CITY OF STONECREST, GEORGIA

CITY COUNCIL MEETING – AGENDA

3120 Stonecrest Blvd., Stonecrest, GA 30038

Wednesday, June 28, 2023 at 7:00 PM

Mayor Jazzmin Cobble

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

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

Council Member Tammy Grimes - District 5

Citizen Access: Stonecrest YouTube Live Channel

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

II. ROLL CALL: Sonya Isom, City Clerk

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. APPROVAL OF THE AGENDA

VI. REVIEW AND APPROVAL OF MINUTES

a. Approval of Meeting Minutes - Special Called Meeting May 17, 2023

b. Approval of Meeting Minutes - City Council Meeting May 22, 2023

VII. REPORTS & PRESENTATIONS

VIII. PUBLIC COMMENTS

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

All members of the public wishing to address the City Council shall submit their name and the topic of their comments to the city clerk prior to the start of any meeting held by the City Council.

There is a two (2) minute time limit for each speaker submitting or reading a public comment. Individuals will be held to established time limits.

IX. CONSENT AGENDA

X. 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 Public Hearing to be read into the record at the meeting. A zoom link for the meeting will be sent to you.

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

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

a. **Public Hearing** - SLUP-22-012 7173 Covington Highway - *Director of Planning and Zoning Ray White*

b. **For Decision** - SLUP-22-012 7173 Covington Highway - *Director of Planning and Zoning Ray White*

c. **Public Hearing** - RZ 23-002, 7199 Hayden Quarry Road - *Director of Planning and Zoning Ray White*

d. **For Decision** - RZ 23-002, 7199 Hayden Quarry Road - *Director of Planning and Zoning Ray White*

e. **Public Hearing** - TMOD 23-002 Arabia Mountain Overlay - *Director of Planning & Zoning Ray White*

f. **For Decision** - TMOD 23-002 Arabia Mountain Overlay - *Director of Planning and Zoning*

g. **Public Hearing** - TMOD 23-003 Public Storage Facilities - *Director of Planning & Zoning Ray White*

h. **For Decision** - TMOD 23-003 Public Storage Facilities - *Director of Planning and Zoning Ray White*

i. **Public Hearing** - HB1405, Zoning Procedure Changes - *Director of Planning and Zoning Ray White*

j. **For Decision** - HB1405, Zoning Procedure Changes - *Director of Planning and Zoning Ray White*

XI. APPOINTMENTS

XII. NEW BUSINESS

a. **For Decision** - Adoption of 2023 Millage Rate - *Deputy Finance Director Mia Wilson*

b. **For Decision** - Classification and Compensation Study - *City Manager Gia Scruggs*

c. **For Decision** - Security Services Agreement Amendment - *Procurement Manager Shakerah Hall*

d. **For Decision** - Security Services Vendor Recommendation - *Procurement Manager Shakerah Hall*

e. **For Decision** - Parks Equipment Request - *City Manager Gia Scruggs*

f. **For Decision** - City of Civility Resolution - *City Manager Gia Scruggs*

g. **For Decision** - Facility Use Agreement American Red Cross - *City Manager Gia Scruggs*

h. **For Decision** - NRPA - Bobcat Grant - *City Manager Gia Scruggs*

XIII. OLD BUSINESS

a. **For Decision** - TMOD 22-015 Sign Ordinance, 2nd Read - *Director of Planning & Zoning Ray White*

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 SPECIAL CALLED MEETING – MINUTES

3120 Stonecrest Blvd., Stonecrest, GA 30038

Wednesday, May 17, 2023 at 7:00 PM

Mayor Jazzmin Cobble

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

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

Council Member Tammy Grimes - District 5

Citizen Access: Stonecrest YouTube Live Channel

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

The meeting was called to order at 7:33pm.

II. ROLL CALL: Sonya Isom, City Clerk

All members present.

III. AGENDA ITEMS

Letter a is being removed from the agenda, letter b is for discussion only and Executive Session is being moved to item c.

a. For Decision - Security Services - *Acting City Manager Gia Scruggs*

This item was removed from the agenda.

b. For Decision - 2023 Street Resurfacing - Change Order Request - *Hari Karikaran*

This item was for discussion only.

City Engineer Hari Karikaran gave a review of the action taken thus far and the jobs that have been completed. The change order in the original contract is listed as $402,571.73.

Councilman Rob Turner asked for clarity on the location of the resurfacing. City Engineer Karikaran confirmed it is for Lions Head Circle only. He also confirmed that field work was done in 2019 and that this is a five year old report and prices, as well as road conditions, have changed.

Mayor Pro Tem George Turner asked at what point would the city need to do a new request. City Manager Scruggs stated now is a good time to take the appropriate action and that it is coming to Council because of the dollar amount. The roads will also be constructed correctly this time.

c. **For Decision** - City Manager Appointment - *Mayor Pro Tem George Turner*

Mayor Pro Tem George Turner stated council has been working on searching for the best candidate for several months. The Charter states the Mayor is in position to offer an appointment.

Mayor Cobble stated she would like to make the 1st offer to Gia Scruggs.

Motion – made by Councilmember Rob Turner to accept the nomination from Mayor Cobble to appoint Ms. Gia Scruggs as City Manager of the City of Stonecrest. Seconded by Councilmember Tammy Grimes.

Motion passed 3-2 with Councilmembers Graves and Washington voting nay.

d. **For Decision** - Extension of City Manager Vacancy - *Mayor Pro Tem George Turner*

The preamble of the Resolution extending the City Manager vacancy was read by City Attorney Alicia Thompson.

Motion – made by Councilmember Rob Turner to extend the City Manager vacancy for 30 days. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

e. **For Decision** - City Council Meeting Date Change - *Mayor Pro Tem George Turner*

Mayor Pro Tem Turner confirmed Council will be at the GMA Annual Conference and out of town from June 22 – 27th, including the regular scheduled meeting City Council date of June 26, 2023. The proposal is to move the meeting from Monday, June 26th to Wednesday, June 28th.

Councilmember Grimes suggested changing the meeting time of that meeting from 6:00pm to 7:00pm.

Motion – made by Councilmember Tammy Grimes to change the City Council meeting scheduled for Monday, June 26, 2023 to Wednesday, June 28, 2023 at 7:00pm. Seconded by Councilmember Rob Turner.

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)

a. Personnel

Motion – made by Councilmember Rob Turner to enter Executive Session for personnel and litigation matters. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

Motion – made by Councilmember Tammy Grimes to exit Executive Session and return to the scheduled Special Called Meeting. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

Motion – made by Councilmember Rob Turner to approve the minutes from Executive Session. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

V. ADJOURNMENT

Meeting adjourned at 9:06pm.

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CITY OF STONECREST, GEORGIA

CITY COUNCIL MEETING – MINUTES

3120 Stonecrest Blvd., Stonecrest, GA 30038

Monday, May 22, 2023 at 6:00 PM

Mayor Jazzmin Cobble

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

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

Council Member Tammy Grimes - District 5

Citizen Access: Stonecrest YouTube Live Channel

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

The meeting began at 6:10pm.

II. ROLL CALL: Sonya Isom, City Clerk

All members present.

III. INVOCATION

Led by Councilmember Rob Turner.

IV. PLEDGE OF ALLEGIANCE

Led by Councilmember Alecia Washington.

V. APPROVAL OF THE AGENDA

Remove item c under consent agenda.
Items a and b under the Consent Agenda will be items h & i under old business.

Motion – made by Councilmember Rob Turner to approve the City Council meeting agenda with stated changes. Seconded by Councilmember Tammy Grimes.
Motion passed unanimously.

VI. REVIEW AND APPROVAL OF MINUTES

a. Approval of Meeting Minutes - Special Called Meeting April 13, 2023

Motion – made by Councilmember Tara Graves to approve the April 13, 2023 Special Called

Meeting minutes. Seconded by Councilmember Rob Turner.
Motion passed unanimously.

b. Approval of Meeting Minutes - Special Called Meeting April 17, 2023

Motion – made by Councilmember Tammy Grimes to approve the April 17, 2023 Special Called Meeting minutes. Seconded by Councilmember Tara Graves.
Motion passed unanimously.

c. Approval of Meeting Minutes - City Council Meeting April 24, 2023

Motion – made by Councilmember Rob Turner to approve the April 24, 2023 City Council Meeting minutes. Seconded by Councilmember Tammy Grimes.
Motion passed unanimously.

VII. REPORTS & PRESENTATIONS

a. For Decision - Municipal Court Clerk Week - *Chief Judge Curtis Miller and Court Administrator Mallory Minor*

Presentation by Chief Judge Curtis Miller and Court Administrator Mallory Minor for Municipal Court Clerk Week. The presenters shared the background on the court systems and noted the clerk is the wheel. The week of June 5, 2023 has been designated as Georgia Municipal Court Clerk Week.

Marcella Shaw, Court Clerk at Avondale Estates and President of Georgia Municipal Court Clerks thanked Court Administrator Minor for her hard work.

The celebratory proclamation was read by Court Administrator Minor. The resolution preamble was read by the City Clerk.

VIII. PUBLIC COMMENTS

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All members of the public wishing to address the City Council shall submit their name and the topic of their comments to the city clerk prior to the start of any meeting held by the City Council.

There is a two (2) minute time limit for each speaker submitting or reading a public comment. Individuals will be held to established time limits.

Dave Marcus – concerned about IGA between the city and SDA. Requesting changes be made.

Dana Davis – opposed to SeaQuest's operation at Stonecrest Mall.

Malaika Wells –asked council to present evidence why silent protest signs were not allowed at the last meeting, asking council to immediately appoint members to the Charter Review Committee, spoke of emails from citizens and violations, requesting to add public comments to each meeting and extend public comments to three minutes.

Renee Cail – spoke of amendment to the code regarding hotel/motels and extended stays. She is asking council to review and not approve.

Faye Coffield – spoke of an Open Record Request to DeKalb County regarding the 911 call to DeKalb at the last meeting. She is concerned that the newly appointed City Manager has been made City Manager and still serves in other positions. She spoke of terroristic threat allegations.

Cassandra Pattay – spoke of SeaQuest at Stonecrest being the only location that didn't go thru the proper zoning process. She referenced SeaQuest citations at other locations and mentioned concerns of possible injuries.

Julie Robertson – spoke of the zoning law prohibiting petting zoos, specifically SeaQuest. She also disagrees with fish pedicures being allowed at SeaQuest.

IX. 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 Public Hearing to be read into the record at the meeting. A zoom link for the meeting will be sent to you upon request.

When it is your turn to speak, please state your name, address and relationship to the case.. There is a ten (10) minute time limit for each item per side during all public hearings. Only the applicant may reserve time for rebuttal.

X. CONSENT AGENDA

a. For Decision - Approval of SDA IGA - *Mayor Jazzmin Cobble*
This item was moved to Old Business, letter h.

b. For Decision - Approval of SDA Bylaws - *Mayor Jazzmin Cobble*
This item was moved to Old Business, letter i.

c. For Decision - Appointment of Legal Counsel for SDA - *Mayor Jazzmin Cobble*
This item was removed from the agenda.

XI. APPOINTMENTS

XII. OLD BUSINESS

a. For Decision - TMOD 22-012 Animal Exhibition - *P&Z Director Ray White*

Planning and Zoning Director Ray White gave a review of the facts and background, including usage, and the proposed ordinance. He also gave a review of the recommended definitions and supplemental regulations. Director White spoke of recommended permissible areas, indoor and outdoor use, and permitted zoning districts. Staff recommendation is approval.

Mayor Pro Tem George Turner asked for confirmation that this request is not for a specific location but to allow the opportunity to submit a SLUP for an animal exhibition of any sort. Director White confirmed this is correct.
Councilmember Grimes wanted to confirm that council is being asked to approve the

opportunity for an indoor/outdoor exhibition in the City of Stonecrest and that council is not retro acting any businesses. Director White confirmed this is correct.
Councilmember Rob Turner asked for confirmation that this request includes aquatic centers. Director White confirmed that is correct.
Councilmember Washington inquired about any incidents at SeaQuest. Staff was not aware of any.
Mayor Jazzmin Cobble asked the City Attorney to elaborate on the space the city has when the code is silent and what the legal boundaries are.
Attorney Denmark confirmed not speaking of permitted uses does not prohibit. The city must be mindful not to make a decision on current businesses in the city.

Motion – made by Councilmember Rob Turner to approve the TMOD 22-012 Animal Exhibition ordinance. Seconded by Councilmember Tammy Grimes.
Motion passed unanimously.

b. For Decision - TMOD 22-014 CPIM Ordinance - *P&Z Director Ray White*

Planning and Zoning Director Ray White gave a review of the facts and background for this item. There was also discussion of the meeting dates that are set for every 2nd Thursday, as well as the current zoning calendar for 2023. Staff is recommending approval.

Mayor Pro Tem asked for clarification on calendar dates and if meetings have already occurred according to the schedule. Director White said yes.

Motion – made by Councilmember Tammy Grimes to approve the TMOD 22-014 CPIM ordinance. Seconded by Councilmember Tara Graves.
Motion passed unanimously.

c. For Decision - TMOD 22-015 Sign Ordinance - *P&Z Director Ray White*
Planning and Zoning Director Ray White gave a review of the facts and background, including the amendment of section 21-2, recommended definitions, and a review of what has changed, including implemented definitions. There was also a review of recommended restrictions, including recommended wall or projection signs. Director White discussed recommended ground signs and title changes, recommended wayfinding signage, temporary construction signs and temporary signs. Staff's recommendation is for approval.

1st Read of ordinance by City Clerk.

d. For Decision - TMOD 22-017 Hotels & Motels - *P&Z Director Ray White*

Presentation by Planning and Zoning Director Ray White. There was discussion and background given on this item.

Mayor Cobble's outlook is this would prohibit economic growth in the Stonecrest overlay.
Mayor Pro Tem prefers to add at a later date and believes the city should focus on motels for Tier 2.
Councilmember Grimes asked for clarity on staff's recommendation, specifically extended stays. It was confirmed that hotels will be allowed in Tier 1 and Tier 2 with SLUP.

The preamble of the ordinance was read by the City Clerk.

Councilmembers Rob Turner and Tara Graves asked for clarity on the amendment.
It was stated that as of today motels and extended stays are prohibited in the Stonecrest overlay.
Mayor Cobble recommended an amendment to allow motels in Tier 2 by SLUP and adding a section that specifically references hotels.
Councilmember Grimes asked if there is a section for hotels by themselves. She would like to include all sections before approving. The recommended section is 4.2.26. Section 4.2.64 is a new section giving regulations to hotels and motels. Staff's recommendation is approval.

Motion – made by Mayor Pro Tem George Turner to approve the TMOD 22-017 Hotels & Motels ordinance. Seconded by Councilmember Rob Turner.
Motion passed unanimously.

e. For Decision - Major Plat Approval - *P&Z Director Ray White*

Planning and Zoning Director Ray White gave a review of the facts and background, site and combination parcel, and proposed development. Staff recommends denial of the proposal. There was clarity given that if denied, the applicant is not prohibited from applying again.

Motion – made by Councilmember Rob Turner to deny the major plat approval. Seconded by Councilmember Tara Graves.
Motion passed unanimously.

f. For Decision - Truck Parking Gravel Lots Moratorium Extension - *Mayor Pro Tem George Turner*

Presentation by Mayor Pro Tem George Turner. This item has gone to CPIM for input. While running the cycle, the city wants to apply for an extension, with the hope this will be the last one. Extension dates will be June 1st to July 30, 2023.

Reading of the preamble by the City Clerk.

Motion – made by Councilmember Tammy Grimes to extend the Truck Parking Gravel Lots Moratorium for 60 days. Seconded by Councilmember Rob Turner.
Motion passed unanimously.

g. For Decision - Public Storage Facilities Moratorium - *Mayor Pro Tem George Turner*

Presentation by Mayor Pro Tem Turner regarding the current moratorium. He has seen some activity on this item. The city would like to apply for a 60-day extension.

Reading of the preamble by the City Clerk.

Motion – made by Councilmember Tammy Grimes to extend the Public Storage Facilities Moratorium for 60 days. Seconded by Councilmember Rob Turner.
Motion passed unanimously.

h. For Decision - Approval of SDA IGA - *Mayor Jazzmin Cobble*

Presentation by Mayor Jazzmin Cobble. Mayor Cobble discussed the SDA IGA and the need to approve at this time.

Motion – made by Councilmember Tammy Grimes to approve the Stonecrest Development Authority IGA. Seconded by Councilmember Rob Turner.
Motion passed 3-2 with Councilmembers Graves and Washington voting nay.

i. For Decision - Approval of SDA Bylaws - *Mayor Jazzmin Cobble*

Presentation by Mayor Jazzmin Cobble. Mayor Cobble discussed the SDA Bylaws and gave an overview.

Motion – made by Councilmember Rob Turner to approve the Stonecrest Development Authority Bylaws. Seconded by Councilmember Tammy Grimes.
Motion passed 4-1 with Councilmember Washington voting nay.

XIII. NEW BUSINESS

a. For Decision - 2023 Street Resurfacing - Change Order Request - *City Engineer Hari Karikaran*

City Engineer Hari Karikaran led a presentation of the 2023 street resurfacing change order request. Mr. Karikaran gave a detailed overview.

Mayor Pro Tem asked for an explanation on how to pay for the roads. Mr. Karikaran stated this is a quantity bid and the quantity stays the same for every bid.
Attorney Denmark stated he is concerned about the allocation of risks with change orders. The contract needs to state risks from unforeseen circumstances.
Councilmember Rob Turner asked what responsibility the vendor and contractor has. Mr. Karikaran stated there can be a disclaimer. He is coming before council due to the Purchasing Policy and would like to reduce potential projects being turned down.
Ms. Scruggs stated it is not vendor specific.

Motion – made by Councilmember Rob Turner to approve the 2023 Street Resurfacing Change Order Request. Seconded by Councilmember Tara Graves.
Motion passed unanimously.

XIV. CITY MANAGER UPDATE

The ARPA support grant application period ended today. Anticipate the distribution of funds as of June 12, 2023. The aquatic center is scheduled to open this Saturday. The first week of summer camp, Camp Inspire, is June 5, 2023 with 65 campers registered, which is full capacity.

XV. MAYOR AND COUNCIL COMMENTS

District 1/Councilmember Tara Graves – Asked for clarity on how many ARPA applications were received? The last count was 202 residential and 97 business applications.

District 2/Councilmember Rob Turner – Asked for clarity that staff will bring additional ARPA recommendations to Council since all funds will not be allocated. The answer was yes.

District 3/Councilmember Alecia Washington – Have a great and safe Memorial Day Holiday.

District 4/Mayor Pro Tem George Turner – Will be attending a funeral tomorrow for the oldest georgian, Mrs. Nina Willis, his grandmother's sister that was 114 years and 5 months old.

District 5/Councilmember Tammy Grimes – This is the last week of school and educators will start additional classes next week. Awards day was today at Salem Middle School and the Mayor gave the address. There was 364 8th graders. Asking parents to find something for students to do and keep their minds on education.

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

Motion – made by Councilmember Rob Turner to adjourn the City Council meeting. Seconded by Councilmember Tammy Grimes.
Motion passed unanimously.

Meeting adjourned at 8:40pm.

Americans with Disabilities Act

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CITY COUNCIL AGENDA ITEM

SUBJECT: SLUP 22-012 7173 Covington Highway

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: SLUP**

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

Previously Heard Date(s): 03/7/23 & Click or tap to enter a date.

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

Current Council Meeting: Wednesday, June 28, 2023

SUBMITTED BY: Director of Planning and Zoning Ray White

PRESENTER: Director of Planning and Zoning Ray White

PURPOSE: Application for a Special Land Use Permit to operate as a late-night establishment.

FACTS: Click or tap here to enter text.

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

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

ATTACHMENTS:

(1) Attachment 1 - Staff Reports
(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 GEROGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. ____-_____

AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST, GEORGIA TO APPROVE SPECIAL LAND USE PERMIT 22-012 ON PARCEL NUMBER 16 121 03 009 OF THE 2nd DISTRICT TO ALLOW THE OPERATION OF A LATE-NIGHT ESTABLISHMENT AT 7173 COVINGTON HWY; 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 City of Stonecrest ("City") has advertised and held a public hearing on January 3, 2023 in front of the City's Planning Commission regarding SLUP 22-012, the request for special land use permit to allow the operation of a late-night establishment at 7173 Covington HWY, Stonecrest, Georgia 30058; and

WHEREAS, the City of Stonecrest has been vested with substantial powers, rights, and functions to generally regulate the use of real property for the purposes of maintain health, morals, safety, security, peace, and the general welfare of the City; 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, as follows:

Section 1. SLUP 22-012, a request for special land use permit to operate a short-term rental at 7173 Covington HWY, Stonecrest, Georgia 30058, satisfying Section 7.4.6 of Division 4 of Article 7 in Chapter 27 of the City of Stonecrest Code of Ordinances, is **APPROVED**.

Section 2. (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 3. 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 4. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5. The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Stonecrest.

Section 6. 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.

SO ORDAINED AND EFFECTIVE this _____ day of _____, 2023.

[SIGNATURES TO FOLLOW]

CITY OF STONECREST, GEORGIA

_____

Jazzmin Cobble, Mayor

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

75

PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-012

Planning Commission March 7, 2023 / Mayor and City Council Meeting June 28, 2023

GENERAL INFORMATION

Petition Number:	SLUP-22-012
Applicant:	Dionne Robinson
Owner:	Dionne Robinson
Project Location:	7173 Covington Highway
District:	District 2
Acreage:	1.06 acres
Existing Zoning:	M (Light Industrial) District
Proposed Request:	Special Land Use Permit to operate as a late-night establishment.
Comprehensive Plan Community:	Light Industrial
Area Designation	Light Industrial
Staff Recommendations:	***Approval***
Planning Commission:	***January 3rd a recommendation of deferral to require applicant to go back before CPIM to allow more time to meet with the community and staff. At the Planning Commission on March 7, 2023 a vote for approval was made.***
City Council:	***N/A***

PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-012

Aerial Map

ZONING CASE: SLU-22-012

ADDRESS: 7173 Covington Highway, STONECREST, GA 30058

PARCEL NUMBER: 16 121 03 009

CURRENT ZONING: M (Light Industrial)

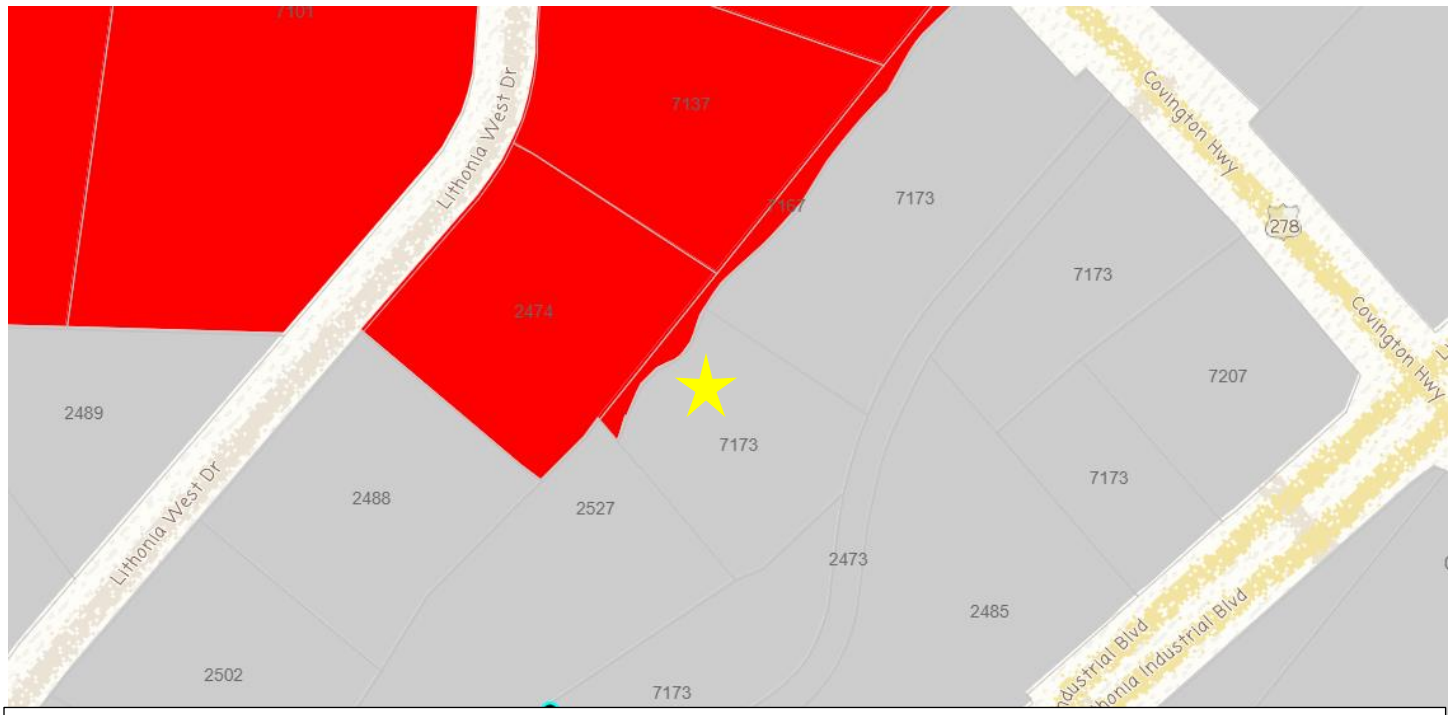
FUTURE LAND USE: Light Industrial (LIND)

SUBJECT PROPERTY

PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-012

Zoning Map



ZONING CASE: SLU-22-007

ADDRESS: 7173 Covington Highway, STONECREST, GA 30058

PARCEL NUMBER: 16 121 03 009

CURRENT ZONING: M (Light Industrial)

FUTURE LAND USE: Light Industrial

SUBJECT PROPERTY

PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-012

SLUP-22-012

Front Facade

SLUP-22-012

The East view

PROJECT OVERVIEW

Location

The subject property is located at 7173 Covington Highway in the Mini Mall Commercial Complex. The property is bounded by commercial, industrial and residential development on all sides.

Description and Background

The subject property was constructed in 1968 as a warehouse building.

The applicant received a business license for a Special Event facility on September 13, 2021. The intent of a Special Event Facility:

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 tha persons.

3.

Interior Floor Plan

The Robinsons have been cited several times by the City of Stonecrest Code Enforcement for violation of the business license permit and operation after 12:30 in "club" like manners. There have been reports of DJs, alcohol being served (no record of an alcohol permit) and noise complaints. After various complaints, staff advised the applicant to obtain a Special Land Use Permit for a late-night establishment due to the manner in which they were operating.

Elevations

PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-012

16 121 03 009 11/20/2016

Public Participation

Property owners within 1000 feet of subject property were mailed notices of the proposed rezoning on November 30th. The community meeting was held on December 13th, 2022, at 6:00 pm at via zoom.com. There were 25 public participants involved in the meeting. Seven (7) people spoke against the application. There were no community participants that spoke in favor. Many of the comments referenced intrusive loud music up until 6am, screeching tires, break-ins, vandalism, etc. Mrs. Robinson stated that she was "forced" by staff to become a late-night establishment and that she rather be a special event facility. Participants requested for staff to deny the request.

CRITERIA OF REVIEW

Section *7.4.6 of the Stonecrest Zoning Ordinance lists nineteen factors to be considered in a technical review of a special land use permit completed by the Community Development Department and Planning Commission. Each criterion is listed with staff analysis.*

A. Adequacy of the size of the site for the use contemplated and whether the adequate land area is available for the proposed use, including the provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.

The subject property was formerly used as an industrial warehouse. DeKalb County Tax Assessor's office is reporting the size as approximately 35,400 sf. This may or may not be accurate. The last permit pulled for this site was in July of 2014. This property is not adequate land use for a late-night establishment.

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

The proposed use of a late-night establishment is located adjacent to a residential, industrial, and commercial developments. The proposed use is not compatible with other properties and land uses in the district.

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

There are adequate 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 there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.

The proposed use can produce a traffic-carrying capacity that is not ideal for an industrial park. It has been reported at the Community Planning Information Meeting that the noise, unduly traffic increase and crime has increased since the applicant has come into the area.

E. Whether existing land uses located along access routes to the site will be adversely affected by the vehicles' character or the volume of traffic generated by the proposed use.

The existing land use located along the access routes to the site can be adversely affected by the vehicles' character or the volume of traffic generated by the proposed use. The industrial park is designed to handle a low impact volume of traffic.

F. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of a fire or another emergency.

The site's existing industrial structures are accessed by vehicles via a concrete apron cut with driveway on Covington Highway. Emergency vehicles can access the site from the existing driveway. There is another ingress/egress point from Lithonia Industrial Boulevard.

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.

The proposed use has created an adverse impact upon adjacent residential land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use. As noted above, many residential adjacent property owners have reported noise to Code Enforcement.

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.

The proposed use has created an adverse impact upon any adjoining land use because of the hours of operation. The property is in an existing industrial development.

I. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.

The proposed use will create an adverse impact upon any adjoining land use because of the manner of operation. The existing use is an unauthorized late-night establishment in an industrial park.

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.

Stonecrest Zoning Ordinance was adopted from DeKalb County and is currently undergoing updates. When adopted, a special event facility and late-night establishment were permitted uses in a light industrial zoning district. The intent of light industrial is 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. Future uses should adhere to the intent of the zoning district. The proposed use is not consistent with the zoning district classification requirement in which the use is proposed to be located.

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

The proposed use of late-night establishment is a use not consistent with the policies of the comprehensive plan. Located in the Suburban character area, the character area policy states residential dwelling as an appropriate land use.

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.

The proposed use will not require a buffer zone and transitional buffer zone.

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

The owner/operator will provide an adequate refuse and service area.

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

Staff believes there shall not be a grant of a special land use permit made due to the historical nature of this use in an industrial setting, adjacent to a residential community.

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.

The proposed use will not change any exterior design of the existing building. The current building is the appropriate size for the subject property and in relation to the size, scale, and massing of the nearby houses.

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

This use will not adversely affect any historic buildings, sites, districts, or archaeological resources.

Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permits.

The proposed use submitted to Staff has met all the requirements within the supplemental regulation Sec 4.2.58 set forth by the zoning ordinance.

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.

The subject property is existing and does not exceed the height of nearby residential structures. The existing building would be similar to the building height abutting the property located in the immediate area. There may be negative impact on any adjoining lot.

S. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.

The proposed use is not compatible with the surrounding area and would conflict with the overall objective of the comprehensive plan.

STAFF RECOMMENDATION

Staff recommends ***approval of SLUP-22-012.***

CITY COUNCIL AGENDA ITEM

SUBJECT: RZ23-002, 7199 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: Major Modification**

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 28, 2023

SUBMITTED BY: Director of Planning and Zoning Ray White

PRESENTER: Director of Planning and Zoning Ray White

PURPOSE: Applicant is seeking a major modification of the conditions for the subject property from zoning case Z-05-01.

FACTS: N/A

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

RECOMMENDED ACTION: Approval of three requests, Denial of two requests

ATTACHMENTS:

(1) Attachment 1 - Staff Report
(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
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 BY TO ADJUST OR CHANGE EXISTING ZONING CONDITIONS TO PERMIT A MAJOR MODIFICATION OF THE CONDITIONS AT 7199 AND 7151 HAYDEN QUARRY ROAD AND 3261 TURNER HILL ROAD; 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 the official zoning map of city of Stonecrest, Georgia by adjusting or changing the existing zoning conditions to permit major modification of the conditions of 7199 and 7151 Hayden Quarry Road and 3261 Turner Hill Road; and

WHEREAS, the governing authority of the City desires to adjust or change the existing zoning conditions of real property found in Exhibit A 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 applicant, is seeking to develop 129 single-family detached homes and 260 townhomes on the subject parcels; and

WHEREAS, the Applicant is also seeking major modifications of conditions of the subject property to change conditions from zoning case number Z-05-01 to allow for the development; and

WHEREAS, the rezoning case, CZ-05-01, was heard in 2005 when subject parcels were within unincorporated Dekalb County; and

WHEREAS, to make the requested changes the following criteria first must be considered.

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.

WHEREAS, the Director of Planning and Zoning recommends approval or denial of certain conditions based on the City Staff Report and said report is attached ass Exhibit A and incorporated by reference herein; and

WHEREAS, a public hearing pursuant to the provisions of the Zoning Procedures Law has been properly held prior to the adoption of this Ordinance; and

WHEREAS, the health, safety, and welfare of the citizens of the City will be positively impacted by the adoption of this Ordinance.

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

Section 1. To ADJUST OR CHANGE THE EXISTING ZONING CONDITIONS for 7199 AND 7151 HAYDEN QUARRY ROAD AND 3261 TURNER HILL ROAD.

Section 2.

The Conditions are proposed as follows and has been approved/denied as follows;

Condition 1: The maximum number of units shall be 129 ~~225 units, with 171 units being developed for townhomes attached by a common wall, and 54 units~~ being developed ~~for~~ as single-family detached units. ~~attached at the rear of each unit.~~

Condition 4: Each unit shall have the following:

- 4a: ~~One car garage attached to each townhome unit.~~
- 4b: Two car garages ~~attached to each single-family unit attached at the rear.~~
- 4c: ~~Patio pad with a privacy fence.~~
- 4l: ~~The project shall be developed with the following amenities: a swimming pool, and~~

~~tennis courts.~~

The Director of Planning and Zoning recommends:

- APPROVAL of Modification of Condition 1
- APPROVAL of Modification of Condition 4a
- APPROVAL of Modification of Condition 4b
- DENIAL of Modification of Condition 4c
- DENIAL of Modification of Condition 4l

as depicted in Exhibit A attached hereto and made 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 _____, 2023.

[SIGNATURES TO FOLLOW]

CITY OF STONECREST, GEORGIA

_____

George Turner, Mayor Pro Tem

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

EXHIBIT A

Raymond White
Director
Planning and Zoning
Department

Matthew
Williams
Deputy Director
Planning and
Zoning
Department

TO: City Council

FROM: Planning and Zoning Department

SUBJECT: RZ-23-002

ADDRESS: 7199 and 7151 Hayden Quarry Road, 3261 Turner Hill Road

MEETING DATE: June 26, 2023

Summary: Applicant is seeking a major modification of the conditions of the subject property to change the conditions from zoning case number Z-05-01.

STAFF RECOMMENDATION: 3 APPROVALS AND 2 DENIALS

Commissioner District #1: Stephanie Brown

PROPERTY INFORMATIN	
Location of Subject Property: 7199 and 7151 Hayden Quarry Road, 3261 Turner Hill Road	
Parcel Number: 16-171-02-003, 16-171-02-005, 16-171-02-012	
Road Frontage: Hayden Quarry Road & Turner Hill Road	**Total Acreage:** 32.09 +/-
Current Zoning: RSM (Small Lot Residential Mix) / C-1 (Local Commercial)	**Overlay District:** Stonecrest Tier 3
Future Land Use Map/ Comprehensive Plan: RC (Regional Center)	
Zoning Request: Applicant is seeking a major modification of the conditions of the subject property to change the conditions from zoning case number Z-05-01.	
Zoning History (CZ-05-01): Application of PBT Investments co/ Joseph B. Fitts, Sr. to rezone property located on the south side of Hayden Quarry Road, approximately 2,274.7 feet west of Turner Hill Road, from R-CH (Residential Cluster Housing) to R-A8 (Single Family Residential District).	

APPLICANT / PROPERTY OWNER INFORMATION
Applicant Name: Battle Law P.C.
Applicant Address: 3562 Habersham at North Lake, Building J, Suite 100
Property Owner Name: Parkland Communities Inc.
Property Owner Address: 299 S Main St, Ste A, Alpharetta GA 30009

DETAILS OF ZONING REQUEST

The Applicant, Battle Law P.C., on the behalf of the property's owner, Parkland Communities LLC, is seeking to develop 129 single-family detached homes and 260 townhomes on the subject parcels. The Applicant is seeking a Major Modification of Conditions of the Subject Property to change the following conditions from zoning case number Z-05-01 to allow for the development: conditions 1, 4a, 4b, 4c, and 4l. The original conditions are listed below with the proposed changes in red.

Condition 1: The maximum number of units shall be 129 ~~225 units, with 171 units being developed for townhomes attached by a common wall, and 54 units~~ being developed ~~for~~ as single-family detached units. ~~attached at the rear of each unit.~~

Condition 4: Each unit shall have the following:

- **4a:** ~~One car garage attached to each townhome unit.~~
- **4b:** Two car garages ~~attached to each single-family unit attached at the rear.~~
- **4c:** ~~Patio pad with a privacy fence.~~
- **4l:** ~~The project shall be developed with the following amenities: a swimming pool, and tennis courts.~~

The zone case, **CZ-05-01**, was heard in 2005 when subject parcels were within unincorporated Dekalb County. Application of PBT Investments co/ Joseph B. Fitts, Sr. to rezone property located on the south side of Hayden Quarry Road, approximately 2,274.7 feet west of Turner Hill Road, from R-CH (Residential Cluster Housing) to R-A8 (Single Family Residential District).

The applicant is proposing to add amenities on the parcel with the townhomes, which will cause the amenities from being on the single-family detached homes parcel. The applicant is proposing the following amenities on the subject parcel:

1. Approximately 6.61 acres of green, open space

ADJACENT ZONING & LAND USE		
NORTH	**Zoning:** R-100 (Residential Medium Lot)	**Land Use:** Undeveloped Land
SOUTH	**Zoning:** MR-1 (Medium Density Residential)	**Land Use:** Apartments
EAST	**Zoning:** R-100 (Residential Medium Lot)	**Land Use:** Undeveloped Land
WEST	**Zoning:** R-100 (Residential Medium Lot) & MU-4 (Mixed-Use High Density)	**Land Use:** Single-Family Dwelling & Undeveloped Land

PHYSICAL CHARACTERISTICS & INFRASTRUCTURE
The site is currently undeveloped with two (2) road frontages (Hayden Quarry Road and Turner Hill Road). There is not flood zones located near the property.

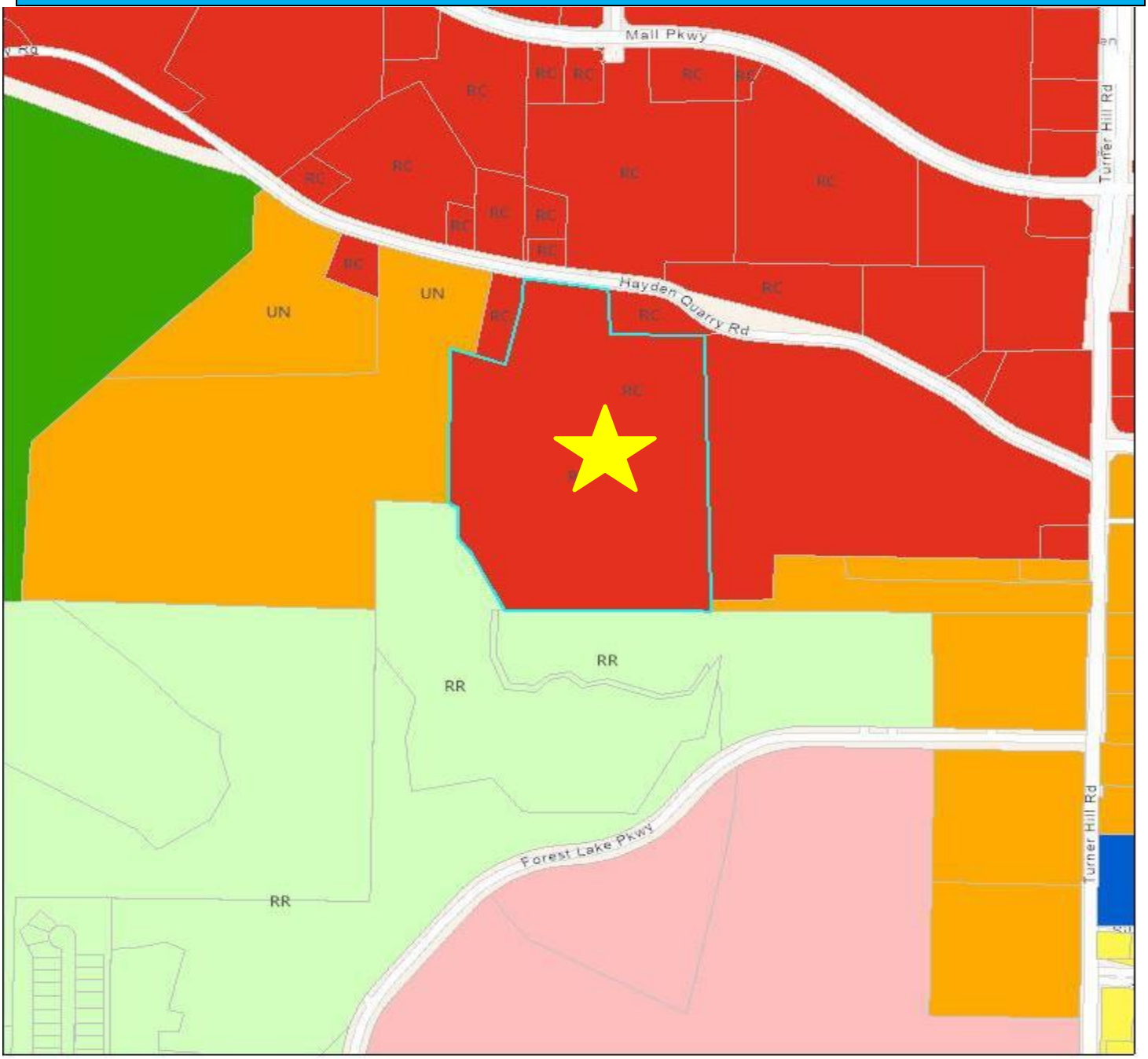
MODIFICATIONS AND CHANGES TO APPROVED CONDITIONS OF ZONING CRITERIA
1. The movement of any building or structure adjacent to an exterior boundary line, closer to the boundary line of the property;
2. Any increase in the number of dwelling units or any increase in the total amount of floor space of any 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.

