUBLIC FOREVER THE FOLLOWING:

PUBLIC STREET RIGHT-OF-WAY	1.609	ACRES
DRAINAGE EASEMENT	—	ACRES
PUBLIC ACCESS / PEDESTRIAN EASEMENTS	—	ACRES
PUBLIC WATER / SEWER EASEMENTS TO DEKALB COUNTY	0.582	ACRES

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HANDS THIS 16th DAY OF June, 2022.
____/____/____.

OWNER: _____

~~WITNESS:~~ _____
NOTARY PUBLIC

Seven Perry
NOTARY PUBLIC
Clarke County, GEORGIA
My Commission Expires 01/01/2024

PLAT APPROVAL:

THIS PLAT HAS BEEN SUBMITTED TO AND ACCEPTED BY THE PLANNING AND ZONING DEPARTMENT FOR THE CITY OF STONECREST, GEORGIA AND HAS BEEN APPROVED AS REQUIRED BY STATE LAW AND CITY CODES AS MEETING ALL CONDITIONS PRECEDENT TO RECORDING IN THE SUPERIOR COURT OF THIS CIRCUIT.

DIRECTOR, DEPARTMENT OF PLANNING & ZONING — DATE

MAYOR AND CITY COUNCIL APPROVAL:

THIS PLAT HAS BEEN SUBMITTED TO AND ACCEPTED BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST, GEORGIA, AND HAS BEEN APPROVED AS REQUIRED BY STATE LAW AND CITY CODES AS MEETING ALL CONDITIONS PRECEDENT TO RECORDING IN THE SUPERIOR COURT OF THIS CIRCUIT.

DATED THIS _____ DAY OF _____, 20_____

MAYOR, CITY OF STONECREST

FLOOD HAZARD:

THE SPECIAL FLOOD HAZARD AREAS (SFHA) SHOWN HEREIN WERE DETERMINED BY THE PROFESSIONAL ENGINEER WHOSE STAMP AND SIGNATURE ARE AFFIXED HERETO. THE **CITY OF STONECREST** DOES NOT, BY APPROVING THIS PLAT, WARRANT THEIR ACCURACY, AND DOES NOT IMPLY THAT LAND OUTSIDE THE AREAS OF FLOOD HAZARD SHOWN WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. FURTHER, THE **CITY OF STONECREST** DOES NOT BY APPROVING THIS PLAT NOR ACCEPTING THE PUBLIC IMPROVEMENTS THEREIN, ASSUMES MAINTENANCE OF THE FLOOD CARRYING CAPACITY OF THE FLOOD AREAS OR WATERCOURSES. MAINTENANCE SHALL REMAIN THE RESPONSIBILITY OF THE OWNER(S) OF THE LAND UPON WHICH THEY EXIST. THE OWNER OF A LOT OR PARCEL THAT CONTAINS A FLOOD HAZARD AREA IS REQUIRED TO SUBMIT A SITE PLAN TO THE **CITY OF STONECREST** PRIOR TO THE INITIATION OF ANY IMPROVEMENTS TO THE LOT OR PARCEL. THE SITE PLAN SHALL INCLUDE THE LOCATION AND ELEVATION OF THE SFHA WITHIN THE LOT OR PARCEL AND THE EXISTING AND PROPOSED IMPROVEMENTS. APPROVAL OF THE SITE PLAN BY THE **CITY OF STONECREST** IS REQUIRED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

FLOODPLAIN NOTE:

ACCORDING TO THE F.I.R.M. OF DEKALB COUNTY, PANEL NUMBER 13089C0186J, DATED MAY 16, 2013, A PORTION OF THIS PROPERTY **IS NOT** LOCATED IN A SPECIAL FLOOD HAZARD AREA.

DRAINAGE:

THE OWNER OF RECORD ON BEHALF OF HIMSELF (ITSELF) AND ALL SUCCESSORS IN INTEREST SPECIFICALLY RELEASES THE **CITY OF STONECREST** FROM ANY/ALL LIABILITY AND RESPONSIBILITY FOR FLOODING OR EROSION FROM STORM DRAINS OR FROM FLOODING FROM HIGH WATER OF NATURAL CREEKS, RIVER, OR DRAINAGE FEATURES. A DRAINAGE EASEMENT IS HEREBY ESTABLISHED FOR THE SOLE PURPOSE OF PROVIDING FOR THE EMERGENCY PROTECTION OF THE FREE FLOW OF SURFACE WATERS ALONG ALL WATERCOURSES AS ESTABLISHED BY CITY REGULATIONS. THE CITY MAY CONDUCT EMERGENCY MAINTENANCE OPERATIONS WITHIN THIS EASEMENT WHERE EMERGENCY CONDITIONS EXIST. EMERGENCY MAINTENANCE SHALL BE THE REMOVAL OF TREES AND OTHER DEBRIS, EXCAVATION, FILLING AND THE LIKE, NECESSARY TO REMEDY A CONDITION, WHICH IN THE JUDGMENT OF STAFF AND DIRECTOR, IS POTENTIALLY INJURIOUS TO LIFE, PROPERTY, OR THE PUBLIC ROAD OR UTILITY SYSTEM. SUCH EMERGENCY MAINTENANCE CONDUCTED FOR THE COMMON GOOD SHALL NOT BE CONSTRUED AS CONSTITUTING A CONTINUING MAINTENANCE OBLIGATION ON THE PART OF THE CITY OF STONECREST NOR ABROGATION OF THE **CITY OF STONECREST'S** RIGHT TO SEEK REIMBURSEMENT FOR EXPENSES FROM THE OWNER(S) OF THE PROPERTY(IES) OR THE LANDS THAT GENERATED THE CONDITIONS.

*NOTE: STREAM BUFFERS ARE TO REMAIN IN A NATURAL AND UNDISTURBED CONDITION.

EASEMENT ACCESS NOTE:

CITY OF STONECREST AND DEKALB COUNTY PERSONNEL AND/OR AGENTS SHALL HAVE FREE AND TOTAL ACCESS TO AND ACROSS ALL EASEMENTS.

DEKALB COUNTY DEPARTMENT OF WATERSHED MANAGEMENT:

I CERTIFY THAT THE DEVELOPER HAS COMPLIED WITH THE POTABLE WATER REQUIREMENTS AND THE SANITARY SEWER REQUIREMENTS OF THE COUNTY.

THIS _____ DAY OF _____, 20_____

NAME — DATE

NON-CONFORMING LOTS CERTIFICATION:

I, OLU ADEGABI, THE OWNER / DEVELOPER OF THIS PROPERTY, CERTIFY THAT NO LOTS PLATTED ON THIS PRELIMINARY PLAT ARE NONCONFORMING NOR WILL RESULT IN ANY NONCONFORMING LOTS.

THIS _____ DAY OF _____, 20_____

NAME — DATE 16th June 2022

REVISION BLOCK:

#	DATE	DESCRIPTION
A	05/24/22	INITIAL SUBMITTAL
B	06/15/22	ADDRESS STONECREST COMMENTS

GEORGIA REGISTERED PROFESSIONAL ENGINEER No. 26703 J. BRIAN KIMSEY

GSWCC Level II Certification No. 000000003007

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PRELIMINARY PLAT for MERRIT CREST AT STONECREST 3418 PLUNKETT ROAD
DEKALB COUNTY, GA

PROJECT NAME: 3418 PLUNKETT ROAD

SHEET TITLE: PRELIMINARY PLAT

SHEET NUMBER: C-2

PROJECT NUMBER: 20001MHD

DATE: 05/24/22

CITY COUNCIL AGENDA ITEM

SUBJECT: SPD22-0000010 7259 Hayden Quarry Road

AGENDA SECTION: (*check all that apply*)

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

CATEGORY: (*check all that apply*)

☐ **ORDINANCE** ☐ **RESOLUTION** ☐ **CONTRACT** ☐ **POLICY** ☐ **STATUS REPORT**

☒ **OTHER, PLEASE STATE: Not a public hearing, but a decision is to be rendered**

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

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

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

Current Council Meeting: Wednesday, June 29, 2022

SUBMITTED BY: Keedra T. Jackson, Acting Director of Planning & Zoning

PRESENTER: Keedra T. Jackson

PURPOSE: The applicant proposes to construct a 260-unit townhome development adjacent to a future development of 100+ single-family homes. The townhomes will be three-story in height with two-car garages and an extra 2 parking spaces per unit. There will be 67 overflow parking spaces. The public streets will be 55-ft in width boardered by 5-ft sidewalks with 8-ft grass strips throughout the development. There will be one ingress/egress to the development off Hayden Quarry Road. 7259 Hayden Quarry Road.

FACTS: The subject property is currently zoned C-1 (Local Commercial District) which does not allow for residential development. The intent of this district is to provide for local shopping and retail. TMOD-22-015 provided the avenue of the Stonecrest Overlay Tier 3 to allow the permitted uses in C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, O-D (Office Distribution) District, M (Light Industrial) District, and MR-2 (Medium Density Residential) District. This text amendment was approved on January 24, 2022. The City of Stonecrest will need to rezone the property to the MR-2 designation.

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

RECOMMENDED ACTION: Approval

CITY COUNCIL AGENDA ITEM

ATTACHMENTS:

(1) Attachment 1 - Cover Letter
(2) Attachment 2 - Staff Report
(3) Attachment 3 - Preliminary Plat
(4) Attachment 4 - Click or tap here to enter text.
(5) Attachment 5 - Click or tap here to enter text.

THE CITY OF STONECREST GEORGIA

Mayor and City Council

Mayor and City Council Meeting June 29, 2022

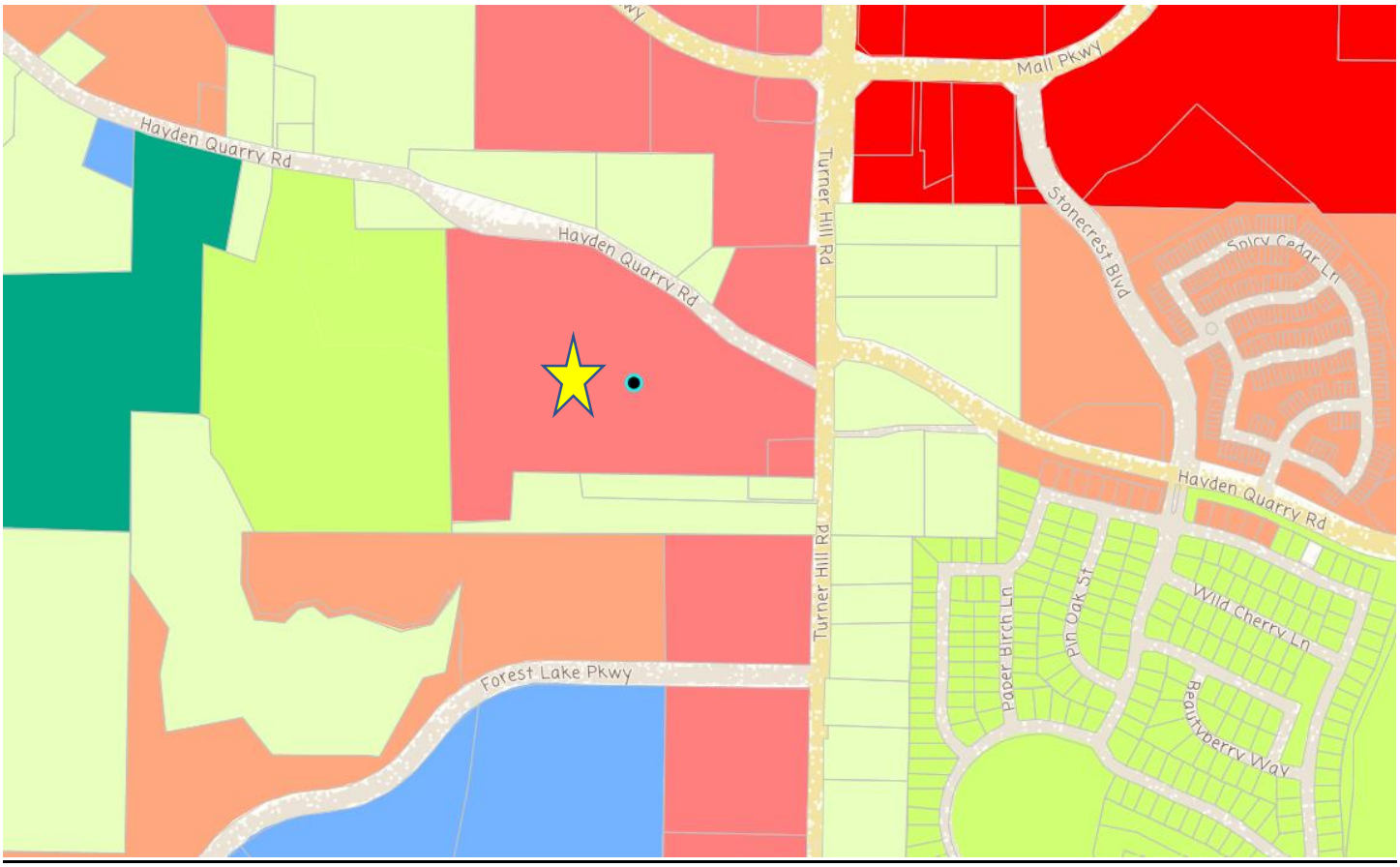
Staff Analysis of Preliminary Plat (Section 14-88)

Petition Number:	SPD22-0000010
Applicant:	Jim Jacobi
Owner:	James Jacobi
Project Location:	7259 Hayden Quarry Road
Parcels:	16-171-02-005
Council District:	Council District 1
Acreage:	29.437 +/- acres
Existing Zoning:	C-1 (Local Commercial District) / Stonecrest Tier 3 Overlay
Proposed Zoning:	MR-2 (Medium Density Residential)
Comprehensive Plan Community: Area Designation	Regional Center
Proposed Development/Request:	The applicant is requesting an approval of the Preliminary Plat for a 260 unit Townhome Development
Staff Recommendations:	***Approval***
Planning Commission	***N/A***