RECOMMENDATION
Staff recommends the following: • **APPROVAL** of Modification of Condition 1 • **APPROVAL** of Modification of Condition 4a • **APPROVAL** of Modification of Condition 4b • **DENIAL** of Modification of Condition 4c • **DENIAL** of Modification of Condition 4l Planning Commission concurs with staff recommendation with one (1) condition: 1. The applicant shall submit a report to the Planning and Zoning Department prior to starting construction regarding the possible gas lines and to make certain that lives are not at risk.

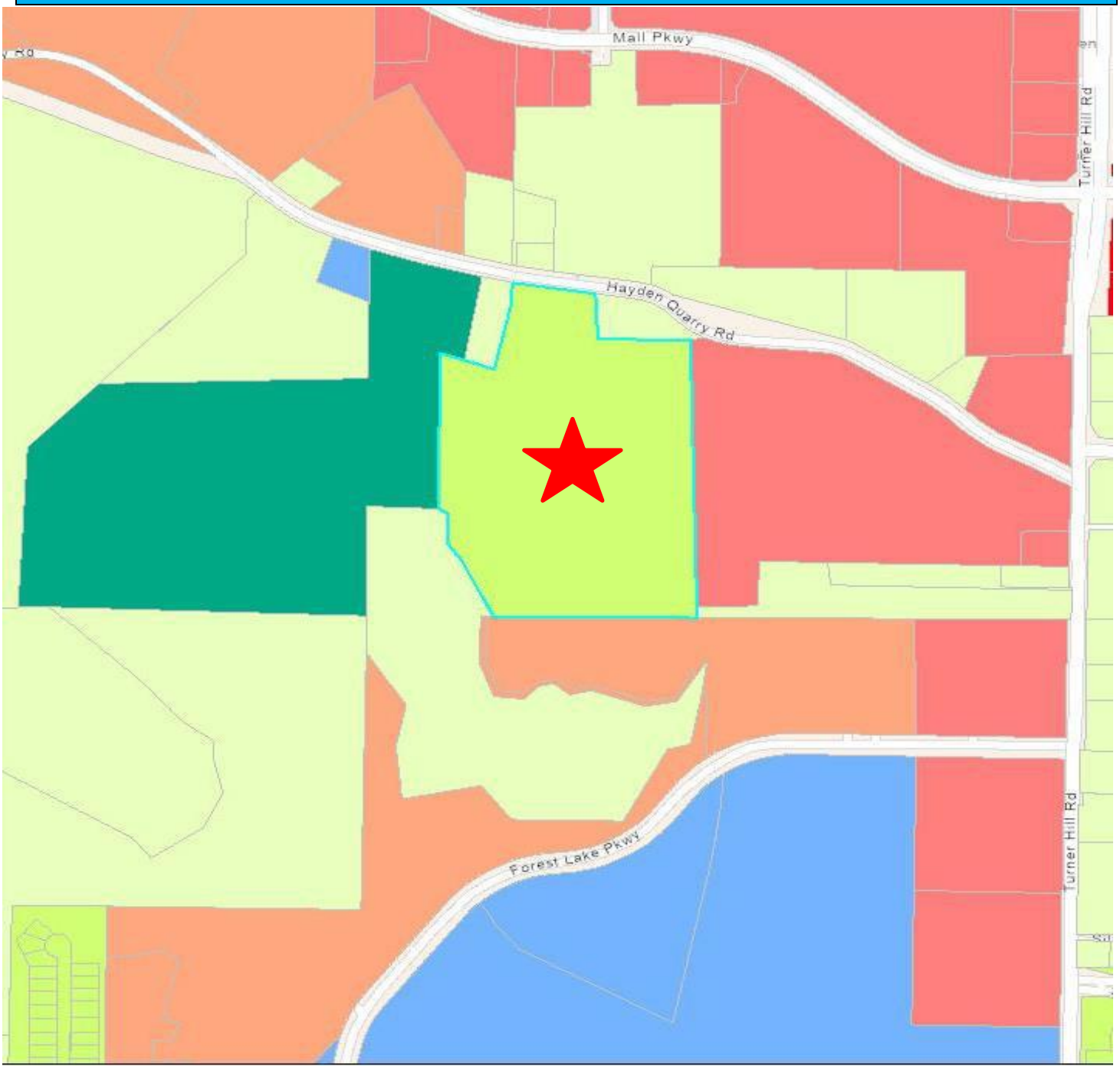
Attachments Included:

- **Future Land Use Map**
- **Zoning Map**
- **Aerial Map**
- **Site Plan/Survey**
- **Elevations**
- **Zoning Conditions**
- **Application**
- **Letter of Intent**

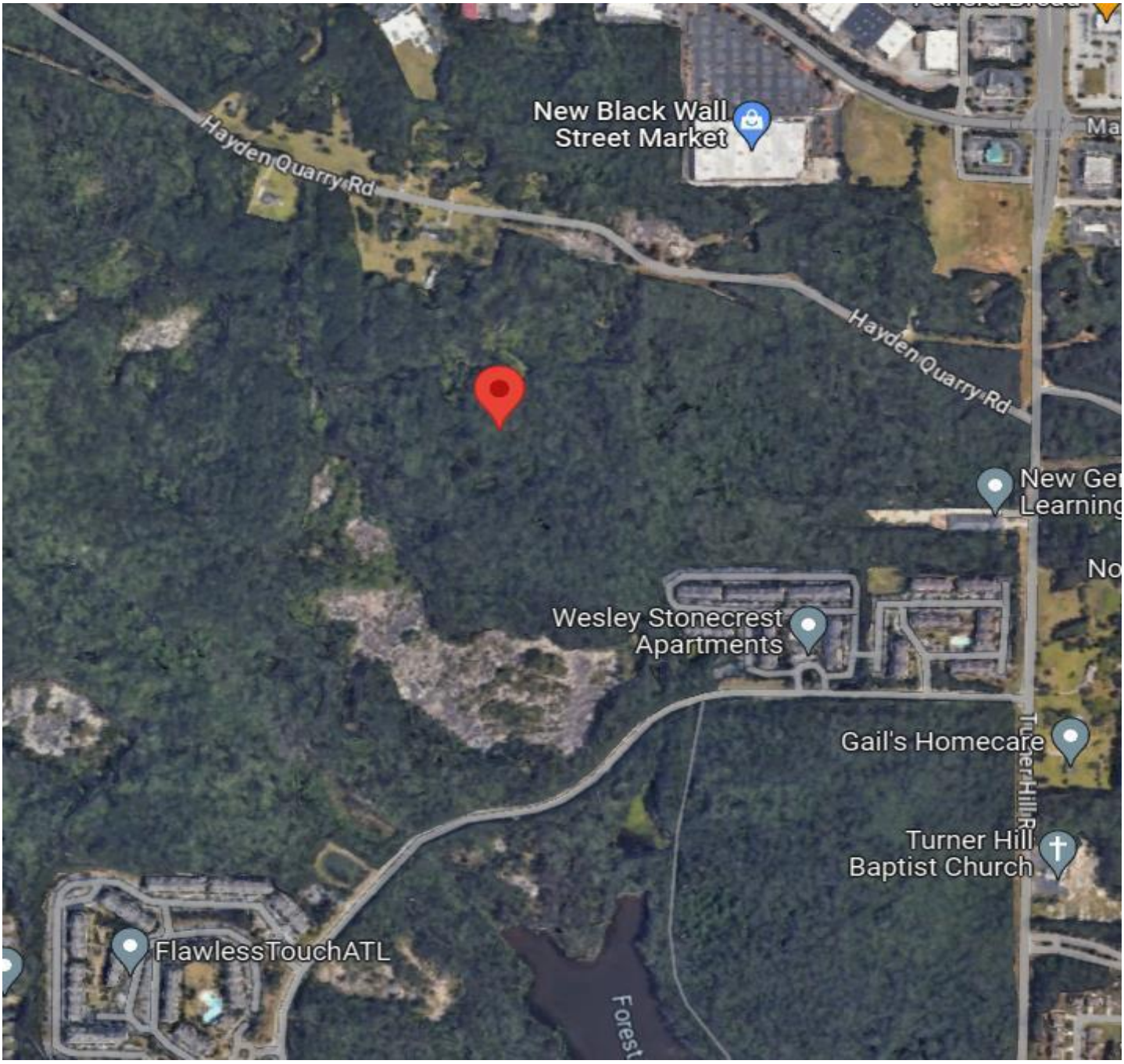
FUTURE LAND USE MAP



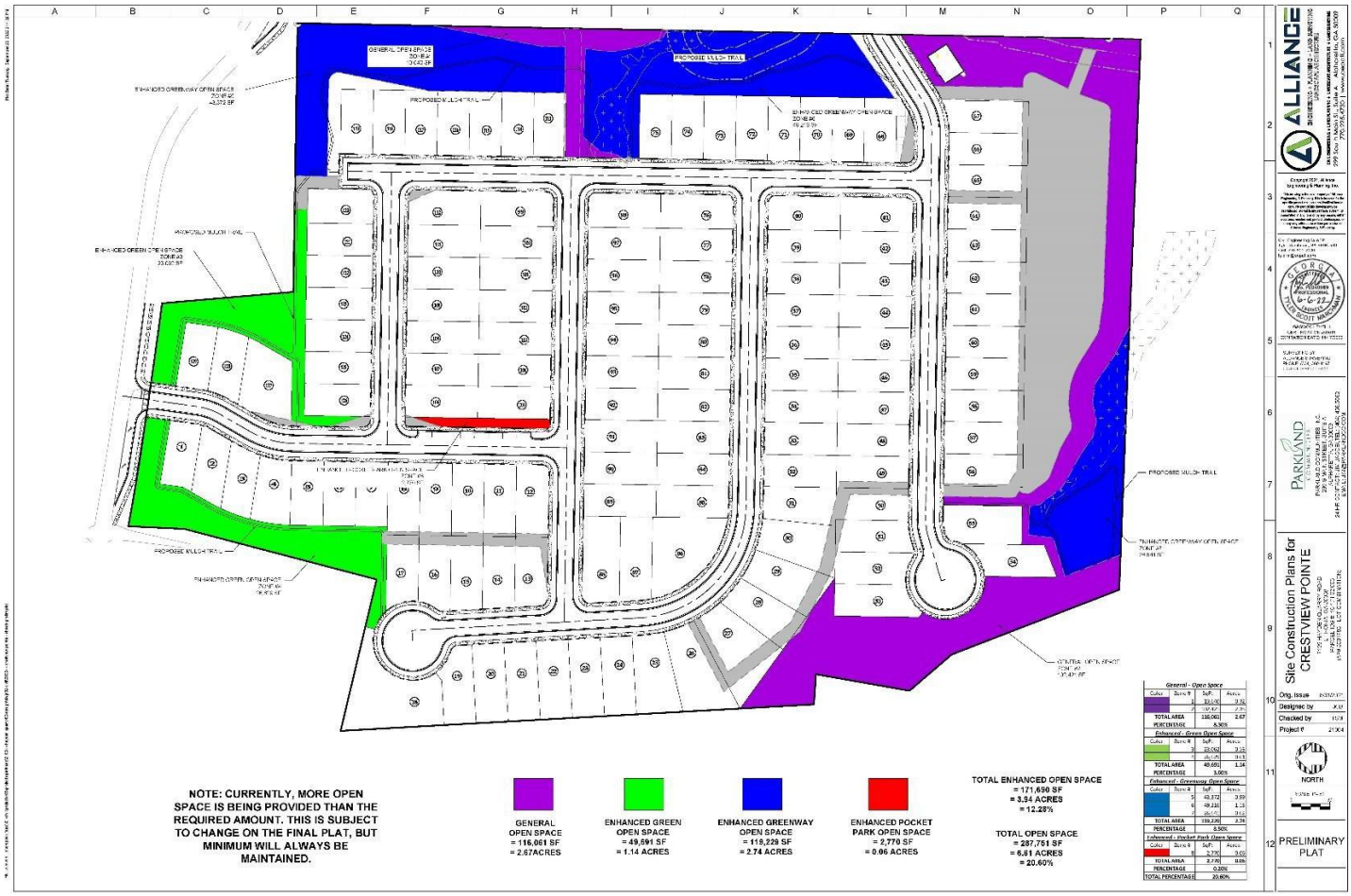
ZONING MAP


Mall Pkwy
Turner Hill Rd
Hayden Quarry Rd
Forest Lake Pkwy
Turner Hill Rd

AERIAL MAP


New Black Wall Street Market
Hayden Quarry Rd
Hayden Quarry Rd
New Ge
Learning
Wesley Stonecrest Apartments
Gail's Homecare
Turner Hill Rd
Turner Hill Baptist Church
FlawlessTouchATL

SUBMITTED SITE PLAN


NOTE: CURRENTLY, MORE OPEN SPACE IS BEING PROVIDED THAN THE REQUIRED AMOUNT. THIS IS SUBJECT TO CHANGE ON THE FINAL PLAT, BUT MINIMUM WILL ALWAYS BE MAINTAINED.
GENERAL OPEN SPACE = 116,661 SF = 2.67ACRES
ENHANCED GREEN OPEN SPACE = 49,591 SF = 1.14 ACRES
ENHANCED GREENWAY OPEN SPACE = 119,229 SF = 2.74 ACRES
ENHANCED POCKET PARK OPEN SPACE = 2,770 SF = 0.06 ACRES
TOTAL ENHANCED OPEN SPACE = 171,590 SF = 3.94 ACRES = 12.28%
TOTAL OPEN SPACE = 287,751 SF = 6.61 ACRES = 20.60%
Site Construction Plans for CRESTVIEW POINTE
NORTH
PRELIMINARY PLAT

SUBMITTED ELEVATIONS/RENDERINGS

PARKLAND COMMUNITIES

299 S. Main Street, Suite A | Alpharetta, Ga 30009 | Parklandco.com

OAKLEIGH

Character Example of Ranch Style Homes Architecture

FRONT ELEVATION

TYPICAL REAR ELEVATION

TYPICAL LEFT SIDE ELEVATION

TYPICAL RIGHT SIDE ELEVATION

NOTE: Elevations not to exceed 35'0" in height and have exterior materials to be combinations of fiber cement siding, brick veneer and/or stone veneer

PARKLAND COMMUNITIES

299 S. Main Street, Suite A | Alpharetta, Ga 30009 | Parklandco.com

OAKLEIGH

Character Example of Front Entry Homes Architecture

FRONT ELEVATION

TYPICAL REAR ELEVATION

TYPICAL LEFT SIDE ELEVATION

TYPICAL RIGHT SIDE ELEVATION

NOTE: Elevations not to exceed 35'0" in height and have exterior materials to be combinations of fiber cement siding, brick veneer and/or stone veneer

PARKLAND COMMUNITIES

299 S. Main Street, Suite A | Alpharetta, Ga 30009 | Parklandco.com

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7151 HAYDF QL[1] RRY ROAf)
Z-05-0 I

I. lnc ma:,irnum nwnberof uni1s shall bc 22· units, \\ilh 171 uml!'! bc1ogdcvdopcJ for townhome!> anachcd by a common "all. and54 uniis being developed fo1 111glc-fam1ly uniL-;;mached at I.he 1car of each unit.
2. l'here shall be a mandatory home owners association ("HOA") ,,hich shaJI o,vn all or the common are-d locakd within the proJect
3. All unib "'ithin the project shall be fee simple unib ı ooc of the lots will be marketed to investors as rcnt.tl property. and the HOA Declaration of RcM1ic1i,e Covenants sbaJI provide that no more than 15% of the total lots "'ithin 1he subdivision shall be utilized for rental purpo cs. except for ·'hardship cases·· as provided for 1n 1hc Declaration.
4. . 1:ach unit shall have the following·
   o. One cJ1 garage attached to each townhome w1it
   h. Two car garages attached to each single-family unit attached at the rear
   c. Patio pad with a privacy fence
   d. idewall-.s shall be located on both sides of thestreelS throughout the project
   c. The front facades shall vary such that two adjacent home will not be u,c :>amc.
   f. Front facades shall be constructed of brick. stone. or stucco and up to forty percent (40 ¾)Ilardi-plank siding.
   g. The side and rear facades of the units shall be constn1cted of brick, stone. stucco or Hardi-plank siding. The use of vinyl siding shall be stnctly prohibited.
   h. The entrance to the project shall be a brick monument sign.Jq
   I. AJI delention facilities shall be srueldcd from vie'w v.ith evergreen trees and a minimum six (6) foot !ugh fence. as provided in the DeKalb County Development Code.
   J, idewalks sholl be placed along property frontage on I layden Quarr) Koad
   k. Underground utili11es sball be used throughout the property
   I. The proJecl shall tx· developed with the follo,.,,ing amenities· a swimming pool. and tennis court.!>.

Rezoning Application

Owner Information

Owner's Name: Parkland Communities, Inc .

Owner's Address: 299 S Main St Suite A, Alpharetta, Georgia 30009

Phone: 404-999-2897 | Fax: N/A | Email: Sherry@parklandco.com

Property Address: 7199 Hayden Quarry Road,7151 Hayden Quarry Road,3261 Turner Hill Road | Parcel Size: 32.09 acres

Parcel ID: 16 171 02 003, 16 171 02 005, and 16 171 02 012

Current Zoning Classification: RSM

Requested Zoning Classification: RSM with a major modification of conditions

Property Information

Name: Parkland Communities, Inc. c/o Battle Law P.C.

Address: 3562 Habersham at Northlake Building J, Suite 100 Tucker, GA 30084

Phone: 404-601-7616 | Fax:N/A

Cell: N/A | Email: mlb@battlelawpc.com

Is this development and/or request seeking any incentives or tax abatement through the City of Stonecrest or any entity that can grant such waivers, incentives, and/or abatements?

☐ Yes ☐ No

Questionnaire

1. Will the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby properties?

2. Will the affected property of the zoning proposal have a reasonable economic use as currently zoned?

3. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?

4. Are other existing or changing conditions affecting the existing use or usability of the development of the property which give supporting grounds for either approval or disapproval of the zoning proposal?

5. Will the zoning proposal adversely affect historic buildings, sites, districts, or archaeological resources?

6. Will the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?

THE CITY OF
STONECHEST
GEORGIA

Affidavit

To the best of my knowledge, this zoning application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Stonecrest Zoning Ordinance.

Applicant's Name: Parkland Communities, Inc c/o Battle Law P.C

Applicant's Signature: [signature] Date: 3-4-2023

Sworn to and subscribed before me this 24th Day of March 20 23

Notary

Notary Public:

Signature: [signature]

My Commission Expires: 11-05-2025

SHERRY S LANCASTER NOTARY PUBLIC GWINNETT COUNTY, GEORGIA MY COMMISSION EXPIRES NOVEMBER 05, 2025

Fee

☐ Application Fee ☐ Sign Fee ☐ Legal Fee

Fee: $ Payment: ☐ Cash ☐ Check ☐ CC Date:

☐ Approved ☐ Approved with Conditions ☐ Denied Date:

***one sign is required per street frontage and/or every 500 feet of street frontage**

THE CITY Of
STONECREST
GEORGIA

Campaign Disclosure Statement

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

D Yes No

Applicant / Owner	
	Signature:
	Address: 363 S Main Street, Alpharetta, Georgia 30009
	Date: 3.9.2023

If you aruwe.ed y-es above, please complete tlhe following section:

Date	Government Official	Off'acial Positron	Description	Ammlnt

THE CITY OF STONECREST GEORGIA

Property Owner(s) Notarized Certification

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

Property Owner (If Applicable)

Signature: [signature] Date: 3.9.2023

Address: 363 S Main Street City, State: Alpharetta, Georgia Zip: 30009

Phone: 404-456-5562

Sworn to and subscribed before me this 9th day of March, 2023

Notary Public: [signature]

SHERRY S LANCASTER NOTARY PUBLIC GWINNETT COUNTY GEORGIA MY COMMISSION EXPIRES NOVEMBER 05, 2026

Property Owner (If Applicable)

Signature: Date:

Address: City, State: Zip:

Phone:

Sworn to and subscribed before me this _____ day of _____, 20___

Notary Public:

Property Owner (If Applicable)

Signature: Date:

Address: City, State: Zip:

Phone:

Sworn to and subscribed before me this _____ day of _____ 20___

Notary Public:

Community Meeting to discuss Rezoning application to allow for the development of single-family detached homes

Battle Law

3562 Habersham at Northlake, Bldg. J, Ste 100
Tucker, Georgia 30084

Zoom Instructions:

Go to https://otago.zoom.us/join and Enter the Meeting ID that you have been provided with in the appropriate field and click "Join" . To join by phone, please dial (646) 558-8656. If you are unable to attend or would like to learn more about the proposed project, please call our office at the number below.

We encourage you to come out and participate!

For More Information Contact
Jordan Battle at:
Phone: 404-601-7616 ext. 8
Fax: 404-745-0045
Email: jnb@battlelawpc.com

Project Title: 7151 Hayden Quarry

When: April 19th, 2023

Time: 6:00 PM Eastern (US and Canada)

Register in advance for this meeting:
https://otago.zoom.us/join

Meeting ID: 863 3706 9255
Password: 085346

Proposed Location(s):
Parcel Nos. 16 171 02 003, 16 171 02 010,
16 171 02 005, and 16 171 02 012

HERE

Battle Law

3562 Habersham at Northlake, Bldg. J, Ste 100
Tucker, Georgia 30084

«Name»
«Address»
«City», «State» «Zip»

BOWMAN FREEDOM LLC	535 MARRIOTT DR	NASHVILLE, TN	37214
BUCHSBAUM ESTHER R	2948 SEQUOYAH DR NW	ATLANTA, GA	30327
CARMAX AUTO SUPERSTORE INC	PO BOX 29965	RICHMOND, VA	23242
DEKALB COUNTY	1300 COMMERCE DR FLOOR 3RD	DECATUR, GA	30030
DILLMAN JACKIE L TRUSTEE	615 ROBIN ROAD	COVINGTON, GA	30016
FIRST FINANCIAL ASSOCIATES INC	7079 HAYDEN QUARRY RD	LITHONIA, GA	30038
FOREST LAKE VENTURES LLC	1010 HUNTCLIFF # 2315	ATLANTA, GA	30350
FOREST LAKE VENTURES LLC	1010 HUNTCLIFF # 2315	ATLANTA, GA	30350
FOSTER EMILY	7000 ROCKLAND RD	LITHONIA, GA	30038
G AND K COVENANT PROPERTIES II LLC	3271 TURNER HILL RD	LITHONIA, GA	30038
GADDIS DENISE BAILEY	11255 DONNINGTON DR	JOHNS CREEK, GA	30097
GEORGE RACHEL R	670 COVERED BRIDGE RD	COVINGTON, GA	30016
HAYDEN QUARRY LLC	70 CHEVAUX CT NW	ATLANTA, GA	30342
HUNT JOHNNY A	7210 HAYDEN QUARRY RD	LITHONIA, GA	30038
HUNT JOHNNY A	7210 HAYDEN QUARRY RD	LITHONIA, GA	30038
KAISER FOUNDATION HEALTH	1 KAISER PLZ FLOOR 15	OAKLAND, CA	94612
LANDCORPS INC	PO BOX 1936	MONROE, GA	30655
LO MICHAEL L	4027 SIGNAL RDG SW	LILBURN, GA	30047
MARTA	2424 PIEDMONT RD NE	ATLANTA, GA	30324
PARKLAND COMMUNITIES INC	299 S MAIN ST STE A	ALPHARETTA, GA	30009
PARKLAND COMMUNITIES INC	299 S MAIN ST STE A	ALPHARETTA, GA	30009
QUARRY PARTNERS LLC	1010 HUNTCLIFF # 2315	ATLANTA, GA	30350
QUARRY PARTNERS LLC	1010 HUNTCLIFF # 2315	ATLANTA, GA	30350
QUARRY PARTNERS LLC	1010 HUNTCLIFF # 2315	ATLANTA, GA	30350
RAGSDALE LIMITED PARTNERSHIP	2722 GLENEAGLES DR	TUCKER, GA	30084
REALPRO EQUITY LLC	2727 MOORINGS PKWY	SNELLVILLE, GA	30039
SAQ ENTERPRISE INC	4193 CHAPEL LAKE DR	DECATUR, GA	30034
STONECREST DEVELOPMENT AUTHORITY	3120 STONECREST AVE	LITHONIA, GA	30038
STONECREST PROPERTIES LLC	P.O. BOX 957148	DULUTH, GA	30095
TRACY L SAYERS INVESTMENTS LLC	600 BROOKSTONE CENTRE PKWY	COLUMBUS, GA	31904
TURNER HILL PARTNERS LLC	1010 HUNTCLIFF STE 2315	ATLANTA, GA	30350
TURNER HILL PARTNERS LLC	1010 HUNTCLIFF STE 2315	ATLANTA, GA	30350
WESLEY KENSINGTON PARTNERS LLC	1010 HUNTCLIFF STE 2315	ATLANTA, GA	30350

Environmental Site Analysis

Analyze the impact of the proposed rezoning and provide a written point-by-point response to Points 1 through 3:

1. Conformance to the Comprehensive Plan:

a. Describe the proposed project and the existing environmental conditions on the site.

The Applicant seeks to develop on +/-32.09 acres of land being Tax Parcel Nos. 16 1714 02 003, 16 171 02 005, and 16 171 02 012 having frontage on 7151 Hayden Quarry Road with single-family detached homes. The Applicant is seeking a Major Modification of Conditions of the Subject Property to change the following conditions of zoning case number Z-05-01 to allow for the development: conditions 1, 4a, 4b, 4c, and 4l. The Applicant proposes the following changes:

Condition 1: The maximum number of units shall be 129 ~~225 units, with 171 units being developed for townhomes attached by a common wall, and 54 units~~ being developed ~~for~~ as single-family detached units. ~~attached at the rear of each unit.~~

Condition 4a: Each unit shall have the following: ~~one car garage attached to each townhome unit~~ DELETED

Condition 4b: Each unit shall have the following: two car garages ~~attached to each single-family unit attached at the rear~~

Condition 4c: Each unit shall have the following: ~~Patio pad with a privacy fence.~~ DELETED

Condition 4l: Each unit shall have the following: ~~The project shall be developed with the following amenities: a swimming pool, and tennis courts~~. DELETED

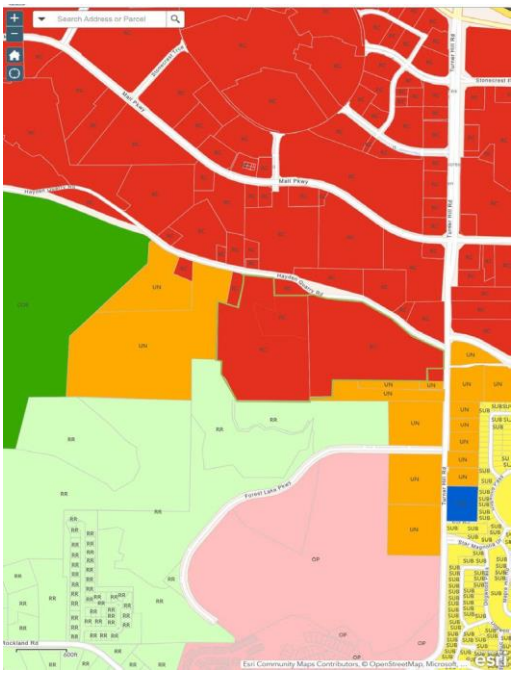
b. Describe adjacent properties. Include a site plan that depicts the proposed project.

The site plan for the proposed project is attached to this application. The surrounding properties have future land use designations of RC, UN, and RR and are zoned RSM, MU-4, C-1, MR-1, and R-100. The surrounding properties are vacant, single-family homes, various commercial buildings ranging from restaurants and banks to the Stonecrest Mall to the north, and apartments.

c. Describe how the project conforms to the Comprehensive Land Use Plan.

The zoning proposal is in conformity with the policy and intent of the Comprehensive Plan. The Subject Property has a future land use designation of Regional Center and is on the very edge of those properties with that designation. This zoning proposal does not seek to change the future land use designation, nor does it seek to change the base zoning district. Rather, the proposal seeks to change certain zoning conditions affecting the Subject Property. This zoning proposal does not seek to introduce a use that would otherwise not be permitted, nor does it seek to introduce a zoning district that would not allow for uses uncharacteristic of the uses permitted on the surrounding properties. Therefore, the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.

d. Include the portion of the Comprehensive Plan Land Use Map which supports the project's conformity to the Plan.



e. Evaluate the proposed project with respect to the land use suggestion of the Comprehensive Plan as well as any pertinent Plan policies.

This zoning proposal seeks to change conditions on the Subject Property. The change would eliminate the townhomes, reduce the number of homes on the Subject Property from 225 to 129 and require two car garages. The units will be relatively close together. The Regional Center character area permits 60 units per acre and up. While this development does not reach that number, it does serve as a suitable transition from the higher density uses to the lower density uses to the south of the Subject Property.

2. Environmental Impacts of The Proposed Project

For each environmental site feature listed below, indicate the presence or absence of that feature on the property. Describe how the proposed project may encroach or adversely affect an environmental site feature. Information on environmental site features may be obtained from the indicated source(s).

a. Wetlands
- U. S. Fish and Wildlife Service, National Wetlands Inventory (http://wetlands.fws.gov/downloads.htm)
- Georgia Geologic Survey (404-656-3214)
- Field observation and subsequent wetlands delineation/survey if applicable

There are wetlands on the southeastern side of the site. The stormwater management facilities required by City code have been planned for the eastern portion of the site. The stormwater management facilities will protect the wetlands from any stormwater runoff produced by the site. This will provide better protection than what exists today as there is currently no engineered solution to stormwater runoff on the site.

b. Floodplain
- Federal Emergency Management Agency (http://www.fema.org)
- Field observation and verification

There are no floodplains on the Subject Property.

c. Streams/stream buffers
- Field observation and verification

There are no streams or stream buffers on the Subject Property.

d. Slopes exceeding 25 percent over a 10-foot rise in elevation
- United States Geologic Survey Topographic Quadrangle Map
- Field observation and verification

There are no slopes exceeding 25% over a 10-foot rise in elevation on the site.

e. Vegetation • United States Department of Agriculture, Nature Resource Conservation Service
- Field observation

According to a field observation and satellite imagery, there are currently trees on the Subject Property. For any development, trees will have to be cut down to accommodate the buildings. However, the Applicant will work closely with the City Arborist to ensure that only the necessary clearing is performed. Dead and diseased trees will be cleared from the site as well.

f. Wildlife Species (including fish)
- United States Fish and Wildlife Service
- Georgia Department of Natural Services, Wildlife Resources Division, Natural Heritage Program
- Field observation

There are no wildlife species that will be adversely affected by the change of conditions application. The Subject Property is already approved for development as a mixture of single-family detached homes and single-family attached townhomes.

g. Archeological/Historical Sites
- Historic Resources Survey
- Georgia Department of Natural Resources, Historic Preservation Division
- Field observation and verification

The Applicant is not aware of any archaeological or historic sites or resources on the Subject Property.

3. Project Implementation Measures

Describe how the project implements each of the measures listed below as applicable. Indicate specific implementation measures required to protect environmental site feature(s) that may be impacted.

a. Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.

There are no floodplains, slopes exceeding 25%, or river corridors on the site. There are some wetlands on the southeastern portion of the Subject Property. The stormwater management facilities required by City code have been planned for the eastern portion of the site. The stormwater management facilities will protect the wetlands from any stormwater runoff produced by the site. This will provide better protection than what exists today as there is currently no engineered solution to stormwater runoff on the site.

b. Protection of water quality

The Applicant is installing all required stormwater management facilities that will serve to protect any and all surrounding wetlands/streams from any stormwater runoff generated by the site.

c. Minimization of negative impacts on existing infrastructure

The impact on existing infrastructure will be minimized.

d. Minimization on archeological/historically significant areas

The Applicant is not aware of any archaeological/historically significant areas on the Subject Property.

e. Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.

Introducing the proposed project will allow the Applicant to engineer a solution to any and all ongoing stormwater runoff issues that may or may not be affecting the surrounding communities. Any stormwater runoff that comes from the site

f. Creation and preservation of green space and open space

The included site plan shows how green space and open space will be allocated across the site.

g. Protection of citizens from the negative impacts of noise and lighting

Once constructed, the Subject Property will be single-family homes which will abut apartments, vacant land, and one other single-family home. So, the use of the Subject Property will not have any negative impacts of noise or lighting on the surrounding properties. During construction, the Applicant will work during normal business hours to ensure that there are no noises or lights affecting the surrounding citizens.

h. Protection of parks and recreational green space

The included site plan shows how green space and open space will be allocated across the site.

i. Minimization of impacts to wildlife habitats

There are no wildlife species that will be adversely affected by the change of conditions application. The Subject Property is already approved for development as a mixture of single-family detached homes and single-family attached townhomes.

Battle Law

STATEMENT OF INTENT

and

Other Material Required by
The City of Stonecrest Zoning Ordinance
For
A Major Modification of Conditions of
Z-05-01

of

PARKLAND COMMUNITIES, INC.
c/o Battle Law, P.C.

for

+/-32.09 Acres of Land
Being 7151 Hayden Quarry Road,
the City of Stonecrest, Georgia and
Parcel Nos. 16 171 02 003, 16 171 02 005, and 16 171 02 012

Submitted for Applicant by:

Michèle L. Battle, Esq.
Battle Law, P.C.
Habersham at Northlake, Building J, Suite 100
Tucker, Georgia 300384
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com

Battle Law

I. LETTER OF INTENT

Parkland Communities, Inc. (the "Applicant") seeks to develop on +/- 32.09 of land being Tax Parcel Nos. 16 171 02 003, 16 171 02 005, and 16 171 02 012 having frontage on 7151 Hayden Quarry Road (the "Subject Property") with single-family detached homes. The Applicant is seeking a Major Modification of Conditions of the Subject Property to change the following conditions from zoning case number Z-05-01 to allow for the development: conditions 1, 4a, 4b, 4c, and 4l. The original conditions are listed below with the proposed changes in red.

Condition 1: The maximum number of units shall be 129 ~~225 units, with 171 units being developed for townhomes attached by a common wall, and 54 units~~ being developed ~~for~~ as single-family detached units. ~~attached at the rear of each unit.~~

Condition 4a: Each unit shall have the following:~~ one car garage attached to each townhome unit~~ DELETED

Condition 4b: Each unit shall have the following: two car garages ~~attached to each single-family unit attached at the rear~~

Condition 4c: Each unit shall have the following: ~~Patio pad with a privacy fence.~~ DELETED

Condition 4l: Each unit shall have the following: ~~The project shall be developed with the following amenities: a swimming pool, and tennis courts.~~ DELETED

This document serves as a statement of intent, analysis of the criteria under the City of Stonecrest Zoning Ordinance and contains notice of constitutional allegations as a reservation of the Applicant's rights.

II. MAJOR MODIFICATION OF CONDITIONS CRITERIA

a. *Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan;*

The zoning proposal is in conformity with the policy and intent of the comprehensive plan. The Subject Property has a future land use designation of Regional Center and is on the very edge of those properties with that designation. This zoning proposal does not seek to change the future land use designation nor does it seek to change the base zoning district. Rather, the proposal seeks to change certain zoning conditions affecting the Subject Property. This zoning proposal does not seek to introduce a use that would otherwise not be permitted, nor does it seek to introduce a zoning district that would not allow for uses uncharacteristic of the uses permitted on the surrounding properties. Therefore, 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 properties;*

Battle Law

The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The immediately adjacent properties are either vacant or developed with residential uses. The property nearby, but not immediately adjacent is developed for residential and commercial uses. The Subject Property is near Stonecrest Mall.

The zoning proposal does not seek to change the approved residential use. Rather, the proposal seeks to change the conditions placed on the property to allow for the development of 129 single-family detached homes. The conditions in place allow for townhomes and contemplate certain development standards that apply specifically to townhomes. To develop single family detached homes, the Applicant seeks to change those conditions to be more conduce to a single family detached product. Other single family detached homes are already in the area. Therefore, building new single family detached homes would be suitable in view of the use and development of adjacent and nearby properties.

c. *Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;*

The property to be affected by the zoning proposal does not have 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;*

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property. The zoning proposal will reduce the overall number of approved units on the Subject Property and change the housing product from a mixture of single family detached homes and townhomes to just single family detached homes. This change, along with the various design changes, will have a positive affect on the existing use or usability of adjacent or nearby property by limiting the intensity of the residential use permitted on the Subject Property. Therefore, the zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property.

e. *Whether there are other existing or changing conditions the use and development of the property that provide supporting grounds for either approval or disapproval of the zoning proposal;*

The Applicant is not aware of other existing or changing conditions that provide 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; and*

The zoning proposal will not adversely affect historic buildings, sites, districts, or archaeological resources. The Subject Property does not lie within a historic district, nor near any historic sites.

Battle Law

The Applicant is not aware of any historic buildings or archaeological resources on the Subject Property. Therefore, the zoning proposal will not adversely affect historic buildings, sites, districts, or archaeological resources.

g. *Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*

The zoning proposal will not result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The approved plan for the Subject Property contemplates roughly 100 more units that what this zoning proposal does. So, the Applicant is entitled to build out the property for the 225 approved residential units. Instead, this zoning proposal seeks change the zoning conditions to allow for 129 single family detached homes. This reduction in the number of units will produce far less strain on all City resources, including the existing streets, transportation facilities, utilities, and schools than the approved plan. Therefore, the zoning proposal will not result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

III. CONCLUSION

For the foregoing reasons, the Applicant hereby requests that the application for a Major Modification of Conditions be approved. The Applicant welcomes any questions and feedback from the planning staff.

IV. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONTITUTIONAL RIGHTS

The portions of the City of Stonecrest Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the City of Stonecrest Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

Battle Law

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

A refusal by the City of Stonecrest Mayor and City Council to amend the land use and/or rezone the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any Major Modifications of Conditions of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A refusal to allow the land use amendment and/or Major Modification of Conditions in questions would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the land use amendment and/or Major Modification of Conditions in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing land use designation and/or zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the County on notice that it may elect to file a claim in the Superior Court of Fulton County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

MLB

Michele L. Battle, Esq.
Attorney for the Applicant

CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD 23-002 Arabia Mountain Overlay

AGENDA SECTION: (*check all that apply*)

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

CATEGORY: (*check all that apply*)

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

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

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

Previously Heard Date(s): **Monday, April 8, 2023** & Click or tap here to enter text.

Current Work Session: Monday, June 12, 2023

Current Council Meeting: Wednesday, June 28, 2023

SUBMITTED BY: Director of Planning & Zoning, Ray White

PRESENTER: Director of Planning & Zoning, Ray White

PURPOSE: To improve the Arabia Mountain Conservation Overlay District regulations.

FACTS: Arabia Mountain Conservation Overlay District (AMCOD) is one of the newest Overlay Districts to be adopted within the city's zoning ordinance. The AMCOD aims to provide reasonable and creative planning and development while preserving the natural landform and features. Change to the Zoning Ordinance Chapter 27 is being proposed.

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

RECOMMENDED ACTION: Approval

ATTACHMENTS:

(1) Attachment 1 - Staff Report
(2) Attachment 2 - Draft Ordinance Changes
(3) Attachment 3 - Click or tap here to enter text.

CITY COUNCIL AGENDA ITEM

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

Raymond White
Director
Planning and Zoning
Department

Matthew Williams
Deputy Director
Planning and Zoning
Department

TO: City Council

FROM: Planning and Zoning Department

SUBJECT: TMOD-23-002

ADDRESS: City-Wide

MEETING DATE: June 26, 2023

Summary: To provide for control of clearing and lot grading. To modify minimum lot area and provide preliminary plat approval and subdivision.

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: DEFERRAL

TMOD-23-002

Planning & Zoning Department

FACTS & ISSUES

- Arabia Mountain Conservation Overlay District (AMCOD) is one of the newest Overlay District to be adopted within the city's zoning ordinance.
- The AMCOD aims to provide reasonable and creative planning and development while preserving the natural landform and features.
- The staff is proposing a change to the Zoning Ordinance, Chapter 27

Attachment(s) Included:

- **Revisions to the Zoning Ordinance regarding AMCOD**

TMOD-23-002
STONECREST ZONING ORDINANCE UPDATE

Revision to the Zoning Ordinance, Chapter 27

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

Sec. 3.4.1. - Title.

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

Sec. 3.4.2. - Purpose and intent.

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

A. To provide for the protection of natural resources and of scenic views of areas within the boundaries of the AMCOD, so as to protect and enhance the public welfare associated with these natural resources and the aesthetic qualities within this area, consistent with the policies of the Stonecrest Comprehensive Plan;

B. To provide reasonable and creative planning and development within the AMCOD while preserving the natural landform and features, trees and tree canopy, and the views to and from Arabia Mountain as indicated on the adopted map;

C. To assure that all activities and authorized uses of land allowed within the AMCOD, whether allowed uses or permitted uses, are activities or uses which are designed so as not to detract from or damage the protected natural resources and scenic beauty of this district;

D. To encourage and promote the dedication of conservation easements to appropriate public and not-for-profit entities established and authorized to hold easements in perpetuity pursuant to the Georgia Uniform Conservation Easement Act (O.C.G.A. 44-10 and 12-6A) , for the purposes of protecting historical and arch logical areas, the habitat of endangered or threatened animal and plant species (as defined in the federal Endangered Species Act U.S.C. 1531 and the Endangered Wildlife Act of 1973), providing passive recreational and educational opportunities, preserving the cultural history of the area, protecting open space within the city, and protecting scenic views to and from Arabia Mountain; and

E. To provide consistent development standards that will adhere to common design characteristics that

include but are not limited to: deep setbacks from the main road; strategic buffer zones; home "clustering"; shorter streets within a development and shared open spaces connected by trails, walkways and paths.

Sec. 3.4.3. - District boundaries.

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

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

Sec. 3.4.4. - Applicability of regulations.

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

Sec. 3.4.5. - Principal uses and principal structures.

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

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

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

1. Sexually-oriented businesses
2. Drive-in Theater
3. Fairground or Amusement Park
4. Swimming pools as part of a commercial Recreation, Outdoor use or Recreation club; but not including

swimming pools incidental to Open space, clubhouse or pool amenity.

5. Coliseum or stadium, except for outdoor Concert Halls
6. Nightclub or late-night establishment
7. Outdoor storage, mini-warehouses, and storage buildings
8. Pawn shops
9. Mortuary or Crematorium
10. Alcohol Outlets
11. Salvage yards and junk yards
12. Motel or Extended Stay Motel
13. Shelter for homeless persons
14. Transitional housing facility
15. Fuel Dealers, Fuel Pumps and Accessory Fuel Pumps
16. Automobile and truck rental and leasing, Automobile brokerage, Automobile mall, Automobile recovery and storage, Automobile rental and leasing, Automobile repair and maintenance, major, Automobile repair and maintenance, minor, Automobile sales, Automobile service station, Automobile upholstery shop, Automobile wash/wax service, Recreational vehicle/boat sales and service, Freight service, Transportation equipment and storage or maintenance (vehicle), and Vehicle storage yard
17. Commercial parking garage/structure; Commercial parking lots
18. Convenience store
19. Drive-through facilities
20. Personal service establishments
21. Check cashing facility
22. Heavy equipment storage
23. Truck stops
24. Warehouses
25. Solid waste disposal, Private industry solid waste disposal facility
26. Bus station or terminal
27. Ambulance service facility, Private ambulance service, Dispatch office

Sec. 3.4.6. - Accessory uses and accessory structures.

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

Sec. 3.4.7. - Lot coverage.

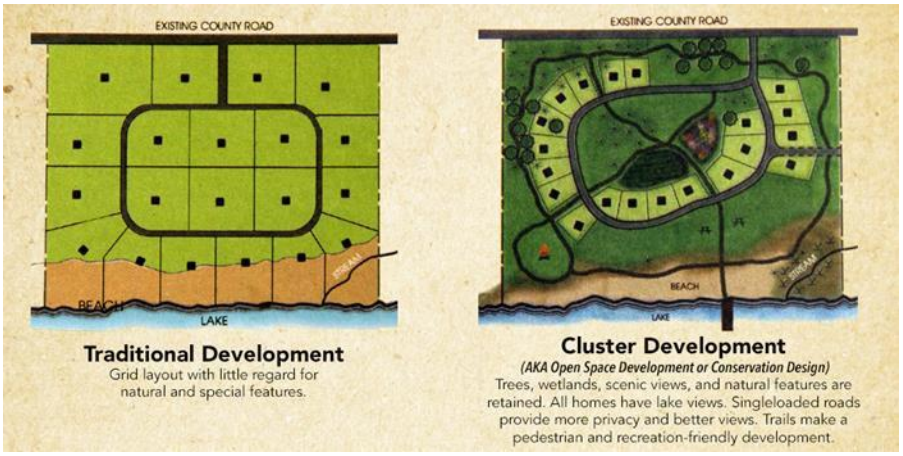
Except as provided in Sec. 3.4.9, lot coverage within the AMCOD shall not exceed twenty-five (25) percent of net lot area.

Sec. 3.4.8. - Clearing and grading of lots.

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

Sec. 3.4.9- Development Standards

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



A. Conservation Communities (residential /subdivisions)

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

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

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

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

Minimum side-yard setback: **ten (10) feet**

Maximum single-family dwelling lot coverage: 50%

Greenspace: **Thirty (30)** percent of the total land area must be designated greenspace. Sixty (65) percent of the

greenspace should be in a contiguous tract.

Green space may consist of:

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

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

1. Establishment of a mandatory homeowner'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 ft.
- Local streets: 20 ft.

Preliminary Plat Approval

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

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

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

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 thirty (35) feet and the width of the paved lane to sixteen (16) feet. Use grass and vegetation for the inner circle of turnarounds, rather than paving the whole area. Declare the HOA responsible for the

maintenance of the grassy area in the neighborhood bylaws.

3. Omit curbs where possible.
4. As an alternative to curbs and gutters, allow run off from roofs and pavements to pass immediately through grass swales or infiltration basins. Use plant materials that will absorb rainwater and act as a natural filter to oil and pollution.
5. Provide marked, paved paths for non-vehicular traffic with in the development and connecting neighboring residential and commercial areas.

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

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

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

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

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

Sec. 3.4.9.1.a Design Standards

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

1. *Pedestrian Amenities*. All buildings shall be configured to allow safe, convenient, direct and continuous access for pedestrians to all primary building entrances. Principle building entry shall open directly on to the public right-of-way.
2. *"Build-to" line (i.e. "Building façade line")*. The building shall be setback five (5) feet from the buildable areas as indicated within in their approved site plan. Awnings and canopies are not counted in building façade line determination. Permanent structures other than buildings, such as ATMs and similar elements, shall not be located closer to the street than the building façade lines.
3. *Building height*. All new buildings shall be no more than two (2) stories, maximum height thirty (35) feet.
4. *Façade articulation*. Street-facing building facades shall be horizontally divided by floors using architectural means such as string courses, recesses, reveals or the like. They shall also be vertically

divided utilizing Major and Minor Articulations to create visual interest and avoid monotony.

a. Major Articulations shall occur at least every sixty (60) feet of horizontal façade length and may be accomplished through: a change of façade materials extending from grade through the cornice; change in storefront systems; physical off-sets; and/or similar means intended to convey the impression of separate buildings.

b. Minor Articulations shall occur approximately every thirty (30) feet of horizontal façade length and may be accomplished by: the use of pilasters; the use of off-sets; or similar means intended to create the appearance of structural bays.

5. *Entrances*. All first story uses adjacent to a sidewalk shall have a primary pedestrian entrance, which faces, is visible from, and is directly accessible from said sidewalk. All first story businesses with more than sixty (60) feet of frontage along sidewalks shall provide one (1) pedestrian entrance for every sixty (60) linear feet of frontage or fraction thereof.

6. *Parking:* Parking areas should be located to the side or rear of the building. When parking areas are located in front of the building, a buffer of 10 feet of shrubbery or landscape trees is required. All vegetation should be native to the region.
Cross Access: In order to reduce traffic conflicts, cross access drives with adjacent properties must be considered. This may include the interconnection of parking areas or a shared drive between properties.

7. *Storefront canopies* at least five (5) feet in depth extending over the sidewalk are recommended at all retail frontage for relief from inclement weather and for shade. These should be roofed with glass, metal, or fabric wholly supported by brackets or cables attached to the building façade. Columns to support canopies are not permitted in the public right of way (hereafter called "R.O.W."). Awnings and canopies shall not include signage on them, except when such signage is located within an apron that is less than twelve inches in height and is subject to all other applicable sign requirements of this document.

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

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

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

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

9. *Lighting*. Building facades facing a public R.O.W. shall be illuminated for safety and aesthetics. The lighting shall be designed to avoid producing glare in the public R.O.W.. Lighting should be downcast with a zero-degree tilt. Fixtures should not exceed 15 feet in height. Light spillage onto adjacent residential properties shall be minimized by cutoff luminaires.
10. *Utility service lines*. Must be provided via underground conduit or pipes. Overhead utility service is not permissible in the Overlay. New construction on existing sites within Overlay must include replacement of all above-ground utility service lines with underground service or otherwise fully concealed utility service to buildings and sites.
11. *Building Numbering*. Building numbering shall be located above or beside primary entrances of building. Numbering shall be clearly visible from sidewalks. All numbering shall be 6 inches in height.
12. *Dumpsters, Loading Areas and Mechanical Electrical and Plumbing Features* shall be screened so as not to be visible from any public plaza, outdoor dining area, public R.O.W., or residential area. All dumpsters shall be located behind buildings and shall be enclosed by opaque fences or walls made of stone, brick, wood, or stucco; and these enclosures shall have opaque gates made of wood or metal. Chain-link gates are not permitted.

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

Sec. 3.4.9.2 - Height limitation.

A. Except as provided in section 5.2.5, and in subsection B., no building or structure within the Arabia Mountain Natural Resource Protection Overlay District shall exceed a height of thirty-five (35) feet, all other requirements of this chapter notwithstanding.
B. If the placement of a telecommunications tower or antenna within this overlay district in excess of thirty-five (35) feet in height is mandated by federal law, said tower or antenna, in addition to meeting all other standards and criteria applicable thereto, shall meet the following design requirements:
   1. No portion of any such tower or antenna shall extend a distance of more than ten (10) feet above the

top of the tree canopy existing on the lot upon which the tower or antenna is placed. If no tree canopy exists on said lot, then no portion of such tower or antenna shall extend a distance of more than ten (10) feet above the top of the tree canopy closest to such tower or antenna.

2. All portions of a tower or antenna that extend above the top of the existing mature tree canopy pursuant to subsection B.1., shall consist of an alternative tower structure that is designed and colored in a way that blends said tower or antenna with the closest tree canopy to a degree that renders said tower or antenna indistinguishable from said tree canopy at a distance of two hundred (200) feet measured horizontally from said tower or antenna.

Sec. 3.4.10. - Tree removal and replacement.

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

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

Sec. 3.4.11. - Protection of steep slopes.

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

Sec. 3.4.12. - Driveways.

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

Sec. 3.4.13. - Recording of conservation easements.

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

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

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

Sec. 3.4.15. - Lighting.

No light standard shall be installed that extends above the height of the tree canopy. No lighting element of any kind shall be placed upon any structure so as to extend above the height of the tree canopy. No light spillage of any

kind is permitted above said tree canopy except as may be otherwise required by any applicable requirement of federal, state or local law.

Sec. 3.4.16. - Density bonus.

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

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

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

Sec. 3.4.18. – AMCOD Advisory Committee

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

STATE OF GEORGIA

DEKALB COUNTY

CITY OF STONECREST

ORDINANCE NO. ____-_____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STONECREST, GEORGIA ARTICLE III (OVERLAY DISTRICT 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 PURPOSES.

WHEREAS, the governing body of the City of Stonecrest ("City") is the Mayor and City Council thereof; and

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

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

WHEREAS, the Mayor and City Council desire to amend ARTICLE III (OVERLAY DISTRICT 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 Zoning recommends approval based on the City Staff Report; and

WHEREAS, a public hearing and recommendation pursuant to the provisions of the Zoning Procedures Law has been provided by the Planning Commission; and

WHEREAS, a public hearing pursuant to the provisions of the Zoning Procedures Law has been properly held by the City Council 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 ARTICLE III (OVERLAY DISTRICT REGULATIONS) WITHIN CHAPTER 27 (ZONING ORDINANCE) by adopting the amendment set forth in Exhibit A attached hereto and made a part hereof by reference.

Section 2. That text added to current law appears in **red and bold** 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 _____, 2023.

[SIGNATURES TO FOLLOW]

CITY OF STONECREST, GEORGIA

_____

Jazzmin Cobble, Mayor

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

EXHIBIT A

CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD 23-003 Public Storage Facilities

AGENDA SECTION: (*check all that apply*)

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

CATEGORY: (*check all that apply*)

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

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

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

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

Current Work Session: Monday, June 12, 2023

Current Council Meeting: Wednesday, June 28, 2023

SUBMITTED BY: Deputy Director of Planning & Zoning, Matthew Williams

PRESENTER: Director of Planning & Zoning, Ray White

PURPOSE: Request Council Approval of an Ordinance to amend The Current Development Standards for Self-Storage Facilities of The City of Stonecrest Code of Ordinances.

FACTS: The objective is to create a Development Standards and Regulations for Self-storage Facilities that are appealing and environmental friendly.

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

RECOMMENDED ACTION: Approval

ATTACHMENTS:

(1) Attachment 1 - Staff Report
(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.

Raymond White
Director
Planning and Zoning
Department

Matthew
Williams
Deputy Director
Planning and
Zoning
Department

TO: Mayor and Council

FROM: Planning and Zoning Department

SUBJECT: TMOD-23-003

ADDRESS: City-Wide

WORK SESSION DATE: June 28, 2023

Summary: An Ordinance to amend the code of ordinances, City of Stonecrest, Georgia article 3 (Overlay District Regulations), article 4 (Use Regulations), article 6 (Parking) and article 9 (Definitions/Maps) within Chapter 27 (Zoning Ordinance).

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: DENIAL

TMOD-23-003 Planning and Zoning Department

FACTS & ISSUES

- CPIM
  - May 11, 2023
- Planning Commission
  - June 26, 2023
- There are five (5) current self-storages within the City of Stonecrest
- The current Zoning Ordinance classifies Public-Storage as mini warehouses.
- The staff is proposing a change in definition, supplemental regulations, and parking requirements.

Attachment(s) Included:

- **Revisions to the Zoning Ordinance regarding Self-Storage Facilities**
- **Existing self-storage facilities within the City of Stonecrest**

TMOD-23-003

STONECREST ZONING ORDINANCE UPDATE

Revision to the Zoning Ordinance, Chapter 27

Article 3. - Overlay District Regulations

Division 1. - Overlay District

Sec. 3.1.6. – Overlay Use Table.

Table 3.1 Overlay Use

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	T2	T3		See Section 4.2
							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
INDUSTRIAL											
Alcohol or alcoholic beverage manufacturing											
Alternative energy production	SP	SP	SP								
Automobile/truck manufacturing											
Brick, clay, tile, or concrete products terra cotta manufacturing											
Building materials or lumber supply establishment	P	P	P	P							
Cement, lime, gypsum, or plaster of Paris manufacturing											
Compressed gas fuel station	SP	SP	SP	P							
Chemical manufacture, organic or inorganic											
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	
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								✓
Heavy equipment repair service or trade	P	P	P	P			X	X	X		
Ice manufacturing plant			P								
Incidental retail sales of goods produced or processed on the premises			Pa								
Incineration of garbage or refuse when conducted within an enclosed plant											
Industrial, heavy											
Industrial, light			P								
Intermodal freight terminal, bus or rail freight or passenger terminal, or truck terminal											
Leather manufacturing or processing											
Light malt beverage manufacturer (See also Brewpub)	Pa	Pa	P	Pa							
Light manufacturing			P								
Manufacturing, heavy											✓
Manufacturing operations not housed within a building											✓
Mines or mining operations, quarries, asphalt plants, gravel pits or soil pits											✓
Outdoor storage, industrial	X	X	X	X	X		X	X	X		✓
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 collection	Pa	Pa	Pa	Pa							
Recycling plant			P								
Repair/manufacture of clocks, watches, toys, electrical appliances, electronic, light sheet			P								
Research, experimental or testing laboratories			P								
Rubber or plastics manufacture			P								
Salvage yard (Junkyard)	X	X	X	X	X		X	X	X	X	✓
Self-Storage (mini or multi)	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										X	✓

materials including radioactive materials																							
Smelting: copper, iron, zinc, or ore																							
Storage yard, except vehicle																							
Storage yard for damaged or confiscated vehicles		X						X	X	X													
Sugar refineries		X																					
Tire retreading and recapping	X	X	X	X	X			X	X	X													
Towing or wreckage service			P																				
Transportation equipment storage or maintenance (vehicle)																					X	✓	
Truck stop or terminal																					X		
Vehicle storage yard																					X		
Warehousing or Storage	P	P	P																		X		

Article 4. - Use Regulations
Division 1. Overview of Use Categories and Use Table
Sec. 4.1.3. – 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**
INDUSTRIAL																									
Alcohol or alcoholic bevera																			P	P					

ge manufacturing																								
Alternative energy production																	SP	P	P					
Automobile/truck manufacturing																			P					
Brick, clay, tile, or concrete products terra cotta manufacturing																			P					
Building materials or lumber supply establishment																P		P						
Cement, lime, gypsum, or plaster																			P					

of Paris manufacturing																								
Compressed gas fuel station																SP		P	P					
Chemical manufacture, organic or inorganic																			P					
Contractor, general (See also Building or Construction Office)																P		P	P		P	P		✓
Contractor, heavy construction, outside storage																P		P	P					✓
Contractor, special trade																P		P	P					
Crema													SP			SP	SP		P	P					✓

torium s																							
Fabric ated metal manuf acture, no EDP permit requir ed																		P	P				
Fabric ated metal manuf acture, EPD permit requir ed																			S P				
Fuel dealer s, or wholes alers																		P	P				
Gener al aviatio n airport																		S P	S P				✓
Heavy equip ment repair service or trade																P		P	P				
Ice manuf acturi ng plant																		P	P				
																		P	P				

Incidental retail sales of goods produced or processed on the premises																		a	a					
Industrial, heavy																			P					
Industrial, light																		P	P					
Intermodal freight terminal, bus or rail freight or passenger terminal, or truck terminal																			P					
Leather manufacturing or processing																			P					
Light malt bevera															Pa	Pa	Pa		P	P	Pa	Pa	Pa	Pa	

ge manufacturer (See also Brewpub)																								
Light manufacturing																		P	P					
Manufacturing, heavy																			P					✓
Manufacturing operations not housed within a building																			P					✓
Mines or mining operations, quarries, gravel pits or soil pits																			P					✓
Mines or mining operat																		SP	SP					

ions, Asphalt plant																							
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					
Repair/manufacture of clocks, watches, toys, electrical appliances, electronic																		P	P					
Research, experimental or testing laboratories																		P	P					
Salvage yard (Junk yard)																			P					✓
Self-Storage, Mini												S P					S P	P	P					✓
Self-Storage, Multi																		P	P					✓
Solid waste: general disposal, private industr																			P					✓

ry disposal, handling facility,																								
Storage yard, except vehicle																			P					✓
Storage yard for damaged or confiscated vehicles																			P					✓
Towing or wreckage service																		P	P					
Transportation equipment manufacture																			P					
Transportation equipment storage or maintenance																		P	P					✓

(vehicle)																								
Truck stop or terminal																		P	P					
Vehicle storage yard																		P	P					
Warehousing or Storage																	P	P	P					

Article 4. Use Regulations
Division 2. - Supplemental Use Regulations
Sec. 4.2.65. – Self-Storage, Mini
Mini self-storages shall meet the following requirements:

A. Maximum of one (1) level/story

B. Requires a Special Land Use Permit in OI and OD Zoning District.

C. The storage facility shall be climate-controlled; no outside storage is allowed.

D. All buildings must have windows or architectural treatments that appear as windows.

E. Lot must be a minimum of one (1) acre.

F. At least 75 percent of the total on-site storage space shall be contained in individual enclosed stalls containing no more than 500 square feet each and being no more than 10 feet high.

G. No activities other than the dead storage or transfer of nonvolatile goods or

leasing of storage space is allowed. Prohibited uses include but are not limited to miscellaneous sales; fabrication or repair of vehicles, equipment, or other goods; transfer-storage business based on site; residential uses, or any use which creates a nuisance due to noise, odor, dust, light, or electrical interference.

H. An on-site manager shall be required and shall be responsible for the operation of the facility in conformance with the conditions of approval.

I. Provide a minimum six-foot high, 100 percent opaque solid wooden fence or masonry wall along the entire length (except for approved access crossings) of all property lines. Said fence/wall shall be located outside of any public right-of-way and interior to any required landscape strips or buffers.

J. A new or expanded self-storage facility shall be located a minimum of 1,500 feet from the boundary of any other self-storage facility (mini or multi).

Article 4. Use Regulations

Division 2. - Supplemental Use Regulations

Sec. 4.2.66. – Self-Storage, Multi

Multi self-storages shall meet the following requirements:

A. Minimum of two (2) levels/stories; maximum of four (4) levels/stories.

B. Requires a Special Land Use Permit in OI and OD Zoning District.

C. The storage facility shall be climate-controlled; no outside storage is allowed.

D. All buildings must have windows or architectural treatments that appear as windows.

E. Lot must be a minimum of one (1) acre.

F. No activities other than the dead storage or transfer of nonvolatile goods or leasing of storage space are allowed. Prohibited uses include but are not limited to miscellaneous sales; fabrication or repair of vehicles, equipment, or other goods; transfer-storage business based on site; residential uses, or any use which creates a nuisance due to noise, odor, dust, light, or electrical

interference.

G. No outside storage shall be allowed.

H. A new or expanded self-storage facility shall be located a minimum of 1,500 feet from the boundary of any other self-storage facility (mini or multi).

Article 6. Parking
Sec. 6.1.4. – Off-street Parking Ratios.
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**	**Three spaces per dwelling unit, plus one-quarter**

	space per dwelling unit to accommodate guest parking.	**space per dwelling unit to accommodate guest parking.**
Attached two-family and three-family dwellings	**1½ spaces per dwelling unit, not including garage, plus one-quarter space per dwelling unit to accommodate guest parking.**	**Three spaces per dwelling unit, not including garage, plus one-quarter space per dwelling unit to accommodate guest parking.**
Multifamily dwellings	**1½ spaces for every dwelling unit.**	**Three spaces for every dwelling unit.**
Mobile Homes	**Two spaces per mobile home lot.**	**Four spaces per mobile home lot.**
Multifamily dwellings, supportive living	**One-half space per dwelling unit.**	**One space per dwelling unit.**
Fraternity house or sorority house	**One space per bed.**	**1¼ spaces per bed.**
Rooming house or boarding house, shelter	**One space per four beds.**	**One space per 1½ beds.**
Senior housing	**One-half space per dwelling unit, plus one-quarter space per dwelling unit to accommodate guest parking.**	**Two spaces per dwelling unit, plus one-quarter space per dwelling unit to accommodate guest parking.**
Assisted Living	**One-half space per dwelling unit.**	**One space per dwelling unit.**
Personal care home, group	**Two spaces.**	**Four spaces**
Personal care home, community	**One space for every 3 beds.**	**One space for every 2 beds.**
Child daycare facility	**Two spaces.**	**Four spaces.**
Child caring institution, group	**Two spaces.**	**Four spaces.**
Child caring 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**	**One space for each 200**

	square feet of floor area	**square feet of floor area.**
Hospital and similar institutional use	**One space per three beds.**	**No maximum.**
Nursing care facility, nursing or convalescent home, and similar institutional use	**One-quarter space per bed**	**One-half space per bed**
Kindergarten	**One space per 300 square feet of floor area.**	**One space per 200 square feet of floor area.**
Places of assembly with fixed seating, including places of worship, movie theaters, stadiums, auditoriums, live performance theaters, conference centers and cultural facilities	**One space for each four seats in the largest assembly room.**	**One space for each two seats in the largest assembly room.**
Places of Assembly without fixed seating, including conference centers, gymnasiums, Place of Worship, libraries, museums, cultural facilities and art galleries	**One space for each 40 square feet of floor space in the largest assembly room.**	**One space for each 20 square feet of floor space in the largest assembly room.**
Private elementary and middle school	**1½ spaces for each classroom.**	**Two spaces for each classroom, plus one space for each 50 square feet in largest assembly room.**
Private high school	**Three spaces for each classroom.**	**Five spaces for each classroom, plus one space for each 50 square feet in largest assembly room.**
Colleges, including trade, vocational, and commercial vocational schools	**Ten spaces per classroom, plus 2½ spaces for each 1,000 square feet of floor area in the library or assembly area.**	**No maximum.**
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	**One space for each 200 square feet of floor area.**	**One space for each 100 square feet of floor area.**

sorority houses)		
Public or private swimming pool, neighborhood recreation club/subdivision clubhouse and amenities (recreation and meeting rooms, swimming, and playground), or similar use	**One space per 10 homes.**	**One space per five homes.**
Public or private golf course	**15 spaces per nine holes.**	**30 spaces per nine holes.**
Indoor recreational facilities, not including bowling alley, swimming pool, tennis courts, or neighborhood recreation centers	**One space for each 300 square feet of floor area.**	**One space for each 125 square feet of floor area.**
Special events facilities	**One space for each 200 square feet of space used for such activity.**	**One space for each 100 square feet of space used for such activity.**
Temporary outdoor social, religious, seasonal, entertainment or recreation activity	**One space for each 300 square feet of land devoted to such use; or where such use is conducted within a tent one space for each 300 square feet of area within the tent enclosure.**	**One space for each 200 square feet of land devoted to such use; or where such use is conducted within a tent one space for each 200 square feet of area within the tent enclosure.**
Public or private tennis courts	**Three spaces per court.**	**Four spaces per court.**
Outdoor recreational uses, waterparks, amusement parks	**One space for each 3,000 square feet of gross site area.**	**One space for each 1,000 square feet of gross site area.**
Commercial		
Adult daycare center	**Two spaces**	**Four spaces**
Automobile repair garage, minor repair, and maintenance establishments	**One space for each 400 square feet of floor space.**	**One space for each 150 square feet of floor space.**
Automobile service station	**Two spaces for each service bay, with minimum of ten spaces required.**	**Three spaces for each service bay, with maximum of 15 spaces required.**
Bed and breakfast inn	**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**	**Three stacking spaces for**

	each car wash lane plus two drying spaces per lane.	**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.**
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	**One space for each 500 square feet of floor area.**	**One space for each 200 square feet of floor area.**

business uses, but not including Convenience Stores or Grocery Stores or other uses described more particularly herein		
Sexually Oriented Businesses	**One parking space for each 400 square feet of floor area in the building.**	**One parking space for each 25 square feet of floor area in the building.**
Storage facilities (mini-warehouse)	**One space for each 8,000 square feet of floor area**	**One space for each 5,000 square feet of floor area.**
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.**
Storage Facilities (mini or multi)	**One space for each 20-storage unit**	**No maximum**
Warehouse, distribution	**One space for each 2,500 square feet of floor area.**	**One space for each 500 square feet of floor area.**
Wholesale membership club	**One space for each 500 square feet of floor area**	**One space for each 200 square feet of floor area.**
Wholesale trade establishments, distribution establishments, offices in conjunction with showrooms, and similar uses	**One space for each 200 square feet of floor area devoted to sales or display, plus one space for each 2,000 square feet of gross storage area.**	**One space for each 150 square feet of floor area devoted to sales or display, plus one space for each 1,500 square feet of gross storage area.**

Article 9. - Definitions/Maps

Sec. 9.1.3. – Defined terms.

Self-Storage (mini or multi) means a building or group of buildings in a controlled-access and secured compound that contains vary sizes of individual, compartmentalized and controlled-access stalls or lockers for the storage of customers' goods or wares, and shall be climate-controlled. Noting or pertaining to a warehouse or other facility that rents units to people for storing personal possessions.

STATE OF GEORGIA

DEKALB COUNTY

CITY OF STONECREST

ORDINANCE NO. ____-_____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STONECREST, GEORGIA ARTICLE III (OVERLAY DISTRICT REGULATIONS), ARTICLE IV (USE REGULATIONS), ARTICLE VI (PARKING) AND ARTICLE VIIII 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 PURPOSES.

WHEREAS, the governing body of the City of Stonecrest ("City") is the Mayor and City Council thereof; and

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

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

WHEREAS, the Mayor and City Council desire to amend ARTICLE III (OVERLAY DISTRICT REGULATIONS), ARTICLE IV (USE REGULATIONS), ARTICLE VI (PARKING) AND ARTICLE VIIII 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 Zoning recommends approval based on the City Staff Report; and

WHEREAS, a public hearing and recommendation pursuant to the provisions of the Zoning Procedures Law has been provided by the Planning Commission; and

WHEREAS, a public hearing pursuant to the provisions of the Zoning Procedures Law has been properly held by the City Council 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 ARTICLE III (OVERLAY DISTRICT REGULATIONS), ARTICLE IV (USE REGULATIONS), ARTICLE VI (PARKING) AND ARTICLE VIIII WITHIN CHAPTER 27 (ZONING ORDINANCE) by adopting the amendment set forth in Exhibit A attached hereto and made a part hereof by reference.

Section 2. That text added to current law appears in **red and bold** 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 _____, 2023.

[SIGNATURES TO FOLLOW]

CITY OF STONECREST, GEORGIA

_____

Jazzmin Cobble, Mayor

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

EXHIBIT A

CITY COUNCIL AGENDA ITEM

SUBJECT: HB1405 Zoning Procedures Changes

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 28, 2023

SUBMITTED BY: Director of Planning and Zoning Ray White

PRESENTER: Director of Planning and Zoning Ray White

PURPOSE: The Georgia General Assembly passed HB105 to amend Title 36 of the Official Code of Georgia Annoted, relating to local governments, so as to revise "The Zoning Procedures Law." This presentation will highlight the amendments to Georgia Zoning Code and confirm how the amendments will impact the City of Stonecrest's Zoning Code.

FACTS: N/A

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

RECOMMENDED ACTION: Approval

ATTACHMENTS:

(1) Attachment 1 - Staff Report
(2) Attachment 2 - Click or tap here to enter text.
(3) Attachment 3 - Click or tap here to enter text.

CITY COUNCIL AGENDA ITEM

(4) Attachment 4 - Click or tap here to enter text.
Choose an item. Click or tap here to enter text.

Raymond White
Director
Planning and
Zoning Department

Matthew Williams
Deputy Director
Planning and
Zoning Depart

TO: City Coucil

FROM: Planning and Zoning Department

SUBJECT: HB-1405

ADDRESS: City-Wide

MEETING DATE: June 26, 2023

Summary: Implementation of State of Georgia new Zoning Procedures Laws

STAFF RECOMMENDATION: APPROVAL

HB1405

Planning & Zoning Department

FACTS & ISSUES

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

Attachment(s) Included:

- **HB-1404 ZPL Summary/Changes**
- **Revisions to the Zoning Ordinance regarding new zoning procedure laws**

Georgia House Bill 1405: Revisions to Zoning Procedures Law
Summary Table

	SECTION	CHANGE	INTERPRETATIONS TO BE DETERMINED LOCALLY WITH COUNSEL
DEFINITIONS	Sec. 36-66-3(1.1)	Defines "quasi-judicial officers, boards, or agencies" as those entities rendering decisions on variances, special administrative permits, special exceptions, conditional use permits, or other zoning decisions.	Need to determine how to handle the difference between a conditional use and a special use. No definition provided for each of the application types in the list of quasi-judicial decisions in the amendment.
	Sec. 36-66-3(4)	Defines "zoning decision" as a rezoning, text amendment, special use, and concurrent variances - Incorporates "repeal" of decisions and conditions in the definition of "zoning decision" - Incorporates variances concurrent with special uses of property and rezonings in the definition of "zoning decision"	Consider whether administrative variances and procedures for minor modifications can be reviewed at the administrative level without a public hearing since alterations of conditions are considered "zoning decisions."
REQUIRED HEARINGS	Sec. 36-66-4(a)	Only one hearing is required for text amendments, rezonings, special uses, and concurrent variances. Only one hearing is required for any combination thereof.	
	Sec. 36-66-4(g)	One hearing per proposed action required for all quasi-judicial decisions.	Consider whether this requires the opening and closing of a separate hearing for each variance request. Compare the language to the zoning decision language in (a) of that section for context.
	Sec. 36-66-4(h)(1), (2), and (3):	Text amendments that involve allowing multi-family (MF) uses in a single-family residential (SFR) district; abolition of SFR classifications in jurisdictions; or when properties are granted ability to deviate from existing zoning requirements in single-family residential zoning districts – does not apply to SFR uses being changed to MFR uses for owner-initiated applications.	No definition of MF in ZPL.
			Determine if this section should apply to planned unit development districts.
			Note that the requirement specifies "uses," not zoning. The exemption specifies "owner-initiated applications only.
		Decisions to be adopted at two regular meetings that are to be a minimum of 21 days apart.	
		Prior to two-read adoption, two additional public hearings required: - Hearings shall be held 3-9 months prior to date of final adoption - At least one hearing shall be held between 5 p.m. and 8 p.m.	

Georgia Planning Association
Policy & Advocacy Committee

Georgia House Bill 1405: Revisions to Zoning Procedures Law

Summary Table

	SECTION	CHANGE	INTERPRETATIONS TO BE DETERMINED LOCALLY WITH COUNSEL
NOTICE	Sec. 36-66-4(g)	Quasi-judicial decisions: 30 days notice	
		Quasi-judicial decisions: Requires written notification to property owner and newspaper ad	Note the added requirement to send written notice to the property owner.
	Sec. 36-66-4(h)(1), (2), and (3)	Applies to same scenarios as above - Text amendments that involve allowing multi- family (MF) uses in a single-family residential (SFR) district; abolition of SFR classifications in jurisdictions; or when properties are granted ability to deviate from existing zoning requirements in single-family residential zoning districts – does not apply to SFR uses being changed to MFR uses for owner-initiated applications.	No definition of MF in ZPL.
			Determine if this section should apply to planned unit development districts.
			Note that the requirement specifies "uses," not zoning. The exemption specifies "owner-initiated applications only.
		Post notice on each affected "premises." If there are more than 500 parcels, posting is only required every 500 feet.	Determine if "premises" is referring also to situations where properties impacted by text amendments have to be posted under the cited scenarios.
		Newspaper ad Minimum of 15 days/not more than 45 days from hearing (unchanged) Prominent notice of purpose (provide full description of intent of change) 9 column inches Shall not located in classified section State that a copy of proposed ordinance is on file (to be furnished upon request at no cost).	

Georgia House Bill 1405: Revisions to Zoning Procedures Law
Summary Table

	SECTION	CHANGE	INTERPRETATIONS TO BE DETERMINED LOCALLY WITH COUNSEL
WRITTEN POLICY	Sec. 36-66-5	Policies and procedures outlined in ZPL shall be incorporated into ordinance (a portion is existing but requirements specific to quasi-judicial decisions has been added).	
		Incorporate requirements for designating hearing procedures, criteria for review, and providing printed copies of procedures at quasi-judicial hearings.	
DELEGATION OF DECISION MAKING POWER TO OFFICER, BOARD, OR AGENCY	Sec. 36-66-4(g)	Specific changes are noted elsewhere in chart - this line item is added specifically to contemplate whether the requirements are different in the authority is not delegated.	Identify whether local interpretation is that requirements related to quasi-judicial decisions are not required when decisions are made by governing body (i.e.: the authority is not delegated to a subordinate board).

Georgia House Bill 1405: Revisions to Zoning Procedures Law
Summary Table

	SECTION	CHANGE	INTERPRETATIONS TO BE DETERMINED LOCALLY WITH COUNSEL
APPEALS	Sec. 36-66-5.1	Zoning decisions – subject to de novo review that reviews the record and any new evidence.	Note implications for conditional use permits and special uses based on how prior sections are interpreted.
		Quasi-judicial decisions – subject to appellate review – reviews only the record.	
		Government to designate (by ordinance or resolution) - Officer of quasi-judicial board to receive service (at office during regular hours) - Elected official or designee for quasi-judicial appeals	
		Appeal stays all actions	
EFFECTIVE DATE	Sec. 36-66-5	No text amendments adopted after July 1, 2022 are procedurally correct unless adoption procedures comply with the aforementioned changes.	
	Sec. 36-66-2(a)	No zoning or quasi-judicial decision prior to July 1, 2023 is rendered invalid or void because of failure to update ordinances.	

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.

The comprehensive plan is hereby established as the official policy of the city concerning designated land uses and development types, under which the incorporated areas of the city are divided into the following categories referred to as character areas:

A. Rural Residential.

B. Suburban.

C. Traditional Neighborhood.

D. Neighborhood Center.

E. Town Center.

F. Regional Center.

G. Industrial.

H. Light Industrial.

I. Institutional.

J. Office Park.

K. Commercial Redevelopment Corridor.

L. Scenic Corridor.

M. Highway Corridor.

The comprehensive plan shall refer to DeKalb County's comprehensive plan in effect on the effective date of the ordinance from which this section is derived (DeKalb County 2035 Comprehensive Plan), until such time as the city adopts its own comprehensive plan or otherwise amends or repeals this section.

(Ord. of 8-2-2017, § 1(1.2.1))

Sec. 1.2.2. Character areas (land use categories).

The boundaries of the various character areas (land use categories), as shown on the future development map and described within the policy narrative of the comprehensive plan, are made a part of this chapter. The official description of these character area boundaries shall be maintained by the director of planning. Where uncertainty regarding character area boundaries exists, the rules set forth in section 1.1.15 shall apply. All such maps and all notations, references and information shown thereon shall be as much a part of this chapter as if all the matter and information set forth by the maps were fully described herein. All other writings concerning the comprehensive plan, including technical documents and appendices adopted simultaneously with the comprehensive plan, are for guidance and information purposes only, and are not made a part of this chapter.

(Ord. of 8-2-2017, § 1(1.2.2))

Sec. 1.2.3. Relationship between character areas and zoning districts.

The character area categories established in the adopted comprehensive plan and shown on the future development map are to be implemented by approving rezonings to zoning districts listed within the following categories in Table 1.2, except the Scenic Corridor character area in which any zoning district may be approved. The zoning districts that are permitted within each character area shall be restricted as provided by Table 1.2.

(Ord. of 8-2-2017, § 1(1.2.3))

Sec. 1.2.4. Relationship between supplemental plans and zoning districts.

Section 5.7, Supplemental Plans of the comprehensive plan references all supplemental plans that focus on areas, situations, or issues of importance to City of Stonecrest. These plans include, but are not limited to, redevelopment plans, neighborhood plans, city wide plans, corridor plans, or plans for conservation management. Where the city council has adopted a supplemental plan's policies and development standards, these policies and development standards will serve as guidelines to support the existing future development plan (Section 4.3, Future Development Plan) and character area policies (Section 5.4-13.1, Land Use Character Area Policies and Strategies).