THE CITY OF STONECREST GEORGIA

Mayor and City Council

Zoning Map

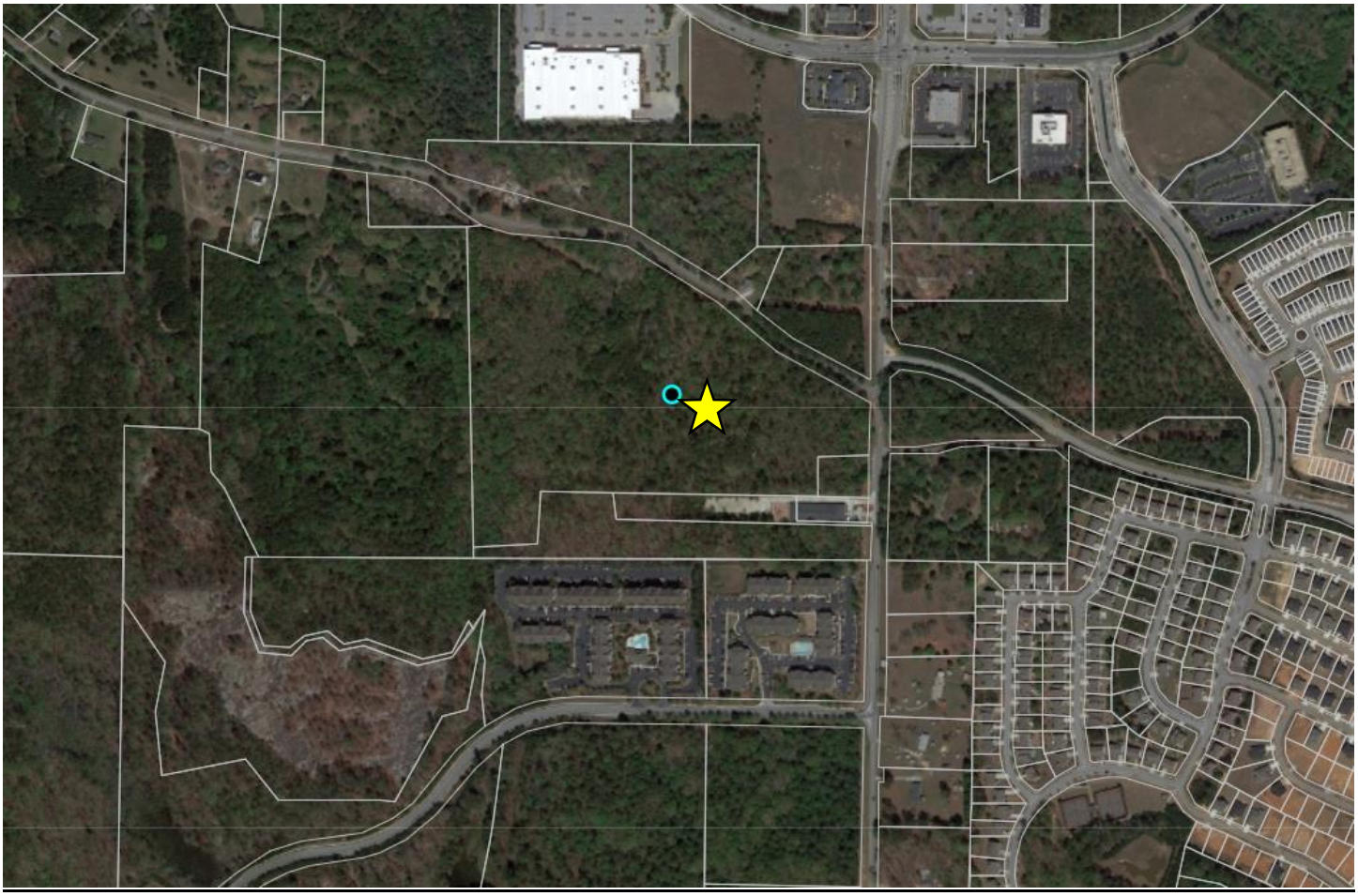


Current Zoning: C-1 (Local Commercial District)

Subject Property

Mayor and City Council

Aerial Map



PROJECT OVERVIEW

Subject Property

SDP22-000010

THE CITY OF STONECREST GEORGIA

Mayor and City Council

Location

The subject property is located at 7259 Hayden Quarry Road (Parcel ID: 16-171-02-005). The Subject Property consists of a ±29.437 -acres in Land Lots 171, of the 16th District, of City of Stonecrest, DeKalb County, Georgia ("Subject Property").

The property is bounded by New Black Wall Street to the north, by Wesley Stonecrest Apartments to the south and residential to the east and west.

Background:

The subject property is currently zoned C-1 (Local Commercial District) which does not allow for residential development. The intent of this district is to provide for local shopping and retail. TMOD-22-015 provided the avenue of the Stonecrest Overlay Tier 3 to allow authorize the permitted uses in C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, O-D (Office Distribution) District, M (Light Industrial) District, and MR-2 (Medium Density Residential) District. This text amendment was approved on January 24, 2022. The City of Stonecrest will need to rezone the property to the MR-2 designation.

Details of the Preliminary Plat:

The subject property is an odd, shaped lot and is heavily wooded in nature. The property is located near the corner of Hayden Quarry and Turner Hill Road. The property is in the Stonecrest Tier 3 Overlay District.

The applicant proposes to construct a 260-unit townhome development adjacent to a future development of 100 plus single-family homes. The townhomes will be three-story in height with two-car garages and an extra 2 spaces per unit. There will be 67 overflow parking spaces. The public streets will be 55 ft in width boarded by 5 ft sidewalks with 8ft grass strips throughout the development. There will be one ingress/egress to the development off Hayden Quarry Road.

STANDARDS OF PRELIMINARY PLAT REVIEW:

Section *14-88 of the Stonecrest Zoning Ordinance list eight factors to be considered in a technical review of a zoning case completed by the Community Development Department and Planning Commission. Each element is listed with staff analysis.*

Mayor and City Council

The owner of the land where the proposed development is to occur, or his authorized agent, shall file a preliminary plat with the Director along with an application for approval. The application shall:

(1)

Be submitted with the plan set for a Land Disturbance Permit;

(2)

Be accompanied by minimum of six copies of the plans, which must be prepared by a registered civil engineer, surveyor, or landscape architect, as described in these regulations and complying in all respects with these regulations and conforming with the zoning of the property;

(3)

Be accompanied by an application fee in the amount set by the mayor and city council;

(4)

Be accompanied by a tree survey;

(5)

Include the name, address and telephone number of an agent who is authorized to receive all notices required by these regulations;

(6)

Be signed by the owner of the property, or if the application is not signed by the owner, a completed indemnification agreement signed by the owner of the property;

(7)

Be accompanied with a consent affidavit from the property owner;

(8)

Be accompanied by a small map of the City of Stonecrest depicted the subdivision location within the City;

(9)

Be accompanied by a vicinity map at a scale of 400 feet to one inch showing the location of the tract with reference to surrounding properties, streets, municipal boundaries, and streams within 500 feet of the tract show zoning districts of adjoining property;

(10)

Include the names of adjoining property owners and the zoning classifications of adjacent properties;

(11)

Include the name, address and phone of developer and engineer;

(12)

Be accompanied by a certification by the applicant that no lots platted are nonconforming or will result in any nonconforming lots;

(13)

The applicant shall obtain the approval of the DeKalb County Health Department and the DeKalb County Department for Watershed Management; and

(14)

Payment of the appropriate development review application fee.

(Ord. No. 2018-06-03, § 14-88, 6-3-2018)

- **Whether the proposed land use change will permit uses that are suitable in consideration of the use and development of adjacent and nearby property or properties.**

  As shown in the table below, the subject property is surrounded by industrial and residential development. * *Please see the map below table*

THE CITY OF STONECREST GEORGIA

Mayor and City Council

STAFF

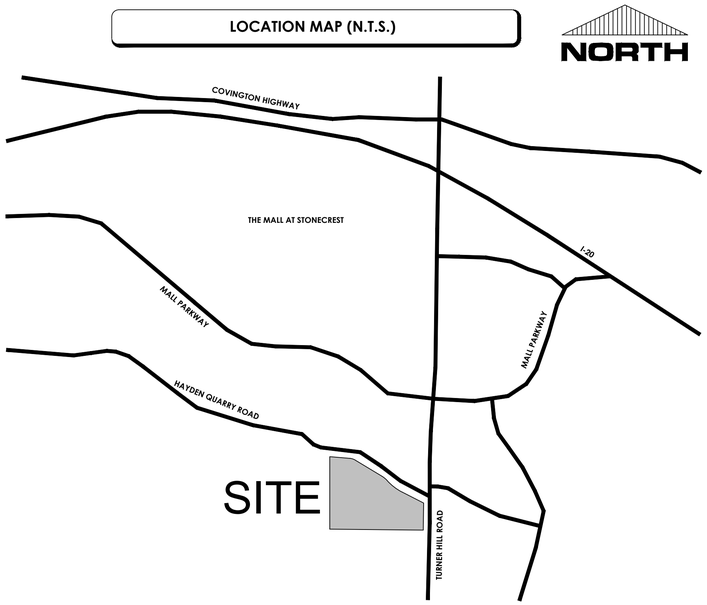
ADJACENT ZONING AND LAND USE		
	Zoning	**Zoning Land Use**
Adjacent: North	C-1(Local Commercial) District	New Black Wall Street
Adjacent: East	R-100 (Residential Medium Lot) District; MU-4 (Mixed-Use High Density) and RSM (Residential Small Lot)	Vacant Lad
Adjacent: South	MR-1 (Medium Residential District	Wesley Stonecrest Apartments
Adjacent: West	R-100 (Med Residential)	Single-family Residential

RECOMMENDATION

The applicant has met all of the Preliminary Plat requirements stated in Section 14-88 of Chapter 14; therefore, staff recommends **APPROVAL of** SDP22-000010**.**

Plot Date: Wednesday, June 15, 2022 8:45:19 AM

LOCATION MAP (N.T.S.)



PRELIMINARY PLAT FOR

CRESTWIND TOWNSHIP

DEKALB LDP AP #3092023

7259 HAYDEN QUARRY ROAD

LITHONIA, GA 30038

PARCEL ID #: 16 171 02 005

REFERENCE:

COMBINATION - AP # 3103007

DEKALB APPROVAL STAMP

DEKALB COUNTY NOTES

PURSUANT TO THE UNIFIED DEVELOPMENT CODE OF DEKALB COUNTY, GEORGIA, AND ALL REQUIREMENTS OF APPROVAL HAVING BEEN FULFILLED, THESE CONSTRUCTION PLANS HAVE BEEN GIVEN APPROVAL BY ALL REVIEWING DEPARTMENTS, WITH FINAL APPROVAL BY THE DIRECTOR, OR A DESIGNEE OF THE PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT, THE ISSUING AUTHORITY FOR DEKALB COUNTY. CONSTRUCTION PLAN APPROVAL DOES NOT CONSTITUTE APPROVAL OF A FINAL PLAT, IF REQUIRED, AND DOES NOT ENTITLE THIS PLAT AND PLANS TO RECORDATION IN THE CLERK'S OFFICE, DEKALB COUNTY SUPERIOR COURT. THE CERTIFICATION OF CONSTRUCTION PLAN APPROVAL SHALL EXPIRE AND BE NULL AND VOID TWENTY FOUR MONTHS FROM THE DATE OF THE PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT APPROVAL STAMP AS FOUND ON THE COVER SHEET OF THESE PLANS.

DEKALB COUNTY SANITATION WILL BE UTILIZED TO HANDLE HOUSEHOLD WASTE, YARD DEBRIS AND RECYCLABLE MATERIAL.

MUNICIPAL NOTES

NO COMBUSTIBLE MATERIALS WILL BE ALLOWED ONSITE AND NO BUILDING PERMITS WILL BE ISSUED FOR THIS DEVELOPMENT UNTIL WATER SERVICE IS PROVIDED VIA A WATER MAIN LOCATED ON HAYDEN QUARRY ROAD, WHICH IS THE RESPONSIBILITY OF THE DEVELOPER OF THIS SUBDIVISION. CONSTRUCTION WASTE AND/OR VEGETATIVE MATERIAL MAY NOT BE BURNED NOR BURIED AND MUST BE TAKEN TO A STATE APPROVED LANDFILL.

NOTIFY DEKALB COUNTY WATER AND SEWER DEPARTMENT 24 HOURS BEFORE THE BEGINNING PHASE OF CONSTRUCTION. (404) 371-2000. NOTIFY CITY OF STONECREST INSPECTOR 24 HOURS BEFORE THE BEGINNING PHASE OF CONSTRUCTION. (770) 224-0200.