Table 1.2. Character Areas and Permitted Zoning Districts

	Ru ral	Su bu	Tr ad	Ne ig	To w	Re gi	Of fic	Ins tit	In du	Lig ht	Co m	Hi gh
Zoning District	RE	RE	RE	R-CO	RSM	MR-1	HR-1	R-100	M	C-2	RSM	HR-1
	RLG	RLG	RLG	RSM	MR-1	MR-2	MU-1	R-85	M-2	CO	MR-1	MU-1
	R-100	R-100	R-100	MR-1	MR-2	HR-1	MU-2	R-75	CO	OI	MR-2	MU-2
	R-85	R-85	R-85	MR-2	HR-1	HR-2	MU-3	R-60	C-2	M	MU-1	MU-3
	R-75	R-75	R-75	MU-1	HR-2	HR-3	MU-4	RSM		M-2	MU-2	MU-4
	RNC	R-60	R-60	MU-2	MU-1	MU-1	NS	MR-1			MU-3	C-1
	MHP	RNC	RNC	MU-3	MU-2	MU-2	C-1	MR-2			NS	C-2
	NS	MHP	RSM	NS	MU-3	MU-3	C-2	MU-1			C-1	CO
		RSM	MR-1	C-1	MU-4	MU-4	OIT	MU-2			C-2	OI
		MU-1	MU-1	OI	MU-5	MU-5	OI	MU-3			OI	OIT
		NS	MU-2	OIT	OI	OI	OD	OI			OD	M
		C1	NS		OIT	OIT		OIT			OIT	M-2
		OIT	C-1		C-1	C-1						
		OI	OIT		C-2	C-2						

* du/a = dwelling units per acre

(Ord. of 8-2-2017, § 1(1.2.4))

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. Appropriate zoning districts for character area designations.

The zoning districts compatible with and acceptable within the character areas set forth in the comprehensive plan are established in section 1.2.3 and Table 1.2 of this chapter.

(Ord. of 8-2-2017, § 1(2.1.4))

Sec. 2.1.5. Permitted uses.

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

DIVISION 2. RESIDENTIAL ZONING DISTRICTS: DIMENSIONAL REQUIREMENTS

Sec. 2.2.1. Dimensional requirements.

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

Table 2.2. Residential Zoning Districts Dimensional Requirements

Residential Single-Family Zoning Districts								
KEY: Housing Types: SF: Single-Family, TF: Two-Family, TRF: Three-Family, MF: Multifamily Character Areas: RC: Regional Center, TC: Town Center, NC: Neighborhood Center, SUB: Suburban								
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 frontage (feet)	150	65	100	85	75	60	Parks: 400 Lots: 50	*
Lot width at building line (feet)	150	65	100	85	75	60	N/A	*
Lot width fronting cul-de-sac (feet)	35	35	35	35	35	35	N/A	*
Lot coverage (maximum percent)	25	30	35	35	35	35	N/A	*
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	35	35	35	35	35	35	35	*

infill overlay = 28 feet)								
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))

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 in Table 4.1. 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))

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 in Table 4.1. 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))

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 in Table 4.1. 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))

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 in Table 4.1. 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))

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 in Table 4.1. 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))

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 in Table 4.1. 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))

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 in Table 4.1. 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))

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 in Table 4.1. 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))

Sec. 2.10.4. Scaled site plan.

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

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

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

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

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

E. Building envelopes for fee simple lots;

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

G. Maximum lot coverage;

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

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

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

K. Underground detention facilities;

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

M. Access to public sewer;

N. All easements;

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

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

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

(Ord. of 8-2-2017, § 1(2.10.4))

Sec. 2.10.5. Calculation and design of greenspace.

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

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

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

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

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

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

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

E. No impervious surface, except:

(1) Areas used for active recreation;

(2) Historic buildings or historic sites; and

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

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

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

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

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

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

(Ord. of 8-2-2017, § 1(2.10.5))

Sec. 2.10.6. Development standards and permitted uses.

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

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

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

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

(Ord. of 8-2-2017, § 1(2.10.6))

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

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

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

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

3. Minimum lot area: 6,000 square feet, except that each lot on the periphery of a development within property zoned RNC (Residential Neighborhood Conservation) District that abuts adjacent property zoned and used for single-family residential purposes shall contain a lot area that is at least 80 percent of the minimum lot area required by the adjoining residential zoning.

4. Minimum building setback adjacent to public or private streets:

   a. From thoroughfares: 30 feet.

   b. From arterials: 30 feet.

   c. From collector streets: 30 feet.

   d. From local streets: 20 feet.

5. Minimum interior lot side building setback: 7½ (7.5) feet.
6. Minimum periphery lot side building setback: Lots on the periphery of any RNC (Residential Neighborhood Conservation) District development shall maintain a minimum 20-foot side yard setback from any adjacent parcel located outside of the boundary of such development.
7. Minimum rear building setback: 20 feet.

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

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

C. 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))

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 caring 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)	Eligible Character Areas
Small Lot Residential Mix	RSM	4—8	Suburban Traditional Neighborhood Center Town Center Institutional Commercial Redevelopment Corridor
Medium Density Residential-1	MR-1	8—12	Traditional Neighborhood Center Town Center Regional Center Institutional Commercial Redevelopment Corridor
Medium Density Residential-2	MR-2	12—24	Neighborhood Center Town Center Regional Center Institutional Commercial Redevelopment Corridor
High Density Residential-1	HR-1	24—40	Town Center Regional Center Office Park Highway Corridor
High Density Residential-2	HR-2	40—60	Town Center Regional Center Office Park Highway Corridor
High Density Residential-3	HR-3	60—120	Regional Center

(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 Character Areas: RC: Regional Center, TC: Town Center, TN: Traditional Neighborhood, NC: Neighborhood Center, SUB: Suburban

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 in Table 4.1. 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))

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. Use of bonuses shall permit a development to exceed the maximum base density established for the district in which the development property is located, provided that, in no case, shall a development exceed the maximum density allowed by the character area in which the property is located. Table 2.5 describes the maximum allowed dwelling unit density after application of any bonuses.

Table 2.5. R-SM Character Area and Bonus Residential Density Maximum

Character Area	RSM Dwelling Units per Acre	
	Base Max	Bonus Max
Suburban	4	8
Traditional Neighborhood	4	8
Neighborhood Center	4	8
Commercial Redevelopment Corridor	4	8
Town Center	4	8

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.

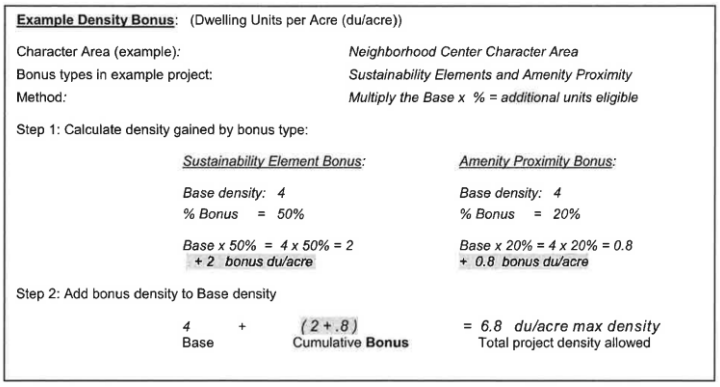
C. Density bonus eligibility and calculations. Density bonuses are allowed only for subdivisions, as defined in this chapter, and are expressly not allowed for individual infill lots. The maximum allowed density on RSM (Small Lot Residential Mix) District zoned property may be increased above the Base 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.

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



(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 in Table 4.1. 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))

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. Use of bonuses shall permit a development to exceed the maximum base density established for the district in which the development property is located, provided that, in no case, shall a development exceed the maximum density allowed by the character area in which the property is located, according to the future development map adopted at the time of land disturbance permit application. Table 2.7 describes the maximum allowed dwelling unit density after application of any bonuses.

Table 2.7. MR-1 Character Area Base and Bonus Residential Density Maximum

Character Area	MR-1 Dwelling Units per Acre	
	Base Max	Bonus Max
Traditional Neighborhood	8	12
Neighborhood Center	8	12
Commercial Redevelopment Corridor	8	12
Town Center	8	12
Institutional	8	12
Regional Center	8	12

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 within the edges and transitional areas of the Town Center and Regional Center character areas.

(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 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.

(Ord. of 8-2-2017, § 1(2.14.2))

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. Use of bonuses shall permit a development to exceed the maximum base density established for the district in which the development property is located, provided that, in no case, shall a development exceed the maximum density allowed by the character area in which the property is located, according to the future development map adopted at the time of land disturbance permit application. Table 2.8 describes the maximum allowed dwelling unit density after application of any bonuses.

Table 2.8. MR-2 Character Area Base and Bonus Residential Density Maximum

Character Area	MR-2 Dwelling Units per Acre	
	Base Max	Bonus Max
Commercial Redevelopment Corridor	12	18
Town Center	12	24
Neighborhood Center	12	24
Institutional	12	24

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 in Table 4.1. 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))

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. Use of bonuses shall permit a development to exceed the maximum base density established for the district in which the development property is located, provided that, in no case, shall a development exceed the maximum density allowed by the character area in which the property is located, according to the future development map adopted at the time of land disturbance permit application. Table 2.10 describes the maximum allowed dwelling unit density after application of any bonuses.

Table 2.10. HR-1 Character Area Base and Bonus Residential Density Maximum

Character Area	HR-1 Dwelling Units per Acre	
	Base Max	Bonus Max
Town Center	24	40
Regional Center	24	40
Office Park	24	30
Highway Corridor	24	30

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 in Table 4.1. 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))

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. Use of bonuses shall permit a development to exceed the maximum base density established for the district in which the development property is located, provided that, in no case, shall a development exceed the maximum density allowed by the character area in which the property is located, according to the future development map adopted at the time of land disturbance permit application. Table 2.12 describes the maximum allowed dwelling unit density after application of any bonuses.

Table 2.12. HR-2 Character Area Base and Bonus Residential Density Maximum

Character Area	HR-2 Dwelling Units per Acre	
	Base Max	Bonus Max
Town Center	40	60
Regional Center	40	60

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 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.

(Ord. of 8-2-2017, § 1(2.17.2))

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. Use of bonuses shall permit a development to exceed the maximum base density established for the district in which the development property is located, provided that, in no case, shall a development exceed the maximum density allowed by the character area in which the property is located, according to the future development map adopted at the time of land disturbance permit application. Table 2.14 describes the maximum allowed dwelling unit density after application of any bonuses.

Table 2.14. HR-3 Character Area Base and Bonus Residential Density Maximum

Character Area	HR-3 Dwelling Units per Acre	
		Base Max
Regional Center	60	120

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)	Eligible Character Areas
Mixed-Use Low Density	MU-1	4—8	Suburban Traditional Neighborhood Neighborhood Center Town Center Institutional Commercial Redevelopment Corridor
Mixed-Use Low-Medium Density	MU-2	8—12	Traditional Neighborhood Neighborhood Center Town Center Regional Center Institutional Commercial Redevelopment Corridor
Mixed-Use Medium Density	MU-3	12—24	Neighborhood Center Town Center Regional Center Institutional Commercial Redevelopment Corridor

Mixed-Use High Density	MU-4	24—40	Town Center Regional Center Office Park
Mixed-Use Very High Density	MU-5	40—60	Town Center Regional Center: additional bonus up to 120

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 Character Areas: SUB: Suburban, TN: Traditional Neighborhood, NC: Neighborhood Center, TC: Town Center, RC: Regional Center				
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. Rezoning to the MU-1. (Mixed-Use Low Density) District.

Properties within the Suburban, Traditional Neighborhood, Neighborhood Center, Town Center, Regional Center, Office Park, Institutional, Commercial Redevelopment Corridor and Highway Corridor character areas of the City of Stonecrest Comprehensive Plan Future Development Map are eligible to be rezoned to the MU-1 District.

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.

A. Use of bonuses shall permit a development to exceed the maximum base density established for the district in which the development property is located, provided that, in no case, shall a development exceed the maximum density allowed by the character area in which the property is located, according to the future development map adopted at the time of land disturbance permit application. Table 2.18 describes the maximum allowed dwelling unit density after application of any bonuses.

Table 2.18. MU-1 Character Area and Bonus Residential Density Maximum

Character Area	MU-1 Dwelling Units per Acre	
	Base Max	Bonus Max
Suburban	4	8
All other character areas	4	8

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.

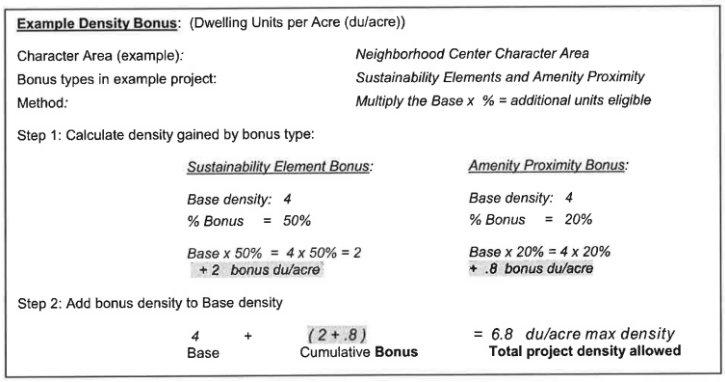
2. New MU-1 districts: For property rezoned to the MU-1 (Mixed-Use Low Density) District classification after the effective date of the ordinance from which this chapter is derived, density shall be established by the City Council at the time of approval of the MU-1 District, based upon the criteria 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))

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.

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 reference to Table 2.19 for MU-1 density shall be to Table 2.20 for MU-2 density.

Table 2.20. MU-2 Character Area and Bonus Residential Density Maximum

Character Area	MU-2 Dwelling Units per Acre	
	Base Max	Bonus Max
Traditional Neighborhood	6	12
All other character areas	8	12

(Ord. of 8-2-2017, § 1(2.20.1))

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

Sec. 2.21.1. District requirements, standards and criteria.

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 reference to Table 2.20 for MU-2 density shall be to Table 2.21 for MU-2 density.

Table 2.21. MU-3 Character Area and Bonus Residential Density Maximum

Character Area	MU-3 Dwelling Units per Acre	
	Base Max	Bonus Max
Town Center	12	24
Regional Center	12	24
Neighborhood Center	12	24
All other character areas	12	24

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))

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

Sec. 2.22.1. District requirements, standards and criteria.

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 reference to Table 2.21 for MU-3 density shall be to Table 2.22 for MU-4 density.

Table 2.22. MU-4 Character Area and Bonus Residential Density Maximum

Character Area	MU-4 Dwelling Units per Acre	
	Base Max	Bonus Max
Town Center	24	40
Regional Center	24	40
Office Park	24	30
Highway Corridor	24	30

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))

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

Sec. 2.23.1. District requirements, standards and criteria.

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 reference to Table 2.21 for MU-3 density shall be to Table 2.23 for MU-5 density.

Table 2.23. MU-5 Character Area and Bonus Residential Density Maximum

Character Area	MU-5 Dwelling Units per Acre	
	Base Max	Bonus Max
Town Center	40	60
Regional Center	40	120

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))

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 2.2. Nonresidential Zoning Districts Dimensional Requirements

Nonresidential Districts								
KEY: Character Areas: RC: Regional Center, TC: Town Center, NC: Neighborhood Center, SUB: Suburban								
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	TC/RC: 90 All other: 80	TC/RC: 90 All other: 80	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)								
Urban Character Areas (Town Center, Regional Center)								
Front thoroughfares and arterials (min./max. feet)	20/60	20/50*	10/60	20/60	20/60	Not permitted	Not permitted	Not permitted
Front - all other streets (min./max. feet)	10/60	10/60*	5/60	10/60	10/60	Not permitted	Not permitted	Not permitted
Side - interior lot (feet)	20	20*	20	15	15	Not permitted	Not permitted	Not permitted
Side - corner lot on public streets (feet)	30	15*	15	30	30	Not permitted	Not permitted	Not permitted
Rear (feet)	20	20*	20	20	20	Not permitted	Not permitted	Not permitted
All Other Character Areas								
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 of Multifamily (min. sq. ft.)	1,000	1,000	Not permitted	Not permitted	Not permitted	Not permitted	1,000	Not permitted
Floor area of live/work dwelling unit (residential portion only - min. sq. ft.)	650	650	650	650	Not permitted	Not permitted	650	Not permitted

Floor area per individual building (maximum sq. ft.)(non-res)	N/A	N/A	50,000	No maximum	No maximum	No maximum	No maximum	No maximum
*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 especially for commercial uses in Suburban character areas;

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 in Table 4.1. 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))

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 auto-oriented needs outside of the Neighborhood Center, Town Center and Regional Center character areas, but to focus on the pedestrian oriented development within these districts;

C. To provide for quality control in development through materials and building placement;

D. 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;

E. 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 in Table 4.1. 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))

Sec. 2.26.3. Dimensional requirements.

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

(Ord. of 8-2-2017, § 1(2.26.3))

Sec. 2.26.4. Site and building design standards.

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

(Ord. of 8-2-2017, § 1(2.26.4))

DIVISION 27. C-2 (GENERAL COMMERCIAL) DISTRICT

Sec. 2.27.1. Statement of purpose and intent.

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

A. To provide convenient general business and commercial service areas within the city for all residents;

B. To provide for the development of new general commercial districts where so designated on the comprehensive plan;

C. To provide for auto-oriented needs outside of the Neighborhood Center, Town Center and Regional Center 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 in Table 4.1. 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))

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 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 and must be complied with.

(Ord. of 8-2-2017, § 1(2.28.2))

Sec. 2.28.3. Dimensional requirements.

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

(Ord. of 8-2-2017, § 1(2.28.3))

Sec. 2.28.4. Site and building design standards.

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

(Ord. of 8-2-2017, § 1(2.28.4))

DIVISION 29. OI (OFFICE-INSTITUTIONAL) DISTRICT

Sec. 2.29.1. Statement of purpose and intent.

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

A. To provide convenient areas within the city for the location of office and institutional uses which are necessary for the residents and business and professional practitioners within the city;

B. To provide accessory commercial and residential uses to reduce auto dependence;

C. To provide locations for the development of cultural, recreational, educational and health service facilities for the city;

D. To promote compatible development, in size and scale, to surrounding development;

E. To promote campus style developments;

F. To promote pedestrian oriented compact design;

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

(Ord. of 8-2-2017, § 1(2.29.1))

Sec. 2.29.2. Permitted and special land uses.

Permitted uses and uses requiring special land use permits shall be as provided in Table 4.1. 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))

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 along Commercial Redevelopment Corridor character areas and along the edge of the Office Park and Institutional 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 in Table 4.1. 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))

Sec. 2.30.3. Dimensional requirements.

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

(Ord. of 8-2-2017, § 1(2.30.3))

Sec. 2.30.4. Site and building design standards.

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

(Ord. of 8-2-2017, § 1(2.30.4))

DIVISION 31. M (LIGHT INDUSTRIAL) DISTRICT

Sec. 2.31.1. Statement of purpose and intent.

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

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

B. To provide an environment for light industrial uses that produces no appreciable impact on adjacent properties and preserve the appeal and appearance of residential and commercial areas;

C. To ensure that all establishments located within the M (Light Industrial) District operate in compliance with the noise standards contained in this chapter and that any negative noise impact resulting from the use of land within the M (Light Industrial) District is contained within the boundaries of said district and does not create noise problems for adjoining residential, office or commercial districts;

D. To provide an area within City of Stonecrest for recycling and green businesses to locate;

E. To generate employment opportunities and economic development;

F. To ensure that M (Light Industrial) Districts are so located that transportation access to thoroughfares and freeways is available;

G. To allow for the conversion of industrial buildings which are 50 years of age or older to multifamily dwellings so as to promote living and working space as well as historic preservation;

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

(Ord. of 8-2-2017, § 1(2.31.1))

Sec. 2.31.2. Permitted and special land uses.

Permitted uses and uses requiring special land use permits shall be as provided in Table 4.1. 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))

Sec. 2.31.3. Dimensional requirements.

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

(Ord. of 8-2-2017, § 1(2.31.3))

Sec. 2.31.4. Site and building design standards.

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

(Ord. of 8-2-2017, § 1(2.31.4))

Sec. 2.31.5. Multifamily use provisions for industrial conversion.

A. The conversion of industrial buildings to residential use shall be permitted by a special land use permit. The following shall be considered:

1. Whether the building is located on the interior or periphery of an established industrial park or area;

2. Whether the building or area should no longer be used for industrial uses;

3. Adequate parking is provided in accordance with article 6 of this chapter, for multifamily or live- work.

(Ord. of 8-2-2017, § 1(2.31.5))

DIVISION 32. M-2 (HEAVY INDUSTRIAL) DISTRICT

Sec. 2.32.1. Statement of purpose and intent.

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

A. To provide areas for manufacturing, warehousing and distribution facilities at locations so designated in the comprehensive plan;

B. To provide for a location for intense industrial uses that do not require and may not be appropriate for a nuisance free environment;

C. To provide for a location that allows nuisances such as noise, vibration and other impacts which cannot be contained on-site;

D. To ensure that all businesses located within the M-2 (Heavy Industrial) District operate in compliance with the noise standards contained in this chapter and that any negative noise impact resulting from the use of land within the M-2 (Heavy Industrial) District is contained within the boundaries of said district and does not create noise problems for adjoining residential, office or commercial districts;

E. To ensure that industrial districts are so located that transportation access to thoroughfares and freeways is available;

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

(Ord. of 8-2-2017, § 1(2.32.1))

Sec. 2.32.2. Permitted and special land uses.

Permitted uses and uses requiring special land use permits shall be as provided in Table 4.1. 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))

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. Solid waste facility/landfill use provisions.

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).

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

Sec. 3.1.2. Purpose and intent.

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

(Ord. of 8-2-2017, § 1(3.1.2))

Sec. 3.1.3. Plan submittal, review and approval.

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

B. *Conceptual plan submittal requirements.* As part of any land-disturbance permit, building permit, or sign permit application, the applicant shall submit to the director of planning 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); Ord. No. 2022-01-06 , § 1(Exh. A), 1-24-2022)

Sec. 3.1.4. Conceptual plan package review.

A. The conceptual plan package shall include the following:

1. A narrative addressing the proposed development explaining how it meets the purpose, intent, and standards of this article. The narrative shall include a statement of what governing district review standards will be applied. The narrative shall include a tabulation of the approximate number of acres for each different land use type within the project, the approximate number of dwelling units by type, the approximate gross residential density, the approximate commercial density as well as square feet, the common open space acreage, the approximate open space acreage, the anticipated number, type and size of recreational facilities and other public amenities, and the legal mechanism for protecting and maintaining common/public open, as required in article 5 of this chapter;
2. A site location map showing the proposed development, abutting properties, the access connections of the proposed development to surrounding and existing development, and transitional buffer zones, if required;
3. A multi-modal access plan, prepared at a scale not greater than one inch equals 100 feet, to demonstrate a unified plan of continuous access to and between all structures in the proposed development and adjacent properties where connections are appropriate. The multi-modal access plan shall cover the entire proposed development along with public right-of-way of adjoining streets and any other property lying between the subject property and any primary or secondary streets. Safe and convenient pathways shall be provided from sidewalks along streets to each structure entrance, including pedestrian access routes across parking lots and between adjacent buildings within the same development. Connections to available transportation nodes, such as driveways, sidewalks, and bike paths shall be shown along adjacent streets and those entering adjoining properties. Where an existing or planned public transportation station or stop is within 1,250 feet from the nearest boundary of the subject property, the access plan shall show how pedestrians may safely travel from such station or stop to the subject property. Where an existing or planned bike path is located within 1,500 feet from the nearest boundary of the subject property, the access plan shall show how safe, continuous and convenient bicycle access shall be provided to the subject property.
4. Two copies of a plan drawn to a designated scale of not less than one inch equals 100 feet, certified by a professional engineer or land surveyor licensed by the state, presented on a sheet having a maximum size of 24 inches by 36 inches, and one 8½ inches by 11 inches reduction of the plan. A .jpg copy of the plan shall be e-mailed to the director of planning. 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); Ord. No. 2022-01-06 , § 1(Exh. A), 1-24-2022)

Sec. 3.1.5. Final design package.

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

(Ord. of 8-2-2017, § 1(3.1.5); Ord. No. 2022-01-06 , § 1(Exh. A), 1-24-2022)

Sec. 3.1.6. Overlay use table.

Table 3.1 indicates the permitted uses within the overlay zoning districts. Even though a use is listed as an allowable use within a particular base zoning district, additional use restrictions may apply based on the applicable overlay zoning district requirements specified in this article.

A. The uses listed in Table 3.1 shall be permitted only within the zoning overlay districts identified, and no use shall be established and no structure associated with such use shall be erected, structurally altered or enlarged unless the use is permitted as:

   1. A permitted use (P);
   2. A special use (SP) subject to the special land use permit application procedures specified in article 7 of this chapter;
   3. An administratively approved use (SA) subject to the ~~special administrative permit~~ special administrative zoning permit procedures specified in article 7 of this chapter;
   4. An accessory use (PA) as regulated by article 4 of this chapter. Table 3.1 does not list all accessory uses but clarifies uses acceptable as accessory, though not typically considered principal uses for the zoning classification.
   5. Uses lawfully established prior to the effective date of this zoning ordinance.

B. Any use not listed in Table 3.1, below, or interpreted to be allowed by the director of planning pursuant to section 4.1.2 is prohibited. Any applicant denied a permit to allow a use of property in a zoning district other than as provided in this section may file an appeal before the zoning board of appeals as provided in article 7 of this chapter.

C. If there is a conflict between Table 3.1 and the text of this chapter, the text shall prevail.

Table 3.1 Overlay Use											
Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	
"Key: P—Permitted use Pa—Permitted as an accessory Use SA—~~Special administrative permit~~ **Special administrative zoning 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
AGRICULTURAL											
Agriculture and Forestry											
Commercial greenhouse or plant nursery	P	P	P	P							✓
Temporary or portable sawmill			P								✓
Urban, community garden, up to 5 ac.	P		P	P						P	✓
Urban, community garden, over 5 ac.	P	P	P	P						P	
Animal Oriented Agriculture											
Dairy			P								✓
Keeping of livestock			P								✓
Keeping of poultry/pigeons			P								✓
Livestock sales pavilion											✓
Riding academies or stables											✓
RESIDENTIAL											
Dwellings											
Dwelling, cottage home	P	P									✓
Dwelling, mobile home			P								✓
Dwelling, multi-family	P	P	P		X		P	P	P		
Dwelling, multi-family (supportive living)	P	P	P		X						✓
Dwelling, townhouse	P	P	P								✓
Dwelling, urban single-family	P	P	Pa								✓
High-rise apartment	SP	SP	P	SP							
Dwelling, single-family (attached)	P	P	P				P	P	P		
Dwelling, single-family (detached)	P	P	P		P						
Dwelling, three-family	P	P	P								
Dwelling, two-family	P	P	P								
Dwelling, single-family, accessory (guesthouse, in-law suite)			Pa								✓
Home occupation, no customer contact	P	P									✓
Home occupation, with customer contact	P	P									✓

Live/work unit	P	P	P	P							✓
Mobile home park											
Accessory uses or structures	Pa	Pa	Pa	Pa							✓
Housing and Lodging											
Bed and breakfast homes										P	
Bed and breakfast	P	P	SP	P	P						✓
Bed and breakfast, home stay		P	SP								✓
Boarding/Rooming house	P	P	P								
Convents or monasteries	P	P	SP								✓
Dormitory	Pa	Pa	Pa	Pa							
Extended stay hotel/motel	SP	SP	SP	SP			X	X	X	X	✓
Fraternity house or sorority house	P	P	P	SP							
Hotel/Motel	X	X	X	X	X		P	P	P		
Short term vacation rental											
Nursing care facility or hospice	P	P	P	P							
Personal care facility, 7 or more	P	P	P	P	P						✓
Personal care home, up to 6	P	P	P	P	P						✓
Child caring home, up to 5	P	P	P	P							✓
Child caring facility, 6 or more	P	P	P	P							✓
Child day care center	P	P	P	P	P						
Senior housing	P	P	P	P							✓
Shelter for homeless persons, 7—20	SP	SP	SP	P						X	✓
Shelter for homeless persons for no more than six (6) persons	SP	SP	SP	SP						X	✓
Transitional housing facility, 7—20	SP	SP	SP	P						X	✓
INSTITUTIONAL/PUBLIC											
Community Facilities											
Cemetery, columbarium,mausoleum	P	P	P	P							✓
Club, order or lodge, fraternal, non-commercial	P	P	P	P			P	P	P		
Coliseum or stadium/not associated with church or school	P	P	P	P						X	✓
Dog park										P	
Funeral home, mortuary	P	P	X	X	X		P	P	P	P	
Golf course or clubhouse, public or private	P	P	P	P							✓
Government facilities	P	P	P	P							
Hospital or accessory ambulance service	P	P	P	P							
Library or museum	P	P	P	P							
Cultural facilities	SP	SP	SP	SP	P		P	P	P		
Recreation club	P	P	P								
Neighborhood or subdivision clubhouse or amenities	P	P	P	P							
Places of Worship	P	P	P	P	P		P	P	P		

Recreation, outdoor	P	P	P	P							
Swimming pools, commercial	P	P	P	P						X	✓
Tennis center, club and facilities							P	P	P		
Tennis courts, swimming pools, play or recreation areas, community	P	P	P	P			Pa	Pa	Pa		✓
Utility structure necessary for the transmission or distribution of services							P	P	P		
Education											
Colleges, universities, research and training facilities	P	P	P	P							
Private educational services, home occupation	P	P									✓
Private kindergarten, elementary, middle or high schools	P	P	P	P			P	P	P		✓
Vocational schools	P	P	P	P			P	P	P		✓
Specialized schools	P	P	P	P			P	P	P		✓
COMMERCIAL											
Automobile, boat and trailer sales and service											
Automobile or truck rental or leasing facilities	X	X	P	P						X	✓
Automobile brokerage	P	P	P	P						X	✓
Auto recovery, storage										X	✓
Auto mobile emission testing facility	X	X	X	X							
Automobile repair or maintenance, minor	P	X	X	P			P	P	P	X	✓
Automobile repair, major	X	X	X	X	X					X	✓
Automobile sales, used							X	X	X		
Automobile sales or truck sales	X	X	X	P	X					X	✓
Automobile service stations	SP	SP	X	SP						X	✓
Automobile service stations over 4,000 square feet			SP								
Automobile upholstery shop	P	P	P	P						X	
Automobile wash/wax service	X	X	X	X	X		X	X	X	X	✓
Boat sales	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							✓
Trailer or RV salesroom and lot	P	P	P	P						X	✓
Office											
Accounting office	P	P	P	P			P	P	P		
Building or construction 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		
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	✓
Indoor recreation (bowling alleys, movie theatres and other activities conducted wholly indoors	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	✓
Outdoor recreation (miniature golf, batting cages, tennis, Go-cart and other outdoor activitie	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	✓
Apparel or accessories store	P	P	P	P	P		P	P	P		
Art gallery	P	P	P	P	P		P	P	P		
Art supply store							P	P	P		
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		
Commercial greenhouse or plant nursery	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	X	✓
Drive-through facilities (other than restaurants)			P							X	✓
Electrical supply store							P	P	P		
Farm or garden supply store	X	X					P	P	P		
Farmer's market, permanent	P	P	P	P	P						✓
Farmer's market, temporary/seasonal	P	P	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		
Liquor store (see alcohol outlet)	P	P	X	X	X		X	X	X		✓
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		
Pawn shop, title loan	X	X	X	X	X	X	X	X	X	X	
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	P	P	P	P	P						
Retail, over 5,000 sf (see also shopping center)	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		
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, 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 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	✓
Parking, commercial garage	P	P	P	P			Pa	Pa	Pa	X	
Taxi, ambulance or limousine service, dispatching or storage.	P	P	P	P						X	✓

Taxi, ambulance, limousine dispatch office only (no vehicle parking)	P	P	P	P			P	P	P		
Taxi stand	P	P	P	P			P	P	P		
Services											
Adult day care center—3 or more	P	P	P	P	P						✓
Animal grooming											
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		
Business service establishment							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 or boarding	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							
Linen and diaper service, garment pressing, alterations and repair							P	P	P		
Mini-warehouse	P	P	P	P						X	✓
Outdoor storage, commercial	X	X	X	X	X		X	X	X	X	✓
Personal services establishment	P	P	P	P	P					X	
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											
Ambulance service or emergency medical services, private	P	P	P	P			P	P	P	X	
Health services clinic	P	P	P	P	P		P	P	P		
Home healthcare service	P	P	P	P							
Kidney dialysis center	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		
Service area, outdoor	Pa	Pa	Pa	Pa							✓
INDUSTRIAL											
Alcohol or alcoholic beverage manufacturing											
Alternative energy production	SP	SP	SP								
Automobile/truck manufacturing											
Brick, clay, tile, or concrete products terra cotta manufacturing											
Building materials or lumber supply establishment	P	P	P	P							
Cement, lime, gypsum, or plaster of Paris manufacturing											
Compressed gas fuel station	SP	SP	SP	P							
Chemical manufacture, organic or inorganic											
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	
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								✓
Heavy equipment repair service or trade	P	P	P	P			X	X	X		
Ice manufacturing plant			P								
Incidental retail sales of goods produced or processed on the premises			Pa								
Incineration of garbage or refuse when conducted within an enclosed plant											
Industrial, heavy											
Industrial, light			P								
Intermodal freight terminal, bus or rail freight or passenger terminal, or truck terminal											
Leather manufacturing or processing											
Light malt beverage manufacturer (See also Brewpub)	Pa	Pa	P	Pa							
Light manufacturing			P								
Manufacturing, heavy											✓
Manufacturing operations not housed within a building											✓
Mines or mining operations, quarries, asphalt plants, gravel pits or soil pits											✓
Outdoor storage, industrial	X	X	X	X	X		X	X	X		✓
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 collection	Pa	Pa	Pa	Pa							
Recycling plant			P								
Repair/manufacture of clocks, watches, toys, electrical appliances, electronic, light sheet			P								
Research, experimental or testing laboratories			P								
Rubber or plastics manufacture			P								
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	✓
Smelting: copper, iron, zinc, or ore											
Storage yard, except vehicle											
Storage yard for damaged or confiscated vehicles		X					X	X	X		
Sugar refineries		X									
Tire retreading and recapping	X	X	X	X	X		X	X	X		
Towing or wreckage service			P								
Transportation equipment storage or maintenance (vehicle)										X	✓
Truck stop or terminal										X	
Vehicle storage yard										X	
Warehousing or Storage	P	P	P							X	
COMMUNICATION—UTILITY											
Amateur radio service or antenna											✓
Electric transformer station, gas regulator station or telephone exchange											
Radio or television broadcasting studio	P	P	P	P			P	P	P		
Radio or television broadcasting transmission facility	P	P	P	P							
Satellite television antennae	P	P	P	P							✓
WIRELESS TELECOMMUNICATION (cell tower)											
New support structure from 51 feet to 150 feet											✓
New support structure from 50 feet up to 199 feet	P	P	P	P							✓
COW's (non-emergency or event, no more than 120 days)	P	P	P	P							✓
COW's (declared emergency)	P	P	P	P							✓
Attached wireless telecommunication facility, used for non-residential purposes (prohibited if used as residential)											
Attached wireless telecommunication facility	P	P	P	P							✓
Small cell installations (new support structures or collocation) on private property or ROW	P	P	P	P							✓

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

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 sales and service, Freight service, Transportation equipment and storage or maintenance (vehicle), and Vehicle storage yard.
17. Commercial parking garage/structure; Commercial parking lots.
18. Convenience store.
19. Drive-through facilities.
20. Personal service establishments.
21. Check cashing facility.
22. Heavy equipment storage.
23. Truck stops.
24. Warehouses.
25. Solid waste disposal, Private industry solid waste disposal facility.
26. Bus station or terminal.
27. Ambulance service facility, Private ambulance service, Dispatch office.

(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 Section 3.4.9, lot coverage within the AMCOD shall not exceed 25 percent of net lot area.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

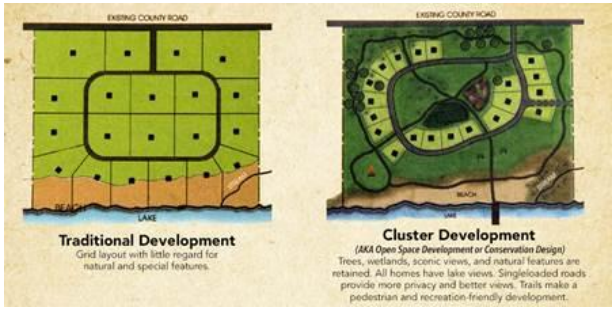
Sec. 3.4.8. Clearing and grading of lots.

No lot shall be cleared and graded to an extent exceeding 35 percent of the net lot area. 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

Greenspace: 30 percent of the total land area must be designated greenspace. 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 with in the development and connecting neighboring residential and commercial areas.

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

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

D. *Trails.* Trails 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 Resource Protection Overlay District which are made in favor of City of Stonecrest, Georgia.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

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; Ord. No. 2019-11-03 , § 1, 11-25-2019)

Sec. 3.5.2. Applicability of regulations.

This division applies to each application for a permit for the development, use, alteration, or modification of any structure where the subject property is in whole or in part contained within the boundaries of the Stonecrest Area Overlay District. The procedures, standards, and criteria herein apply only to that portion of the subject property within the boundaries of the Stonecrest Area Overlay District. When the Stonecrest Area Overlay District and the underlying zoning conflict, the Stonecrest Area Overlay District regulations control absent explicit language to the contrary.

(Ord. of 8-2-2017, § 1(3.5.2); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03 , § 1, 11-25-2019)

Sec. 3.5.3. Statement of purpose and intent.

The purpose and intent of the city council in establishing the Stonecrest Area Compatible Use Zone Overlay District is as follows:

A. To preserve, protect and enhance existing and proposed open space networks that are adjacent to or within the Stonecrest Area;

B. To enhance the long term economic viability of this portion of City of Stonecrest by encouraging new commercial and residential developments that increase the tax base and provide jobs to the citizens of City of Stonecrest;

C. To implement the policies and objectives of the comprehensive plan and the policies and objectives of the design guidelines for the Stonecrest Overlay District;

D. To establish and maintain a balanced relationship between industrial, commercial, and residential growth to ensure a stable and healthy tax base in City of Stonecrest;

E. To provide a balanced distribution of regional and community commercial and mixed- use office centers;

F. To support high density housing in office and mixed-use centers which have the appropriate location, access, and infrastructure to accommodate it;

G. To encourage mixed-use developments that meet the goals and objectives of the Atlanta regional commission's smart growth and livable centers initiatives;

H. To allow flexibility in development standards in order to encourage the design of innovative development projects that set high standards for landscaping, greenspace, urban design, and public amenities;

I. To encourage an efficient land use and development plan by forming a live-work-play environment that offers employees and residents the opportunity to fulfill their daily activities with minimal use of single-occupant automobiles;

J. To allow and encourage development densities and land use intensities that are capable of making productive use of alternative transportation modes such as bus transit, rail transit, ridesharing, bicycling and walking;

K. To focus and encourage formation of a well-designed, pedestrian-friendly activity centers with high-density commercial and residential development that increases vitality and choices in living environments for the citizens of the City of Stonecrest;

L. To protect established residential areas from encroachment of uses which are either incompatible or unduly cause adverse impacts on such communities;

M. To protect the health, safety and welfare of the citizens of the City of Stonecrest;

N. To promote uniform and visually aesthetic architectural features which serve to unify the distinctive visual quality of the Stonecrest Area Overlay District.

(Ord. of 8-2-2017, § 1(3.5.3); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03 , § 1, 11-25-2019)

Sec. 3.5.4. District boundaries.

A. The boundaries of the Stonecrest Area Overlay District composed of Tiers I, II, III, IV, V, and VI described in the subparagraph B below, shall be depicted on the official zoning maps entitled "Official Zoning Map, Stonecrest, Georgia, Stonecrest Area Overlay District" (the "Stonecrest Overlay Maps"). The Stonecrest Overlay Maps are to be adopted contemporaneously with this chapter, together with all explanatory information contained or referenced thereon, is hereby adopted by reference and declared to be a part of this chapter.

B. The Stonecrest Area Overlay District shall be divided into five [six] development tiers as follows:

1. Tier I: High-Rise Mixed-Use Zone;
2. Tier II: Mid-Rise Mixed-Use Zone;
3. Tier III: Low-Rise Mixed-Use Zone;
4. Tier IV: Transitional Mixed-Use Zone;
5. Tier V: Cluster/Village Mixed-Use Zone ; and
6. Tier VI: Viewshed Zone

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

(Ord. of 8-2-2017, § 1(3.5.4); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03 , § 1, 11-25-2019)

Sec. 3.5.5. Open space.

A. *Open space:* Each lot may provide open space. Open space must be a minimum of 20 percent of the lot. To the extent possible, lands containing streams, lakes, 100-year floodplains, wetlands, slopes over 15 percent shall remain undisturbed and included in open space. Natural open space areas shall form an interconnected and continuous network of paths, greenways, and trails throughout the development within the Stonecrest Area Overlay District. Credit for open space areas may be transferred from one parcel to another within overall developments that remain under unified control of a single property owner or group of owners, but must demonstrate interconnectedness of public areas.