DEVELOPER/PRIMARY PERMITEE

PARKLAND COMMUNITIES, INC.
299 SOUTH MAIN STREET, SUITE A
ALPHARETTA, GA 30009
CONTACT: JIM JACOBI
TEL: (404) 456-5562
EMAIL: JIM@PARKLANDCO.COM

24-HR CONTACT RESPONSIBLE FOR EROSION AND SEDIMENT CONTROL
CONTACT: JIM JACOBI
TEL (404) 456-5562
EMAIL:JIM@PARKLANDCO.COM

SITE DATA

EXISTING ZONING:	C-1 (TIER 3 OVERLAY)
SITE AREA:	+/- 30.2 ACRES
TOTAL LOTS:	260 TOWNHOMES
LOT DENSITY:	8.61 HOMES/ACRE
TOWNHOME MIN. LOT WIDTH:	20' MIN.
TOWNHOME MIN. LOT SIZE:	1,000 SF
SFA SETBACKS AND INFO:	
FRONT YARD:	15 FT.
SIDE SETBACK(SF):	0 FT
REAR YARD:	10'
BUILDING HEIGHT:	3 STORY / 45' MAX
MIN. PARKING REQUIRED :	2 SPACES PER UNIT
MIN. PARKING PROVIDED:	2 SPACES PER UNIT (1 GARAGE + 1 DRIVEWAY)
OVERFLOW PARKING PROVIDED:	67 SPACES

NOTE : TOPOGRAPHY IS LIDAR FROM DRONE SURVEY

TYPICAL STREET LAYOUT	
PUBLIC / PRIVATE STREETS :	PUBLIC STREETS
STREET WIDTH :	26' F.C. - F.C.
RIGHT OF WAY WIDTH :	55' TYPICAL
SIDEWALKS / GRASS STRIP:	5' SIDEWALKS, 8' GRASS STRIP

ENGINEER

ALLIANCE ENGINEERING & PLANNING, LLC
299 SOUTH MAIN STREET, SUITE A
ALPHARETTA, GA 30009
CONTACT: TYLER MARCHMAN, PE
TELEPHONE:(770) 225-4730

SURVEYOR

ALLIANCE SURVEYING, LLC.
6095 ATLANTA HIGHWAY, SUITE 100
FLOWERY BRANCH, GA 30542
CONTACT: DAVID ANDERSON, RLS (334)-360-4197

NOTE: VERTICAL ALIGNMENT MEETS AASHTO DESIGN STANDARDS FOR 25MPH DESIGN SPEED

NOTE: HORIZONTAL ALIGNMENT MEETS AASHTO DESIGN STANDARDS FOR 25MPH DESIGN SPEED

I, _____, THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, ACKNOWLEDGES THAT THIS PLAT WAS MADE FROM AN ACTUAL SUNVEY, AND FOR VALUE RECEIVED THE SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED, DO HEREBY CONVEY ALL STREETS INDICATED AS PUBLIC STREETS AND RIGHTS-OF-WAY, AND FURTHER DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES HEREON SHOWN FOR THE PURPOSES AND CONSIDERATIONS HEREIN EXPRESSED. IN CONSIDERATION OF THE APPROVAL OF THIS DEVELOPMENT PLAN AND OTHER VALUABLE CONSIDERATIONS, THE OWNER FURTHER RELEASES AND HOLDS HARMLESS CITY OF STONECREST FROM ANY/ALL CLAIMS, DAMAGES OR DEMANDS ARISING ON ACCOUNT OF THE DESIGN, CONSTRUCTION AND MAINTENANCE OF THE PROPERTY SHOWN HEREON; ON ACCOUNT OF THE ROADS, FILLS, EMBANKMENTS, DITCHES, CROSS-DRAINS, CULVERTS, WATER MAINS, SEWER LINES, AND BRIDGES WITHIN THE PROPOSED RIGHTS-OF-WAY AND EASEMENTS SHOWN; AND ON ACCOUNT OF BACKWATER, THE COLLECTION AND DISCHARGE OF SURFACE WATER, OR THE CHANGING OF COURSES OF STREAMS. AND FURTHER THE OWNER WARRANTS THAT HE OWNS FEE SIMPLE TITLE TO THE PROPERTY SHOWN HEREON AND AGREES THAT CITY OF STONECREST SHALL NOT BE LIABLE TO HIM/HER, HIS/HER HEIRS, SUCCESSORS OR ASSIGNS FOR ANY CLAIMS OR DAMAGES RESULTING FROM THE CONSTRUCTION OR MAINTENANCE OF CROSS-DRAIN EXTENSIONS, DRIVES, STRUCTURES, STREETS, CULVERTS, CURBS OR SIDEWALKS, THE CHANGING OF COURSES OF STREAMS AND RIVERS, FLOODING FROM NATURAL CREEKS AND RIVERS, SURFACE WATERS AND ANY OTHER MATTER WHATSOEVER. I FURTHER WARRANT THAT I HAVE THE RIGHT TO SELL AND CONVEY THE LAND ACCORDING TO THIS PLAT AND DO HEREBY BIND MYSELF AND OWNERS SUBSEQUENT IN TITLE TO

VERIFIED CURRENT OWNERS

Tract 1 = PARKLAND COMMUNITIES INC.
1,282,271 SQUARE FEET
29.437 ACRES
PID# 16 171 02 005

Tract 2 = PARKLAND COMMUNITIES INC.
33,351 SQUARE FEET
0.765 ACRES
PID# 16 171 02 012

I, JIM JACOBI, CERTIFY THAT NO LOTS PLATTED ARE NONCONFORMING OR WILL RESULT IN ANY NONCONFORMING LOTS.

_____

THIS PLAT HAS BEEN SUBMITTED TO AND ACCEPTED BY THE PLANNING & ZONING DEPARTMENT FOR THE CITY OF STONECREST, GEORGIA AND HAS BEEN APPROVED AS REQUIRED BY STATE LAW AND CITY CODES AS MEETING ALL CONDITIONS PRECEDENT TO RECORDING IN THE SUPERIOR COURT OF THIS CIRCUIT.

_____
DIRECTOR, DEPARTMENT OF PLANNING & ZONING

_____
DATE

THIS PLAT HAS BEEN SUBMITTED TO AND ACCEPTED BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST, GEORGIA, AND HAS BEEN APPROVED AS REQUIRED BY STATE LAW AND CITY CODES AS MEETING ALL CONDITIONS PRECEDENT TO RECORDING IN THE SUPERIOR COURT OF THIS CIRCUIT.

_____
MAYOR (AS DESIGNEE OF GOVERNING AUTHORITY)

_____
DATE

ALLIANCE
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LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING • LAND PLANNING • LANDSCAPE ARCHITECTURE • LAND SURVEYING
299 South Main St., Suite A | Alpharetta, GA 30009
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Civil Engineering By AEP:
Tyler Marchman, GA PE040989
Cell: 770-855-2430
tylerm@aepati.com

GEORGIA REGISTERED No. PE040989 PROFESSIONAL ENGINEER TYLER SCOTT MARCHMAN
4-1-22

GASWCC LEVEL II
CERTIFICATION #59016
EXPIRATION DATE: 11/17/2022

SURVEYING BY:
ALLIANCE SURVEYING
PHONE: (334) 360-4197
CONTACT: DAVID ANDERSON

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PARKLAND COMMUNITIES, INC.
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24 HR CONTACT: JIM JACOBI TEL: (404) 456.5562
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Preliminary Plat for CRESTWIND TOWNSHIP
7259 HAYDEN QUARRY ROAD
LITHONIA, GA 30038
PARCEL ID #: 16 171 02 005
(AP# 3103007 - LOT COMBINATION)

Orig. Issue	8/31/2021
Designed by	JCB
Checked by	TSM
Project #	21004

COVER

File Location: c:\dropbox (aep)\01-civil projects\03-projects\parkland\21004 - hayden quarry\02-design\dwg\02-civil\21004 - crestwind township - sheets prelim plat

Plot Date: Wednesday, June 15, 2022 8:45:50 AM

NOTES
- THIS SITE DOES NOT REQUIRE THE COMPLETION OF A DRI.
- ENTRANCE MONUMENTATION, HAYDEN QUARRY AND TURNER HILL ROAD FRONTAGE, AND AMENITY AREA AREAS WILL BE IRRIGATED.
- LIGHTING PLAN TO BE DONE BY OTHERS.
- CROSSWALKS WILL BE PROVIDED AT EACH ENTRANCE.

SIGNS USED

- R1-1 STOP — 36"x36" STOP SIGN (R1-1)
- R2-1 YIELD SIGN (R1-2) 36"
- R5-1 NO PARKING
- R2-1 SPEED LIMIT 25 — 25 MPH SIGN (R2-1) 24" x 30"
- R3-7 MUST TURN RIGHT (R3-7) 24 X 30

SITE SYMBOLS LEGEND

- SW PROP. 5' WIDE CONCRETE SIDEWALK
- CG CONCRETE CURB & GUTTER
- HC PROPOSED HANDICAP RAMP
- MB PROPOSED MAILBOX KIOSK
- SE SIGNAGE EASEMENT AREA
- SS SEWER EASEMENT
- CR CONNECTION TO EXISTING CURB/ROAD
- DE DRAINAGE EASEMENT

INTERSECTION LEGEND

- INTX 'A' — CRESTWIND PASS STA: 1+71.13 ABEL CREST STA: 0+00.00
- INTX 'B' — CRESTWIND PASS STA: 3+13.79 AMENITY PARKING STA: 00+00.00
- INTX 'C' — ABEL CREST STA: 4+36.08 BYRDHOUSE MEADOW STA: 0+00.00
- INTX 'D' — AMENITY PARKING STA: 2+45.00 BYRDHOUSE MEADOW STA: 4+01.09
- INTX 'E' — CRESTWIND PASS STA: 12+62.57 STONEVIEW POINT STA: 4+36.25
- INTX 'F' — STONEVIEW POINT STA: 1+90.56 MAX TRAIL STA: 0+00.00

19.11'(R)
19.07'(M)
N 74°44'29" E

S 85°14'55" E
359.26'

S 58°53'13" E
437.12'

HAYDEN QUARRY ROAD
(80' RIGHT-OF-WAY) (DB 4636/PG 459)

MAX TRAIL (55' R/W)

CRESTWIND PASS (55' R/W)

STONEVIEW POINT (55' R/W)

15' SETBACK

MATCHLINE

#7046 COMMON AREA TO BE OWNED AND MAINTAINED BY HOA

#7062 COMMON AREA TO BE OWNED AND MAINTAINED BY HOA

#7158 COMMON AREA TO BE OWNED AND MAINTAINED BY HOA

#7153 COMMON AREA TO BE OWNED AND MAINTAINED BY HOA

#7196 COMMON AREA TO BE OWNED AND MAINTAINED BY HOA

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GEORGIA REGISTERED No. PE040989 PROFESSIONAL ENGINEER TYLER SCOTT MARCHMAN 4-1-22

GASWCC LEVEL II
CERTIFICATION #59016
EXPIRATION DATE: 11/17/2022

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CONTACT: DAVID ANDERSON

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Preliminary Plat for CRESTWIND TOWNSHIP

7259 HAYDEN QUARRY ROAD
LITHONIA, GA 30038
PARCEL I.D. #: 16 171 02 005
(AP# 3103007 - LOT COMBINATION)

Orig. Issue	8/31/2021
Designed by	JCB
Checked by	TSM
Project #	21004

NORTH

SCALE: 1"= 30'
0 30

PRELIMINARY PLAT

File Location: c:\dropbox (aep)\01-civil projects\03-projects\parkland\21004 - hayden quarry\02-design\dwg\02-civil\21004 - crestwind township - sheets prelim plat

LINE TABLE		
LINE ID	LENGTH	DIRECTION
L1	118.62'	S08°07'10"W
L2	50.91'	S29°58'25"W
L3	425.00'	S00°54'41"W
L4	424.72'	S89°05'19"E
L5	907.94'	N00°54'41"E
L6	696.35'	N89°05'19"W
L7	513.42'	N89°05'19"W
L8	355.08'	N03°10'05"W
L9	15.88'	S86°49'55"W
L10	1389.48'	N89°24'27"W
L11	105.13'	S57°12'35"W
L12	597.82'	N89°05'19"W
L13	72.98'	S73°42'39"W
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L16	449.07'	S00°28'17"W
L17	379.14'	S85°14'55"E
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L19	51.73'	N72°34'59"E
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L25	164.18'	S63°00'00"E
L26	194.52'	S00°28'17"W
L27	245.00'	S00°35'33"W

℄ CURVE TABLE						
CURVE #	LENGTH	RADIUS	BEARING	CHORD	TAN	DELTA
C1	38.14'	100.00'	S19°02'48"W	37.912'	19.31'	21.85
C2	73.55'	145.00'	S15°26'33"W	72.763'	37.58'	29.06
C3	262.43'	175.00'	N46°07'42"W	238.522'	162.96'	85.92
C4	58.26'	100.00'	S73°54'04"W	57.443'	29.98'	33.38
C5	58.82'	100.00'	S74°03'38"W	57.976'	30.29'	33.70
C6	27.02'	90.00'	S82°18'40"W	26.917'	13.61'	17.20
C7	16.53'	100.00'	S5°12'24"W	16.510'	8.28'	9.47
C8	46.01'	100.00'	S72°04'04"E	45.605'	23.42'	26.36
C9	81.02'	100.00'	S82°05'52"E	78.823'	42.88'	46.42
C10	46.01'	100.00'	N72°04'04"W	45.605'	23.42'	26.36
C11	53.27'	100.00'	N74°08'50"W	52.641'	27.28'	30.52
C12	130.74'	120.00'	S59°22'46"W	124.373'	72.71'	62.43
C13	22.21'	100.00'	S56°38'12"E	22.167'	11.15'	12.73
C14	110.78'	100.00'	S31°15'51"E	105.200'	61.85'	63.47

SITE SYMBOLS LEGEND

- SW PROP. 5' WIDE CONCRETE SIDEWALK
- CG CONCRETE CURB & GUTTER
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SIGNS USED

- R1-1 — 36"x36" STOP SIGN (R1-1)
- R1-2 — YIELD SIGN (R1-2) 36"
- R6-1 — NO PARKING
- R2-1 — 25 MPH SIGN (R2-1) 24" x 30"
- R3-7 — MUST TURN RIGHT (R3-7) 24 X 30

NOTES

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SCALE: 1"= 30'
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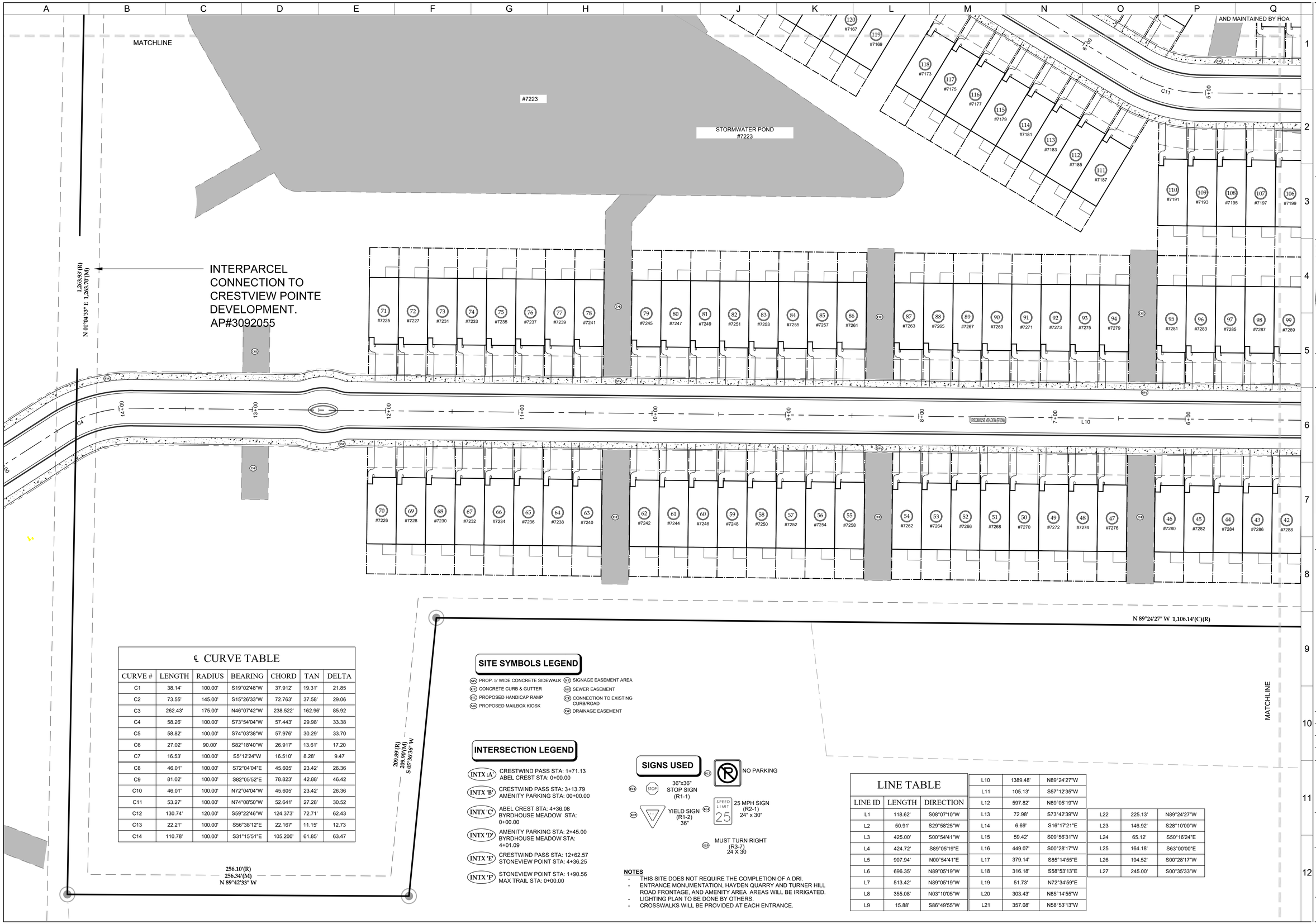
File Location: c:\dropbox (aep)\01-civil projects\03-projects\parkland\21004 - hayden quarry\00-design\dwg\02-civil\21004 - crestwind township - sheets prelim plat



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299 South Main St., Suite A | Alpharetta, GA 30009
770.225.4730 | www.aepatl.com

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Civil Engineering By AEP:
Tyler Marchman, GA PE040989
Cell: 770-855-2430
tylerm@aepatl.com

GEORGIA REGISTERED No. PE040989 PROFESSIONAL ENGINEER TYLER SCOTT MARCHMAN 4-1-22

GASWCC LEVEL II
CERTIFICATION #59016
EXPIRATION DATE: 11/17/2022

SURVEYING BY:
ALLIANCE SURVEYING
PHONE: (334) 360-4197
CONTACT: DAVID ANDERSON

PARKLAND COMMUNITIES
PARKLAND COMMUNITIES, INC.
299 S MAIN STREET, SUITE A
ALPHARETTA, GA 30009
24 HR CONTACT: JIM JACOBI TEL: (404) 456.5562
EMAIL: JIM@PARKLANDCO.COM

Preliminary Plat for CRESTWIND TOWNSHIP

7259 HAYDEN QUARRY ROAD
LITHONIA, GA 30038
PARCEL I.D #: 16 171 02 005
(AP# 3103007 - LOT COMBINATION)

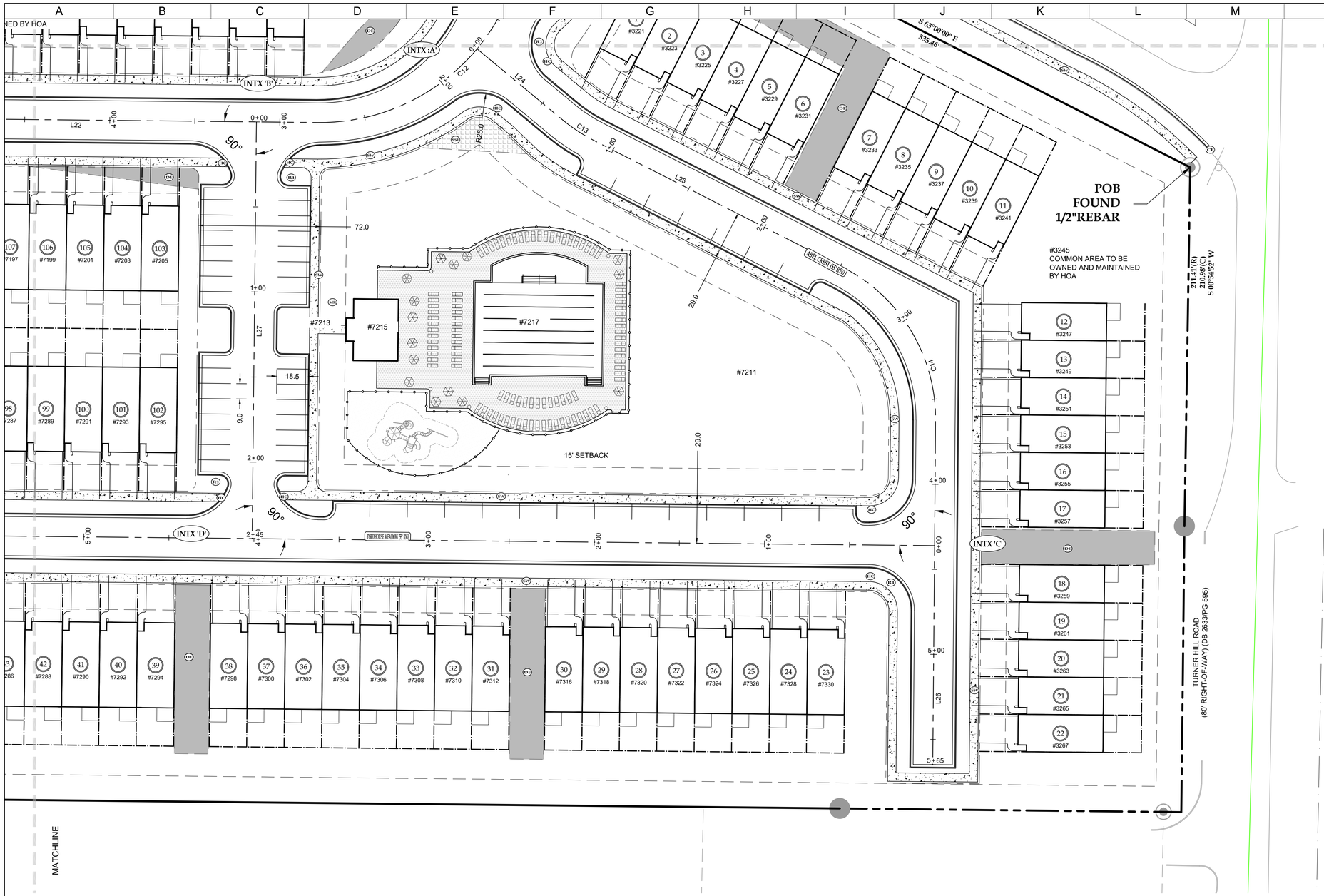
Orig. Issue	8/31/2021
Designed by	JCB
Checked by	TSM
Project #	21004

NORTH

SCALE: 1"= 30'
0 30

PRELIMINARY PLAT

Plot Date: Wednesday, June 15, 2022 8:48:14 AM
File Location: c:\dropbox (aep)\01-civil projects\03-projects\parkland\21004 - hayden quarry\02-design\dwg\02-civil\21004 - crestwind township - sheets prelim plat



℄ CURVE TABLE

CURVE #	LENGTH	RADIUS	BEARING	CHORD	TAN	DELTA
C1	38.14'	100.00'	S19°02'48"W	37.912'	19.31'	21.85
C2	73.55'	145.00'	S15°26'33"W	72.763'	37.58'	29.06
C3	262.43'	175.00'	N46°07'42"W	238.522'	162.96'	85.92
C4	58.26'	100.00'	S73°54'04"W	57.443'	29.98'	33.38
C5	58.82'	100.00'	S74°03'38"W	57.976'	30.29'	33.70
C6	27.02'	90.00'	S82°18'40"W	26.917'	13.61'	17.20
C7	16.53'	100.00'	S5°12'24"W	16.510'	8.28'	9.47
C8	46.01'	100.00'	S72°04'04"E	45.605'	23.42'	26.36
C9	81.02'	100.00'	S82°05'52"E	78.823'	42.88'	46.42
C10	46.01'	100.00'	N72°04'04"W	45.605'	23.42'	26.36
C11	53.27'	100.00'	N74°08'50"W	52.641'	27.28'	30.52
C12	130.74'	120.00'	S59°22'46"W	124.373'	72.71'	62.43
C13	22.21'	100.00'	S56°38'12"E	22.167'	11.15'	12.73
C14	110.78'	100.00'	S31°15'51"E	105.200'	61.85'	63.47

LINE TABLE

LINE ID	LENGTH	DIRECTION
L1	118.62'	S08°07'10"W
L2	50.91'	S29°58'25"W
L3	425.00'	S00°54'41"W
L4	424.72'	S89°05'19"E
L5	907.94'	N00°54'41"E
L6	696.35'	N89°05'19"W
L7	513.42'	N89°05'19"W
L8	355.08'	N03°10'05"W
L9	15.88'	S86°49'55"W
L10	1389.48'	N89°24'27"W
L11	105.13'	S57°12'35"W
L12	597.82'	N89°05'19"W
L13	72.98'	S73°42'39"W
L14	6.69'	S16°17'21"E
L15	59.42'	S09°56'31"W
L16	449.07'	S00°28'17"W
L17	379.14'	S85°14'55"E
L18	316.18'	S58°53'13"E
L19	51.73'	N72°34'59"E
L20	303.43'	N85°14'55"W
L21	357.08'	N58°53'13"W
L22	225.13'	N89°24'27"W
L23	146.92'	S28°10'00"W
L24	65.12'	S50°16'24"E
L25	164.18'	S63°00'00"E
L26	194.52'	S00°28'17"W
L27	245.00'	S00°35'33"W

SITE SYMBOLS LEGEND

- PROP. 5' WIDE CONCRETE SIDEWALK
- CONCRETE CURB & GUTTER
- PROPOSED HANDICAP RAMP
- PROPOSED MAILBOX KIOSK
- SIGNAGE EASEMENT AREA
- SEWER EASEMENT
- CONNECTION TO EXISTING CURB/ROAD
- DRAINAGE EASEMENT

SIGNS USED

- 36"x36" STOP SIGN (R1-1)
- YIELD SIGN (R1-2) 36"
- NO PARKING
- 25 MPH SIGN (R2-1) 24" x 30"
- MUST TURN RIGHT (R3-7) 24 X 30

INTERSECTION LEGEND

- INTX 'A' — CRESTWIND PASS STA: 1+71.13 ABEL CREST STA: 0+00.00
- INTX 'B' — CRESTWIND PASS STA: 3+13.79 AMENITY PARKING STA: 00+00.00
- INTX 'C' — ABEL CREST STA: 4+36.08 BYRDHOUSE MEADOW STA: 0+00.00
- INTX 'D' — AMENITY PARKING STA: 2+45.00 BYRDHOUSE MEADOW STA: 4+01.09
- INTX 'E' — CRESTWIND PASS STA: 12+62.57 STONEVIEW POINT STA: 4+36.25
- INTX 'F' — STONEVIEW POINT STA: 1+90.56 MAX TRAIL STA: 0+00.00

NOTES

- THIS SITE DOES NOT REQUIRE THE COMPLETION OF A DRI.
- ENTRANCE MONUMENTATION, HAYDEN QUARRY AND TURNER HILL ROAD FRONTAGE, AND AMENITY AREA AREAS WILL BE IRRIGATED.
- LIGHTING PLAN TO BE DONE BY OTHERS.
- CROSSWALKS WILL BE PROVIDED AT EACH ENTRANCE.

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File Location: c:\dropbox (aep)\01-civil projects\05-projects\parkland\21004 - hayden quarry\02-design\dwg\02-civil\21004 - crestwind township - sheets pretim.plat

CITY COUNCIL AGENDA ITEM

SUBJECT: Regulation of Build to Rent Subdivisions & Other Rental Housing

AGENDA SECTION: (*check all that apply*)

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

CATEGORY: (*check all that apply*)

☐ **ORDINANCE** ☐ **RESOLUTION** ☐ **CONTRACT** ☒ **POLICY** ☐ **STATUS REPORT**

☐ **OTHER, PLEASE STATE:** Click or tap here to enter text.

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

Previously Heard Date(s): 04/11/22 & Click or tap here to enter text.

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

Current Council Meeting: Wednesday, June 29, 2022

SUBMITTED BY: Janice Allen Jackson, City Manager

PRESENTER: Winston Denmark, City Attorney

PURPOSE: Discussion of Regulations of Build to Rent Subdivisions & Other Rental Housing

FACTS: House Bill 1093 introduces legislation allowing the construction of subdivisions strictly for the purpose of serving as permanent rental property. House Bill 1093 & Senate Bill 494 – Premption on Regulating Corporate "Build to Rent" Subdivisions; these bills would have preempted municipalities from enacting or enforcing any restrictions on residential rental agreements. We want to thank each and every city who adopted resolutions in opposition of these measures. GMA Position: Oppose

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

RECOMMENDED ACTION: Discussion only

ATTACHMENTS:

(1) Attachment 1 - House Bill 1093
(2) Attachment 2 - Senate Bill 494

CITY COUNCIL AGENDA ITEM

(3) Attachment 3 - Charlotte Newspaper Article - March 31, 2022
(4) Attachment 4 - Click or tap here to enter text.
(5) Attachment 5 - Click or tap here to enter text.

House Bill 1093

By: Representatives Washburn of the 141st, Powell of the 32nd, Ridley of the 6th, Williamson of the 115th, Mitchell of the 88th, and others

A BILL TO BE ENTITLED

AN ACT

To amend Title 36 of the Official Code of Georgia Annotated, relating to local government, so as to prohibit certain use restrictions on residential dwellings; to provide for definitions; to provide a limited waiver of sovereign immunity; to provide for interest prior to judgment; to provide for the withholding of certain state funding; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended by enacting a new chapter to read as follows:

"CHAPTER 93

36-93-1.

As used in this chapter, the term:

(1) 'Dwelling' means any permanent building or structure utilized as a residence.

(2) 'Local government entity' means any county, municipality, or consolidated government.

(3) 'Residential rental agreement' means any landlord-tenant relationship, contract, lease, or license agreement for the rental or use of real property as a dwelling.