B. *Maintenance and protection of public space.* Each applicant that chooses to provide for public space shall present as a part of the application for a building permit within the Stonecrest Area Overlay District a legal mechanism under which all land to be used for public space purposes shall be protected. Such legal mechanism may include deed restrictions, property owner associations, common areas held in common ownership or control, maintenance easements, or other legal mechanisms, provided that said legal mechanism shall be approved by the city attorney as assuring each of the following mandatory requirements:

    1. That all subsequent property owners within said Stonecrest Area Overlay District be placed on notice of this development restriction through the deed records of DeKalb County Superior Court;

    2. That all public space held in common will be properly maintained and insured with no liability or maintenance responsibilities accruing to the city;

    3. That a legal mechanism exists for notice of deficiencies in maintenance of the public space held in common, correction of these deficiencies, and assessment and liens against the properties for the cost of the correction of these deficiencies by a third- party or the city;

    4. When an applicant for a Stonecrest Area Overlay District chooses to utilize a property owners association in order to comply with the requirements of subsection A above, the applicant, in addition to meeting all of said requirements, shall provide for all of the following:

        a. Mandatory and automatic membership in the property owners association as a requirement of property ownership;

        b. A fair and uniform method of assessment for dues, maintenance and related costs;

        c. Where appropriate, party wall maintenance and restoration in the event of damage or destruction; and

        d. Continued maintenance of public space held in common and liability through the use of liens or other means in the case of default.

(Ord. of 8-2-2017, § 1(3.5.5); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03 , § 1, 11-25-2019)

Sec. 3.5.6. Greenspace requirements.

A. *Landscape strips.* Landscape strips not less than five feet in width must be provided along all side and rear property lines and on all public streets. The landscape strip along the public street must be a minimum of ten feet in width and must be planted with a row of street trees of at least three and one-half inches in caliper selected from the list of street trees species identified in the design guidelines for the Stonecrest Area Overlay District and planted not less than 75 feet on center. Continuous landscaped strips shall be constructed along public rights-of-way where surface parking lots are adjacent to such sidewalks or public right-of-way except at points of ingress or egress into the facility.

B. *Ground cover.* Ground cover must also be provided in accordance with the design guidelines for the Stonecrest Area Overlay District in order to protect tree roots and to prevent erosion. Ground cover must consist of evergreen shrubs or groundcover plant material mulched with pine bark mulch, or other similar landscaping material.

C. Newly planted trees must conform to the design guidelines for the Stonecrest Area Overlay District.

D. No tree shall be planted closer than two feet from the street or sidewalk, and no closer than five feet from a fire hydrant, sign post, streetlight standard, utility pole, or similar structure.

E. *Greenspace requirements for parking lots:*

1. Greenspace areas are required in all parking lots and must comprise at least five percent of the total lot area of parking lot.
2. In addition, all parking lots must include at least one tree for every 12 parking spaces provided. Tree planting areas may be included in the required greenspace area. Every three inches in caliper, as measured at a height of 36 inches above the ground level, of an existing tree shall count as one newly planted tree.
3. Greenspace areas must be at least 36 square feet in area.
4. All greenspace areas must be properly maintained in accordance with approved landscape plans. In the event that a tree or any plant material dies, it must be replaced within a reasonable time, so as to meet all requirements of this section and to allow for planting in the appropriate planting season.
5. All trees planted pursuant to the requirements of Section 5.4.4 shall be counted for the purpose of meeting the tree planting and tree replacement requirements imposed by this chapter.

(Ord. of 8-2-2017, § 1(3.5.6); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03 , § 1, 11-25-2019)

Sec. 3.5.7. Transitional buffer zone requirements.

Any lot within the Stonecrest Area Overlay District, that is contiguous to any lot outside of the Stonecrest Area Overlay District zoned for a residential use, must maintain a 50 foot transitional buffer zone. The transitional buffer zone cannot contain any structures, impervious surfaces, or water retention ponds and cannot be used for permanent parking, loading, or storage. Trees may not be removed from the transitional buffer zone, other than dead, decayed, dying, or hazardous trees. Additional trees and plant material may be added to the transitional buffer zone.

(Ord. of 8-2-2017, § 1(3.5.7); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03 , § 1, 11-25-2019)

Sec. 3.5.8. Street standards.

Streets within the Stonecrest Area Overlay District may be either public or private streets. Private streets must comply with requirements of public streets found in chapter 14 and all other applicable sections of the City of Stonecrest Code, with the following exceptions:

A. Streets in the Stonecrest Area Overlay District may be constructed with travel lanes at 11 feet in width, measured inside curb and gutter.

B. Private or public alleys are permitted to provide secondary or service access within developments consisting of at least four buildings. An alley must provide a continuous connection between two streets. Alleys shall be paved and constructed to the same standards as the connecting streets except that:

1. No alley shall be longer than 400 feet;
2. No alley shall have a slope greater than seven percent;
3. The paved width of an alley must be at least 12 feet;
4. Alleys must be constructed with flush curbs;
5. Alleys must have seven-foot-wide unobstructed shoulders constructed of grass sod or gravel on both sides; and
6. Buildings must be set back at least ten feet from the back curb of an alley.

(Ord. of 8-2-2017, § 1(3.5.8); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03 , § 1, 11-25-2019)

Sec. 3.5.9. Underground utilities.

All utilities except for major electric transmission lines and substations are required to be placed underground except where the director of planning determines that underground utilities are not feasible due to pre-existing physical conditions, such as conflicting underground structures or utilities, shallow rock, high water table, or other similar geologic or hydrologic conditions.

(Ord. of 8-2-2017, § 1(3.5.9); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03 , § 1, 11-25-2019)

Sec. 3.5.10. Streetlights.

When necessary for the use and convenience of the occupants or users of a development, streetlights are required and shall conform to the design guidelines for the Stonecrest Area Overlay District.

(Ord. of 8-2-2017, § 1(3.5.10); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03 , § 1, 11-25-2019)

Sec. 3.5.11. Interparcel access.

To the maximum extent possible, sidewalks and parking lots serving adjacent lots shall be interconnected to provide continuous driveway connections and pedestrian connections between adjoining lots and streets, except that this requirement shall not apply to lots zoned for single family or duplex residential units.

(Ord. of 8-2-2017, § 1(3.5.11); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03 , § 1, 11-25-2019)

Sec. 3.5.12. Multi-modal access plans required.

Each new application for a development permit within the Stonecrest Area Overlay District must be accompanied by a multi-modal access plan prepared at a scale not greater than one-inch equals 100 feet. The multi-modal access plan must cover the full extent of the proposed development along with public rights-of-way of adjoining streets and any other property lying between the subject property and the nearest public streets on all sides. The purpose of the multi-modal access plan is to demonstrate a unified plan of continuous access to and between all buildings in the proposed development and adjacent properties. Connections to available transportation modes, such as driveways, sidewalks, and bike paths must be shown along adjacent streets and those entering adjoining properties. Safe and convenient pedestrian ways must be provided from sidewalks along streets to each building entrance, including pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within 1,250 feet (straight line distance) from any boundary of the subject property, the access plan must show how pedestrians may safely travel from such station or stop to the subject property. Where an existing or planned

bike path is located within 1,500 feet of the subject property, the access plan must show how safe, continuous and convenient bicycle access shall be provided to the subject property.

(Ord. of 8-2-2017, § 1(3.5.12); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03 , § 1, 11-25-2019)

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

A. *Permitted principal uses and structures.* The principal uses of land and structures allowed in the Tier I: High-Rise Mixed-Use Zone of the Stonecrest Area Overlay District are as provided below:

1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, O-D (Office-Distribution) District, and HR-2 (High Density Residential) District except those listed in B., below.

B. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier I: High-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:

1. Kennels.
2. Tire retreading and recapping.
3. Sexually oriented businesses.
4. Reserved
5. Outdoor amusement services facilities.
6. Outdoor storage.
7. Farm equipment and supplies sales establishment.
8. Repair, small household appliance.
9. Hotel/motel.
10. Automobile sales.
11. Flea Markets
12. Automobile title loan establishments.
13. Pawn shops.
14. Package stores, except package stores located in mixed-use buildings with at least three stories and one non-retail use, and the package store cannot exceed 25 percent of the total heated floor area of the building
15. Salvage yards.
16. Self-storage facilities. Except multi-story climate controlled self-storage facilities, with a minimum of three stories, located at least 1,500 feet from another self-storage facility subject to the following conditions:
    a. No storage units can be accessible from interior corridors, no outside storage of any kind allowed, including vehicle leasing;
    b. All buildings must contain fenestration or. architectural treatments that appear like fenestration;
    c. Storage units may not be used for commercial, residential or industrial uses.
17. Gasoline service stations.

18. Automobile repair and maintenance, major.
19. Automobile and truck rental and leasing.
20. Commercial parking lots.
21. Automobile wash/wax service.
22. Check cashing facility.
23. Automobile emission testing facilities.
24. Small box discount stores.

C. *Accessory uses and structures.* The following accessory uses of land and structures are permitted in Tier I: High-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:

1. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
2. Parking lots and parking garages.
3. Open space, clubhouse or pool amenity area.
4. Signs, in accordance with the provisions of chapter 21 and this chapter.

D. *Building setbacks.* Building setbacks are governed by the MU-3 regulations.

E. *Height of buildings and structures.* A building or structure in Tier I may exceed the five-story height limit without the necessity of obtaining a special land use permit. A parking deck may exceed five stories in height; however, a parking deck cannot exceed ten stories in height either as a separate deck structure or as part of an office building.

F. *Density.* No development in Tier I may exceed a FAR of three and one-half, unless it also provides additional public space or other amenities singly, or in combination as provided in subsection G below.

G. *Bonus density:* In exchange for providing one or more of the amenities shown in Table 3.1 an applicant may receive a density bonus as provided in Table 3.1, not to exceed a total FAR of six (6.00).

Table 3.1. Bonus FAR: Tier I

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

H. *Required parking.* Required parking may be provided through a combination of off-street, on- street, or shared parking provided that all required parking must be located within 700 feet of the principal entrance of the buildings the parking is intended to serve. The minimum number of required parking spaces shall be as provided in article 6, except as follows:

1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four spaces per 1,000 square feet of gross floor area.
2. Office and clinic uses: Minimum of three spaces per 1,000 square feet of gross floor area.
3. Hotel and motel uses: Minimum of one space per unit.
4. Multifamily residential uses: Minimum of one and one-quarter spaces per dwelling unit.

I. *Sidewalks.* Sidewalks must be provided on all public streets. Sidewalks must be at least five feet in width with the exception of sidewalks along streets and in front of proposed high-rise buildings which must be at least ten feet in width.

(Ord. of 8-2-2017, § 1(3.5.13); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03 , § 1, 11-25-2019)

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

A. *Permitted principal uses and structures.* The principal uses of land and structures allowed in the Tier II: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay District are as provided below:

1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, O-D (Office-Distribution) District, and HR-2 (High Density Residential) District except those listed in B., below.

B. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier II: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:

1. Kennels.
2. Storage yards.
3. Tire retreading and recapping.
4. Sexually oriented businesses.
5. Outdoor storage.
6. Farm equipment and supplies sales establishment.
7. Repair, small household appliance.
8. Hotel/motel.
9. Automobile sales.
10. Flea Markets
11. Automobile title loan establishments.
12. Pawn shops.
13. Package stores, except package stores located in mixed-use buildings with at least three stories and one non-retail use, and the package store cannot exceed 25 percent of the total heated floor area of the building.
14. Salvage yards.
15. Self-storage facilities. Except multi-story climate controlled self-storage facilities, with a minimum of three stories, located at least 1,500 feet from another self-storage facility subject to the following conditions:

- No storage units can be accessible from interior corridors, no outside storage of any kind allowed, including vehicle leasing;
- All buildings must contain fenestration or. architectural treatments that appear like fenestration;
- Storage units may not be used for commercial, residential or industrial uses.

16. Automobile repair and maintenance, major and minor.
17. Gasoline service stations.
18. Automobile and truck rental and leasing.
19. Commercial parking lots.
20. Automobile wash/wax service.
21. Late-night establishments
22. Nighclubs
23. Check cashing facility.
24. Automobile emission testing facilities.
25. Small box discount stores.

C. *Accessory uses and structures.* The following accessory uses of land and structures are permitted in Tier II: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay District.

1. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
2. Parking lots and parking garages.
3. Open space, clubhouse or pool amenity area.
4. Signs, in accordance with the provisions of chapter 21 and this chapter.

D. *Building setbacks.* Building setbacks are governed by the MU-3 regulations.

E. *Height of buildings and structures.* A building or structure in Tier II can have a maximum height of ten stories. A parking deck may exceed five stories in height; however, a parking deck may not exceed ten stories either as a separate deck structure or as part of an office building.

F. *Density:* No development in Tier II may exceed a FAR of two and one half, unless it also provides additional public space or other amenities singly, or in combination as provided in subsection G, below.

G. *Bonus density:* In exchange for providing one or more of the amenities shown in Table 3.2 an applicant may receive a density bonus as provided in Table 3.2, not to exceed a total FAR of four.

Table 3.2. Bonus FAR: Tier II

Bonus Floor Area Ratio in Stonecrest Area, Tier 11	
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 (10%) of the gross floor area of the building.	0.25

Mixed-use building that includes multifamily residential units constituting at least 8 units per acre of land, and constructed in the same building with office, institutional, commercial or retail uses.	0.5

H. *Required parking.* Required parking may be provided through a combination of off-street, on- street, or shared parking. All required parking must be located within 700 feet of the principal entrance of the building that the parking intended to serve. The minimum number of required parking spaces shall be as provided in article 6, except as follows:

1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four spaces per 1,000 square feet of gross floor area.
2. Office and clinic uses: Minimum of three spaces per 1,000 square feet of gross floor area.
3. Hotel and motel uses: Minimum of one space per unit.
4. Multifamily residential uses-Minimum of one and one and one-quarter spaces per dwelling unit.

I. *[Parking.]* Parking space area requirements must comply with the provisions of Section 6.1.3.

J. *Sidewalks.* Sidewalks must be provided on all public streets. Sidewalks must be at least five feet in width.

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

Sec. 3.5.15. Low-rise mixed-use zone (Tier III).

A. *Permitted uses and structures.* The principal uses of land and structures allowed in the Tier III: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay District are as provided below:

1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, O-D (Office Distribution) District, M (Light Industrial) District, and MR-2 (Medium Density Residential) District except those listed in B., below.

B. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier III: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:

1. Kennels.
2. Junkyard.
3. Tire retreading and recapping.
4. Sexually oriented businesses.
5. Outdoor amusement service facility.
6. Outdoor storage.
7. Automobile repair, major and minor.
8. Hotel/motel.
9. Automobile sales.
10. Temporary outdoor sales.
11. Pawn shops.
12. Liquor stores.

13. Nightclubs.
14. Late-night establishments.
15. Car wash.
16. Self-storage.
17. Funeral home.
18. Mortuary.
19. Crematorium.
20. Farm equipment and supplies sales establishment.
21. Repair, small household appliance.
22. Salvage yard.
23. Automobile service stations, except automobile service stations over 4,000 square feet with special land use permit.
24. Commercial parking lot.
25. Check cashing facility.
26. Automobile emission testing facilities.
27. Small box discount stores.

C. *Accessory uses and structures.* The following accessory uses of land and structures shall be authorized in the Tier III: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:

1. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
2. Parking lots and parking garages.
3. Clubhouses, including meeting rooms or recreation rooms.
4. Swimming pools, tennis courts, and other recreation areas and similar amenities.

D. *Building setbacks.* The following building setback requirements shall apply to all structures in the Tier III: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:

1. Minimum front yard setback: 15 feet from right-of-way of public street, except that front-facing garages of residential units shall be set back a minimum of 25 feet from rights-of-way.
2. Minimum interior side yard: Ten feet. There shall be a minimum of 15 feet between buildings and structures less than two stories in height and a minimum of 20 feet between any two buildings and structures when one of them is greater than two stories in height.
3. Minimum rear yard: Ten feet.

E. *Height of buildings and structures.* Maximum height, three stories

F. *Density:* No development in Tier III may exceed 30 dwelling units per acre and a combined FAR of one and a half, unless it also provides additional public space or other amenities singly, or in combination as provided in subsection G, below.

G. *Bonus density:* In exchange for providing one or more of the amenities shown in Table 3.3 an applicant may receive a density bonus as provided in Table 3.3, not to exceed a total FAR of three.

Table 3.3 Bonus FAR: Tier III

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 8 units per acre of land, and constructed in the same building with office, institutional, commercial or retail uses.	0.5

H. *Required parking.* Required parking may be provided through a combination of off-street, on-street, or shared parking. All required parking must be located within 700 feet of the principal entrance of the building that the parking is intended to serve. The minimum number of required parking spaces must be as provided in article 6, except as follows:

1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four spaces per 1,000 square feet of gross floor area.
2. Office and clinic uses: Minimum of three spaces per 1,000 square feet of gross floor area.
3. Hotel and motel uses: Minimum of one space per unit.
4. Multifamily residential uses-Minimum of one and one-half spaces per dwelling unit.

I. *Parking space area requirements.* Parking space area requirements must comply with the provisions of section 6.1.3.

J. *Sidewalks.* Sidewalks must be provided on all public streets. Sidewalks must be at least five feet in width.

K. *New or used motor vehicle dealers.* New or used motor vehicle dealers are authorized in Tier III of the Stonecrest Overlay District only if they comply with the following requirements:

New or used motor vehicle dealers must be located on a parcel with a lot area of no less than three acres, and must contain at least 6,000 square feet of building floor space.

New or used motor vehicle dealers must provide vegetative screening along any automobile display areas that abut a public right-of-way. Said vegetative screening shall be located outside any guard rails or security fencing abutting such public right-of-way. Within three years of planting, the vegetative screening must be of sufficient height to screen all guard rails or security fencing abutting the public right-of-way. Planting materials shall be subject to the approval of the City of Stonecrest Arborist.

New or used motor vehicle dealers must provide screening of all maintenance areas and storage yards for automobiles stored for service. Such screening shall be sufficient to shield the maintenance areas and storage yards from visibility from any adjacent properties or public rights-of-way. Should vegetative screening be used, planting material shall be subject to the approval of the City of Stonecrest Arborist.

No overhead bay doors opening into vehicle service areas shall be visible from a public right-of-way.

(Ord. of 8-2-2017, § 1(3.5.15); Ord. No. 2018-12-01, § 1(3.5.15), 12-1-2018; Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03 , § 1, 11-25-2019; Ord. No. 2019-11-05 , § I, 11-25-2019)

Sec. 3.5.15.1. Transitional mixed use zone (Tier IV).

A. *Statement of purpose and intent.* The intent of this tier is to encourage mixed use development in a well-planned community and encourage principally office, residential and commercial uses to serve the convenience needs of the local community. This tier provides an economic balance to the other Stonecrest Area Compatible Use Overlay District development categories which focus more on retail uses.

B. *Mixed use requirements.* All properties in Tier IV which are proposed for new development shall comply with the minimum requirements of this mixed use development category. Permits for repairs, interior alterations or tenant buildout improvements that do not alter the exterior appearance or the building footprint of the structure shall be exempt from the requirements of this division. Properties in Tier IV shall contain a minimum of two principal uses and any residential use shall not exceed 70 percent of the total floor area. The mixed use development may be combined vertically or horizontally in one or more buildings or may be provided in separate buildings or areas within a mixed-use development. A minimum of one residential and one non-residential use must be selected.

C. *Permitted principal uses and structures.* The principal uses of land and structures which are allowed in the Tier IV: Transitional Mixed-Use Zone are as is provided below:

1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, OCR (Office-Commercial-Residential) District, and RM-HD (High Density Residential)District except those listed in B., below.

   Single-family attached detached units that are part of a master planned community so long as such single-family detached units are part of a mixed-use development and the development provides opportunities for lifelong and aging-in-place communities as defined by the Atlanta Regional Commission.

D. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier IV: Transitional Mixed-Use Zone:

1. Kennels.
2. Tire retreading and recapping.
3. Sexually oriented businesses.
4. Outdoor amusement services facilities.
5. Outdoor storage.
6. Farm equipment and supplies sales establishments.
7. Repair, small household appliance.
8. Hotel/motels.
9. Automobile title loan establishments.
10. Pawn shops.
11. Liquor stores.
12. Salvage yards.
13. Automobile repair and maintenance, major.
14. Automobile wash/wax service.
15. Nightclubs.

16. Late-night establishments.
17. Check cashing facility.
18. Automobile emission testing facilities.
19. Car wash, self-service.
20. Self-storage.
21. Funeral home.
22. Crematorium.
23. Mortuary.
24. Small box discount stores.

E. *Accessory uses and structures.* The following accessory uses of land and structures are permitted in Tier IV: Transitional Mixed-Use Zone:

a. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.

b. Open space, clubhouse or pool amenity area.

c. Parking lots and decks.

d. Signs, in accordance with the provisions of chapter 21 and this chapter.

F. *Mixed-use developments:* Lot width, lot area and setbacks.

1. *Lot width and area.* All lots shall have at least 100 feet of frontage as measured along the public street frontage.

a. Minimum lot area: One acre.

2. *Setback requirements.*

1. *Front yard.* Minimum of zero feet and a maximum of 20 feet to allow for architectural features, outdoor seating, and other project site amenities.

2. *Side yard.* Minimum of zero feet and a maximum of 20feet to allow for architectural features, outdoor seating, plazas and other project site amenities.

3. *Rear yard.* Minimum of 20 feet.

4. *Interior side yard.* Minimum of zero feet. However, where an interior side yard is facing a structure with windows on an adjoining lot the distance between the existing structure and the proposed structure shall be a minimum of 20 feet.

G. *Single-family detached units:* Lot width, lot area and setbacks.

1. *Lot width and area.* All lots must have at least 50 feet of frontage as measured along the public street frontage.

a. *Minimum lot area.* 5,000 square feet.

2. *Setback requirements.*

a. *Front yard.* Minimum of ten feet and a maximum of 20 feet.

b. *Side yard.* Minimum of ten feet.

c. *Interior side yard.* Minimum of five feet.

d. *Rear yard.* Minimum of 30 feet.

H. *Single-family attached units:* Lot width, lot area and setbacks.

1. Lot width and area. All lots must have at least 30 feet of frontage as measured along the public street frontage.

a. Minimum lot area. 3,000 square feet. Maximum of eight units or 240 feet.

2. Setback requirements:

a. Front yard: Minimum of five feet and a maximum of 20 feet.

b. Side yard: Minimum often feet between buildings.

c. Rear yard: Minimum often feet.

d. Structures which are front face to front face, back face to back face, or front face to back face shall be not less than 60 feet apart. Structures which are side face to side face shall not be less than 20 feet apart. Structures which are side face to front face or back face shall be not less than 40 feet apart.

I. *Height of buildings and structures.* The maximum height of any mixed-use building or structure shall not exceed five stories or 75 feet. Buildings in excess of three stories must be approved by the director of planning 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; Ord. No. 2019-11-03 , § 1, 11-25-2019; Ord. No. 2019-11-05 , § I, 11-25-2019)

Sec. 3.5.15.2. Cluster village mixed-use zone (Tier V).

A. *Statement of purpose and intent.* The primary intent of Tier Vis to encourage single-family detached residential developments with associated neighborhood commercial and office uses to serve the convenience needs of the local community in a village or cluster concept. This tier provides for the preservation of open space while allowing compatible development that complements the other Stonecrest Overlay District development categories. Tier V also seeks to preserve the rural and scenic beauty of Arabia Mountain Preserve while providing flexibility to allow for creativity in site design and development. The goal of Tier V is to minimize the environmental and visual impacts of new development on natural resources and historically and culturally significant sites and structures while encouraging residential and neighborhood commercial development in a well planned community.

B. *Permitted principal uses and structures.* All properties in Tier V shall be governed by all of the underlying zoning district regulations and the requirements of this section. In addition, all properties in Tier V may be used for the following principal uses of land and structures:

1. Adult day center.
2. Bed and breakfast.
3. Child day care facility.
4. Assembly hall.
5. Cultural facility.
6. Detached single-family dwelling.
7. Office uses.
8. Personal care facility.
9. Place of worship.
10. Retail, excluding drive-through facilities, gas and service stations, commercial amusements, liquor stores, package store, video arcades, pool halls, and small box discount stores.
11. Office/medical.

12. Personal services establishment.

C. *Accessory uses and structures.* The following accessory uses of land and structures shall be authorized in Tier V: Cluster Village Mixed-Use Zone

1. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
2. Open space, clubhouse or pool amenity area.

D. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier V: Cluster Village Mixed-Use Zone:

1. Kennels.
2. Junkyard.
3. Tire retreading and recapping.
4. Sexually oriented businesses.
5. Go-cart concession.
6. Outdoor storage.
7. Automobile repair, major.
8. Hotel/motel.
9. Automobile sales.
10. Temporary outdoor sales.
11. Pawn shops.
12. Liquor stores.
13. Nightclubs
14. Late-night establishments.
15. Car wash, self service.
16. Self-storage.
17. Funeral home.
18. Mortuary.
19. Crematorium.
20. Farm equipment and supplies sales establishment.
21. Multifamily dwelling unit.

E. *Lot width, lot area and setbacks.*

1. All single-family detached residential dwellings located on Klondike Road, Plunkett Road or Rockland Road must have a minimum of 100 feet of frontage as measured along the public street frontage.
    a. *Minimum lot area.* 15,000 square feet.
    b. *Minimum setback requirements.*
        i. *Front yard.* 35 feet.

ii. *Side yard.* 35 feet.

iii. *Rear yard.* 40 feet.

iv. *Interior side yard.* Ten feet.

2. All single-family detached residential lots which are located on new roadways must have a minimum of 50 feet of frontage as measured along the public street frontage.

a. *Minimum lot area.* 5,000 square feet.

b. *Minimum setback requirements.*

i. *Front yard.* Minimum of ten feet and a maximum of 25 feet.

ii. *Side yard.* 15 feet.

iii. *Rear yard.* 20 feet.

iv. *Interior side yard.* Five feet.

3. Reserved.

4. Office and commercial uses may not be located along Klondike or Rockland Road. Any uses otherwise authorized in Tier V shall be clustered together in a "village" or "hamlet" setting and must include convenient access to neighboring residential communities in a manner that preserves the open space on the lot. Such uses must be developed in a manner that also preserves the rural and scenic nature of Tier V and is compatible with the natural design and forestation of the Arabia Mountain Preserve. Such uses must be developed in a manner that minimizes the environmental and visual impact of new development on the existing natural landscape and the historically and culturally significant sites and structures. To the extent possible, developments must be constructed in a manner that preserves the bucolic nature and farming community appearance of Tier V.

a. Office and commercial uses must be a maximum of 2,500 square feet per tenant space.

b. Single-use structures must be a maximum of 10,000 square feet.

c. Lot width and lot area. Office and commercial lots must be a minimum of 20,000 square feet.

F. *Height of buildings and structures.* No building or structure may exceed 35 feet in height or two stories whichever is less.

G. *Required parking.* The minimum number of required parking spaces must be as provided in the underlying zoning district regulations except as follows:

1. Residential, single-family detached: Minimum of two spaces.

2. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four spaces per 1,000 square feet of gross floor area.

3. Office and clinic uses: Minimum of three spaces per 1,000 square feet of gross floor area.

4. Parking space area requirements must comply with the provisions of section 6.1.3.

H. *Sidewalks.* A landscape strip must be provided between the curb and the pedestrian travel lane in compliance with land development standards. Sidewalks must be provided along the right-of-way of all public streets.

(Ord. of 8-2-2017, § 1(3.5.15.2); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03 , § 1, 11-25-2019; Ord. No. 2019-11-05 , § I, 11-25-2019; Ord. No. 2022-05-01 , § 1(Exh. A), 5-23-2022)

Sec. 3.5.15.3. Viewshed zone (Tier VI).

A. *Statement of purpose and intent.* The intent of Tier VI is to promote uniform and visually aesthetic development which serves to unify the distinctive visual quality of the Stonecrest Area Overlay District.

B. *Permitted principal uses and structures.* The permitted principal uses of land and structures for property in Tier VI shall be governed by all of the underlying zoning district regulations.

C. *Accessory uses and structures.* The permitted accessory uses and structures for property in Tier VI shall be governed by the underlying zoning district.

D. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier V: Viewshed Zone:

1. Sexually oriented businesses.
2. Pawn shops.
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; Ord. No. 2019-11-03 , § 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; Ord. No. 2019-11-03 , § 1, 11-25-2019)

Sec. 3.5.17. Permits for uses.

Any use authorized by this division shall require that a development permit be issued before property improvements can be made in accordance with section 7.7.2 and a building permit required in accordance with the provisions of section 7.7.3.

(Ord. of 8-2-2017, § 1(3.5.17); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03 , § 1, 11-25-2019)

Sec. 3.5.18. Design guidelines.

The Stonecrest Overlay District Design Guidelines dated May 2008 in DeKalb County, shall apply to all uses and structures within the Stonecrest Overlay District and shall be maintained by the planning director 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; Ord. No. 2019-11-03 , § 1, 11-25-2019)

Sec. 3.5.19. Plans required; certificates of compliance.

A. *Plans required.* Prior to the issuance of any land disturbance permit, building permit, or sign permit, the applicant shall submit to the director of planning 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; Ord. No. 2019-11-03 , § 1, 11-25-2019)

Sec. 3.5.20. Conceptual plan package review.

A. The conceptual plan package must be composed of the following:

1. A narrative addressing the proposed development explaining how it meets the purpose, intent, and standards of this chapter. The narrative shall include a tabulation of the approximate number of acres in each land use, the approximate number of dwelling units by type, the approximate gross residential density, the approximate commercial density, the approximate public space acreage, the anticipated number, type and size of recreational facilities and other public amenities; the legal mechanism for protecting and maintaining public space, as required in section 3.5.5.A.1.;

2. A site location map showing the proposed development, abutting property, the relationship of the proposed development to surrounding natural features and existing development, and transitional buffer zones, if required; and

3. A multi-modal access plan meeting the requirements of section 3.5.12.

B. The plan to be submitted in the conceptual plan package must contain the following information:

1. Six copies of a plan drawn to a designated scale of not less than one inch equals 100 feet, certified by a professional engineer or land surveyor licensed by the State of Georgia, presented on a sheet having a maximum size of 24 inches by 36 inches, and 8 and ½-inch by 11-inch reduction of the plan. If presented on more than one sheet, match lines must clearly indicate where the several sheets join. Such plan must contain the following information:

a. Boundaries of the entire property proposed to be included in the development, with bearings and distances of the perimeter property lines.

b. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.

c. Location and approximate dimensions in length and width, for landscape strips and required transitional buffers, if any.

d. Existing topography with a maximum contour interval of five feet and a statement indicating whether it is an air survey or field run.

e. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or City of Stonecrest.

f. The delineation of any jurisdictional wetlands as defined by Section 404 of the Federal Clean Water Act.

g. Approximate delineation of any significant historic or archaeological feature, grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact it.

h. A delineation of all existing structures and whether they will be retained or demolished.

i. General location, in conceptual form, of proposed uses, lots, buildings, building types and building entrances.

j. Height and setback of all buildings and structures.

k. Approximate areas and development density for each type of proposed use.

l. Location, size, and number of all on-street and off-street parking spaces, including a shared parking analysis, if shared parking is proposed.

m. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets.

n. Conceptual plans for drainage with approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed.

o. Development density and lot sizes for each type of use.

p. Areas to be held in joint ownership, common ownership or control.

q. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets.

r. Location of proposed sidewalks and bicycle facilities trails, recreation areas, parks, and other public or community uses, facilities, or structures on the site.

s. Conceptual layout of utilities and location of all existing or proposed utility easements having a width of 25 feet or more.

t. Standard details of signs, sidewalks, streetlights, driveways, medians, curbs and gutters, greenspace areas, fencing, grating, street furniture, bicycle lanes, streets, alleys, and other public improvements demonstrating compliance with the design guidelines for the Stonecrest Area Overlay District.

u. Seal and signature of professional preparing the plan.

(Ord. of 8-2-2017, § 1(3.5.20); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03 , § 1, 11-25-2019)

DIVISION 33. INTERSTATE 20 CORRIDOR COMPATIBLE USE OVERLAY DISTRICT

Sec. 3.33.1. Scope of regulations.

This division establishes standards and procedures that apply to any development, use, alteration, height, density, parking, open space, and building on any lot or portion thereof which is in whole or in part contained within the boundaries of the I-20 Corridor Compatible Use Overlay District. This division shall be governed by chapter 27, article 3, division 1.

(Ord. of 8-2-2017, § 1(3.33.1))

Sec. 3.33.2. Applicability of regulations.

This division applies to each application for a business license, land disturbance permit, building permit or a sign permit which involves the development, use, alteration, or modification of any structure where the subject property is in whole or in part contained within the boundaries of any of the I-20 Corridor Compatible Use Overlay District. The procedures, standards, and criteria herein apply only to that portion of the subject property within the boundaries of the I-20 Corridor Compatible Use Overlay District.

(Ord. of 8-2-2017, § 1(3.33.2))

Sec. 3.33.3. Statement of purpose and intent.

The purpose and intent of the City of Stonecrest in establishing the I-20 Corridor Compatible Use Overlay District is as follows:

A. To encourage development and redevelopment of properties within the district in order to achieve a variety of mixed-use communities;

B. To provide for the development of sidewalks and walkways in order to promote safe and convenient pedestrian access and to reduce dependence on automobiles and other motorized means of transportation;

C. To promote physically attractive, environmentally safe and economically sound mixed-use communities;

D. To permit and to encourage mixed-use developments containing both commercial and residential uses so as to create pedestrian oriented communities in which people can live, work and play;

E. To improve the visual appearance and increase property values within the I-20 corridor and to implement the objectives of the comprehensive plan;

F. To enhance the long-term economic viability of the portion of the City of Stonecrest within the overlay by encouraging new commercial and residential developments that increase the tax base and provide employment opportunities to the citizens of the City of Stonecrest;

G. To implement the policies and objectives of the comprehensive plan and the policies and objectives of the design standards for the I-20 Corridor Compatible Use Overlay District;

H. To establish and maintain a balanced relationship between industrial, commercial, and residential growth to ensure a stable and healthy tax base;

I. To provide a balanced distribution of regional and community commercial and mixed-use office centers;

J. To support high-density housing in office and mixed-use centers which have the appropriate location, access, and infrastructure to support such development;

K. To encourage mixed-use developments that meet the goals and objectives of the Atlanta Regional Commission's Smart Growth and Livable Centers Initiatives;

L. To allow flexibility in development standards in order to encourage the design of innovative development projects that set high standards for landscaping, green space, urban design, and public amenities;

M. To encourage an efficient land use and development plan by forming a live-work-play environment that offers employees and residents the opportunity to fulfill their daily activities with minimal use of single-occupant automobiles;

N. To allow and encourage development densities and land use intensities that are capable of making productive use of alternative transportation modes such as bus transit, rail transit, ridesharing, bicycling and walking;

O. To focus and encourage formation of well designed, pedestrian-friendly activity centers with high-density commercial and residential development that increases vitality and choices in living environments for the citizens;

P. To protect established residential areas from encroachment of uses which are either incompatible or unduly cause adverse impacts on such communities, and to protect the health, safety and welfare of the citizens;

Q. To promote uniform and visually aesthetic architectural features which serve to unify the distinctive visual quality of the I-20 corridor area.

(Ord. of 8-2-2017, § 1(3.33.3))

Sec. 3.33.4. District boundaries and maps.

A. The I-20 Corridor Overlay District shall be comprised of the following six areas that are centered along the roadways that intersect with Interstate 20: The Panola Road area; the Snapfinger Woods area; the Wesley Chapel Road area; the I-20/I-285 interchange area; the Candler Road corridor and the Gresham Road area.

B. The boundaries and tiers of the Interstate 20 Corridor Compatible Use Overlay District shall be depicted on the official zoning maps entitled "Official Zoning Map, Stonecrest, Georgia, I-20 Corridor Overlay District")(the "I-20 Corridor overlay maps"). The Official Zoning Map, Stonecrest, Georgia, I-20 Corridor Overlay District, to be adopted contemporaneously with this chapter, together with all explanatory information contained or referenced thereon, is hereby adopted by reference and declared to be a part of this chapter. The I-20 Corridor overlay maps shall be adopted contemporaneously with this chapter in digital format and contained on a compact disk to be maintained in its original, unedited and unaltered form by the

clerk to the city council. A printed copy of the compact disk's contents depicting the I-20 Corridor overlay maps on the date of its initial adoption shall also be maintained in its original, unedited and unaltered form by the clerk to the city council.

C. The I-20 Corridor Overlay District shall be divided into three tiers to guide future development and redevelopment. The tiers are based on the future land use recommendations.

Tier 1. High-intensity area focused around the four activity centers of Panola, Wesley Chapel, Candler Road and the Gresham Road area. The purpose of this tier is to allow the most intense mixed-use development. The goal is to allow for redevelopment of the oversized parking areas with new buildings including retail, office, and residential on one parcel to decrease the need for vehicular trips. The maximum height shall be up to 20 stories and 60 dwelling units/acre.

Tier 2. Medium-intensity area wraps around the high-intensity area or at the locations of Snapfinger Woods and I-20/I-285 intersections. The purpose of this tier is to allow medium-density development in a mixed-use development. The maximum height shall be up to eight stories and allows for up to 40 dwelling units per acre.

Tier 3. Low-intensity area which provides for a transition from the higher-intensity areas and more compatibility to the single-family neighborhoods adjacent to the overlay boundaries. The maximum height shall be up to four stories and allows up to 40 dwelling units per acre.

D. The planning and development director 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. Retail 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.

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 elementary, middle or high school.
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. Self-service car wash and detailing.
17. Self-storage.
18. Small box discount stores.

(Ord. of 8-2-2017, § 1(3.33.6); Ord. No. 2019-11-05 , § II, 11-25-2019)

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~~ special administrative zoning permit procedures specified in article 7 of this chapter;
   4. An accessory use (PA) as regulated by this article 4 of this chapter. Table 4.1 does not list all accessory uses but clarifies uses acceptable as accessory, though not typically considered principal uses for the zoning classification.
   5. Uses lawfully established prior to the effective date of this zoning ordinance.