(4) 'Restriction' means any permit, condition, fee, occupational tax certificate fee, amenity requirement, license fee, or other limitation on land or a dwelling which is enacted, applied, or imposed on land or a dwelling because of the use of such land or dwelling being subject to a residential rental agreement. Such term shall include any refusal to issue any farming permit, land disturbance permit, building permit, certificate of occupancy, or other permit required for the farming or development of land, construction of a dwelling, or tenancy of a dwelling because of the use or anticipated use being subject to a residential rental agreement.

36-93-2.

(a) Notwithstanding any other provision of this title to the contrary, local government entities shall not enact or enforce any restrictions on land or dwellings that are or are anticipated to be subject to a residential rental agreement of more than 30 days in duration and are located on any property where residential dwellings are allowed.

(b) Notwithstanding any other provision of this title to the contrary, it shall be unlawful for any local government entity to enact or enforce any restriction that would prevent a person from occupying a dwelling for more than 30 days in duration, based solely on whether or not that person owns the dwelling.

36-93-3.

(a) The sovereign immunity of all local government entities is waived to the extent necessary to effectuate this chapter, provided that such waiver shall not authorize damages arising out of violations of this chapter in an amount exceeding $1 million per occurrence.

(b) Interest prior to judgment may be recovered pursuant to Code Section 51-12-14; provided, however, that any such interest recovered shall be counted toward the cap on damages provided for in subsection (a) of this Code section.

(c) Any local government entity that acts in violation of this chapter shall not be entitled to any financial assistance, funds, or grants from the Department of Community Affairs."

SECTION 2.

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

Senate Bill 494

By: Senators Gooch of the 51st, Kennedy of the 18th, Cowsert of the 46th, Mullis of the 53rd, Parent of the 42nd and others

A BILL TO BE ENTITLED

AN ACT

To amend Title 36 of the Official Code of Georgia Annotated, relating to local government, so as to prohibit certain use restrictions on residential dwellings; to provide for definitions; to provide a limited waiver of sovereign immunity; to provide for interest prior to judgment; to provide for revocation of qualified local government status for a violation; to provide for reinstatement of qualified local government status under certain conditions; to provide for the promulgation of rules and regulations; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended by enacting a new chapter to read as follows:

"CHAPTER 93

36-93-1.

As used in this chapter, the term:

(1) 'Dwelling' means any permanent building or structure utilized as a residence.

(2) 'Local government entity' means any county, municipality, or consolidated government.

(3) 'Long-term residential rental agreement' means any landlord-tenant relationship, contract, lease, or license agreement for the rental or use of real property as a dwelling for an initial term of at least 12 months.

(4) 'Restriction' means any permit, condition, fee, occupational tax certificate fee, amenity requirement, license fee, or other limitation on land or a dwelling which is enacted, applied, or imposed on land or a dwelling because of the use of such land or dwelling being subject to a long-term residential rental agreement. Such term shall include any refusal to issue any farming permit, land disturbance permit, building permit, certificate of occupancy, or other permit required for the farming or development of land, construction of a dwelling, or tenancy of a dwelling because of the use or anticipated use being subject to a long-term residential rental agreement.

36-93-2.

(a) Notwithstanding any other provision of this title to the contrary, local government entities shall not enact or enforce any restrictions on land or dwellings that are or are anticipated to be subject to a long-term residential rental agreement and are located on any property where residential dwellings are allowed. Such prohibition on the enactment or enforcement of such restrictions shall also be applicable to any common area or amenity associated with such land or dwellings.

(b) Notwithstanding any other provision of this title to the contrary, it shall be unlawful for any local government entity to enact or enforce any restriction that would prevent a person from occupying a dwelling based solely on whether or not that person owns the dwelling.

36-93-3.

(a) The sovereign immunity of all local government entities is waived to the extent necessary to effectuate this chapter, provided that such waiver shall not authorize damages arising out of violations of this chapter in an amount exceeding $1 million per occurrence.

(b) Interest prior to judgment may be recovered pursuant to Code Section 51-12-14; provided, however, that any such interest recovered shall be counted toward the maximum authorized amount for damages as provided for in subsection (a) of this Code section.

(c) Any local government entity that acts in violation of this chapter shall, upon notice of such violation to the Department of Community Affairs, have its status as a qualified local government under Chapter 8 of Title 50, revoked. Such qualified local government status may be reinstated after a period of six months, provided that there is no ongoing violation of this chapter and that the local government entity meets all other requirements necessary for such status. The Department of Community Affairs shall, through the promulgation of rules and regulations, establish a process to carry out this subsection.″

SECTION 2.

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

Corporate landlords are gobbling up U.S. suburbs. These homeowners are fighting back.

Using authority that lets them punish homeowners who fail to cut the grass, one predominantly Black neighborhood in North Carolina slows the pace of investor purchases

By Peter Whoriskey and Kevin Schaul

March 31, 2022 at 6:00 a.m. EDT

Listen to article 11 min

CHARLOTTE — Her 3-bedroom 2-bath house with vinyl siding had never attracted so many admirers. Every week, the mail brought more postcard offers: *Sell now! Will buy as is!* Everyone in the neighborhood was getting them.

To Valerie Hamilton, then president of the Potters Glen Homeowners Association, it didn't sit right. Already, more than 20 homeowners in her Charlotte neighborhood had sold out to investors and their houses had been quickly converted to rentals.

"We were being bombarded," Hamilton said.

Like hundreds of communities across the United States, Hamilton's neighborhood had become the target of large companies amassing empires of suburban homes for rent. Since the Great Recession, when millions of Americans lost their homes to foreclosure, these companies have been expanding their portfolios of tens of thousands of single-family houses, a disproportionate number of them located in majority-Black neighborhoods like Potters Glen.

The rise of investor purchases has spawned complaints that the companies, flush with Wall Street money, are pricing out first-time home buyers and renting to tenants who have not been properly screened. In Potters Glen, one house owned by Invitation Homes, a $24 billion company created by a Wall Street firm, drew several reports of illegal drugs and gunfire, according to police reports and neighbors.

Facing the influx, Hamilton started asking: "Can't we stop them?"

The answer, it turns out, appears to be yes.

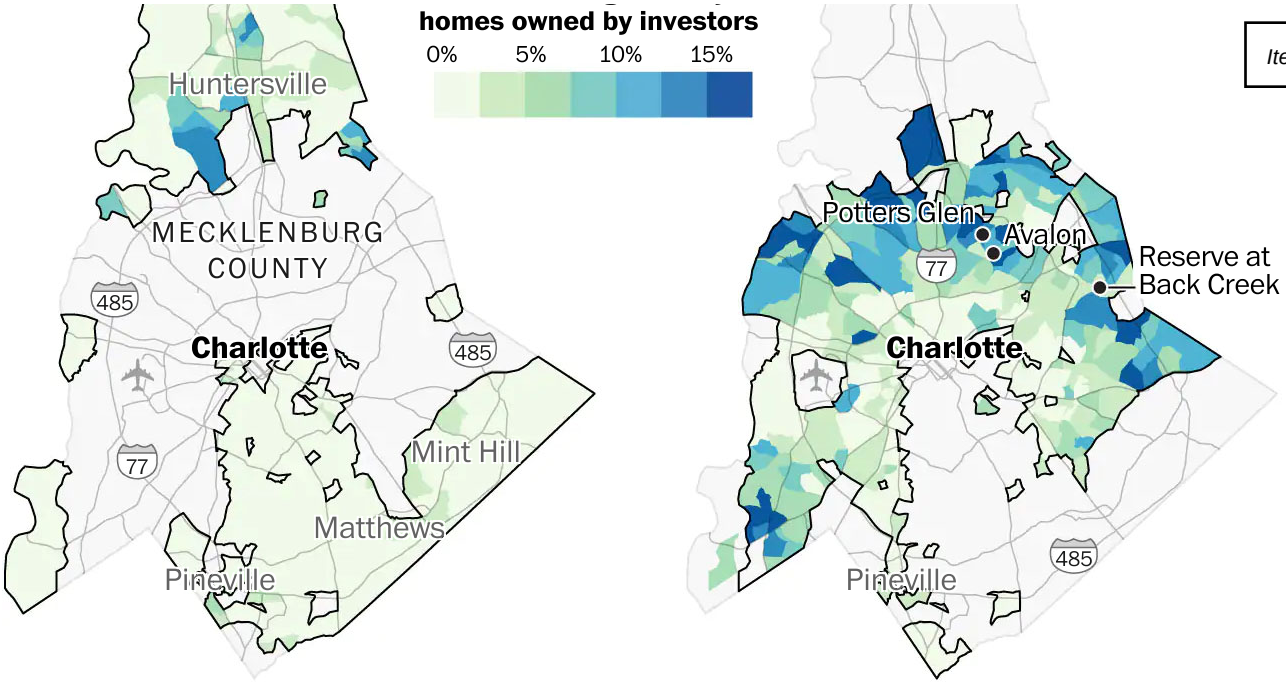
Investors own more homes in communities of color

Investor homes follow racial lines in Mecklenburg County, N.C., which includes Charlotte.
A greater share of single-family homes are owned by investors in majority-minority areas than majority-White areas.

MAJORITY-WHITE AREAS

Share of single-family

MAJORITY-MINORITY AREAS



Note: Census block groups with fewer than 25 single-family homes are excluded. UNC-Charlotte Urban Institute defined investors as entities that own at least 100 properties in Mecklenburg County.

Sources: UNC-Charlotte Urban Institute analysis, U.S. Census Bureau

Using the same legal authority that allows homeowners associations to punish people who fail to cut their grass, the Potters Glen board erected a hurdle for investors: a new rule required any new home buyer to wait two years before renting it out.

Since the board adopted the rule in 2019, property records show the pace of investor purchases has dropped by more than half.

“We didn’t want to become a renter’s paradise,” said Hamilton, a retired executive assistant from Ohio. “We want people who are going to plant flowers and trees because it’s their home.”

As neighborhoods in several states have moved to adopt similar rules, advocates for rental home companies argue that the restrictions make housing less affordable. They say rental exclusions also can be discriminatory, echoing a past when real estate restrictions were used to keep out racial minorities, and have asked state legislatures in Florida, Georgia and Tennessee, as well as North Carolina, to protect them from such restrictions.

“Preventing single-family rental home companies — of any size — from purchasing homes in a community does nothing but reduce the availability of affordably priced rental housing,” said David Howard, executive director of the National Rental Home Council.

Invitation Homes, one of several big firms that own houses in Potters Glen, called the rental restrictions “prejudicial, discriminatory, uninformed, and misaligned with the concept of fair housing.” The company said it was “disheartened by the trend of HOAs [homeowners associations] determining that renters are not welcome in their neighborhoods.”

Of the house in Potters Glen where neighbors had reported gunfire, Invitation Homes said it had used a reputable third-party screening company to vet the adult tenants — and that it eventually asked them to leave.

Hamilton scoffed at the idea that the new rules discriminate against renters, arguing that the board has the right to encourage homeowners to live in the community.

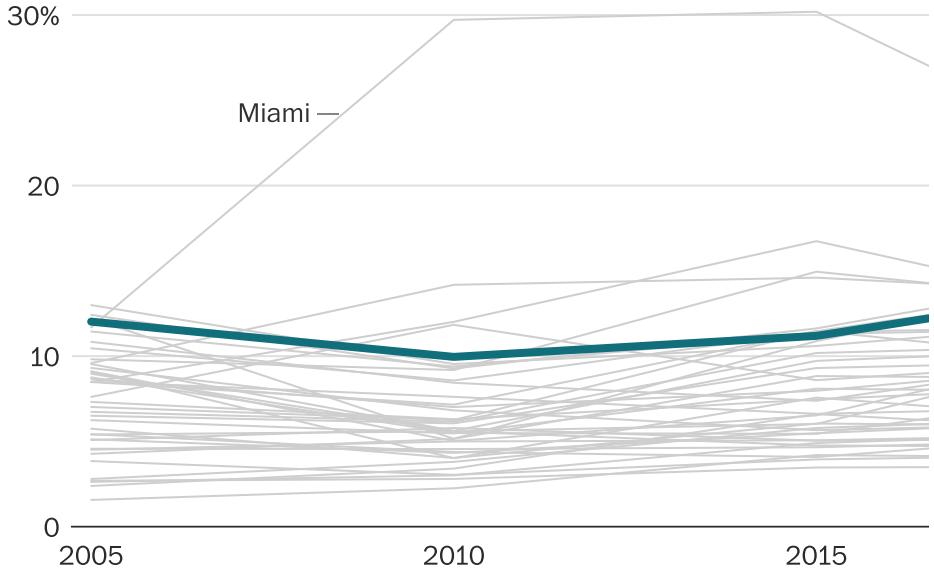
"Don't get me wrong — there are some very good renters in this neighborhood," she said. "But people who own their homes usually take more pride in their property, and we wanted to make sure we keep a place for them."

Corporate landlords take stakes in U.S. suburbia

As investors have targeted the American suburbs, faraway companies have begun to take over entire blocks. Last year, investors bought nearly 1 in 7 homes sold in the nation's top metropolitan areas — the most in two decades of record-keeping, according to a Washington Post analysis of data from realty company Redfin.

Share of purchased homes bought by investors, in 40 metro areas

Charlotte had the second-highest level of investor activity in 2021, rising sharply since the pandemic began.



Redfin defined investors as buyers whose name included the keywords "LLC," "Inc," "Corp" or "Homes," or whose ownership code includes the keywords "association," "corporate trustee," "company," "joint venture" or "corporate

In Charlotte and elsewhere, according to The Post's analysis, investors have purchased a disproportionate number of homes in neighborhoods where a majority of residents are Black. Last year, 30 percent of home sales in majority Black neighborhoods across the nation were to investors, compared with 12 percent in other Zip codes, The Post's analysis shows.

In Charlotte and surrounding Mecklenburg County, landlords backed by Wall Street own roughly 11,500 houses — more than 4 percent of single family homes, according to an analysis last year by the University of North Carolina at Charlotte Urban Institute. Most of the houses are in the starter home price range, "likely putting the most pressure on the lower end of the market," said the institute's Ely Portillo.

Most of those purchases were made by one of six major out-of-state companies: Progress Residential, American

Homes 4 Rent and Invitation Homes each owned more than 2,000 homes, according to the Urban Institute analysis, while Tricon, Amherst Residential and FirstKey each had more than 1,000 homes.

Faced with this surge of corporate landlords, many homeowners associations have begun to fight back.

At the Reserve at Back Creek, a subdivision of 39 houses near UNC-Charlotte, neighbors last year adopted a rule requiring an owner to live in a house for a year before renting it out. No more than 18 percent of the houses can be approved for rental at any time.

“Our main concern was with the faceless investment groups who were buying the homes more than just the renters,” said Justin Kerner, 41, a former association board member. “If we’re sending a notice about garbage on the lawn to a company in Las Vegas, it’s going to end up on the desk of someone who doesn’t care what the neighborhood looks like.”

At Avalon at Mallard Creek, a community of 110 townhouses not far from Potters Glen, a shooting last year that damaged several properties prompted the neighborhood to impose a one-year waiting period on rentals and cap them at 40 percent of units. They also required leases to be approved by the homeowners association board, which can reject a rental agreement based on investigative background reports.

“Six homes had bullet holes,” said Keri Miller, the homeowners association treasurer. The shooting, which involved outsiders targeting a tenant in a rental, Miller said, made her not only fearful but angry that the association had to pay for the repairs.

“Our gate was broken. We had all this traffic coming in and there was this shootout,” Miller recalled. “At this point I said, ‘This has to stop.’”

Since the new rules took effect, some investors have sold their properties, Miller said. The homeowners association has organized monthly neighborhood cleanups and property values have risen, she said.

“It’s working,” she said.

Worried neighbors come to a consensus

Restricting rentals is not always easy. Charlotte attorney Mike Hunter said homeowners associations come to him about once a week asking for advice. Some, like Potters Glen, are worried about long-term corporate leases, while others want to curtail short-term rentals offered by companies like Airbnb and VRBO.

In North Carolina, Hunter said, at least 67 percent of homeowners in a community typically must approve new rules, and reaching that threshold can be a challenge.

“There can often be a lot of apathy in neighborhoods. A lot of people don’t even bother to return the ballots,” he said. “But if the rental properties are causing a lot of problems, it’s much more likely that residents will rally and approve restrictions.”

The going initially was slow in Potters Glen. The homeowners association board seemed desperate for members when Hamilton moved from Ohio in 2015. A year later, she was board president.

She was, in a way, a natural pick. Formerly the executive assistant to the city manager of Middletown, Ohio, Hamilton knew her way around meetings, boards and votes.

“I’m a meticulous person. I believe in order,” she said.

Walking out her front door one February afternoon, she shook her head at lawn equipment littering the yard of a nearby home, a corporate rental.

"It irritates me every time I set foot outside," she said "There's so much clutter. So ... *unkempt*."

The idea for rental restrictions rose during an all-day board meeting in 2018. Gathered at a local Holiday Inn, Hamilton asked board members how to improve the neighborhood. They considered, among other things, whether to prohibit chain-link fences, whether sex offenders and other felons should be allowed in, and whether residents should be permitted to keep pit bulls and Rottweilers, breeds previously forbidden.

But the main topic was renters. The 280 houses of Potters Glen, most of them built in the early 2000s, are conveniently located between Uptown Charlotte and the UNC-Charlotte campus. Investors were flocking to their neighborhood.

"I'd never heard of these companies who wanted to buy in all of a sudden," said Andrea Turner, a board member who worked with Hamilton to pass the rules. "We looked them up and realized they weren't from Charlotte. We wondered: What do they want with us?"

So along with the ideas about the Rottweilers and felons, the board had a lawyer draft the rental restrictions and put up them up for a vote. They were not immediately popular.

"People didn't like the idea at first. Some were worried that they wouldn't be able to rent their properties," Hamilton said. "But we assured them that the rental restrictions would not apply to the owners at the time."

After three community meetings, Hamilton and Turner won the neighborhood over, and more than three-fourths of the community voted for the rental restrictions.

"People realized we couldn't just become a community of renters," Hamilton said. "These are our homes. We had too much to lose."

The trouble with some rental homes persisted, however. In the spring of 2020, multiple police visits to the Invitation Homes property prompted Hamilton to write a letter to company CEO Dallas Tanner demanding more intensive screening.

"Would you want to live next door to lawless people?" she wrote. "I must express my disappointment. ... This home has been a problem where the [police department] has been called out on several occasions."

Invitation Homes did not renew the renters' lease, but it didn't immediately kick them out. In a statement, the company said that the incident in May 2020 "involved minors" and that the company notified the adult tenant that the lease would not be renewed when it expired a few months later.

Before the lease expired, however, police visited the block twice more, once after a drive-by shooting at the house in August, according to police reports. After that incident, the company said it asked the tenants to leave.

"When the shooting occurred in August, we asked the resident to vacate the home, which they did," the company said.

The rental restrictions have slowed the pace of investor purchases in Potters Glen, however. In each of the three years before the rental limits, investment groups purchased about 12 homes in the subdivision. Since then, the pace has slowed to about four per year, according to property records.

Companies affiliated with some of the nation's big rental firms have continued to purchase homes at Potters Glen, according to property records. Invitation Homes bought one in September 2020, about a year after the rental limits went into effect. The company said that the "neighborhood restriction was not noted in our system."

went into effect. The company said that the "neighborhood restriction was not noted in our system."

Item XIII. f.

Amherst, bought one, too. In a statement, the company said it aims to work collaboratively with homeowner associations and that "it does not appear this waiting period was communicated [to us] in documentation related to purchase of this home."

'Investors will not be considered'

Hamilton, meanwhile, recently learned that spurning investors can come with a cost.

After completing her term as board president, she put her home up for sale. She and her husband had moved to Charlotte to help her daughter raise their grandchildren. Now it was time now to go back to Ohio, where she has family.

Adamant that she would not sell to rental companies, Hamilton added a line to the real estate listing for her home: "Per seller, investors will not be considered!"

Investors tried anyway, deluging her real estate agent with calls. The Hamiltons received seven bids offering all-cash payment, according to her agent, Andre Dockery. But they took the one that came with a personal letter.

"Thank you for the opportunity to make an offer on your beautiful home," began the letter from a teacher working at a local school who had two kids, ages 9 and 3. The 9-year-old had already claimed rights to a purple bedroom.

The teacher's offer was $13,000 less than the investors' highest offer. But, Hamilton said, "She touched my heart."

CITY COUNCIL AGENDA ITEM

SUBJECT: 2022 Street Resurfacing Agenda Item

AGENDA SECTION: (*check all that apply*)

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

CATEGORY: (*check all that apply*)

☐ **ORDINANCE** ☐ **RESOLUTION** ☒ **CONTRACT** ☐ **POLICY** ☐ **STATUS REPORT**

☐ **OTHER, PLEASE STATE:** Click or tap here to enter text.

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

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

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

Current Council Meeting: Wednesday, June 29, 2022

SUBMITTED BY: Gia Scruggs, Finance Director for Engineering

PRESENTER: Gia Scruggs

PURPOSE: The Finance Department published a solicitation 2022-06 on May 16, 2022. This solicitation closed on June 16, 2022. E.R. Snell Contractor, Inc. and Stewart Brothers submitted bids.

FACTS: The Finance Department had previously published a solicitation with only one bid. There was no award with this bid. As a result, the Engineering Department revised the bid package and instead of having one bid, it was broken down into four bid packages. Stewart Brothers had the lowest bid for Bid Packages #1 and #4. E.R. Snell had the lowest bid for Bid Packages #2 and #3. The Finance Department is recommending to utilize the two vendors and awarding contracts for the lowest bid packages per vendor. The total cost for all four bid packages is $11,887,047. The funding for these contracts will come from SPLOST – Transportation Infrastructure Improvement. The Finance Department is requesting to utilize $5,037,047.00 from SPLOST fund balance to cover the difference in the current budgeted amount and the total amount.

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

CITY COUNCIL AGENDA ITEM

RECOMMENDED ACTION: Approve

ATTACHMENTS:

(1) Attachment 1 - Bid Summary
(2) Attachment 2 - ER Snell Contractor Bid Packages
(3) Attachment 3 - Stewart Brothers Bid Packages
(4) Attachment 4 - Click or tap here to enter text.
(5) Attachment 5 - Click or tap here to enter text.

Offerors	Bid Package #1	Bid Package #2
2022 Street Resurfacing ITB 2022-06		
E.R. Snell Contractor	192	173
Stewart Brothers, Inc.	376	335
Total Technical Points (200 + 400 = 600 points)	**568**	**508**
Cost (100 Points)	44	45
Total Points	612	553
Cost	**$ 124,550**	$ 123,550
Evaluators ranking after presentations from top three (3)	**1st**	**2nd**

Bid Package #3	Bid Package #4			
157	160			
321	321			
478	481			
74	61			
552	542			
$ 74,000	$ 90,000			

Offerors	Bid Package #1	Bid Package #2	Bid Package #3	Bid Package #4
2022 Street Resurfacing ITB 2022-06				
E.R. Snell Contractor	$ 3,999,470.00	$ 2,614,917.00	$ 2,989,500.00	$ 2,379,780.00
Stewart Brothers, Inc.	$ 3,934,045.00	$ 2,755,425.00	$ 3,042,605.00	$ 2,348,585.00

APPENDIX IV

2022 Street Resurfacing Bid Schedule – Bid Package 1

Pay Item	Description	Qty	Unit	Unit Price	Total Price
150-1001	Traffic Control	1	LS	96000.00	96,000.00
215-0250	Undercut Excavation and Disposal of Materials (As directed by City Engineer)	25	SY	211.00	5,275.00
310-1101	Graded Aggregate Base--including material (As directed by City Engineer)	25	TN	267.00	6,675.00
432-0212	Mill Asphalt Concrete Pavement, 1.5 in. Depth	170,000	SY	5.76	979,200.00
402-1802	Recycled Asphalt Concrete **Patching** using 19 MM Superpave including Bituminous Material & H Lime	1,900	TN	399.60	759,240.00
402-3103	Recycled Asphalt Concrete 9.5 MM Superpave Type II, GP 2 Only, including Bituminous Material and H-Lime	13,600	TN	154.80	2,105,280.00
413-1000	Bitum Tack Coat	6,600	GL	4.75	31,350.00
611-8050	Adjust Manhole to Grade	8	EA	908.00	7,264.00
611-8140	Adjust Utility Valve to Grade	8	EA	792.00	6,336.00
653-0110	Thermoplastic PVMT Marking, Arrow TYPE 1	2	EA	150.00	300.00
653-0120	Thermoplastic PVMT Marking, Arrow TYPE 2	2	EA	150.00	300.00
653-1501	Thermoplastic Solid Traffic Stripe, 5 IN White	250	LF	2.50	625.00
653-1502	Thermoplastic Solid Traffic Stripe, 5 IN Yellow	250	LF	2.50	625.00
653-1704	Thermoplastic Solid Traffic Stripe, 24 in., White	25	LF	15.00	375.00
653-1804	Thermoplastic Solid Traffic Stripe, 8 in., White	80	LF	5.00	400.00
653-3501	Thermoplastic Skip Traffic Stripe, 5 IN White	75	GLF	1.50	112.50
653-3502	Thermoplastic Skip Traffic Stripe, 5 IN Yellow	75	GLF	1.50	112.50
	2022 Paving Bid - Package 2 1	**Total**	**Bid**	**Price**	3,999,470.00

Include complete bid schedule with your bid

Invoices will be approved and paid based on measured actual quantities and performed work. Actual quantity may vary from the bid quantities.

Traffic control includes 19 signs at subdivision entrances, no temporary striping or tapes required for residential streets.

APPENDIX IV
2022 Street Resurfacing Bid Schedule – Bid Package 2

Pay Item	Description	Qty	Unit	Unit Price	Total Price
150-1001	Traffic Control	1	LS	81296.00	81,296.00
215-0250	Undercut Excavation and Disposal of Materials (As directed by City Engineer)	25	SY	211.00	5,275.00
310-1101	Graded Aggregate Base--including material (As directed by City Engineer)	25	TN	267.00	6,675.00
432-0212	Mill Asphalt Concrete Pavement, 1.5 in. Depth	110,000	SY	5.35	588,500.00
402-1802	Recycled Asphalt Concrete **Patching** using 19 MM Superpave including Bituminous Material & H Lime	1,260	TN	399.60	503,496.00
402-3103	Recycled Asphalt Concrete 9.5 MM Superpave Type II, GP 2 Only, including Bituminous Material and H-Lime	9,000	TN	154.65	1,391,850.00
413-1000	Bitum Tack Coat	4,500	GL	4.75	21,375.00
611-8050	Adjust Manhole to Grade	8	EA	908.00	7,264.00
611-8140	Adjust Utility Valve to Grade	8	EA	792.00	6,336.00
653-0110	Thermoplastic PVMT Marking, Arrow TYPE 1	2	EA	150.00	300.00
653-0120	Thermoplastic PVMT Marking, Arrow TYPE 2	2	EA	150.00	300.00
653-1501	Thermoplastic Solid Traffic Stripe, 5 IN White	250	LF	2.50	625.00
653-1502	Thermoplastic Solid Traffic Stripe, 5 IN Yellow	250	LF	2.50	625.00
653-1704	Thermoplastic Solid Traffic Stripe, 24 in., White	25	LF	15.00	375.00
653-1804	Thermoplastic Solid Traffic Stripe, 8 in., White	80	LF	5.00	400.00
653-3501	Thermoplastic Skip Traffic Stripe, 5 IN White	75	GLF	1.50	112.50
653-3502	Thermoplastic Skip Traffic Stripe, 5 IN Yellow	75	GLF	1.50	112.50
	2022 Paving Bid - Package 2	**Total**	**Bid**	**Price**	2,614,917.00

Include complete bid schedule with your bid

Invoices will be approved and paid based on measured actual quantities and performed work. Actual quantity may vary from the bid quantities.

Traffic control includes 8 signs at subdivision entrances, no temporary striping or tapes required for residential streets.