B. Any use not listed in Table 4.1, below, or interpreted to be allowed by the director of planning 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. Solid waste disposal of hazardous/toxic materials and storage, 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~~ Special administrative zoning 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				✓
Temporary or portable sawmill	P																		P	P					✓
Urban, community garden, up to 5 ac.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓
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, multi-family								P	P	P			P								P	P	P	P	
Dwelling, townhouse							P	P	P	P		P		P							P	P	P	P	✓
Dwelling, urban single-family							P	P	P	P		P		P							P	P	P	P	✓
High-rise apartment										P			SP										P	P	
Dwelling, single-family (attached)							P	P	P	P				P							P	P	P	P	

Dwelling, single-family (detached)	P	P	P	P	P	P	P	P	P	P	P	P									P	P	P		
Dwelling, three-family							P	P	P	P		P									P	P	P	P	
Dwelling, two-family							P	P	P	P		P									P	P	P	P	
Dwelling, single-family, accessory (guesthouse, in-law suite)	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa												Pa	Pa	Pa	Pa	✓
Home occupation, no customer contact	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA									SA	SA	SA	SA	✓
Home occupation, with customer contact	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP									SP	SP	SP	SP	✓
Live/work unit								P	P	P			P	P		P	P				P	P	P	P	✓
Mobile home park											P														
Accessory uses or structures	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	✓
Housing and Lodging																									
Bed and breakfast	SP	SP	SP				SP	SP	SP	SP			P	P		P	P					P	P	P	✓
Bed and breakfast, home stay	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP													✓
Boarding/Rooming house								SP	P	P															
Child caring home, 5 orless	SP	SP	SP	SP	SP	SP	SP					SP	P	P	P	P	P				SP	SP	SP	SP	✓
Child caring facility, 6 or more													P	P	SP	P	P				SP	SP	SP	SP	✓
Child day care center													P	P	P	P	P				P	P	P	P	
Convents or monasteries	SP	SP	SP	SP	SP	SP	SP	SP	SP				P	P								P	P	P	✓
Dormitory													Pa	Pa		Pa	Pa	Pa			Pa	Pa	Pa	Pa	
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	
Party house	SA	SA																							

Personal care home, 7 or more							SP	SP	SP	SP			P	P	SP	P	P				SP	SP	SP	SP	✓
Personal care home, group, 6 or less	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP	P	P	SP	P	P								✓
Senior housing	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP							SP	SP	SP	SP	✓
Shelter for homeless persons, 7—20									SP	SP			SP	SP		P	P								✓
Shelter for homeless persons for no more than six (6) persons								SP	SP	SP			SP	SP		SP									✓
Short term vacation rental	SP	SP	SP					SP													SP	SP			
Transitional housing facilities, 7—20								SP	SP	SP			SP	SP		P	P								✓
INSTITUTIONAL/PUBLIC																									
Community Facilities																									
Cemetery, columbarium, mausoleum	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP			P	P				P							✓
Club, order or lodge, fraternal, non-commercial													P	P		P	P	P	P		P	P	P	P	
Coliseum or stadium/not associated with church or school																P	P	P					SP	P	✓
Cultural facilities								SP	SP	SP			SP	SP		SP	SP	SP	SP		SP	SP	SP	SP	
Funeral home, mortuary													P	P		P	P				P	P	P	P	
Golf course or clubhouse, public or private	P	P	P	P	P	P	P				P		P	P			P	P	P						✓
Government facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Hospital or accessory ambulance service													P	P									P	P	
Library or museum								P	P	P			P	P	P	P	P	P			P	P	P	P	
Neighborhood or subdivision clubhouse or amenities	P	P	P	P	P	P	P	P	P	P	P	P	P	P							P	P	P	P	✓
Recreation club	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP						P						SP	✓
Places of worship	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP	P	P	P	P	P	P	P	P	P	P	P	P	✓
Recreation, outdoor																	P	P	P	P					✓

Swimming pools, commercial	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	P		P	P	P	P			Pa	Pa	Pa	✓
Tennis courts, swimming pools, play or recreation areas, community,	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	P	P		P	P	P	P			Pa	Pa	Pa	✓
Education																									
Colleges, universities, research and training facilities													P	P		P	P	P	P		P	P	P	P	
Private educational services, home occupation	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa		Pa					P			Pa	Pa			✓
Private kindergarten, elementary, middle or high schools	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	P		P	P	P				SP	SP	SP	✓
Specialized schools													P	P		P	P	P	SP	SP	P	P	P	P	✓
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					✓
Automobile or truck rental or leasing facilities													P	P		P	P		P			P	P	P	✓
Auto recovery, 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						✓
Boat sale																P	P		P						✓
Automobile repair, major																	P		P	P					✓
Automobile repair or maintenance, minor																P	P		P	P					✓
Retail automobile parts or tire store																P	P		P						✓

Service area, outdoor																	Pa		Pa	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 or construction office,								Pa	Pa	Pa			P	P		P	P	P	P	P					✓
Building, landscape, heavy construction contractor office (material, equipment, storage)																	P	P	P	P					✓
Engineering or architecture office								Pa	Pa	Pa			P	P	P	P	P	P	P	P	P	P	P	P	
Finance office or banking								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P	
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	
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																									
Sexually oriented business																				P					✓
Drive-in theater																	P		P	P					✓
Fairground or amusement park																	P		P	P					✓
Indoor recreation (bowling alleys, movie theatres and other activities conducted wholly indoors)															P	P	P	P	P	P	P	P	P	P	
Nightclub or late night establishments													P a		SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	✓
Outdoor recreation (miniature golf, batting cages, tennis, Go-cart and other outdoor activities)	SP																P	P	SP						✓
Special events facility	SP												P	P		P	P	P	P		P	P	P	P	

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	✓
Apparel or accessories store															P	P	P				P	P	P	P	
Art gallery								Pa	Pa	Pa					P	P	P	P			P	P	P	P	
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	
Commercial greenhouse or plant nursery															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	✓
Drive-through facilities													P		P	P	P	P	P		SP	SP	SP	SP	✓
Farm or garden supply store	P														P	P	P	P	P		P	P			
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	✓
Florist													Pa		P	P	P	P			P	P	P	P	

Specialty food stores (e.g., coffee, ice cream) (see alcohol outlet)													Pa		P	P	P	P			P	P	P	P	
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 1,000 feet of interstate highway interchange measured from RW to property line																Pa	Pa	Pa	Pa						✓
Gift, novelty, or souvenir store													Pa		P	P	P	P			P	P	P	P	
Gold buying, precious metals																Pa	P	P							
Grocery store (with the exception of small box discount stores)								Pa	Pa	Pa					P	P	P	P			P	P	P	P	
Hardware store or other building materials store															P	P	P	P	P	P	P	P	P	P	
Hobby, toy or game store															P	P	P	P			P	P	P	P	
Jewelry store															P	P	P	P			P	P	P	P	
Music or music equipment store (retail)															P	P	P	P			P	P	P	P	
Liquor store (see alcohol outlet)													Pa		SP	SP	SP	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							✓
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	
Retail, 5,000 sf or less (with the exception of small box discount stores)								Pa	Pa	Pa			Pa	Pa	P	P	P	P	P	P	P	P	P	P	
Retail, over 5,000 sf (with the exception of small box discount stores)															P	P	P	P			P	P	P	P	
Retail warehouses/wholesales providing sales of merchandise with no outdoor storage																P	P	P	P		P	P	P	P	
Shopping center															P	P	P	P			P	P	P	P	
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					
Variety store (with the exception of small box discount stores)													Pa		P	P	P	P			P	P	P	P	
Temporary Commercial Uses																									
Temporary outdoor sales, seasonal	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Temporary produce stand	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Temporary outdoor retail sales	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Temporary outdoor events	SA	SA	SA	SA	SA	SA	SA						SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Temporary trailer, as home sales office or construction trailer	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Eating and Drinking establishments																									

Brewpub/Beer growler															P	P	P		P		P	P	P	P	
Brewpub/Beer growler, accessory															P	P	P		P		P	P	P	P	
Brewery, craft																P	P		P		SP	SP	SP	SP	✓
Distillery, craft																P	P		P		SP	SP	SP	SP	✓
Brewery, Large scale																				P					
Distillery, Large scale																				P					
Catering establishments													P	P		P	P		P		P	P	P	P	
Restaurants (acc. to hotel/motel)													P			P	P	P				P	P	P	
Restaurants (non-drive-thru)								Pa	Pa	Pa		Pa	Pa	Pa	P	P	P		P		P	P	P	P	
Restaurants with a drive-thru configuration													P	P		SP	SP		SP						✓
Transportation and Storage																									
Bus or rail stations or terminals for passengers																SP	SP		SP	SP	SP	SP	SP	SP	
Heliport													SP			SP	SP	SP	P	P			SP	SP	✓
Parking, commercial lot													Pa			P	P	P	P	P	P	P	P	P	✓
Parking, commercial garage													Pa			P	P	P	P		P	P	P	P	
Taxi, ambulance or limousine service, dispatching or storage.																	P	P	P	P					✓
Taxi stand													P	P	P	P	P	P	P	P	P	P	P	P	
Services																									
Adult day care center—3 or more													P	P	P	P	P	P				P	P	P	✓
Animal hospitals, veterinary clinic															P	P	P	P	P	P	P	P			✓
Animal shelter/rescue center	SP																P	P	P	P					✓
Banks, credit unions or other similar financial institutions								Pa	Pa	Pa			P	P	P	P	P		P		P	P	P	P	

Barber shop/beauty salon or similar establishments								Pa	Pa	Pa			Pa	P	P	P	P	P	P		P	P	P	P	
Check cashing establishment, primary																	P								✓
Check cashing establishment, accessory																P	P				P	P	P	P	✓
Child day care center (Kindergarten)—7 or more								P	P	P	P		P	P	P	P	P	P	P		P	P	P	P	✓
Child day care facility—Up to 6	SP	SP	SP	SP	SP	SP	SP	P	P	P		SP	P	P	P	P	P	P				P	P	P	✓
Coin laundry								Pa	Pa	Pa		Pa			P	P	P					P	P	P	
Dog day care								SP	SP	SP						P	P		P	P	P	SP	SP	SP	✓
Dog grooming								Pa	Pa	Pa						P	P		P	P	P	P	P	P	✓
Dry cleaning agencies, pressing establishments, or laundry pick-up stations								Pa	Pa	Pa			P	P	P	P	P		P	P	P	P	P	P	
Fitness center	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa		P	P	P	P	P		P	P	P	P	P	P	
Kennel, breeding or boarding	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	
Photoengraving, typesetting, electrotyping																	P		P	P	P	P			
Photographic studios													P	P	P	P	P		P		P	P	P	P	
Plumbing, HV/AC equipment																P	P		P	P					

establishments with no outdoor storage																								
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																								
Ambulance service or emergency medical services, private																P	P		P					
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	
Kidney dialysis center													P	P		P	P		P		P	P	P	P	
Medical or dental laboratories													P	P		P	P		P	P			SA	SA	
Services, Repair																								
Furniture upholstery or repair; home appliance repair or service																P	P		P	P				
Personal service, repair (watch, shoes, jewelry)								Pa	Pa	Pa			P	P	P	P	P		S A		P	P	P	P	
Service area, outdoor																	P a		P a	P					✓
INDUSTRIAL																								
Alcohol or alcoholic beverage manufacturing																			P	P				
Alternative energy production																		SP	P	P				
Automobile/truck manufacturing																				P				
Brick, clay, tile, or concrete products terra cotta manufacturing																				P				
Building materials or lumber supply establishment																	P		P					

Cement, lime, gypsum, or plaster of Paris manufacturing																			P					
Compressed gas fuel station																SP		P	P					
Chemical manufacture, organic or inorganic																			P					
Contractor, general (See also Building or Construction Office)																P		P	P		P	P		✓
Contractor, heavy construction, outside storage																P		P	P					✓
Contractor, special trade																P		P	P					
Crematoriums													SP			SP	SP		P	P					✓
Fabricated metal manufacture, no EDP permit required																			P	P				
Fabricated metal manufacture, EPD permit required																				SP				
Fuel dealers, or wholesalers																			P	P				
General aviation airport																			SP	SP				✓
Heavy equipment repair service or trade																P			P	P				
Ice manufacturing plant																			P	P				
Incidental retail sales of goods produced or processed on the premises																			P a	Pa				
Industrial, heavy																				P				
Industrial, light																			P	P				
Intermodal freight terminal, bus or rail freight or passenger terminal, or truck terminal																				P				

Leather manufacturing or processing																				P					
Light malt beverage manufacturer (See also Brewpub)															Pa	Pa	Pa		P	P	Pa	Pa	Pa	Pa	
Light manufacturing																			P	P					
Manufacturing, heavy																				P					✓
Manufacturing operations not housed within a building																				P					✓
Mines or mining operations, quarries, gravel pits or soil pits																				P					✓
Mines or mining operations, Asphalt plant																			SP	SP					
Outdoor storage, industrial																			P	P					✓
Railroad car classification yards or team truck yards																			P	P					✓
Recovered materials facility wholly within a building																			P	P					✓
Recovered materials processing wholly within a building																			P	P					✓
Recycling collection													Pa		Pa	Pa	Pa		P	P					
Recycling plant																			P	P					
Repair/manufacture of clocks, watches, toys, electrical appliances, electronic																			P	P					
Research, experimental or testing laboratories																			P	P					
Salvage yard (Junkyard)																				P					✓
Solid waste: general disposal, private																				P					✓

industry disposal, handling facility,																									
Storage yard, except vehicle																				P					✓
Storage yard for damaged or confiscated vehicles																				P					✓
Towing or wreckage service																			P	P					
Transportation equipment manufacture																				P					
Transportation equipment storage or maintenance (vehicle)																			P	P					✓
Truck stop or terminal																			P	P					
Vehicle storage yard																			P	P					
Warehousing or Storage																		P	P	P					
COMMUNICATION—UTILITY																									
Amateur radio service or antenna	SP	SP	SP	SP	SP	SP	SP				SP														✓
Electric transformer station, gas regulator station or telephone exchange																				P					
Radio or television broadcasting studio													P				P		P	P	P	P	P	P	
Radio or television broadcasting transmission facility													P a				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 in or near residential uses	SP	SP	SP	SP	SP	SP	SP				SP			SP	SP										✓
New support structure from 50 feet up to 199 feet away from residential uses													S A			S A	S A	SA	S A	SA					✓

Carrier on Wheels (non-emergency or event, no more than 120 days)	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Carrier on Wheels (declared emergency)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓
Attached wireless telecommunication facility, used for non-residential purposes (prohibited if used as residential)	SA	SA	SA	SA	SA	SA	SA																		
Attached wireless telecommunication facility								P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓
Small cell installations (new support structures or collocation) on private property or ROW	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓

(Ord. of 8-2-2017, § 1(4.1.3); Ord. No. 2018-09-01, § 00, 9-17-2018; Ord. No. 2018-09-02 , § 1, 9-17-2018; Ord. No. 2019-06-01, § (Exh. A), 6-10-2019; Ord. No. 2019-11-05 , § III, 11-25-2019; Ord. No. 2021-06-04 , § 1(Exh. A), 8-23-2021; Ord. No. 2022-01-03 , § 1(Exh. A), 1-10-2022; Ord. No. 2022-05-01 , § 1(Exh. A), 5-23-2022; Ord. No. 2022-06-02 , § 1(Exh. A), 6-29-2022)

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. Reserved.

Ord. No. 2022-05-01 , § 1(Exh. A), adopted May 23, 2022, repealed § 4.2.4, which pertained to adult daycare center (seven or more clients) and derived from Ord. of August 2, 2017, § 1(4.2.4).

Sec. 4.2.5. Adult day center (three or more clients).

Each adult day center shall be subject to the following requirements:

A. All outdoor recreation areas shall be enclosed by a fence or wall not less than four feet in height.

B. Each adult day center shall provide off-street parking spaces as required by the applicable zoning district.

C. No adult day center shall be located within 1,000 feet of another adult day center.

D. No adult day center may be established and operated until a permit to do so has been obtained in accordance with the procedures set forth below.

1. Permit application. Persons seeking to operate an adult day center in the city must file a permit application with the planning 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 day center will meet and be operated in compliance with all applicable state laws and regulations and with all ordinances and regulations of the city. The planning 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 day center is subject to the requirement that the applicant obtain a certificate of registration from the state department of human resources, and even though the application may have been approved under the provisions of this section, a permit for the operation of such facility shall not be issued until proof has been submitted by the applicant that the certificate of registration has first been obtained from the state.

(Ord. of 8-2-2017, § 1(4.2.5); Ord. No. 2022-05-01 , § 1(Exh. A), 5-23-2022)

Sec. 4.2.6. Sexually oriented businesses.

A. *Purpose.* It is a purpose of this chapter to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the city. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material.

B. *Findings and rationale.* Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the city council, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton* v. *Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles* v. *Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie* v. *Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton* v. *Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young* v. *American Mini Theatres*, 427 U.S. 50 (1976); *Barnes* v. *Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California* v. *LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority* v. *Bellanca*, 452 U.S. 714 (1981); *Sewell* v. *Georgia*, 435 U.S. 982 (1978); *FW/PBS, Inc.* v. *City of Dallas*, 493 U.S. 215 (1990); *City of Dallas* v. *Stanglin*, 490 U.S. 19 (1989); and *Flanigan's Enters Inc.* v. *Fulton County*, 596 F.3d 1265 (11th Cir. 2010); *Peek-a-Boo Lounge* v. *Manatee County*, 630 F.3d 1346 (11th Cir. 2011); *Daytona Grand, Inc.* v. *City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *Jacksonville Property Rights Ass'n, Inc.* v. *City of Jacksonville*, 635 F.3d 1266 (11th Cir. 2011); *Artistic Entertainment, Inc.* v. *City of Warner Robins*, 331 F.3d 1196 (11th Cir. 2003); *Artistic Entertainment, Inc.* v. *City of Warner Robins*, 223 F.3d 1306 (11th Cir. 2000); *Williams* v. *Pryor*, 240 F.3d 944 (11th Cir. 2001); *Williams* v. *A.G. of Alabama*, 378 F.3d 1232 (11th Cir. 2004); *Williams* v. *Morgan*, 478 F.3d 1316 (11th Cir. 2007); *Gary* v. *City of Warner Robins*, 311 F.3d 1334 (11th Cir. 2002); *Ward* v. *County of Orange*, 217 F.3d 1350 (11th Cir. 2002); *Boss Capital, Inc.* v. *City of Casselberry*, 187 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); Ord. No. 2021-06-05 , § 1(Exh. A), 8-23-2021)

Sec. 4.2.9. Amateur radio service antenna structure.

Amateur radio service antenna structures are a permitted accessory use in single-family residential districts, provided that no such antenna structure, including any support upon which it may be constructed, shall exceed a combined height of 70 feet. Amateur radio service antenna structures in single-family residential districts exceeding 70 feet in height shall be permitted only by special land use permit subject to all of the requirements of section 4.2.51 of this chapter. Amateur radio service antenna structures shall be located a distance of at least one-half of the height of the tower from all property lines.

(Ord. of 8-2-2017, § 1(4.2.9))

Sec. 4.2.10. Issuance of license and employee permits; employee permit fees.

(a) All employees of any licensed establishment must hold an employee permit, unless otherwise exempt under this chapter. The conditions and procedures governing the issuance of alcohol permits for employees are set forth in this section.

(b) An employee permit shall be issued unless the applicant fails to meet the qualifications for an employee permit under this chapter. Any employee permit identified in this chapter will be issued or the issuance of an employee permit will be denied within 30 days after submission of a properly completed application or within 15 days of the records in subsection (d) of this section, whichever is later. An application for an employee permit is complete when it contains the information required by this chapter and is accompanied by the permit fee in the amount established by action of the city council. A permit shall be valid for 12 months from the date of issuance. If a permit is not issued or denied within the time frame specified herein, the permit shall be automatically approved.

(c) No person requiring a permit may be employed by or work in an establishment, as defined in this chapter, until such person has filed an application, paid the fee for and obtained a work permit from the City Manager or his designee. No person shall be issued a permit who has been convicted in this city, county, state, or in any federal court within five years immediately prior to the application for employment for soliciting for prostitution, keeping a disorderly place, illegally dealing in narcotics, sex offenses or any charge relating to the manufacture or sale of intoxicating liquors or any felony or misdemeanor of moral turpitude.

(d) An application for a permit shall include the applicant's legal name, all of the applicant's aliases and/or any other name by which the applicant has ever been known, mailing address, written proof of age (in the form of a driver license, a picture identification document containing the applicant's date of birth issued by a governmental agency, or a copy of a birth certificate accompanied by a picture identification document issued by a governmental agency), and a list of all prior criminal convictions. The City Manager or his designee shall make a complete search relative to any police record of the applicant. As a prerequisite to the issuance of any such initial permit or license, the employee shall furnish a complete set of fingerprints to be forwarded to the Georgia Bureau of Investigation, which shall search the files of the Georgia Crime Information Center for any instance of criminal activity during the two years immediately preceding the date of the application. The Georgia Bureau of Investigation shall also submit the fingerprints to the Federal Bureau of Investigation under the rules established by the United States Department of Justice for processing and identification of records.

(e) Any permit for employment issued hereunder shall expire 12 months from the date of issuance unless earlier revoked or suspended. The City Manager or his designee may prescribe reasonable fees for certifying the eligibility for employment.

(f) An employee holding a permit issued pursuant to this chapter shall at all times during his working hours have the permits available for inspection at the premises.

(g) An employee shall provide his employer with a legible copy of his permit which copy shall be maintained by the employer as part of its business records.

(Ord. of 8-2-2017, § 1(4.2.10); Ord. No. 2017-10-04, § 1(4.2.10), 10-16-2017)

Sec. 4.2.11. Animal care facilities.

A. Animal hospitals and veterinary clinics.

1. Any building or enclosed structure used as an animal hospital or veterinary clinic shall be located and the activities associated with the use shall be conducted at least 100 feet from any property zoned or used for residential purposes.
2. When located within a shopping center, the use shall be adequately soundproofed and odor-proofed so as not to create a nuisance.
3. No boarding shall be allowed unless required in connection with medical treatment;
4. Outside runs or kennels are prohibited.

B. Animal shelter, four or more.

1. Any building or enclosed structure for the housing of animals shall have a minimum setback of at least 100 feet from all property lines and at least 200 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.* Where a lot is used for automobile or truck and trailer sales, all inventory vehicles parked outdoors shall be set back at least ten feet from the street right-of-way. The ten-foot setback from the street right-of-way shall comply with section 5.4.4.D.3. of this chapter. No other unrelated retail use shall be on the same property or in the same building with automobile and truck sales. The automobile and truck sales lot shall be on a lot no less than one acre in area.

B. *Automobile repair, major, and paint shops.* Major automobile repair and paint shops shall meet the following:

(1) Upon the minor redevelopment of existing buildings or structures, as defined in section 27-8.1.16, that also requires a land development permit or building permit, the director of his designee 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 zoning permit~~ special administrative zoning permit for temporary seasonal sales or event in order to operate and shall adhere to the following requirements:

A. The operator of a farmers market shall obtain a business license from City of Stonecrest prior to opening the farmers market.

B. City of Stonecrest shall be provided a list of the names of persons, firms or corporations who shall provide produce or merchandise for sale as part of the public market. The list shall also generally describe the type of item sold by each said person, firm or corporation. The list shall be updated quarterly during the term of the business license.

C. Displayed inventory of the products sold may include:

1. Farm products such as fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.

2. Value-added farm products such as baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, smoked or canned meats or fish, sausages, or prepared foods.

3. All other items may not be displayed and sold.

D. At least 75 percent of the vendors participating during the market's hours of operation must be either producers (a person or entity that raises farm products on farms the person or entity owns, rents or leases), family members, employees or agents of producers or preparer of said products.

E. If a booth sells farm products or value-added farm products that are not produced by the vendor, said booth must explicitly disclose the producer's name and location in writing with lettering that is at least two inches tall and visible to the consumer.

F. Vending structures may include a temporary, movable booth, stall, table, tent or other structure used for the sale of goods or for display purposes at a farmers market.

G. Hours of operation. Temporary or seasonal market hours may be between 7:00 a.m. and 9:00 p.m. Temporary or seasonal markets shall not operate more than six hours per day nor more than three days per week. Set-up of market operations shall begin no earlier than 6:00 a.m. and take-down and clean-up shall end no later than 10:00 p.m.

H. Market manager. On-site presence of a market manager is required during all hours of operation. The market manager shall direct the operations of all vendors participating in the market and verify that the requisite number of individual vending structures are operated by producers.

I. Parking. Two parking spaces per vendor shall be provided on-site or within 500 feet of the boundary line of the property hosting a temporary or seasonal farmer's market.

J. Access to public toilet facilities shall be provided to customers.

K. Farmers markets must obtain a ~~special administrative permit~~ special administrative zoning permit for temporary seasonal sales or event to operate in City of Stonecrest. The application shall include:

1. Name and current address of the applicant.

2. A notarized letter signed by the property owners or authorized property manager or agent, consenting to the placement of the farmers market on the property.

3. A site plan drawn to-scale showing:

a. Property lines, street curbs, street names, adjacent sidewalks as applicable.

b. Plan layout and dimensions showing the on-site market area including the number, arrangement, and size of the vending structures to be located in the market.

c. Location of on-site and off-site parking spaces.

d. Any other documents or information requested and deemed by the director of planning 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, each capable of serving at least three persons at a time, open to the public, and compliant with the Americans with Disabilities Act.

G. If a reverse frontage design is proposed, the primary building shall be located close to the street to define street edge. Pump islands shall not be located between the building and the street, but shall be placed behind or to the side of the primary building. The facade of the primary building located closest to the street shall include architectural features and shall have an active entrance either on the side or rear, with clear unobstructed pedestrian access from the public sidewalk. The street facade shall have at least 25 percent fenestration or faux fenestration.

H. Service areas, storage areas, and trash enclosures shall be oriented away from public view and screened from adjacent properties.

I. Facilities must provide a two-foot-high masonry wall with landscaping and/or an evergreen hedge to help screen the pumps from view from a public right-of-way.

(Ord. of 8-2-2017, § 1(4.2.28); Ord. No. 2021-06-05 , § 1(Exh. A), 8-23-2021)

Sec. 4.2.29. Heavy industrial uses.

In addition to the submission requirements of article 7 of this chapter, any application for a special land use permit (SLUP) or a rezoning related to a heavy industrial use shall provide the following information as applicable:

A. Submit within the letter of application the following details:

1. Specific operations to be performed.
2. Hours of operation.
3. Whether operations will be indoors or outdoors.
4. How long materials will be stored on the property.
5. Whether any hazardous wastes will be involved in the operation, including an explanation of how safety measures will ensure that there is no air or water contamination and how the operators will safely dispose of such hazardous materials.
6. A description of any solid wastes handled, produced, or disposed of, including whether the operations will require a solid waste handling permit.
7. How many employees there will be.
8. Whether the operation will be open to the public.
9. What types of vehicles will be delivering materials to the property; and how many and how often, what thoroughfares or major route plan the trucks will take to get to and from the site to minimize any impact on residential area, and whether trucks will be covered to minimize dust/odor impacts on adjacent roadways used to get to the site.
10. Whether the proposed use requires the submittal of a development of regional impact (DRI).

B. Copies of any required state and/or federal agency applications, requirements, environmental assessment reports, or related data; or, if none have been submitted, an indication as to whether such documentation is required.

C. Data from reputable industry sources on current industry standards regarding the proposed land use and how the proposed operation will comply with industry standards to ensure that surrounding properties are not adversely impacted.

D. For any of the following uses, certification by an environmental professional that the proposed operation will not have any adverse air or water quality impacts on surrounding properties:

1. Any use requiring a solid waste handling permit.
2. Any use which utilizes burning, melting, or degasification.
3. Any use which involves the emissions of particulate matter.
4. Any use which processes or stores hazardous materials.
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. 4.2.30. 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 premise.
2. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.

B. All home occupations other than Type I home occupations shall be considered a Type II home occupation and shall require a special land use permit (SLUP). Additional conditions may be placed on the approval of a Type II home occupation in order to ensure the home occupation will not be a detriment to the character of the residential neighborhood.

1. Customer contact is allowed for Type II home occupations.
2. Up to two full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.

C. All home occupations shall meet the following standards:

1. There shall be no exterior evidence of the home occupation.
2. No use shall create noise, dust, vibration, odor, smoke, glare or electrical interference that would be detectable beyond the dwelling unit.
3. The use shall be conducted entirely within the dwelling unit, and only persons living in the dwelling unit shall be employed at the location of the home occupation.
4. No more than 25 percent of the dwelling unit and/or 500 square feet, whichever is less, may be used for the operation of the home occupation.
5. No more than one business vehicle per home occupation is allowed.
6. No home occupation shall be operated so as to create or cause a nuisance.
7. Home occupation shall not include the use of a dwelling unit for the purpose of operating any automobile repair establishment, or car wash.
8. Occupations that are mobile or dispatch-only may be allowed, provided that any business vehicle used for the home occupation complies with section 6.1.3, and is limited to one business vehicle per occupation.

D. Private educational services shall comply with home occupation standards and no more than three students shall be served at a time. Family members residing in the home are not counted towards the three students allowed.

E. Child care homes and personal care homes are considered home occupations and must adhere to these provisions in addition to Section 4.2.41.

(Ord. of 8-2-2017, § 1(4.2.31); Ord. No. 2021-06-04 , § 1(Exh. A), 8-23-2021)

Sec. 4.2.32. Late-night establishments and night clubs.

A. The regulations that follow regarding late-night establishments and nightclubs are intended to afford protection to residential uses and other uses so as to protect the public health, safety, and welfare while respecting and providing adequate opportunities for nightlife in the city.

B. Late-night establishments and nightclubs shall be subject to all of the following standards:

1. Parking facilities within a lot may be shared in accordance with article 6 of this chapter, parking.
2. Valet parking shall not be used to satisfy the requirement to meet applicable parking standards.
3. Methods of traffic circulation, ingress and egress shall be consistent with best management practices as approved by the planning 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. If owned by a corporation, partnership, Limited Liability Company or any entity other than a natural person, the administrator identified in the state license application must reside in the personal care home. If owned by an individual, the individual owner must reside in the group personal care home.

2. Each personal care home must obtain a city license as well as all license(s) and/or permit(s) required by the State of Georgia before beginning to operate. Each personal care home licensed and/or permitted by the State of Georgia must display its state-issued and city-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.

3. No personal care home may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.

4. Personal care homes may apply for an FHA Accommodation Variance as provided for in section 7.5.9 of this chapter.

5. No city permit for the operation of the personal care home shall be transferable.

B. *Personal care home, group (up to six persons).*

1. Two copies of complete architectural plans for the subject group personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.

2. Each group personal care home must provide at least four parking spaces within a driveway, garage or carport and must comply with any applicable requirements in article 6.

3. The home must be at least 1,800 sq. ft in size.

4. In order to prevent institutionalizing residential neighborhoods, no group personal care home located in a residential zoning district may be operated within 1,000 feet of any other group personal care home. The 1,000-foot distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two tracts of land on which the group personal care homes are located.

C. *Personal care home, (seven or more persons).*

1. Two copies of complete architectural plans for the subject community personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
2. Each community personal care home must provide at least one-half parking spaces for each employee and resident and must comply with any applicable requirements in article 6.

D. *Child Care Home, and Child Care Facility general requirements.*

1. If owned by a corporation, partnership, Limited Liability Company or any entity other than a natural person, the administrator identified in the state license application must reside in the child care home, facility. If owned by an individual, the individual owner must reside in the child care home, or child care facility.
2. No child care home, or child care facility shall be located within 1,500 feet of another child care home or child-care facility. The 1,500-foot distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two tracts of land on which the child care homes, or child care facilities are located.
3. Each child caring home, and child care facility must obtain all license(s) and/or permit(s) required by the State of Georgia in order to operate. Each child caring institution must display its state-issued and city-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.
4. Child Care homes and Child Care facilities are not permitted in Multi-family dwellings.
5. No child caring home, facility may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.
6. Each child care home, facility shall meet the minimum state requirements for playground size, location, and fencing.

E. *Child Care Homes, (up to five children).*

1. Each group child care home must provide at least four parking spaces within a driveway, garage or carport, and must comply with any applicable requirements in article 6.

F. *Child Care Facility (six or more children).*

1. Two copies of the complete architectural plans of the subject community child caring institution, signed and sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
2. Each community child caring institution must provide at least one-half parking spaces for each employee and resident and must comply with any applicable requirements in article 6.

(Ord. of 8-2-2017, § 1(4.2.41); Ord. No. 2021-06-04 , § 1(Exh. A), 8-23-2021)

Sec. 4.2.42. Places of worship, convents; monasteries; temporary religious meetings.

The following subsections shall apply to places of worship, convents and monasteries and their related uses, buildings and structures located in a residential district:

A. Any building or structure established in connection with places of worship, monasteries or convents shall be located at least 50 feet from any residentially zoned property. Where the adjoining property is

zoned for nonresidential use, the setback for any building or structure shall be no less than 20 feet for a side-yard and no less than 30 feet for a rear-yard.

B. The required setback from any street right-of-way shall be the front-yard setback for the applicable residential district.

C. The parking areas and driveways for any such uses shall be located at least 20 feet from any property line, with a visual screen, provided by a six-foot-high fence or sufficient vegetation established within that area.

D. Places of worship, convents and monasteries shall be located on a minimum lot area of three acres and shall have frontage of at least 100 feet along a public street.

E. Places of worship, convents and monasteries shall be located only on a thoroughfare or arterial.

F. Any uses, buildings or structures operated by a place of worship that are not specifically included within the definition of place of worship must fully comply with the applicable zoning district regulations, including, but not limited to, any requirement for a special land use permit.

(Ord. of 8-2-2017, § 1(4.2.42))

Sec. 4.2.43. Private elementary, middle and high school.

A. The minimum lot size for private elementary, middle and high school, for which an application for a special land use permit is filed, shall be as follows:

1. *Elementary school.* Two acres plus one additional acre for each 100 students based on the designed capacity of the school.

2. *Middle school.* Three acres plus two acres for each 100 students based on the designed capacity of the school.

3. *High school.* Five acres plus two acres for each 100 students based on the designed capacity of the school.

B. The minimum public road frontage for a private school is 200 feet.

C. Accessory ball fields shall be located at least 50 feet from a residential district or property used for a residential purpose.

D. A 50-foot undisturbed buffer is required if adjacent to a residential district or property used for a residential purpose.

(Ord. of 8-2-2017, § 1(4.2.43))

Sec. 4.2.44. Salvage yard, junkyard.

The following provisions shall be required for automobile salvage, wrecking yards and junkyards, primary or accessory:

A. The site shall be enclosed by a wall or opaque fence not less than eight feet in height.

B. No activity and no vehicle storage associated with such uses shall be conducted within 100 feet of any property zoned or used for residential purposes.

C. No activity and no vehicle storage associated with such uses, except for deliveries, pickups, and signs, shall be conducted within 50 feet of the street right-of-way.

D. No activity and no vehicle storage associated with such uses shall be conducted within 50 feet of the side and rear property lines, unless the adjacent property is zoned M or M-2.

E. The use shall not be permitted within 300 feet of any property used for a school, park, playground or hospital.

F. The sale of automobile parts removed from vehicles on the site shall be permitted.

G. A ten-foot-wide evergreen landscape buffer around the outside perimeter of the screened area shall be provided when adjacent to any property not zoned C-2, M, or M-2.

(Ord. of 8-2-2017, § 1(4.2.44))

Sec. 4.2.45. School, specialized and vocational.

Specialized and vocational schools must meet the applicable requirements of section 4.2.42 and, with the exception of facilities located in industrial districts, all activities shall occur within enclosed buildings.

(Ord. of 8-2-2017, § 1(4.2.45))

Sec. 4.2.46. Senior housing; independent and assisted living, nursing, and continuing care.

A. Primary uses. Senior housing facilities shall include either independent living units or assisted living units, or both. The independent living units may be either single-family (detached) residences or multifamily (attached) residences.

B. Accessory uses. Senior housing facilities shall include one or more of the following accessory uses:

1. Ancillary clinics, personal service, retail (e.g., pharmacy, hair salon, medical offices).
2. Central kitchen and dining facility.
3. Recreation and amenities.
4. Building/clubhouse for classes, meetings, concerts, storytelling, etc.
5. Adult daycare.

C. The maximum number of unrelated residents living independently (not requiring personal care) and at age 55 or older allowed in an independent living unit is one per bedroom.

D. Height standards. A senior living facility in which all of the occupied units are occupied by at least one senior aged 55 or older is authorized up to ten stories without a height SLUP in HR, MU-3, MU-4, and MU-5 zoning districts, subject to transitional height plane regulations in article 5 of this chapter.

E. Accessibility standards. All senior housing shall incorporate accessibility standards that meet certification requirements for easy living or universal design and/or include all of the following minimum features:

1. At least one step free entrance to the main floor at either the front or side of the structure; if only one is provided, it shall not be from a patio or raised deck.
2. Main floor of each unit shall include a kitchen, entertaining area, and master bedroom with full bathroom.
3. Every door on the main floor shall provide a minimum width of 34 inches of clear passage.
4. Blocking shall be installed in the master bath around toilet, tub, and shower for placement or future placement of grab bars.

F. Assisted living, nursing and continuing care facilities shall provide the following:

1. Primary and secondary support services: Approval for assisted living, nursing or continuing care facilities shall not be granted without documentation of provisions for the following primary and secondary services:

a. Primary services: on-site dining facility, 24-hour on-call medical services, on-site licensed practical nurse, on-call registered nurse, linen and housekeeping services, and transportation services.

b. Secondary services: physical therapy, medication administration program, care technician services (clothes changing, bathing, etc.), on-site personal care (barber, beauty salon), fitness center, library.

c. Access to outdoor seating and walking areas shall be provided as part of every assisted living, nursing or continuing care facility.

G. A senior housing facility shall only be approved after consideration of the use permit criteria, found in article 7 of this chapter and after consideration of the following:

1. Proximity and pedestrian access to retail services and public amenities.
2. Transportation alternatives.
3. Integration into existing neighborhoods through connectivity and site design.
4. Diverse housing types.
5. Site and building design that encourages social interaction.
6. Building design that meets easy living standards.

H. In addition, in consideration of the special land use permit or special administrative zoning permit for a senior housing facility, the following criteria shall be evaluated based on the degree to which these elements provide transition from the proposed project to adjacent existing development:

1. Building height.
2. Landscaping.
3. Maximum lot coverage.
4. Setbacks from exterior property lines.
5. Site size.
6. Access to thoroughfare.

I. Submittal requirements. The following documents and information are required for submittals for rezoning, special land use permits, land development permits and building permits associated with proposed senior living facilities:

1. Survey and site plan (per established requirements in article 7 of this chapter).
2. Landscape and tree plan.
3. Number and location of residential units.
4. Types of units.
5. Amenities.
6. Institutional/nonresidential services.
7. Proximity to services such as health care, shopping, recreation, and transit.

8. Other documents addressing the approval criteria in subsections G. and H. of this section.

(Ord. of 8-2-2017, § 1(4.2.46))

Sec. 4.2.47. Service areas, outdoor, for nonresidential uses.

All service areas for nonresidential uses shall be established so as not to encroach into any yard requirement and shall be visually screened from adjacent residential properties.

(Ord. of 8-2-2017, § 1(4.2.47))

Sec. 4.2.48. Shelters for homeless or battered persons and transitional housing facilities.

A. No shelter for homeless or battered persons and no transitional housing facility shall be designed to exceed a capacity of 20 persons, unless accessory to a place of worship.

B. Prior to issuance of any approvals for operation of a shelter for homeless or battered person or transitional housing facility, the applicant for such approval shall disclose, in writing, the capacity and floor plan of the facility.

C. Such shelters shall comply with all applicable City of Stonecrest building, housing, and fire codes and shall fully comply with O.C.G.A. § § 30-3-1 et seq. before a certificate of occupancy can be issued. The loss of any state license or permit shall result in an automatic revocation of that city issued permit or license.

D. There shall be no use on the property other than the shelter, unless accessory to place of worship.

E. No new shelter or transitional housing facility shall be located within 1,000 feet of an existing shelter or transitional housing facility.

F. Shelters for homeless or battered persons and transitional housing facilities may apply for an FHA Accommodation Variance as provided for in section 7.5.9 if the residents would constitute disabled persons under the FHA.

(Ord. of 8-2-2017, § 1(4.2.48))

Sec. 4.2.49. 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))

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 zoning 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 zoning 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 zoning permit for temporary outdoor seasonal activities, provided the following regulations are met and documentation, where required, is provided with the application:

1. *Sales hours.* Garden sales and pickups may occur between 7:00 a.m. and 9:00 p.m. Set-up of sales operations shall begin no earlier than 6:00 a.m., and take-down and clean-up shall end no later than 10:00 p.m.
2. *Management.* An individual shall be present on-site during all sales hours to direct the vending operations.

D. The following requirements apply for all urban or community gardens, of any acreage. Gardens accessory to a residence are excluded from these standards.

1. Garden operating rules and regulations. A set of operating rules shall be established to address the governance structure of the garden, hours of operation, maintenance, and security.
2. Fencing. All fences shall comply with all applicable sections in the Code pertaining to the relevant zoning district in which the garden is located.
3. Synthetic fertilizers, pesticides, and herbicides. Gardens may submit documentation of organic methods. Alternatively, the garden shall be designed and maintained so that synthetic fertilizers, pesticides, and herbicides will not harm any adjacent property.
4. Waste removal. The garden shall recycle and remove waste in accordance with all applicable sections of the Code.
5. Parking requirements. The garden shall provide a minimum of one parking space per one-half acre of property on which the community garden is located during the hours of operation. The parking

requirement may be met by providing either on-site parking or off-site parking within 500 feet of the property line of the property on which the community garden is located.

6. Permitted structures. The following structures are permitted in association with an urban or community garden:
   a. Greenhouses, hoop houses, cold-frames and similar structures used to extend the growing season.
   b. Storage buildings limited to tool sheds, shade pavilions, barns, restroom facilities with composting toilets, and planting preparation houses.
   c. Benches, bike racks, raised and accessible beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, chicken coops, beehives and children's area.
7. Use of machinery. Use of machinery and equipment is allowed, but use of machinery is limited to the hours of 8:00 a.m. to 8:00 p.m. When not in use, all such machinery and equipment (with the exception of machinery and equipment that is:
   (i) Intended for ordinary household use;
   (ii) Borrowed or rented for a period not to exceed seven days; or
   (iii) Located in an urban garden in Light Industrial District or Heavy Industrial District);

   shall be stored so as not to be visible from any public street, sidewalk, or right-of-way.
8. Buildings. Buildings shall be set back a minimum of ten feet from property lines.
9. A minimum of 20 feet of lot frontage along a public right-of-way, or an access easement not less than ten feet wide to provide vehicular access in case of an emergency is required.
10. Driveways and parking may be surfaced with pervious material, including gravel.
11. The site should be designed and maintained so that water does not cause erosion or allow sedimentation on adjacent property.
12. No fencing shall exceed six feet in height. Fencing along the front shall not exceed four feet.
13. Compost and waste collection bins must be located in the rear yard (if a building exists) and be placed at least ten feet from any property line.
14. One sign located on a community garden site is permitted, provided that it shall not exceed six square feet of sign area, excluding the base, and shall not exceed four feet in height. Garden signs shall not be illuminated. Internally located directional, instructional, educational and labeling signs are allowed without a permit.
15. Hours of operation (other than sales) shall be allowed from dawn until dusk. No lighting is allowed.
16. Community gardens must comply with supplemental regulations regarding livestock, bee keeping, and temporary, seasonal sales or events, as applicable.