APPENDIX IV

2022 Street Resurfacing Bid Schedule – Bid Package 3

Pay Item	Description	Qty	Unit	Unit Price	Total Price
150-1001	Traffic Control	1	LS	102,000.00	102,000.00
215-0250	Undercut Excavation and Disposal of Materials (As directed by City Engineer)	25	SY	211.00	5,275.00
310-1101	Graded Aggregate Base--including material (As directed by City Engineer)	25	TN	267.00	6,675.00
432-0212	Mill Asphalt Concrete Pavement, 1.5 in. Depth	120,000	SY	5.94	712,800.00
402-1802	Recycled Asphalt Concrete **Patching** using 19 MM Superpave including Bituminous Material & H Lime	1,400	TN	399.60	559,440.00
402-3103	Recycled Asphalt Concrete 9.5 MM Superpave Type II, GP 2 Only, including Bituminous Material and H-Lime	9,900	TN	159.65	1,569,735.00
413-1000	Bitum Tack Coat	5,500	GL	4.75	26,125.00
611-8050	Adjust Manhole to Grade	8	EA	908.00	7,264.00
611-8140	Adjust Utility Valve to Grade	8	EA	792.00	6,336.00
653-0110	Thermoplastic PVMT Marking, Arrow TYPE 1	2	EA	150.00	300.00
653-0120	Thermoplastic PVMT Marking, Arrow TYPE 2	2	EA	150.00	300.00
653-1501	Thermoplastic Solid Traffic Stripe, 5 IN White	250	LF	2.50	625.00
653-1502	Thermoplastic Solid Traffic Stripe, 5 IN Yellow	250	LF	2.50	625.00
653-1704	Thermoplastic Solid Traffic Stripe, 24 in., White	25	LF	15.00	375.00
653-1804	Thermoplastic Solid Traffic Stripe, 8 in., White	80	LF	5.00	400.00
653-3501	Thermoplastic Skip Traffic Stripe, 5 IN White	75	GLF	1.50	112.50
653-3502	Thermoplastic Skip Traffic Stripe, 5 IN Yellow	75	GLF	1.50	112.50
	2022 Paving Bid - Package 3	**Total**	**Bid**	**Price**	2,989,500.00

Include complete bid schedule with your bid

Invoices will be approved and paid based on measured actual quantities and performed work. Actual quantity may vary from the bid quantities.

Traffic control includes 22 signs at subdivision entrances, no temporary striping or tapes required for residential streets.

APPENDIX IV
2022 Street Resurfacing Bid Schedule – Bid Package 4

Pay Item	Description	Qty	Unit	Unit Price	Total Price
150-1001	Traffic Control	1	LS	81,000.00	81,000.00
215-0250	Undercut Excavation and Disposal of Materials (As directed by City Engineer)	25	SY	211.00	5,275.00
310-1101	Graded Aggregate Base--including material (As directed by City Engineer)	25	TN	267.00	6,675.00
432-0212	Mill Asphalt Concrete Pavement, 1.5 in. Depth	90,000	SY	6.82	613,800.00
402-1802	Recycled Asphalt Concrete **Patching** using 19 MM Superpave including Bituminous Material & H Lime	1,100	TN	399.65	439,615.00
402-3103	Recycled Asphalt Concrete 9.5 MM Superpave Type II, GP 2 Only, including Bituminous Material and H-Lime	7,200	TN	166.45	1,198,440.00
413-1000	Bitum Tack Coat	3,900	GL	4.75	18,525.00
611-8050	Adjust Manhole to Grade	8	EA	908.00	7,264.00
611-8140	Adjust Utility Valve to Grade	8	EA	792.00	6,336.00
653-0110	Thermoplastic PVMT Marking, Arrow TYPE 1	2	EA	150.00	300.00
653-0120	Thermoplastic PVMT Marking, Arrow TYPE 2	2	EA	150.00	300.00
653-1501	Thermoplastic Solid Traffic Stripe, 5 IN White	250	LF	2.50	625.00
653-1502	Thermoplastic Solid Traffic Stripe, 5 IN Yellow	250	LF	2.50	625.00
653-1704	Thermoplastic Solid Traffic Stripe, 24 in., White	25	LF	15.00	375.00
653-1804	Thermoplastic Solid Traffic Stripe, 8 in., White	80	LF	5.00	400.00
653-3501	Thermoplastic Skip Traffic Stripe, 5 IN White	75	GLF	1.50	112.50
653-3502	Thermoplastic Skip Traffic Stripe, 5 IN Yellow	75	GLF	1.50	112.50
	2022 Paving Bid - Package 4	**Total**	**Bid**	**Price**	2,379,780.00

Include complete bid schedule with your bid

Invoices will be approved and paid based on measured actual quantities and performed work.

Actual quantity may vary from the bid quantities. Traffic control includes 13 signs at subdivision entrances, no temporary striping or tapes required for residential streets.

APPENDIX IV
2022 Street Resurfacing Bid Schedule – Bid Package 1

Pay Item	Description	Qty	Unit	Unit Price	Total Price
150-1001	Traffic Control	1	LS	339,000.00	339,000.00
215-0250	Undercut Excavation and Disposal of Materials (As directed by City Engineer)	25	SY	308.00	7,700.00
310-1101	Graded Aggregate Base--including material (As directed by City Engineer)	25	TN	355.40	8,885.00
432-0212	Mill Asphalt Concrete Pavement, 1.5 in. Depth	170,000	SY	5.70	969,000.00
402-1802	Recycled Asphalt Concrete **Patching** using 19 MM Superpave including Bituminous Material & H Lime	1,900	TN	227.00	431,300.00
402-3103	Recycled Asphalt Concrete 9.5 MM Superpave Type II, GP 2 Only, including Bituminous Material and H-Lime	13,600	TN	155.30	2,112,080.00
413-1000	Bitum Tack Coat	6,600	GL	6.20	40,920.00
611-8050	Adjust Manhole to Grade	8	EA	1,750.00	14.000.00
611-8140	Adjust Utility Valve to Grade	8	EA	990.00	7,920.00
653-0110	Thermoplastic PVMT Marking, Arrow TYPE 1	2	EA	170.00	340.00
653-0120	Thermoplastic PVMT Marking, Arrow TYPE 2	2	EA	170.00	340.00
653-1501	Thermoplastic Solid Traffic Stripe, 5 IN White	250	LF	2.80	700.00
653-1502	Thermoplastic Solid Traffic Stripe, 5 IN Yellow	250	LF	2.80	700.00
653-1704	Thermoplastic Solid Traffic Stripe, 24 in., White	25	LF	17.00	425.00
653-1804	Thermoplastic Solid Traffic Stripe, 8 in., White	80	LF	6.00	480.00
653-3501	Thermoplastic Skip Traffic Stripe, 5 IN White	75	GLF	1.70	127.50
653-3502	Thermoplastic Skip Traffic Stripe, 5 IN Yellow	75	GLF	1.70	127.50
	2022 Paving Bid - Package 2 1	**Total**	**Bid**	**Price**	3,934,045.00

Include complete bid schedule with your bid

Invoices will be approved and paid based on measured actual quantities and performed work. Actual quantity may vary from the bid quantities.

Traffic control includes 19 signs at subdivision entrances, no temporary striping or tapes required for residential streets.

APPENDIX IV
2022 Street Resurfacing Bid Schedule – Bid Package 2

Pay Item	Description	Qty	Unit	Unit Price	Total Price
150-1001	Traffic Control	1	LS	324,000.00	324,000.00
215-0250	Undercut Excavation and Disposal of Materials (As directed by City Engineer)	25	SY	308.00	7,700.00
310-1101	Graded Aggregate Base--including material (As directed by City Engineer)	25	TN	355.40	8,885.00
432-0212	Mill Asphalt Concrete Pavement, 1.5 in. Depth	110,000	SY	5.85	643,500.00
402-1802	Recycled Asphalt Concrete **Patching** using 19 MM Superpave including Bituminous Material & H Lime	1,260	TN	238.00	299,880.00
402-3103	Recycled Asphalt Concrete 9.5 MM Superpave Type II, GP 2 Only, including Bituminous Material and H-Lime	9,000	TN	157.60	1,418,400.00
413-1000	Bitum Tack Coat	4,500	GL	6.20	27,900.00
611-8050	Adjust Manhole to Grade	8	EA	1,750.00	14,000.00
611-8140	Adjust Utility Valve to Grade	8	EA	9.90	7,920.00
653-0110	Thermoplastic PVMT Marking, Arrow TYPE 1	2	EA	170.00	340.00
653-0120	Thermoplastic PVMT Marking, Arrow TYPE 2	2	EA	170.00	340.00
653-1501	Thermoplastic Solid Traffic Stripe, 5 IN White	250	LF	2.80	700.00
653-1502	Thermoplastic Solid Traffic Stripe, 5 IN Yellow	250	LF	2.80	700.00
653-1704	Thermoplastic Solid Traffic Stripe, 24 in., White	25	LF	17.00	425.00
653-1804	Thermoplastic Solid Traffic Stripe, 8 in., White	80	LF	6.00	480.00
653-3501	Thermoplastic Skip Traffic Stripe, 5 IN White	75	GLF	1.70	127.50
653-3502	Thermoplastic Skip Traffic Stripe, 5 IN Yellow	75	GLF	1.70	127.50
	2022 Paving Bid - Package 2	**Total**	**Bid**	**Price**	2,755,425.00

Include complete bid schedule with your bid

Invoices will be approved and paid based on measured actual quantities and performed work. Actual quantity may vary from the bid quantities.

Traffic control includes 8 signs at subdivision entrances, no temporary striping or tapes required for residential streets.

APPENDIX IV
2022 Street Resurfacing Bid Schedule – Bid Package 3

Pay Item	Description	Qty	Unit	Unit Price	Total Price
150-1001	Traffic Control	1	LS	257,000.00	257,000.00
215-0250	Undercut Excavation and Disposal of Materials (As directed by City Engineer)	25	SY	308.00	7,700.00
310-1101	Graded Aggregate Base--including material (As directed by City Engineer)	25	TN	355.40	8,885.00
432-0212	Mill Asphalt Concrete Pavement, 1.5 in. Depth	120,000	SY	6.20	744,000.00
402-1802	Recycled Asphalt Concrete **Patching** using 19 MM Superpave including Bituminous Material & H Lime	1,400	TN	242.20	339,080.00
402-3103	Recycled Asphalt Concrete 9.5 MM Superpave Type II, GP 2 Only, including Bituminous Material and H-Lime	9,900	TN	164.20	1,625,580.00
413-1000	Bitum Tack Coat	5,500	GL	6.40	35,200.00
611-8050	Adjust Manhole to Grade	8	EA	1,750.00	14,000.00
611-8140	Adjust Utility Valve to Grade	8	EA	990.00	7,920.00
653-0110	Thermoplastic PVMT Marking, Arrow TYPE 1	2	EA	170.00	340.00
653-0120	Thermoplastic PVMT Marking, Arrow TYPE 2	2	EA	170.00	340.00
653-1501	Thermoplastic Solid Traffic Stripe, 5 IN White	250	LF	2.80	700.00
653-1502	Thermoplastic Solid Traffic Stripe, 5 IN Yellow	250	LF	2.80	700.00
653-1704	Thermoplastic Solid Traffic Stripe, 24 in., White	25	LF	17.00	425.00
653-1804	Thermoplastic Solid Traffic Stripe, 8 in., White	80	LF	6.00	480.00
653-3501	Thermoplastic Skip Traffic Stripe, 5 IN White	75	GLF	1.70	127.50
653-3502	Thermoplastic Skip Traffic Stripe, 5 IN Yellow	75	GLF	1.70	127.50
	2022 Paving Bid - Package 3	**Total**	**Bid**	**Price**	3.042,605.00

Include complete bid schedule with your bid

Invoices will be approved and paid based on measured actual quantities and performed work. Actual quantity may vary from the bid quantities.

Traffic control includes 22 signs at subdivision entrances, no temporary striping or tapes required for residential streets.

APPENDIX IV
2022 Street Resurfacing Bid Schedule – Bid Package 4

Pay Item	Description	Qty	Unit	Unit Price	Total Price
150-1001	Traffic Control	1	LS	183,000.00	183,000.00
215-0250	Undercut Excavation and Disposal of Materials (As directed by City Engineer)	25	SY	308.00	7,700.00
310-1101	Graded Aggregate Base--including material (As directed by City Engineer)	25	TN	355.40	8,885.00
432-0212	Mill Asphalt Concrete Pavement, 1.5 in. Depth	90,000	SY	6.80	612,000.00
402-1802	Recycled Asphalt Concrete **Patching** using 19 MM Superpave including Bituminous Material & H Lime	1,100	TN	241.00	265,100.00
402-3103	Recycled Asphalt Concrete 9.5 MM Superpave Type II, GP 2 Only, including Bituminous Material and H-Lime	7,200	TN	169.80	1,222,560.00
413-1000	Bitum Tack Coat	3,900	GL	6.20	24,180.00
611-8050	Adjust Manhole to Grade	8	EA	1,750.00	14,000.00
611-8140	Adjust Utility Valve to Grade	8	EA	990.00	7,920.00
653-0110	Thermoplastic PVMT Marking, Arrow TYPE 1	2	EA	170.00	340.00
653-0120	Thermoplastic PVMT Marking, Arrow TYPE 2	2	EA	170.00	340.00
653-1501	Thermoplastic Solid Traffic Stripe, 5 IN White	250	LF	2.80	700.00
653-1502	Thermoplastic Solid Traffic Stripe, 5 IN Yellow	250	LF	2.80	700.00
653-1704	Thermoplastic Solid Traffic Stripe, 24 in., White	25	LF	17.00	425.00
653-1804	Thermoplastic Solid Traffic Stripe, 8 in., White	80	LF	6.00	480.00
653-3501	Thermoplastic Skip Traffic Stripe, 5 IN White	75	GLF	1.70	127.50
653-3502	Thermoplastic Skip Traffic Stripe, 5 IN Yellow	75	GLF	1.70	127.50
	2022 Paving Bid - Package 4	**Total**	**Bid**	**Price**	2,348,585.00

Include complete bid schedule with your bid

Invoices will be approved and paid based on measured actual quantities and performed work.

Actual quantity may vary from the bid quantities. Traffic control includes 13 signs at subdivision entrances, no temporary striping or tapes required for residential streets.

CITY COUNCIL AGENDA ITEM

SUBJECT: American Facilities Services, Inc Amendment

AGENDA SECTION: (*check all that apply*)

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

CATEGORY: (*check all that apply*)

☐ **ORDINANCE** ☐ **RESOLUTION** ☒ **CONTRACT** ☐ **POLICY** ☐ **STATUS REPORT**

☐ **OTHER, PLEASE STATE:** Click or tap here to enter text.

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

Previously Heard Date(s): 01/24/22 & Click or tap to enter a date.

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

Current Council Meeting: Wednesday, June 29, 2022

SUBMITTED BY: Gia Scruggs, Finance Director for Leisure Services

PRESENTER: Gia Scruggs

PURPOSE: In order to provide the level of service for the exterior of the Parks facilities requested by the Leisure Services Department for janitorial services, Procurement has increased the deliverables for the current janitorial services. This increase in service is reflected in the attached amendment to services.