(Ord. of 8-2-2017, § 1(4.2.55))

Sec. 4.2.56. Utility structure necessary for transmission or distribution of service.

Any utility structure necessary for the transmission or distribution of service, whether an authorized use or a permitted use, shall provide security fencing and landscaping to lessen the visual impact of such structures on adjoining property. Noise resulting from temporary construction activity pursuant to a valid development or building permit, that is not a part of the usual and ongoing operation of the use on the site, that occurs between

7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of this section. Such structures shall be located only within the buildable area of any lot where permitted or authorized by zoning and shall meet all requirements of the district in which such structure is located.

(Ord. of 8-2-2017, § 1(4.2.56))

Sec. 4.2.57. Wireless telecommunications (cell tower).

A. *Purpose and goals.* The purpose of this section is to ensure that residents, public safety operations, and businesses in City of Stonecrest have reliable access to wireless telecommunications networks and state of the art communication services while also ensuring that this objective is achieved in a manner consistent with City of Stonecrest's planning and zoning standards, to maintain to the extent possible the aesthetic integrity of the community, and in accordance with applicable state law and with federal law, regulations, and guidance, including the Telecommunication Act of 1996, which preserved, with certain limitations, local government land use and zoning authority concerning the placement, construction, and modification of wireless telecommunication facilities. The goals of this section are:

1. To ensure City of Stonecrest has sufficient wireless infrastructure to support its public safety communications throughout the city;
2. To provide access to reliable wireless telecommunication services by residents, businesses, and visitors throughout all areas of the city;
3. To minimize the total number of support structures within the city by promoting and encouraging the joint use of new and existing wireless support structures among wireless service providers;
4. To encourage the location of wireless support structures, to the extent possible, in areas where adverse impacts on the community will be minimized;
5. To encourage the design and construction of towers and antennas to minimize adverse visual impacts;
6. To avoid potential damage to property caused by wireless communications facilities by ensuring that such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or when determined to be structurally unsound;
7. To preserve those areas of scenic or historic significance;
8. To facilitate implementation of an existing tower map for City of Stonecrest;
9. To promote and encourage the joint use of new and existing tower sites among service providers;
10. To enhance the ability of the providers of wireless communications services to deliver such services to the community effectively and efficiently;
11. To be consistent with all overlay districts within the city, to the extent practicable and so as to not to conflict with this section.

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

Abandon means when a tower is not operated for a continuous period of six months.

Accessory equipment means any equipment serving or being used in conjunction with a telecommunications facility or support structure. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.

Administrative approval means zoning approval that the director of planning 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.

Antenna means any communications equipment that transmits, receives, or transmits and receives electromagnetic radio signal used in the provision of all types of wireless communication services, including, but not limited to, cellular, paging, personal communications services (PCS) or microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips. The term "antenna" does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

Application means a formal request submitted to City of Stonecrest to construct, collocate or modify a wireless support structure or a wireless facility.

Attached wireless telecommunications facility means an antenna or antenna array that is secured to an existing building or structure (except an antenna support structure) with any accompanying pole or device which attaches it to the building or structure, together with transmission cables and an equipment cabinet, which may be located either on the roof or inside/outside of the building or structure, and do not significantly change the profile of the existing structure and are not readily noticeable to the untrained eye. Attached wireless telecommunications facilities may be concealed or contained in an architectural feature and should complement the existing theme and rhythm of the structure. An attached wireless telecommunications facility is considered to be an accessory use to the existing principal use on a site.

Carrier on wheels or *cell on wheels (COW)* means a portable self-contained telecommunications facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure, though it may use a separate temporary mast for the placement of antennas.

Collocate or *collocation* means the placement or installation of new wireless facilities on previously approved and constructed wireless support structures, including monopoles and towers, both self-supporting and guyed, in a manner that negates the need to construct a new freestanding wireless support structure. The term "collocate" or "collocation" includes the placement of accessory equipment within an existing equipment compound.

Distributed antenna systems (DAS) means a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.

Equipment compound means an area surrounding or adjacent to the base of a wireless support structure within which accessory equipment is located.

Existing structure means previously erected support structure or any other structure, including, but not limited to, buildings and water tanks, to which telecommunications facilities may be attached.

Fall zone means the maximum distance from its base a wireless support structure will collapse in the event of a failure, usually less than the total height of such structure. This distance must be defined by a professional civil or structural engineer licensed in the State of Georgia.

Geographic search area (GSA) means a geographic area designated by a wireless provider or operator as the area within which a new telecommunication facility must be located to serve an identified system need, produced in accordance with generally accepted principles of wireless engineering.

Modification means the improvement, upgrade, expansion, or replacement of wireless facilities on an existing wireless support structure or within an existing equipment compound and may include:

(i) An increase in structure height of a pre-existing tower up to 30 percent so long as such height increase does not trigger FAA lighting requirements; or

(ii) The removal and replacement of a pre-existing tower with a new tower at the same location that may be up to 30 percent taller so long as any such structure height increase does not trigger FAA lighting requirements.

Monopole means a single, freestanding pole-type structure supporting one or more antennas. For the purposes of this section, a monopole is not a tower.

Ordinary maintenance means action taken to ensure that telecommunications facilities and support structures are kept in good operating condition. Ordinary maintenance includes inspections, testing and modifications that maintain functional capacity, aesthetic and structural integrity; for example the strengthening of a support structure's foundation, or of the support structure itself. Ordinary maintenance includes replacing antennas of a similar size, weight, shape and color and accessory equipment within an existing telecommunications facility, and relocating the antennas of approved telecommunications facilities to different height levels on an existing monopole or tower upon which they are currently located. Ordinary maintenance does not include modifications.

Replacement means constructing a new support structure of the same proportions and of equal height, or such other height that would not constitute a modification to a pre-existing support structure, in order to support a telecommunications facility or to accommodate collocation and removing the pre-existing support structure.

Support structure (new or existing) means a structure designed to support telecommunications facilities, including, but not limited to, monopoles, towers, and other freestanding self-supporting structures.

Stealth telecommunications facility means any telecommunications facility that is integrated as an architectural feature of an existing structure or any new support structure designed so that the purpose of the facility or support structure for providing wireless services is not readily apparent to a casual observer. This term, includes, but is not limited to, artificial trees, clock towers, bell steeples, church towers and steeples, light poles, flag poles, monopoles with modified flush mount antennas and similar alternative-design structures that, in the opinion of the director of planning or city council, as may be appropriate based on the requirements for approval in the zoning district in which the telecommunications facility is to be located, are compatible with the natural setting or surrounding structures and effectively camouflage or conceal the presence of antennas or towers.

Telecommunications facility means any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information, including, but not limited to, cellular telephone service, personal communications service (PCS), and paging service. A telecommunication facility can consist of one or more antennas and along with accessory equipment located in an equipment compound.

Tower means a lattice-type structure, guyed or freestanding, that supports one or more antennas or antenna arrays.

C. *Approvals required for telecommunications facilities, stealth and new support structures.* It shall be unlawful for any person to erect, install, construct, enlarge, move, alter or convert any tower or antenna or cause the same to be done within City of Stonecrest except in accordance with the provisions of this section. In addition, except as otherwise specifically provided herein, all towers and antennas shall also comply with all regulations applicable to the zoning district in which said tower or antenna is located and any permits authorizing said tower or antennas.

1. All telecommunications facilities, stealth and new support structures shall require the issuance of a building permit in compliance with the administrative review processes described in this chapter. The building permit for a telecommunications facilities, stealth and new support structures shall be in addition to either a special administrative zoning permit or a special land use permit if required.

2. Telecommunications facilities, stealth and new support structures permitted pursuant to Table 4.1 upon issuance of a special administrative zoning 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, stealth and new support structures may be applied for and considered contemporaneously with an application for a special administrative permit.
3. Telecommunications facilities, stealth and new support structures not permitted by a special administrative zoning permit shall be permitted upon the granting of a special land use permit by the City of Stonecrest City council in accordance with the standards set forth in this chapter, before submittal for administrative review (building permit).

D. *Exempt.* Ordinary maintenance of existing telecommunications facilities, stealth and new support structures shall be exempt from zoning and permitting requirements. In addition, the following facilities are not subject to the provisions of this chapter:

1. Antennas used by residential households solely for broadcast radio and television reception;
2. Satellite antennas used solely for residential or household purposes;
3. Telecommunication facilities, towers, stealth and new support structures, and monopoles located on city-owned property;
4. COWs placed for a period of not more than 120 consecutive days at any location within City of Stonecrest after a declaration of an emergency or a disaster;
5. Television and AM/FM radio broadcast towers and associated facilities; and
6. DAS facilities when located within a building or on the exterior of a building.

E. *Telecommunications facilities, and modifications permitted by administrative review (building permit).*

1. Telecommunications facilities located on existing structures.
    a. Attached wireless telecommunications facilities are permitted in all zoning districts, except single-family residential, when located on any existing structure (other than a single-family residential structure or a multifamily residential structure less than four stories or 50 feet in height) subject to administrative review in accordance with the requirements of this chapter.
    b. Attached wireless telecommunication facilities may exceed the maximum building height limitations within a zoning district, above the roof line of a flat roof or the top of a parapet wall to which they are attached, but shall be camouflaged or screened with an architectural feature compatible with the building. Modifications are permitted to all existing stealth and support structures and associated equipment compounds in accordance with the requirements of this chapter. Any modification involving increasing the height of an existing tower, either directly or by replacement, shall be permitted only upon a demonstration deemed sufficient to the director of planning that increasing structure height will allow collocation on the tower by a wireless service provider and that such collocation will obviate the need for a new telecommunications facility in the same geographic search area (GSA). Approval of a modification involving an increase in the height of an existing tower, either directly or by replacement, shall also authorize a corresponding increase in the size of the associated equipment compound sufficient to accommodate the accessory equipment needed by the wireless service provider collocating on the tower.
2. A monopole or replacement pole that will support utility lines as well as a telecommunications facility shall be permitted within utility easements or rights-of-way, in accordance with the requirements of this chapter, subject to the following regulations:
    a. The utility easement or right-of-way shall be a minimum of 100 feet in width.

b. The easement or right-of-way shall contain overhead utility transmission and/or distribution structures that are 80 feet or greater in height.

c. The height of the monopole or replacement pole may not exceed by more than 30 feet the height of existing utility support structures.

d. Monopoles and all accessory equipment shall be set back a minimum of 15 feet from all boundaries of the easement or right-of-way.

e. Single carrier monopoles may be used within utility easements and rights-of-way due to the height restriction imposed by subsection c. above. Poles that use the structure of a utility tower for support are permitted. Such poles may extend up to 20 feet above the height of the utility tower.

3. The director of planning must issue a written decision approving, approving with conditions, or denying the application for modification or collocation within 90 days of submission of the initial application.

F. *Telecommunication facilities and structures permitted by special administrative zoning permit or special land use permit.*

1. *New support structures and attached wireless.*

a. New support structures up to 150 feet in height shall be permitted in the NS and OIT zoning districts by special land use permit in accordance with the requirements of this chapter.

b. New support structures up to 199 feet in height shall be permitted by special administrative zoning permit in the OI, OD, C-1, C-2, M and M-2 zoning districts in accordance with the requirements of this chapter.

c. Only attached wireless telecommunications (AWT) facilities are allowed in single-family residential districts, RE, RLG, R-100, R-85, R-75, R-60 and RSM. An AWT shall be located only on property that is used for nonresidential purposes, and attached to nonresidential structures. The height of the facility shall be measured to include the height of the structure. These facilities shall be permitted by special administrative zoning permit in accordance with the requirements of this chapter.

d. New support structures either up to 150 feet in height, or up to 199 feet in height depending on the zoning district in which the new support structure is located, may be permitted administratively or through the special land use permit process as described in Table 4.1. The height of any proposed support structure shall not exceed the minimum height necessary to meet the coverage or capacity objectives of the facility. Stealth design is encouraged.

2. *Stealth design telecommunications facilities.*

a. Any telecommunications facility that otherwise complies with the requirements of this chapter, including procedural approvals, may be designed as a stealth telecommunication facility.

b. Stealth telecommunication facilities are mandatory in medium and high density residential districts and shall not exceed 150 feet in height. All towers in medium and high density residential districts must be approved by a special land use permit.

c. Antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer.

d. Existing structures utilized to support the antennas must be allowed within the underlying zoning district. Such structures may include, but are not limited to, buildings, flagpoles, bell towers, clock towers, religious crosses, monuments, smoke stacks, parapets, and steeples.

3. *Cell on wheels/carrier on wheels (COW) facilities.* The use of COWs shall be permitted in any zoning district after special administrative zoning 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 zoning permit approval are subject to the applicable general standards and design requirements contained herein.
5. *Special administrative zoning permit review process.* All special administrative zoning permit applications must contain the following:
    a. The special administrative zoning permit application form signed by the applicant.
    b. A copy of a lease or letter of authorization from the owner of the property on which the telecommunications facility and support structure are located evidencing the applicant's authority to pursue the application. Such submissions need not disclose the financial lease terms.
    c. Site plans detailing proposed improvements complying with the city's site plan requirements. Site plans must depict all improvements and satisfaction of all applicable requirements contained in this Code, including property boundaries, setbacks, topography, elevation sketch, landscaping, fencing, and dimensions of improvements.
    d. In the case of a new support structure:
        i. A statement indicating why collocation could not meet the applicant's requirements. Such statement may include justifications, including why collocation is either not reasonably available or technologically or structurally feasible, as applicable, to document the reason why collocation is not a viable option.
        ii. The applicant shall provide a list of all the existing structures considered by it as alternatives to the proposed location. The applicant shall provide a written explanation why the alternatives considered were either reasonably unavailable, or technologically or structurally infeasible.
        iii. Applications for new support structures with accompanying telecommunications facilities shall be considered together as one application requiring only a single application fee.
        iv. A list of all towers and support structures in City of Stonecrest in which the applicant has an ownership interest or use agreement. The list shall include the location, the type of structure, the height of the structure, the number of facilities located on the same structure, and the number of facilities for which collocation would be available under existing conditions.
        v. A color propagation map demonstrating the existing coverage of all telecommunications facilities owned and proposed by the applicant within the GSA.
        vi. Current and proposed coverage map for the proposed tower.

vii. A structural integrity analysis of a tower shall be included where antennas and equipment will be attached to such existing tower, or to establish the fall zone. Such certification and structural integrity analysis shall bear the signature and seal of a professional engineer licensed in the State of Georgia.

viii. A special administrative zoning permit application fee as listed in City of Stonecrest's published fee schedule.

6. *Procedure.*

a. Within 30 days of receipt of an application for special administrative permit, the director of planning 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.

b. An applicant that receives notice of an incomplete application may submit additional documentation to complete the application. An applicant's failure to complete the application within 60 days after receipt of written notice of incompleteness shall result in the withdrawal of the application without prejudice. An application withdrawn without prejudice may be resubmitted upon the filing of a new application fee.

c. The director of planning must issue a written decision approving, approving with conditions, or denying the application within 150 days of the submission of the initial application unless:

i. The director of planning notified applicant in writing that its application was incomplete within 30 days of filing. If so, the remaining time from the 150-day total review time is suspended until the applicant provides the missing information; or

ii. An extension of time is agreed to by the applicant in writing.

d. After making a decision, the director of planning 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.

e. An aggrieved person, as such term is defined by Georgia courts, may appeal any decision of the director of planning approving, approving with conditions, denying an application, or deeming an application incomplete, within 30 days of such decision to zoning board of appeals in accordance with this chapter.

G. *Special land use permit review process.*

1. Any telecommunications facility, stealth or new support structure, located in a medium to high density residential district, or NS and OIT (except for an attached wireless telecommunication facility) shall meet the requirements of this chapter and shall be approved by a special land use permit subject to:

a. The submission requirements below;

b. The applicable standards below; and

c. The requirements of the special land use permit general requirements provided in article 7 of this chapter.

2. Submission requirements for special land use permit applications.

a. All special land use permit applications for telecommunications facilities, stealth and new support structures, must contain the following:

   i. The special land use permit application form signed by applicant.

   ii. A copy of a lease or letter of authorization from the property owner evidencing applicant's authority to pursue the special land use permit application. Such submissions need not disclose the financial lease terms.

   iii. A legal description of the parent tract, the leased parcel and any associated easements, as applicable.

   iv. A scaled site plan clearly indicating the location, type and height of the proposed tower or accessory structure to be utilized, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines and residential structures (if located on adjacent property), elevation drawings of the proposed tower, design of the tower and how visible obtrusiveness is reduced, accessory structure and any other structures, topography on-site and of surrounding property, existing streams, wetlands and floodplains, and other information deemed necessary by the director of planning 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.

   vii. Certification that the telecommunications facility, the foundation and all attachments are designed and will be constructed to meet all applicable local codes, ordinances, and regulations, including any and all applicable city, state and federal laws, rules, and regulations. A structural integrity analysis of an existing tower shall be included where antennas and equipment will be attached to such existing tower. Such certification and structural integrity analysis shall bear the signature and seal of a professional engineer licensed in the State of Georgia.

   viii. Line-of-sight diagram or photo simulation, showing the proposed support structure set against the skyline and viewed from at least four directions within the surrounding areas.

   ix. A list of all towers and support structures in City of Stonecrest in which the applicant has an ownership interest or use agreement. The list shall include the location, the type of structure, the height of the structure, the number of facilities located on the same structure, and the number of facilities for which collocation would be available under existing conditions.

   x. A statement indicating why collocation is not feasible. Such statement shall include:

(1) Such technical information and other justifications as are necessary to indicate the reasons why collocation is not a viable option; and

(2) A list of the existing structures considered by the applicant as possible alternatives to the proposed location and a written explanation why the alternatives considered were structurally deficient or otherwise unsuitable.

xi. A statement certifying that the proposed stealth or new support structure will be made available for collocation to other service providers at commercially reasonable rates.

xii. Notification to surrounding property owners as required by this chapter.

xiii. A special land use permit application fee as listed in City of Stonecrest's published fee schedule.

3. *Procedure.*

a. Within 30 days of the receipt of an application for special land use permit, the director of planning 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. Applications for stealth and new support structures with accompanying telecommunications facilities shall be considered as one application requiring only a single application fee.

e. The posting of the property and public notification of the application shall be accomplished in the same manner required for any special land use permit application under this chapter.

f. The director of planning must provide the applicant with a written decision of the city council approving, approving with conditions, or denying the request within 150 days of the submission of the initial application unless:

i. The director of planning notified applicant in writing that its application was incomplete within 30 days of filing. If so, the remaining time from the 150-day total review time is suspended until the applicant provides the missing information in writing; or

ii. An extension of time is agreed to by the applicant.

H. *General standards and design requirements.*

1. *Design.*

a. Support structures shall be subject to the following:

i. Designed to accommodate a minimum number of collocations based upon their height, as follows:

(i) Support structures less than 100 feet in height shall be designed to support at least two antenna arrays;

(ii) Support structures between 100 and 150 feet shall be designed to support at least three antenna arrays; and

(iii) Support structures greater than 150 feet in height shall be designed to support at least four antenna arrays.

ii. The compound area surrounding the support structure must be a minimum 80 feet by 80 feet in size to accommodate accessory equipment for the appropriate number of collocations.

iii. Property leased or purchased for the purpose of a telecommunication facility is not required to have minimum road frontage or lot area of the zoning district. However, the applicant must demonstrate access to a public road via an access easement.

b. Stealth telecommunications facilities shall be designed to accommodate the collocation of other antennas whenever economically and technically feasible.

c. Upon request of the applicant, the director of planning 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, stealth and new support structures shall be set back from all property lines a distance of the fall zone plus 20 feet, or if adjacent to property zoned residential, the greater of:

(a) The fall zone plus 20 feet; or

(b) 100 feet.

b. Residential dwellings. There shall be no setback requirement from dwellings located on the same parcel as the proposed structure.

c. Unless otherwise stated herein, all accessory equipment shall be set back from all property lines in accordance with the minimum setback requirements in the underlying zoning district and any overlay district. Accessory equipment associated with an existing or replacement utility pole shall not be subject to setback requirements.

d. The zoning board of appeals shall have the authority to vary any required setback upon the request of the applicant if:

i. The applicant provides a letter stamped by a certified structural engineer licensed in the State of Georgia documenting that the proposed structure's fall zone is less than the requested setback; and

ii. The proposed telecommunications facility, stealth or new support structure is consistent with the purposes and intent of this division.

3. *Height.*

   a. In nonresidential districts, support structures shall be designed to be the minimum height needed to meet the service objectives of the applicant, but in no event shall exceed 199 feet in height as measured from the base of the structure to its highest point, excluding any appurtenances.

   b. In medium and high density residential districts, stealth support structures shall not exceed 150 feet. Stealth support structures shall be measured from the base of the structure to the top of the highest point, excluding appurtenances. Any proposed stealth support structure shall be designed to be the minimum height needed to meet the service objectives of the applicant.

   c. In all zoning districts, the zoning board of appeals shall have the authority to vary the height restrictions listed in this section upon the request of the applicant and a satisfactory showing of need for a greater height. With its variance request the applicant shall submit such technical information or other justifications as are necessary to document the need for the additional height to the satisfaction of the zoning board of appeals.

4. *Aesthetics.*

   a. Lighting and marking. Telecommunications facilities or support structures shall not be lighted or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

   b. Signage. Signs located at the telecommunications facility shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information as required by government regulation. Commercial advertising is strictly prohibited.

   c. Landscaping. The visual impacts of a tower shall be mitigated by landscaping. Unless located in heavily wooded areas, towers shall be landscaped with a landscape buffer which effectively screens the view of the tower compound from all sides. The use of existing plant material and trees shall be preserved to the maximum extent practicable and may be used as a substitute for, or in supplement towards, meeting landscaping requirements.

   d. Landscape buffers shall be a minimum of ten feet in width and located outside the fenced perimeter of the tower compound.

   e. All landscaping shall be of the evergreen variety and shall conform to the city's buffer standards.

5. *Accessory equipment, including any buildings, cabinets or shelters.*

   a. Accessory equipment shall be used only to house equipment and other supplies in support of the operation of the on-site telecommunication facility or support structure.

   b. Any equipment not used in direct support of such on-site operation shall not be stored on the site.

   c. Accessory equipment must conform to the setback standards of the applicable zoning districts. In the situation of stacked equipment buildings, additional screening/landscaping measures may be required by the director of planning in order to accomplish the purposes and goals of this section.

I. *Sound provision.* No sound emanating from the facility generator during normal operations shall be audible above 70 decibels which would allow normal conversation within 15 feet of the compound.

J. *Miscellaneous provisions.*

1. *Fencing.*

a. Ground-mounted accessory equipment and support structures shall be secured and enclosed with a fence to a height of at least six feet.

b. Fencing shall be decorative, including brick or concrete columns.

c. The director of planning 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.

K. *Telecommunications facilities and support structures in existence on the date of adoption of this chapter.*

1. Telecommunications facilities and support structures that were legally permitted nonconforming uses on or before the date the ordinance from which this chapter is derived was enacted shall be considered a legal, lawful use, subject to the nonconforming use regulation in this chapter and state law.

2. Ordinary maintenance may be performed on a nonconforming support structure or telecommunications facility.

3. Collocation or modifications of telecommunications facilities on an existing nonconforming support structure shall not be construed as an expansion, enlargement or increase in intensity of a nonconforming structure and/or use and shall be permitted through the administrative approval of a building permit process.

(Ord. of 8-2-2017, § 1(4.2.57))

Sec. 4.2.58. Short term vacation rental.

A. No individual renting the property shall stay for longer than 30 consecutive days.

B. The STVR shall not be operated in such a way as to change the residential character of the neighborhood in which it is located and shall comply with the noise ordinance.

C. In every dwelling of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain not less than 70 square feet of floor area, and every room occupied for sleeping purposes by two occupants shall contain at least 120 square feet of floor area. Maximum occupancy limits for any overnight guests must not exceed two guests for every bedroom located in the STVR.

D. Every Bedroom shall have a window facing directly and opening to the outdoors.

E. Every bedroom shall have access to not less than one water closet and lavatory without passing through another bedroom. Every bedroom in an STVR shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.

F. There shall also be provided at least one off-street parking space for each bedroom used as a part of the STVR.

G. No signs or advertising are permitted to identify or advertise the existence of the STVR, beyond those otherwise allowed for the residential property.

H. All STVR units shall be furnished with a telephone that is connected to a landline or similar type connection, including a voice over internet protocol, in order that 911 dispatch may be able to readily identify the address and/or location from where the call is made when dialed.

I. A diagram depicting two eviction routes shall be posted on or immediately adjacent to every required egress door.

J. No individual renting a STVR shall use the STVR for a special event, party, or temporary outdoor event. No owner or operator of a STVR shall permit a STVR to be used for a special event, party, or temporary event.

K. It shall be unlawful to establish, operate, or cause to be operated a STVR in the city within 500 feet of another STVR, bed and breakfast, boarding house, Home stay bed and breakfast residence, hotel/motel, hotel/motel extended stay, personal care home, or child caring institution. Measurements for this subsection shall be made in a straight line without regard to intervening structures or objects, between the closest points on the property lines of the two uses.

(Ord. No. 2018-09-01, § 1, 9-17-2018; Ord. No. 2018-09-02 , § 1, 9-17-2018; Ord. No. 2019-02-02 , § 1, 2-11-2019)

Sec. 4.2.59. Party houses.

(a) A Single Family Residential Property may only be utilized as a "Party House" by Special Administrative Zoning Permit in the "RE" and "RLG" zoning districts and only on lots with at least 300 feet of frontage on a public street and a primary structure no less than 4,000 square feet in area.

(b) An event defined as a "Party House" may only be conducted inside the primary structure and/or in a completely fenced back yard.

(c) With exception of traditional internal lighting and porch lights, no other illumination may be utilized during a "Party House" event, including, but not limited to, strobe lighting, disco-ball light, spotlight or any other light used to draw attention to the structure.

(d) Any music utilized for the "Party House" event must be contained solely inside the primary structure and shall be subject to the applicable provisions of the City's Noise Ordinance contained in Chapter 18, Article VII of the City Code.

(e) In addition to a Special Administrative Zoning 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 Zoning Permit and Occupation Tax Certificate for a "Party House" may only be granted to the owner of the property.

(f) Event guests at a "Party House" must park only on the designated driveway or on the public street directly in front of the residential lot on which the event is taking place, on the same side of the street, and only for the length of the street frontage directly abutting the property.

(g) A qualifying event at a "Party House" may not continue past 11:00 p.m. on Sunday—Thursday, or midnight on Friday—Saturday or any Federal Holiday.

(h) Neither a Special Administrative Zoning Permit nor an Occupation Tax Certificate may be granted to any property for a "Party House" that is located within 2,000 feet of any City or County park facility, senior housing or public or private school, or be within 1,000 feet of more than two other residential lots.

(i) No alcohol may be sold during a qualifying event of a "Party House" and no more than one drink may be included as part of a cover charge for said event. For purposes of this provision, one drink shall be either a 12 oz. malt beverage, 12 oz. glass of wine or an alcoholic drink featuring no more than 1.5 oz. of any distilled spirit.

(j) A Special Administrative Zoning Permit and Occupation Tax Certificate for a "Party House" shall authorize the owner of the property no more than ten such qualifying events in any calendar year.

(Ord. No. 2019-11-04 , § I, 11-25-2019)

Ord. No. 2019-11-04 , § I, adopted November 25, 2019, set out provisions intended for use as § 4.2.58. For purposes of classification to avoid duplication of numbering, and at the editor's discretion, these provisions have been included as 4.2.59.

Sec. 4.2.60. Eating and drinking establishments.

Eating and Drinking Establishment that also operate another use Any establishment that serves food and drink, but which also operates as another use under Chapter 4 (the Alcohol Code) with separate parking regulations shall follow the parking regulations in Chapter 27 applicable to that use.

(Ord. No. 2022-01-02 , § 1(Exh. A), 1-10-2022)

Ord. No. 2022-01-02 , § 1(Exh. A), adopted January 10, 2022, set out provisions intended for use as § 4.2.59. For purposes of classification to avoid duplication of numbering, and at the editor's discretion, these provisions have been included as 4.2.60.

Sec. 4.2.61. Smoking lounges.

Smoking Lounges shall be subject to the following restrictions:

A. Smoking of hookah in any establishment that serves alcohol or food shall be prohibited.

B. Hours of operation shall not extend past 11:00 p.m.

C. Shall not serve patrons under the age of 19 or as restricted by Georgia statute.

(Ord. No. 2022-01-02 , § 1(Exh. A), 1-10-2022)

Ord. No. 2022-01-02 , § 1(Exh. A), adopted January 10, 2022, set out provisions intended for use as § 4.2.60. For purposes of classification to avoid duplication of numbering, and at the editor's discretion, these provisions have been included as 4.2.61.

Sec. 4.2.62. Reserved.

Sec. 4.2.63. Craft breweries and craft distilleries.

A. Shall be subject to all regulations of Chapter 4 of the Stonecrest Code of Ordinances concerning alcoholic beverages:

B. In commercial and mixed-use zoning districts, such facilities shall not exceed 20,000 square feet of gross floor area.

C. No outdoor public address system shall be permitted.

D. Beer and/or wine shall not be sold for consumption on the premises except between the hours of 9:00 a.m. and 1:55 a.m. Monday through Saturday.

E. Sale of beer, malt beverages, or distilled spirits in tap rooms or tasting rooms, or as carry-out packages, shall be limited to those produced on-site.

F. Outdoor placement of grain silos shall be allowed, subject to the Director of Planning & Zoning review and approval of their appearance, signage, location and height.

G. If placed outdoors, containers for spent grain shall be sealed and located in a screened service/dumpster area.

H. The sale of beer and/or wine on the premises is permitted on Sundays from 12:30 p.m. until 2:55 a.m. on Monday: (1) Any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served;(2) Any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging;(3) Any publicly owned civic and cultural center capable of serving prepared food with a full service kitchen (a full service kitchen shall consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the planning and development, health and fire departments), prepared to serve food every hour it is open and deriving at least 70 percent of its total annual gross sales from the sale of prepared meals or foods and recreational, promotional or entertainment or operational activities; or (4) A public stadium, coliseum or auditorium.

I. Beer and/or wine may be sold for consumption on the premises from 12:00 midnight to 1:55 a.m. on any Monday which is New Year's Day, January 1, of any year.

J. It shall be unlawful for a business holding a beer and/or wine consumption on the premises license to fail to remove from its retail service area any and all cans, bottles, glasses, mugs, pitchers, cups, or any other container used in the consumption of alcoholic beverages or to otherwise allow the consumption of alcoholic beverages on its premises one hour or more after the business is prohibited from selling, dispensing, or delivering alcoholic beverages to any customer, patron or guest of the business.

K. A violation of subsection (a), (b) or (e) of this section by a licensee, majority stockholder, general manager or managing partner of the licensee or licensed establishment shall result in license suspension for a period of two days, which shall be scheduled to include a Friday and Saturday in succession.

L. Any holder of a license for a micro distillery issued pursuant to this chapter is required to apply for and obtain a distillery license from the state before any sales commence. Additionally, county licensees are required to abide by all applicable state regulations and laws.

M. Outdoor storage: There shall be no outdoor storage with the exception of solid waste handling which occurs in an enclosure fully screened from adjoining streets.

(Ord. No. 2022-06-02 , § 1(Exh. A), 6-29-2022)

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 zoning 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	Special administrative

			Operation	zoning permit Required?
Christmas tree sales	Nov. 15 through Jan. 1		Cease at 9:00 p.m. Mon.—Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes
Pumpkin and Halloween sales	Sept. 15 through Oct. 31		Cease at 9:00 p.m. Mon.—Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes
Charitable/non-profit event	7 consecutive days	4 times/calendar year	Daylight hours only	Yes
Temporary Produce stand	One full year	Year round	Daylight hours only	Yes
All other seasonal sales	3 consecutive days	4 times/calendar year	Daylight hours only	Yes
Temporary outdoor retail sales display	30 consecutive days	4 times/calendar year	Cease at 9:00 p.m. Mon.—Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes
Temporary outdoor event	14 consecutive days		Cease at 9:00 p.m. Mon.—Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes
Yard sales	3 consecutive days	Once/6 months	Daylight hours only	No
Farmer's Markets	Year Round	3 consecutive days per month or one day per week	Cease at 9:00 p.m. Mon.—Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes

(Ord. of 8-2-2017, § 1(4.3.2); Ord. No. 2022-01-02 , § 1(Exh. A), 1-10-2022)

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 zoning 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 zoning 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 events.

Temporary outdoor 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 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 zoning permit by the director of planning.

(Ord. of 8-2-2017, § 1(4.3.5); Ord. No. 2022-01-02 , § 1(Exh. A), 1-10-2022)

Sec. 4.3.6. Yard sales.

A. Yard sales may be conducted without a permit on private property, but shall not be conducted within the public right-of-way.

B. Goods sold at yard sales must originate as the legal property of the homeowner, other persons participating in the sale, or members of a participating organization. Goods shall not include any items purchased for resale at the yard sale.

1. Two temporary signs are permitted during the yard sale, provided that such signs shall be on private property with permission of the owner, not within the public right-of-way or attached to a utility pole. Signs must be removed immediately following the conclusion of the sale.

2. All unsold yard sale merchandise remaining at the conclusion of the sale must be removed immediately. Purchased yard sale merchandise must be removed within 24 hours of conclusion of the sale.

(Ord. of 8-2-2017, § 1(4.3.6))

Sec. 4.3.7. Temporary buildings, use and construction of.

Except where herein otherwise specifically permitted, temporary buildings, such as a mobile home or trailer, shall not be allowed in any district except:

(1) For caretaker's residence in the industrial districts;

(2) To serve as a home sales office for a subdivision only during such time as a subdivision is under development; or

(3) In conjunction with construction work or pending completion of a permanent building for a period concurrent with approved land disturbance and building permits.

Such temporary buildings shall be sited and permitted in any district upon approval of the director of planning 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 character area is 600 linear feet.
3. The maximum block length for new subdivisions in the Activity Center character area is 500 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.

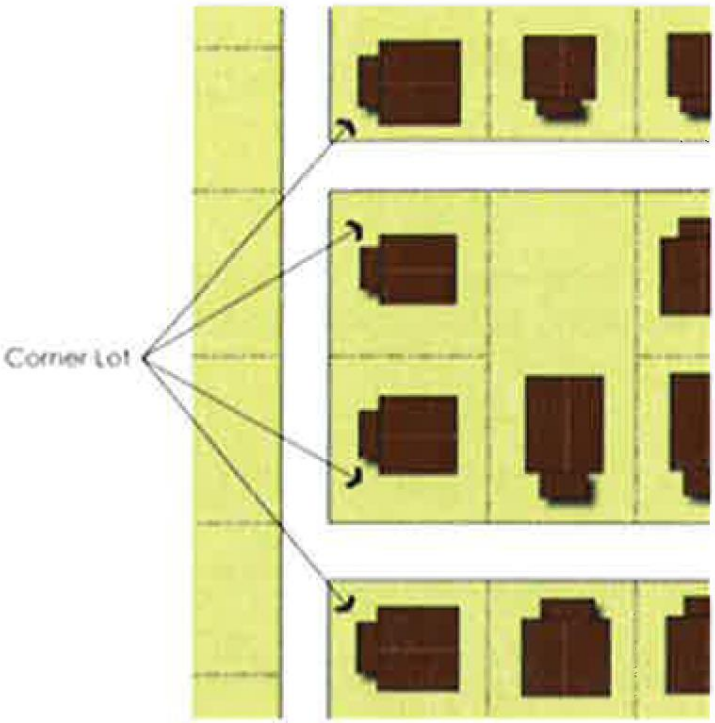
All lots shall conform to the minimum requirements for the zoning district in which such lot is located, to all applicable requirements of this article, and the requirements of chapter 14 of the Code. In the event of a conflict

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.

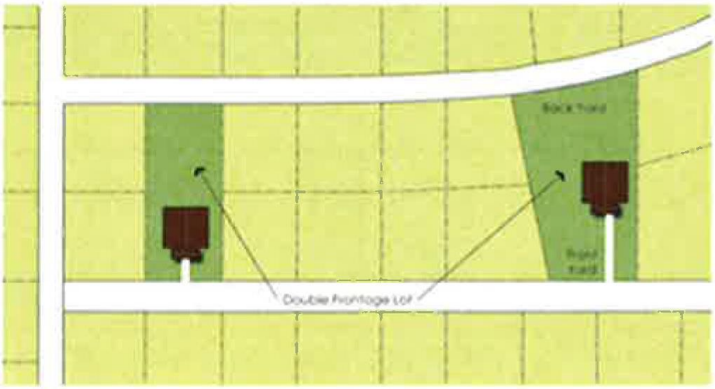
D. *Lot width.* The minimum width of corner lots with residential uses shall be increased by 15 feet above the minimum width required for the zoning district in which the lot is located.

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.

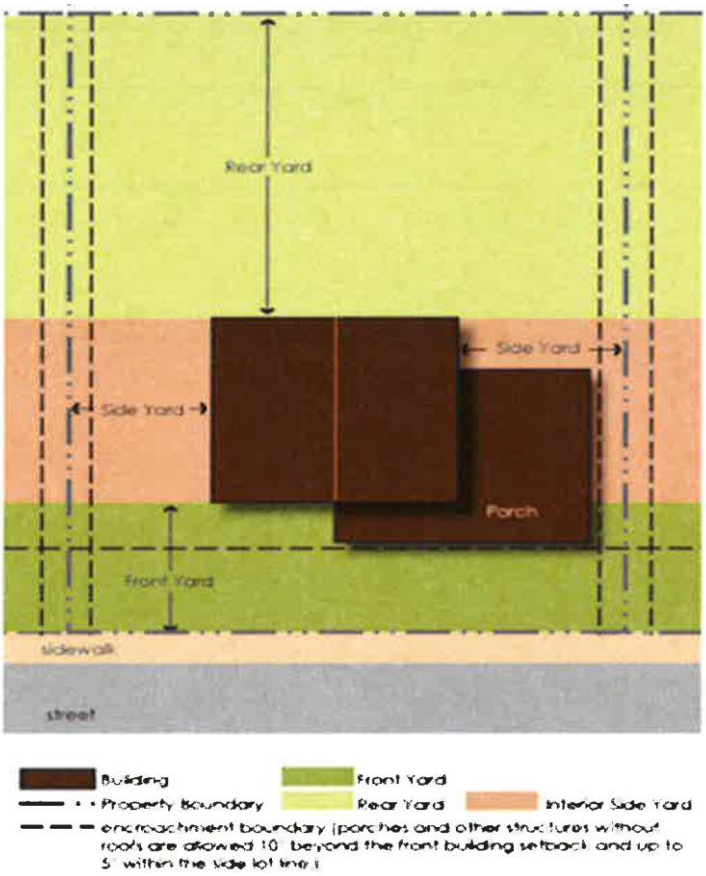
A. Any lot that is to be served by an individual well or septic tank shall have an area of not less than that required by state and DeKalb County health regulations. The site location on the lot of the facility shall be approved by the county board of health in accordance with applicable board of health 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.