FACTS: The increase in services are reflected in the attached amendment. The total monthly increase for these additional services is $9,100 per month. The new annual amount of this contract will be $208,803.96 This contract will be funded from the General Fund – Leisure Services and Facilities/Building for Sam's Club.

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

RECOMMENDED ACTION: Approve

ATTACHMENTS:

(1) Attachment 1 - American Facilities Services, Inc. Amendment

CITY COUNCIL AGENDA ITEM

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

CONTRACT AMENDMENT

This amendment by and between the Contractor and the City of Stonecrest defined below shall be effective as of the date this Amendment is fully executed.

CITY OF STONECREST CONTRACT	
Entity's Name:	City of Stonecrest
Contractor's Full Legal Name:	American Facilities Services, Inc.
Contract No.:	22-06210-Co003-00
Solicitation No./Event ID:	2021-026
Solicitation Title/Event Name:	Janitorial Services
Contract Award Date:	January 24, 2022
Current Contract Term:	5 years
Amendment No.:	1

WHEREAS, the Contract is in effect through the Current Contract Term as defined above; and

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby agree as follows:

Section 1. SERVICES/SCOPE OF WORK

EXHIBIT A entitled SERVICES/SCOPE OF WORK is hereby amended by adding Subsection 5) and Subsection 6) to Section 4.0. The new subsections shall read as follows:

5) Trash and debris shall be removed from Southeast Complex, Browns Mill Complex, Panola Shoals Trailhead, Fairington Park, Salem Park, Everett Park, Gregory Mosley Park.

6) COVID cleaning and Sanitization of Suite 250 at 3120 Stonecrest Blvd, Stonecrest, GA 30038 (City Hall).

Section 2. Exhibit B

Exhibit B entitled COST PROPOSAL is hereby stricken and replaced with the Exhibit B attached hereto and incorporated herein.

Section 3. Deletion of Exhibits

Upon the date of execution of the Agreement, the parties hereto agree to delete the current Exhibit B, in its entirety, and replace it with a new Exhibit B attached hereto and incorporated by reference herein.

Section 4. COST PROPOSAL

That any reference or mention to a COST PROPOSAL or costs for services in the current contract be replaced with “Exhibit B” COST PROPOSAL.

Section 5. Modification of Contract

Except as expressly amended herein or as necessary to carry out the terms of this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

Section 6. Entirety

This Amendment and any exhibits attached hereto are hereby incorporated into the Agreement and together herewith they contain the entire Agreement between the parties as to the matters contained therein. Any oral representations or modifications concerning this Agreement shall be of no force and effect.

Section 7. Counterparts

This Amendment may be executed in multiple counterparts, each of which shall constitute the original, but all of which taken together shall constitute one and the same Amendment. PDF signatures shall constitute original signatures.

Section 8. Effective Date

That the Amendment will become effective 15 days after the Execution Date.

Section 9 Successors and assigns

This Amendment shall be binding upon and inure to the benefit of the successors and permitted assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have caused this Amendment to be duly executed by their authorized representatives.

CONTRACTOR

Contractor's Full Legal Name: (PLEASE TYPE OR PRINT)	
Authorized Signature:	
Printed Name and Title of Person Signing:	
Date:	
Company Address:	

CITY OF STONECREST

Authorized Signature:	
Printed Name and Title of Person Signing:	
Date:	
Entity Address:	

Exhibit B Cost Proposal

JANITORIAL SERVICES - Amendment 1

REVISED - COST PROPOSAL FORM

Cost based on Service Frequency Schedule 6.0 in the RFP

LOCATIONS	Building Supplies	Bi-Weekly Maintenance	Daily Maintenance (On-site)	Floor Buff and Wax	Window Cleaning	Wax Buff	COVID-19 Cleaning & Disinfecting	Trash & Litter Pickup	Total Monthly Cost
Browns Mill Athletic Complex	$ 400.00		$ 1,050.00	$	$	$	$ 50.00		$ 1,500.00
Browns Mill Recreation/Community Center	$ 500.00		$ 1,650.00	$ 625.00	$ 33.33	$ 875.00	$ 50.00		$ 3,733.33
Browns Mill Aquatic Center	$ 400.00		$ 1,050.00	$	$	$			$ 1,450.00
Southeast Athletic Complex	$ 400.00		$ 1,050.00	$	$	$			$ 1,450.00
Sam's Parking Lot		$ 650.00							$1,300
Sam's Building (cleaned upon request)* Hourly rate shown									
Stonecrest City Hall (COVID cleaning and disinfection only)									
Stonecrest City Hall (2nd Floor) (COVID cleaning and disinfection only)									
Southeast Complex, Browns Mill Complex, Panola Shoals Trailhead, Fairington Park, Salem Park, Everett Park, Gregory Mosley Park (6 days per week)								$ 7,800.00	$ 7,800.00
Total Cost	$ 1,700.00	$ 650.00	$ 4,800.00	$ 625.00	$ 33.33	$ 875.00	$ 100.00		$ 17,233.33
Additional Services ***(See section 5.0 of proposal)***									
Emegencies (hourly rate)	$ 17.00								
Afterhours (hourly rate)	$ 17.00								
Special Events (hourly rate)	$ 17.00								

Company Name:	American Facility Services, Inc.
Company Authorized Official: (print name)	
Authorized Official Signature:	
Date:	

CITY COUNCIL AGENDA ITEM

SUBJECT: Transportation Committee Resolution Update

AGENDA SECTION: (*check all that apply*)

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

CATEGORY: (*check all that apply*)

☐ **ORDINANCE** ☒ **RESOLUTION** ☐ **CONTRACT** ☐ **POLICY** ☐ **STATUS REPORT**

☐ **OTHER, PLEASE STATE:** Click or tap here to enter text.

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

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

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

Current Council Meeting: Wednesday, June 29, 2022

SUBMITTED BY: Mayor Pro Tem George Turner

PRESENTER: Mayor Pro Tem George Turner

PURPOSE: To update the members of the City of Stoncrest Transportation Advisory Steering Committee

FACTS: Click or tap here to enter text.

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

RECOMMENDED ACTION: Click or tap here to enter text.

ATTACHMENTS:

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

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF STONECREST GEORGIA TO ESTABLISH THE STONECREST TRANSPORTATION ADVISORY STEERING COMMITTEE OF THE CITY OF STONECREST; AND FOR OTHER LAWFUL PURPOSES

WHEREAS, the City of Stonecrest ("City") 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, the City Charter was amended by SB 21 on April 1, 2021 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 Pro Tem and the City Council 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 Pro Tem and council may establish advisory committees; and

WHEREAS, the city council recognizes the need to establish a citizen advisory committee before offering a resolution of the city's ultimate desires for various forms of transportation solutions to address transportation needs in Stonecrest, GA. and

WHEREAS, the City Council finds that the public health, safety and welfare of the citizens of Stonecrest, as well as the interests of the City of Stonecrest Public Transportation options and its stakeholders, will best be served by establishing a Stonecrest Transportation Advisory Steering Committee which will be comprised of public citizens of the City of Stonecrest; and

WHEREAS, the Stonecrest Transit Policy Advisory Steering Committee will review various modes of transportation and make recommendations to the City Council on the most desired mode of public transit for the Stonecrest area, Explore various recommendations for trails studies in the city of Stonecrest and make recommendations to City Council, explore various options for path studies in the city of Stonecrest and make recommendation to city council, follow the development of the Freight Cluster Study and make reports to city council, And explore recommendations for public transit connectivity to MARTA and other regional mobility sources.

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 STONECREST TRANSPORTATION ADVISORY STEERING COMMITTEE OF THE CITY OF STONECREST GEORGIA

1. There is hereby established the Stonecrest Transportation Advisory Steering Committee of the City of Stonecrest, Georgia (the "Stonecrest Transportation Committee").

2. That two or more councilmembers will be a member of the Stonecrest Transportation Committee.

3. That the city manager or her designee shall oversee the meetings of the Stonecrest Transportation Committee and shall be an ex-officio, non-voting member of the Stonecrest Transportation Committee.

SECTION II.
DUTIES

1. The Stonecrest Transportation Committee shall study and research City matters of interest and importance related to the City's transportation. The committee shall report recommendations to the City Council regarding resolutions to the most desired modes of Transportation in the areas of; heavy rail, light rail, bus rapid transit, the ATL and mobility distribution strategies.

2. The Committee with further monitor and assist with evaluations of the Freight Cluster Study, The Path Study and The Trails Study initiatives. The Stonecrest Transportation Committee may thereafter, from time to time, offer additional written recommendations to the City Council regarding the Stonecrest Master Transportation Plan.

SECTION III.
MEMBERSHIP

1. Except as provided in subsection (2) of this Section III, the Mayor and City Council shall establish qualifications for members of the Stonecrest Transportation Committee. Each committee member shall be nominated by the Mayor Pro Tem and approved by the City Council.

a. Membership of the Stonecrest Transportation Committee shall consist of any of the following:

i. Residents of the City;
ii. Two (2) members of the City Council;
iii. Recommendations from the A.T.L. Board;
iv. Owners of properties or businesses which are located in Stonecrest or their legal representative,
v. Persons or corporations doing a substantial part of their business in Stonecrest;
vi. Civic associations or non-profits domicile in the city of Stonecrest.

1. Should the Stonecrest Transportation 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 Pro Tem and City Council appoint his or her replacement.

2. Members must attend two-thirds of the Stonecrest Transportation meetings in a calendar year. Failure to do so warrants removal from the Stonecrest Transportation Committee.

SECTION IV.
TERMS

1. Each Stonecrest Transportation 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. If a member’s term expires those members 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 City Council.

SECTION V.
COMPENSATION

Stonecrest Transportation Committee members will serve without compensation.

SECTION VI.
QUORUM

A majority of the actual number of Stonecrest Transportation 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 Stonecrest Transportation 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 Stonecrest Transportation Committee shall be public records unless expressly exempted by a provision of the State's Open Records Act. The Stonecrest Transportation 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 The Transportation Committee shall elect a chairperson to conduct the meetings and a vice chairman to conduct meetings in the absence of the chairperson. Election shall be held at the first regular meeting of the calendar year. The chairperson and vice chairperson shall serve for one (1) year until elected until re-elected or a successor is elected. The committee shall select one of its members to be the secretary.

4 Expenditures of the Stonecrest Transportation 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 Stonecrest Transportation Committee shall be as follows:

1. Erica Williams
2. Alan Burnette
3. Bernard Knight
4. George Turner (Councilmember)
5. Tammy Grimes (Councilmember)
6. Kendra Price
7. JW Eady
8. Darian Senior
9. Ahli Moore
10. City Manager or Designee

SECTION VIII.

This Resolution shall be effective immediately upon its approval

SO RESOLVED this the _____ day of _____2022.

CITY OF STONECREST, GEORGIA

_____

George Turner, Jr., Mayor Pro Tem

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

THE CITY OF STONECREST GEORGIA

CITY COUNCIL AGENDA ITEM

SUBJECT: Authorized Bank Signers Resolution

AGENDA SECTION: (*check all that apply*)

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

CATEGORY: (*check all that apply*)

☐ **ORDINANCE** ☒ **RESOLUTION** ☐ **CONTRACT** ☐ **POLICY** ☐ **STATUS REPORT**

☐ **OTHER, PLEASE STATE:** Click or tap here to enter text.

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

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

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

Current Council Meeting: Wednesday, June 29, 2022

SUBMITTED BY: Janice Allen Jackson, City Manager

PRESENTER: Janice Allen Jackson

PURPOSE: A Resolution To Add Jazzmin Cobble, Mayor, As An Authorized Signer On All City Bank Accounts; To Provide For Repeal Of Conflicting Ordinances and Resolutions; To Provide For An Effective Date; And For Other Lawful Purposes.

FACTS: Click or tap here to enter text.

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

RECOMMENDED ACTION: Click or tap here to enter text.

ATTACHMENTS:

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

STATE OF GEORGIA

CITY OF STONECREST

RESOLUTION NO._____

A RESOLUTION TO ADD JAZZMIN COBBLE, MAYOR, AS AN AUTHORIZED SIGNER ON ALL CITY BANK ACCOUNTS; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the City of Stonecrest maintains bank accounts at multiple banking institutions, including BB&T (Truist), Iberia Bank, and Citizens Trust Bank; and

WHEREAS, Jazzmin Cobble ("Mayor Cobble") was elected as Mayor of the City of Stonecrest ("City") in the May 24th 2022 - General Primary and Nonpartisan General Election; and

WHEREAS, Mayor Cobble was sworn into the Office of the Mayor of the City on Friday, June 17, 2022; and

WHEREAS, Section 3.01. Powers and duties of the mayor. of the City Charter authorizes the Mayor to sign all orders, checks, and warrants for payment of money within a level of authorization as established by the city council; and

WHEREAS, the City Council desires to add Jazzmin Cobble as an authorized signer with the above stated banks on all orders, checks, and warrants for payment of money issued by or on behalf of the City.

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

Section 1. Jazzmin Cobble is hereby added as an authorized signer with the above stated banks on all orders, checks, and warrants for payment of money issued by and on behalf of the City.

Section 2. All resolutions, ordinances, and parts thereof in conflict herewith are hereby expressly repealed.

Section 3. The City Clerk, with the concurrence of the City Attorney, is authorized to correct any scrivener's errors found in this Resolution, including its exhibits, as enacted.

Section 4. The effective date of this Resolution shall be the date of adoption, unless otherwise specified herein.

SO RESOLVED this _____day of _____, 2022

CITY OF STONECREST, GEORGIA

_____

George Turner, Mayor Pro Tem

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

CITY COUNCIL AGENDA ITEM

SUBJECT: City Hall Security

AGENDA SECTION: (*check all that apply*)

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

CATEGORY: (*check all that apply*)

☐ **ORDINANCE** ☐ **RESOLUTION** ☐ **CONTRACT** ☐ **POLICY** ☐ **STATUS REPORT**

☒ **OTHER, PLEASE STATE:** Click or tap here to enter text.

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

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

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

Current Council Meeting: Wednesday, June 29, 2022

SUBMITTED BY: Janice Allen Jackson, City Manager

PRESENTER: Mayor Jazzmin Randall Cobble

PURPOSE: To discuss needs and strategies to address City Hall security.

FACTS: Click or tap here to enter text.

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

RECOMMENDED ACTION: Click or tap here to enter text.

ATTACHMENTS:

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