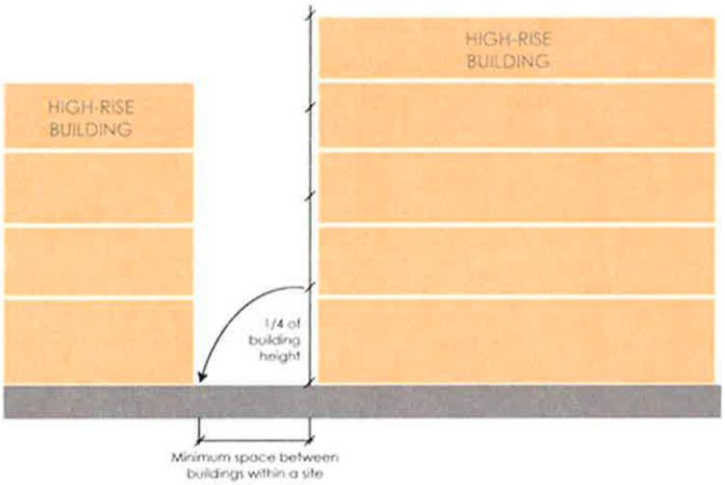
Projections into Yards

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).
2. Except when located in a MU-1, MU-2, MU-3, MU-4 or MU-5 zoning district and except when located in a Town or Regional Center character area, the minimum spacing between high-rise multifamily buildings on a single site shall be a distance equal to one-fourth of the height of the taller building.



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))

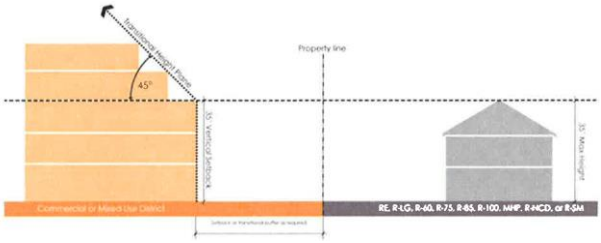
Sec. 5.2.4. Transitional height plane.

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.

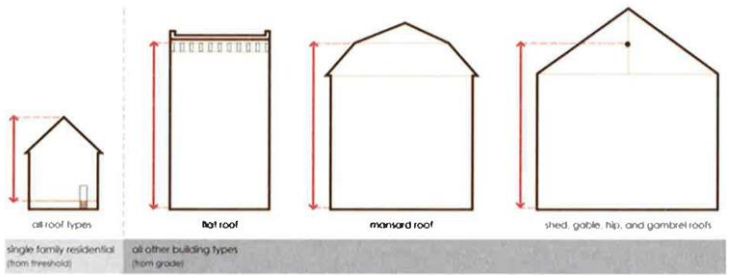
D. Elevation of single-family detached dwelling thresholds. The following standards shall apply to single-family detached dwellings:

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 zoning 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.

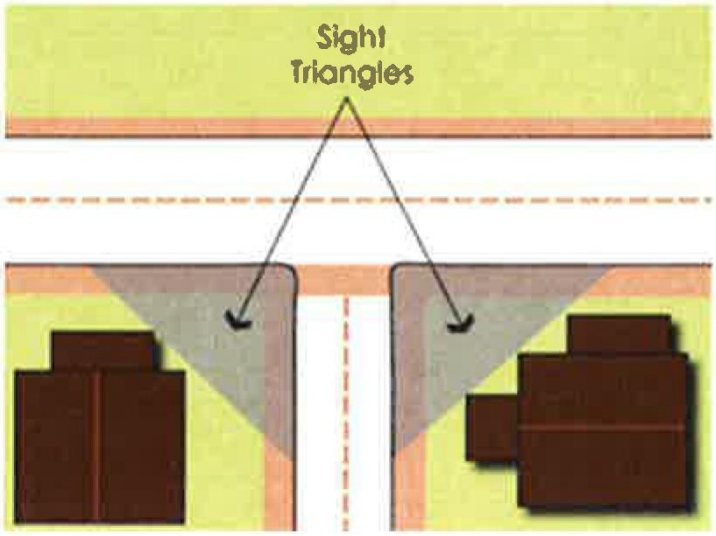
D. *Waivers.* The requirements of subsections A. and B. of this section may be waived by the director of planning in accordance with article 7 of this chapter and as provided below:

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

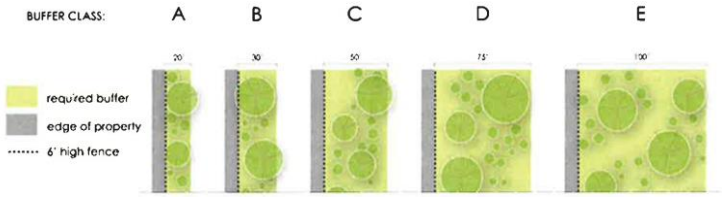
Residential Districts	R*	MHP	RNC	RSM	MR-1	MR-2	HR-1-3	MU-1	MU-2	MU-3	MU-4	MU-5
MHP	C	-	-	-	-	-	-	-	-	-	-	-
RNC	B	-	-	-	-	-	-	-	-	-	-	-
Mixed Residential Districts												
RSM**	A	C	A	-	-	-	-	-	-	-	-	-
MR-1**	B	C	B	B	-	-	-	-	-	-	-	-
MR-2**	C	C	C	C	C	-	-	-	-	-	-	-
HR-1-3**	C	C	C	C	B	B	-	-	-	-	-	-
Mixed-Use 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

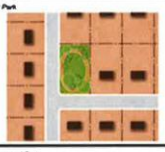
	SF-RES Cottage	SF-RES Attached or Detached	Mobile Home Parks	Multifamily	Mixed-Use	Commercial/Retail	Large Retail	Office	Industrial
Open space minimum required percent of total square footage of the development	See section 5.7.5	20 percent	10 percent	See specific zoning district	See specific zoning district	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 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
	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
	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
	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.

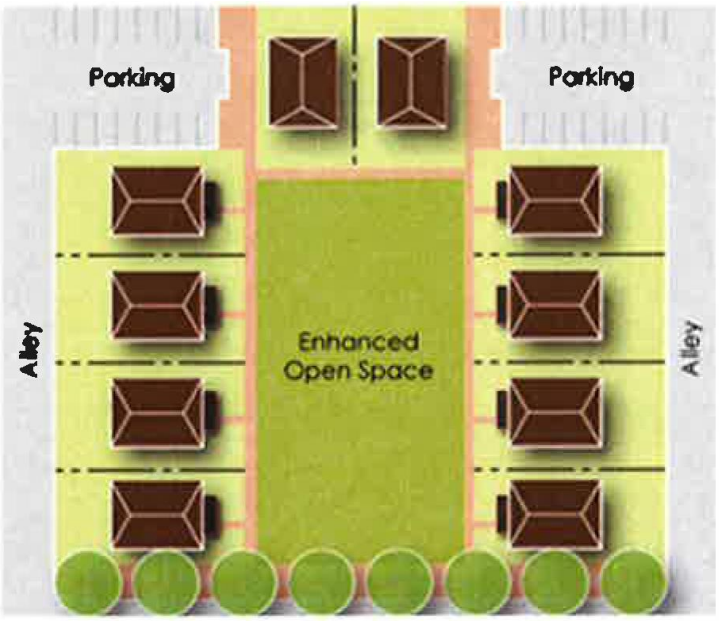
A. This section shall apply to the following housing types:

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.

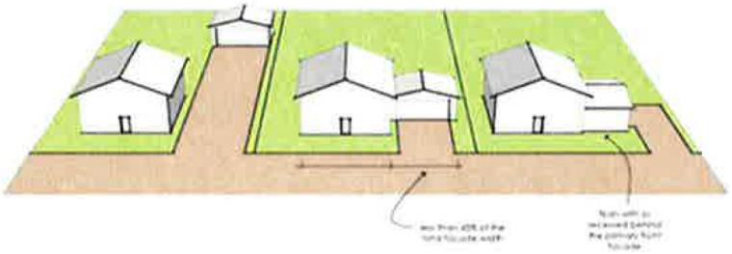
2. Mono-pitch roofs shall have a minimum pitch of 4:12, and all other roofs covering the main body of a detached house shall have a minimum roof pitch of 6:12.

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.

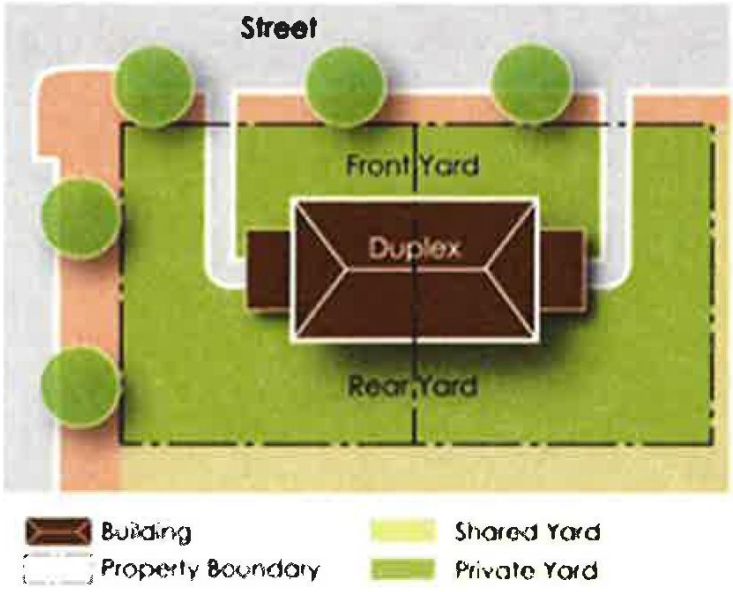
c. At least two sides of the enhanced open space green shall have cottages along its perimeter.

(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.



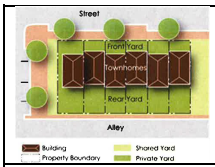
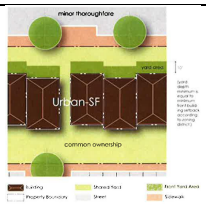
Single-Family Attached Housing on Two Lots

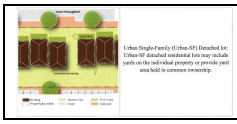
B. Fee simple condominium. One or more single-family attached buildings where the owner has fee simple title to the building and the land beneath the building. The building may or may not have a small yard in front of or behind the building. The remaining land is under common ownership.

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.

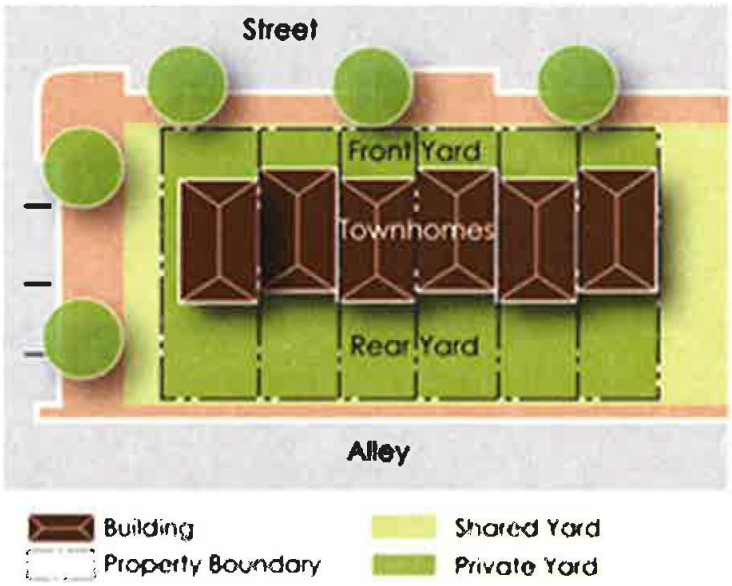
2. Parking spaces for dwelling units shall be located behind buildings, within individual units, on designated on-street spaces or off-street parking lots as provided in subsection K. of this section, off-street parking.

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.

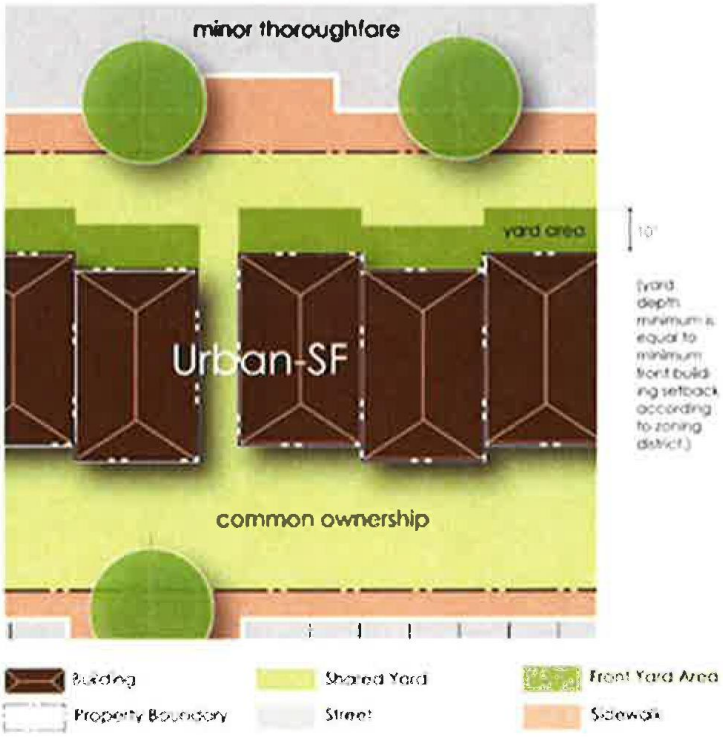
B. All development types other than single-family, shall comply with the following:

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.

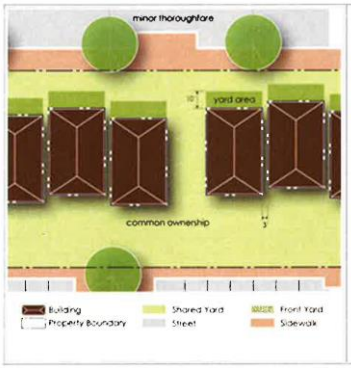
a. Building facades shall not exceed 40 feet in length without projections, recesses or other architectural features.

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:

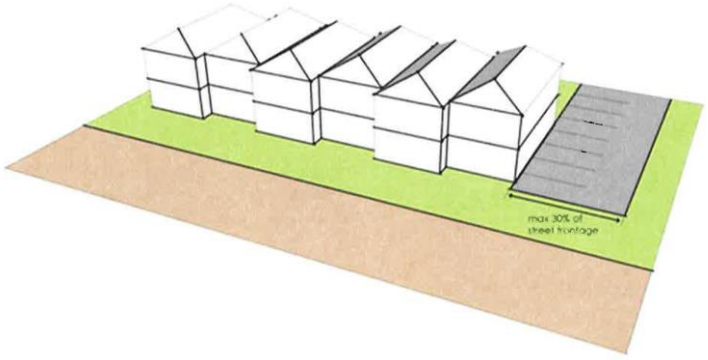
1. Clearly articulate the building base, middle and top through materials, architecture details and/or changes in the plane of the wall (projections and recessions).



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 located in Activity Center character areas, as identified in the comprehensive plan, 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 fence or wall minimum of six feet in height.

    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 75 percent evergreens and at least two rows of plants.

    d. The soil erosion, sedimentation and pollution requirements of chapter 14, article V of the Code of the City of Stonecrest, Georgia are met;

    e. Minimum standards of the Georgia Stormwater Management Manual are met in terms of stormwater runoff and water quality; and

    f. The parking lot has a minimum of one acre.

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 every two years to ensure continued compliance with the above specifications. Additional maintenance such as grading, Graded Aggregate Base, or surface treatment may be required;

f. Parking areas on unpaved surfaces for transportation equipment and storage or maintenance (vehicle) storage with existing unpaved areas shall be considered a nonconforming use under section 8.1.5 exempt from the requirements of subsections B.10. and 11 of this section. if the underlying use of the parcel was issued a business license or Motor Carrier Number valid on December 31, 2017;

g. All other parcels with existing unpaved areas shall have two years to comply with these specifications with a one time extension up to 12 months.

(Ord. of 8-2-2017, § 1(6.1.3); Ord. No. 2018-07-02, § 1(6.1.3), 7-16-2018)

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.
Attached two-family and three-family dwellings	1½ spaces per dwelling unit, not including garage, plus one-quarter space per dwelling unit to accommodate guest parking.	Three spaces per dwelling unit, not including garage, plus one-quarter space per dwelling unit to accommodate guest parking.
Multifamily dwellings	1½ spaces for every dwelling unit.	Three spaces for every dwelling unit.
Mobile Homes	Two spaces per mobile home lot.	Four spaces per mobile home lot.
Multifamily dwellings, supportive living	One-half space per dwelling unit.	One space per dwelling unit.
Fraternity house or sorority house	One space per bed.	1¼ spaces per bed.
Rooming house or boarding house, shelter	One space per four beds.	One space per 1½ beds.
Senior housing	One-half space per dwelling unit, plus one-quarter space per dwelling unit to accommodate guest parking.	Two spaces per dwelling unit, plus one-quarter space per dwelling unit to accommodate guest parking.
Assisted Living	One-half space per dwelling unit.	One space per dwelling unit.
Personal care home, group	Two spaces.	Four spaces
Personal care home, community	One space for every 3 beds.	One space for every 2 beds.
Child daycare facility	Two spaces.	Four spaces.
Child caring institution, group	Two spaces.	Four spaces.
Child caring 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.
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 a tent one space for each 300 square feet of area within the tent enclosure.	One space for each 200 square feet of land devoted to such use; or where such use is conducted within a tent one space for each 200 square feet of area within the tent enclosure.
Public or private tennis courts	Three spaces per court.	Four spaces per court.
Outdoor recreational uses, waterparks, amusement parks	One space for each 3,000 square feet of gross site area.	One space for each 1,000 square feet of gross site area.
Commercial		
Adult daycare center	Two spaces	Four spaces
Automobile repair garage, minor repair, and maintenance establishments	One space for each 400 square feet of floor space.	One space for each 150 square feet of floor space.
Automobile service station	Two spaces for each service bay, with minimum of ten spaces required.	Three spaces for each service bay, with maximum of 15 spaces required.
Bed and breakfast inn	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.
Restaurant, drive-through, without seating area for patrons	One space for each 250 square feet of floor area.	One space for each 150 square feet of floor area.
Restaurant where accessory to hotel or motel	One space for each 300 square feet of floor area, but not less than ten spaces.	One space for each 175 square feet of floor area, but not less than ten spaces.
Retail and personal service uses accessory to high-rise apartment building or high-rise office building	Three spaces for each 1,000 square feet of floor area.	Four spaces for each 1,000 square feet of floor area.
Retail uses, personal service uses, and other commercial and general business uses, but not including Convenience Stores or Grocery Stores or other uses described more particularly herein	One space for each 500 square feet of floor area.	One space for each 200 square feet of floor area.
Sexually Oriented Businesses	One parking space for each 400 square feet of floor area in the building.	One parking space for each 25 square feet of floor area in the building.
Storage facilities (mini-warehouse)	One space for each 8,000 square feet of floor area	One space for each 5,000 square feet of floor area.
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); Ord. No. 2022-05-01 , § 1(Exh. A), 5-23-2022)

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 or more courses, seminars, or other opportunities of training and education on matters pertaining to the operations, activities, or duties of their respective board or commission (Section 2.6.17.b).

2. Education and training opportunities include, but are not limited to, any organized training or educational activities that in the opinion of the Planning and Zoning Director are relevant to the activities, operations, and duties of said board or commission. (Section 2.6.17.e)

C. *Reserved.*

D. *Planning Commission.*

1. There is hereby established a Planning Commission which shall consist of five members, all residents of the City of Stonecrest, who shall be appointed as follows:

   a. The Mayor shall appoint one member from each district, subject to confirmation by the city council.

   b. Each member shall serve a term of two years. However, the initial term of all initial planning commissioners first appointed after the effective date of the ordinance from which this section is derived shall expire on December 31, 2018.

2. A planning commissioner shall be removed at any time for failure to attend three consecutive meetings or for failure to attend 75 percent or more of the meetings within any calendar year without the excuse of the chairman of the commission. It shall be the duty of the secretary of the planning commission to keep a record of the attendance of members and to notify the city council when any planning commissioner is removed pursuant to the failure to attend meetings requirement of this section. Such removal shall be effective ten days following notification by the secretary of the planning commission to the city council. The Mayor shall have the authority to remove a planning commissioner for cause by providing written notice to the city council and the planning commissioner proposed to be removed, subject to the majority vote of the city council. Upon request of the planning commissioner proposed for removal for cause other than for failure to attend meetings, the city council shall hold a hearing on the removal prior to the city council's vote on the removal. Planning commissioners may be reappointed to successive terms without limitation. Any vacancy in the membership of the planning commission shall be filled for the unexpired term in the same manner as the initial appointment. Members of the planning commission shall hold no other city office or city compensated position. Members of the planning commission shall hold no elective office in DeKalb County. If a planning commission member moves outside the district from which he was originally appointed, or moves outside the City of Stonecrest, that action shall constitute a resignation from the planning commission, effective immediately.

3. No person shall serve or continue to serve as a member of the planning commission until they have been certified by the director 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); Ord. No. 2022-01-01 , § 1(Exh. A), 1-10-2022)

DIVISION 2. GENERAL PROCEDURES

Sec. 7.2.1. Applications and public hearing.

This division establishes procedures that apply to all application submittals and procedures for public hearings required by this zoning ordinance. Prior to the processing of any application for an amendment to the official zoning map, commonly referred to as a rezoning, variance, comprehensive plan text amendment, comprehensive plan map amendment, special land use permit, or modification to conditions of zoning, the applicant shall be required to file documentation and follow certain procedures as set forth in this article. Additional regulations that apply to specific application types may be found in subsequent sections of this chapter.

(Ord. of 8-2-2017, § 1(7.2.1))

Commented [AT1]: New provisions relating to single family could go here as 7.2.1. City please make decision.

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); Ord. No. 2022-01-01 , § 1(Exh. A), 1-10-2022)

Sec. 7.2.3. Reserved.

(Ord. of 8-2-2017, § 1(7.2.3))

Sec. 7.2.4. Public hearings.

A. *Zoning decisions.* The term "zoning decision" is defined in article 9 of this chapter by reference to the definition of "zoning decision" set forth in state law, O.C.G.A. § 36-66-3, as it now exists and may be amended hereafter.

B. *Zoning decisions initiated by the city.* For any zoning decision initiated by the city at least 15 but not more than 45 days prior to the date of the public hearing before the city council, the city shall cause to be published within a newspaper of general circulation within the territorial boundaries of the city, a notice of the hearing. The notice shall state the time, place, and purpose of the hearing.

C. *Zoning decisions delegated* to a quasi-judicial officer, board, or agency by the city, such as the zoning board of appeals, shall provide for a hearing when hearing the appeals of administrative decisions by such officers, boards, or agencies and hearing and rendering decisions on applications for variances, special administrative zoning permits, special exceptions, conditional use permits, or other similar permits, as set forth in state law, O.C.G.A. 36-66-3 (1.1).

1. Notice of such hearing shall be provided at least 30 days prior to the quasi-judicial hearing.

2. The city shall cause to be published within a newspaper of general circulation within the territorial boundaries of the city a notice of the hearing. The notice shall state the time, place, and purpose of the hearing.

3. Additional notice being mailed to the owner of the property that is the subject of the proposed action.

~~C~~D. *Zoning decisions, appeals to the zoning board of appeals, variances, extensions of special land use permits, and major modifications of conditions initiated by a party other than the city.* For any zoning decision, appeal to the zoning board of appeals, variance, extension of special land use permits, or major modification of conditions initiated by a party other than the city, notice of the public hearing shall be provided as follows:

1. Written notice of each public hearing shall state the nature of the proposed change, and the date, time, and place of the public hearing before either the planning commission, zoning board of appeals, or the city council and shall be mailed by first class mail by the director of planning to all owners of property within 1,000 [feet] of the boundaries adjoining the subject property, as such property owners are listed on the records of DeKalb tax commissioner, at least 15 days and not more than 45 days prior to said public hearing.

2. Signs shall be posted on the subject property at least 15 days and not more than 45 days prior to the public hearing before the city council, the planning commission or the zoning board of appeals. The required information on each sign shall be as provided in O.C.G.A. § 36-66-1 et seq., as it now exists and may be amended hereafter. At least one sign shall be posted on each street on which the subject property has frontage in a conspicuous location within ten feet of the right-of-way. One additional sign shall be posted for each additional 500 feet of frontage or fraction thereof in excess of 500 feet of frontage on each street on which the subject property has frontage. Signs shall be double-faced and posted so that the face of the sign may be read by the traveling public in both directions, and the applicant shall pay a sign fee, in an amount to be established by the city council, to the planning 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~~,~~ **and** 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. **Notice for decisions by quasi-judicial officers, boards, or agencies shall be in the manner described in Sec. 7.2.4. (C).**

E. Where the proposed action includes any combination of zoning decisions under subparagraphs (C), (E), or (F) of paragraph (4) of O.C.G.A. 36-66-3 for the same property, only one hearing shall be required.

(Ord. of 8-2-2017, § 1(7.2.4); Ord. No. 2022-01-01 , § 1(Exh. A), 1-10-2022)

Commented [AT2]: Should remain the same.

Commented [AT3]: New provisions relating to single family could go here as 7.2.4.1 City please make decision.

Sec. 7.2.5. Community impact notification.

A. *Applicability.*

1. Any development or building project with an aggregate of 12,000 square feet or more of new buildings or a site consisting of two acres or more must meet the Community Impact Notification requirements.

2. This includes any development or building project with an aggregate of 12,000 square feet of construction, or other similar work requiring a building permit within the next 24 months.

B. *Requirements.*

1. *Council notification.* The Chief Building Official shall provide notification to the pertinent district councilmember.

2. *Posted notice.* Applicant shall place one or more signs in a conspicuous location on the property. At least one sign shall be posted along each street on which the subject property has frontage. One additional sign shall be posted for each additional 500 feet of frontage. Each sign shall contain the location and nature of the proposed project and web address to access and view plans.

3. *Written notice.* Written notice shall be mailed by first class mail by the Applicant to all owners of property within 1,000 feet of the boundaries of the subject property. The notice shall state the location and nature of the proposed project.

(Ord. No. 2022-01-01 , § 1(Exh. A), 1-10-2022)

DIVISION 3. ZONING AND COMPREHENSIVE PLAN AMENDMENTS AND PROCEDURES

Sec. 7.3.1. Initiation of proposals for text and map amendments.

A proposed amendment to the text of this chapter, the official zoning map, or the comprehensive plan may be introduced by the director of planning, 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.~~ Procedures governing changes to zoning classifications or definitions relating to single-family residential uses of property.

The following procedures shall govern the review of all proposed zoning decisions to revise (1) one or more zoning classifications or definitions relating to single-family residential uses of property so as to authorize multi-family uses of the property pursuant to such classifications or definitions, or (2) to grant blanket permission, under certain circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning. Such zoning decision must be adopted in the following manner:

A. The zoning decision shall be adopted at two (2) regular meetings of the city during a period of not less than 21 days apart.

B. Prior to the first meeting provided in subparagraph A. of this paragraph, at least two (2) public hearings shall be held on the proposed action.

C. Such public hearings shall be held at least three (3) months and not more than nine (9) months prior to the date of the final action on the zoning decision.

D. At least one of those public hearings must be held between the hours of 5:00 PM and 8:00 PM.

E. The hearings required under this paragraph shall be in addition to any hearing as described and required in Section 7.2.4.

F. The city shall give notice of such hearing by:

1. Posting notice of each affected premises in the manner prescribed by section 7.2.4(c); provided, however, that when more than 500 parcels are affected, in which case posting notice is required every 500 feet in the affected area.

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

G. Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will authorize multi-family uses or give blanket permission to the property owner to deviate from the zoning requirements of a single-family residential zoning of property in classification previously related to single-family residential uses.

1. The published notice shall be at least nine (9) column inches in size and shall not be located in the classified advertising section of the newspaper.
2. The notice shall state that a copy of the proposed amendment is on file with the city clerk and with the Office of the Clerk of Superior Court of DeKalb County, Georgia for the purpose of examination and inspection by the public.
3. The city shall furnish anyone, upon written request, a copy of the proposed amendment, at no cost.

H. The provisions of this section shall also apply to any zoning decisions that provide for the abolition of all single-family residential zoning classifications within the territorial boundaries of the city or zoning decisions that result in the rezoning of all property zoned for single-family residential uses within the territorial boundaries of the city to multi-family residential uses of property.

I. This section shall not apply to zoning decisions for the rezoning of property from a single-family residential use of property to a multi-family residential use of property when the rezoning is initiated by the owner or authorized agent of the owner of such property.

(Ord. 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); Ord. No. 2022-01-05 , § 1(Exh. A), 1-24-2022)

Sec. 7.3.8. Action by the city council.

At the next scheduled city council meeting pursuant to the applicant zoning calendar following the appearance of the matter on the planning commission agenda, the city council, after conduct of a public hearing with public notice as required by this article, shall vote to approve the proposed amendment pursuant to this division, approve with conditions, approve to a less intense zoning district or land use category than that requested by the applicant, deny the proposed amendment, defer the proposed amendment, or, upon request of the applicant, permit withdrawal without prejudice. In the approval of any proposed amendment to the official zoning map, the city council may impose conditions in accordance with section 7.3.9. For each proposed zoning decision, the analysis submitted by the applicant, if any, the analysis prepared by the planning 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))

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.

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))

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. *Direct Appeal for amendment of ordinances.* 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. *Review for denial of special land use* permit. Any person aggrieved by a final decision of the city council, on a special land use permit may seek review of such decision by petitioning the Superior Court of DeKalb County via **a petition for review** ~~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.

C. The city manager shall have authority to accept service and upon whom service of an appeal of a quasi-judicial decision may be affected or accepted on behalf of the city, during normal business hours, at the regular offices of the city manager.

Commented [AT4]: City should determine who should receive service.

(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, quasi-judicial officer or agency

All appeals of all final decisions of the zoning board of appeals **or a quasi-judicial officer or agency** under the provisions of this chapter shall be as follows:

A. **Petition for Review**. Only persons aggrieved by a final decision of the zoning board of appeals may seek review of such decision by petitioning the Superior Court of DeKalb County by **petition for review for zoning decisions as described in Chapter 66 relating to zoning procedures and subparagraph E of paragraph (4) of O.C.G.A. § 36-66-3** ~~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.

B. ***Service*.**

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

b. **The city manager shall have authority to accept service and upon whom service of an appeal of a quasi-judicial decision may be affected or accepted on behalf of the city, during normal business hours, at the regular offices of the city manager.**

(Ord. of 8-2-2017, § 1(7.5.8))

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~~ special administrative zoning 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~~ special administrative zoning permit or special land use permit.

No use, building or structure that was authorized as of right prior to the effective date of the ordinance from which this chapter is derived but would require a ~~special administrative permit~~ special administrative zoning permit or special land use permit upon the effective date of the ordinance from which this chapter is derived, shall be enlarged, expanded, moved, or otherwise altered in any manner except after application for and approval of the required ~~special administrative permit~~ special administrative zoning permit or special land use permit. Normal repair and maintenance of legal nonconforming buildings and structures is authorized without the need for special permits. If the use of a legal nonconforming building or structure is discontinued for a continuous period of six months, it may not be reestablished unless such discontinuance was a direct result of governmental action as provided by section 8.1.11.

(Ord. of 8-2-2017, § 1(8.1.13))

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 zoning 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 zoning permit as applicable.

D. Notwithstanding subsections A., B., and C. of this section, no building or structure on property on which a nonconforming use is located shall be expanded, altered, or redeveloped in any way.

(Ord. of 8-2-2017, § 1(8.1.16))

Sec. 8.1.17. Prior variances, special exceptions, and special permits authorized.

Variances and special permits lawfully authorized and granted prior to the effective date of this zoning ordinance shall continue in effect, provided the terms and conditions of said authorization are followed.

(Ord. of 8-2-2017, § 1(8.1.17))

ARTICLE 9. DEFINITIONS/MAPS

Sec. 9.1.1. Statement of intent and purpose.

The definitions contained herein shall apply to this chapter. Any word or phrase not defined below but otherwise defined in the Code shall be given that meaning. All other words or phrases shall be given their common ordinary meaning unless the context clearly indicates otherwise.

(Ord. of 8-2-2017, § 1(9.1.1))

Sec. 9.1.2. Interpretation.

For the purpose of this chapter, words and terms are to be interpreted as follows:

A. Unless the obvious construction of the terming indicates otherwise, words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; words used in

the singular number include the plural; and words used in the plural include the singular. An abbreviated word shall have the same meaning as the unabbreviated word.

B. The term "shall" means "must" or "is mandatory."

C. Unless otherwise specified, all distances shall be measured horizontally and at right angles or radially to the line in relation to which the distance is specified.

D. The term "lot" shall be deemed also to mean "plot"; the term "used" shall be deemed also to include "designed," "intended," or "arranged to be used"; the term "erected" shall be deemed also to include "constructed," "reconstructed," "altered," "placed," "relocated" or "removed."

E. The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of building."

F. Where words are not herein defined, those words, terms and phrases, when used in this article, shall have the meanings ascribed to them as directed above, except where the text clearly indicates a different meaning.

(Ord. of 8-2-2017, § 1(9.1.2))

Sec. 9.1.3. Defined terms.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ADA means the Americans with Disabilities Act.

A-weighted sound level means the sound level reported in units of dB(A) approximating the response of human hearing when measuring sounds of low to moderate intensity as measured using the A-weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors.

Abandonment means the relinquishment, discontinuance and cessation of a use, other than as a result of government action, for any continuous period of time as may be provided in this chapter.

Abutting means having property or district lines in common. This does not include property separated by a road or right-of way.

Accessory building means a building detached from the principal building located on the same lot and customarily incidental and subordinate in area, extent, and purpose to the principal building or use.

Accessory dwelling unit. See *Dwelling unit, accessory.*

Accessory equipment. See section 4.2.57.B.

Accessory structure means a structure detached from the principal building and located on the same lot and customarily incidental and subordinate in area, extent, and purpose to the principal building or use. Compare with *Building, primary.*

Accessory use means a use of land or building or structure or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use. See article 4 of this chapter for supplemental regulations.

Active recreation means leisure activities, usually performed with others, often requiring equipment and taking place at prescribed places, sites, or fields. The term "active recreation" includes, but is not limited to, swimming, tennis, and other court games, baseball and other field sports, golf and playground activities.

Activity center means a character area designed by the Comprehensive Plan as a Regional Center, Town Center, or Neighborhood Center.

Adaptive reuse means buildings and sites constructed and developed originally for one use but converted to or repurposed for a use not traditionally occupying the building or development form. For example, the conversion of former hospital or school buildings to residential use, or the conversion of an historic single-family home to office use.

Adjoining property means a property that touches or is directly across a street, easement or right-of-way (other than an interstate, principal arterial, urban freeway/expressway or urban principal arterial) from the subject property.

Adult bookstore or *adult video store* means a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following means books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas. A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:

(1) At least 35 percent of the establishment's displayed merchandise consists of the items;

(2) At least 35 percent of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of the items;

(3) At least 35 percent of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items;

(4) The establishment maintains at least 35 percent of its floor space for the display, sale, or rental of the items (aisles and walkways used to access the items shall be included in the term "floor space" maintained for the display, sale, or rental of the items);

(5) The establishment maintains at least 500 square feet of its floor space for the display, sale, and/or rental of the items (aisles and walkways used to access the items shall be included in the term "floor space" maintained for the display, sale, or rental of the items);

(6) The establishment regularly offers for sale or rental at least 2,000 of the items;

(7) The establishment regularly features the items and regularly advertises itself or holds itself out, in any medium, by using the terms "adult," "adults-only," "XXX," "sex," "erotic," or substantially similar language, as an establishment that caters to adult sexual interests; or

(8) The establishment maintains an adult arcade, which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical areas.

Adult cabaret means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment that regularly features live conduct characterized by semi-nudity. No establishment shall avoid classification as an adult cabaret by offering or featuring nudity.

Adult day care means the provision of a comprehensive plan of services that meets the needs of aging adults, under a social model. This term shall not include programs which provide day habilitation and treatment services exclusively for individuals with developmental disabilities.

Adult day center means a facility serving aging adults that provides adult day care or adult day health services for compensation, to three or more persons. This term shall not include a respite care services program.

Adult day health services means the provision of a comprehensive plan of services that meets the needs of aging adults under a medical model. This term shall not include programs which provide day habilitation and treatment services exclusively for individuals with developmental disabilities.

Adult motion picture theater means a commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five persons for any form of consideration.

Affordable housing means housing that has a sale price or rental amount that is within the means of a household that may occupy middle, moderate, or low-income housing. In the case of dwelling units for sale, housing that is affordable means housing in which mortgage, amortization, taxes, insurance, and condominium or association fees, if any, together constitute no more than 28 percent of such gross annual household income for a household of the size which may occupy the unit in question. In the case of dwelling units for rent, housing that is affordable means housing for which the rent and utilities constitute no more than 30 percent of such gross annual income for a household of the size that may occupy the unit in question.

Aggrieved person means a person who either:

(a) Is the applicant or the owner of property that is the subject of an application or a decision by an administrative official; or

(b) Has a substantial interest in an action appealed from and that is in danger of suffering special damage or injury not common to all property owners similarly situated.

Aging adults means persons 60 years of age or older or mature adults below the age of 60 whose needs and interests are substantially similar to persons 60 years of age or older who have physical or mental limitations that restrict their abilities to perform the normal activities of daily living and impede independent living.

Agricultural activities means activities performed in order to cultivate the soil, produce crops, or raise livestock.

Agricultural produce stand means a temporary building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs, or plants and may include accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces, or baked goods, and home-made handicrafts.

Alcohol outlet means a retail establishment that sells beer, malt beverages, hard cider, and/or wine for off-site consumption. This includes grocery stores and retail stores, less than 12,000 square feet, that may sell beer, malt beverages, hard cider and/or wine for off-site consumption, as well as other products.

All-weather material means a hard surface, dust-free material, capable of withstanding normal weather conditions during ordinary use without substantial deterioration. Gravel, rock, or screenings alone, without use of a petroleum or cement binder, does not meet the definition of an all-weather material.

Alley means a minor way, which is used primarily for vehicular service access to the back or side of properties otherwise fronting on a street.

Alternative energy production means an energy production site or facility that is dedicated to the commercial production of electricity by means of wind, solar, biomass, grease, oil, or other non-petroleum energy source.

Alternative fuel vehicle means a vehicle that runs on a fuel other than traditional petroleum fuels (petrol or diesel) including means biodiesel, denatured alcohol, electricity, hydrogen, methanol, mixtures containing up to 85 percent methanol or denatured ethanol, natural gas, and propane (liquefied petroleum gas).

Amateur radio service means radio communication services, including amateur satellite service and amateur service, which are for the purpose of self-training, intercommunication, and technical investigations carried out by duly licensed amateur radio operators solely for personal aims and without pecuniary interest, as defined in title 47, Code of Federal Regulations, Part 97 and regulated thereunder.

Amateur radio service antenna structure means a tower and antenna for radio transmission and reception which is maintained by a licensed amateur radio operator as an accessory structure.

Ambulance service facility means a privately-owned facility for the dispatch, storage, and maintenance of emergency care vehicles.

Amenity means a natural or manmade feature that enhances a particular property, increasing aesthetics and desirability to the owner or community.

Amplified sound reproduction device means any device capable of producing, reproducing or emitting sounds by means of any loudspeaker or amplifier.

Amusement park means an outdoor recreation facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment.

Animal means any vertebrate member of the animal kingdom, excluding humans.

Animal 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 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.

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 means a facility for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

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 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.

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.

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.

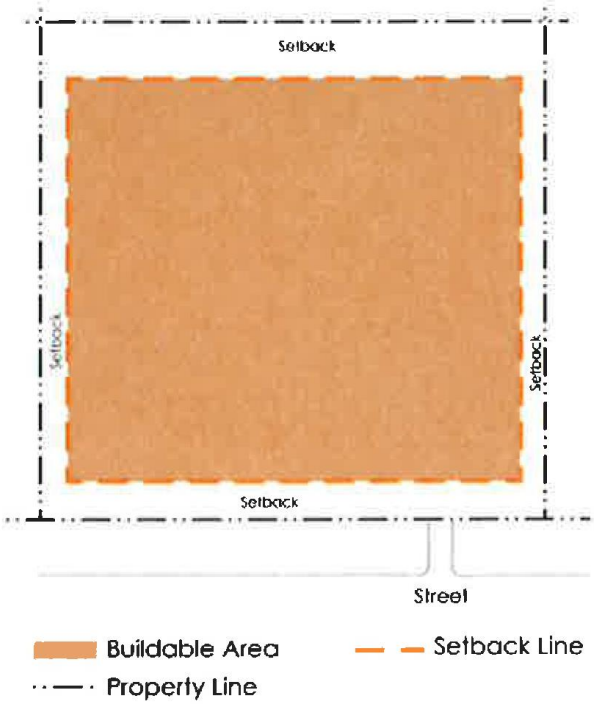


Figure 9.1 Buildable Area

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.

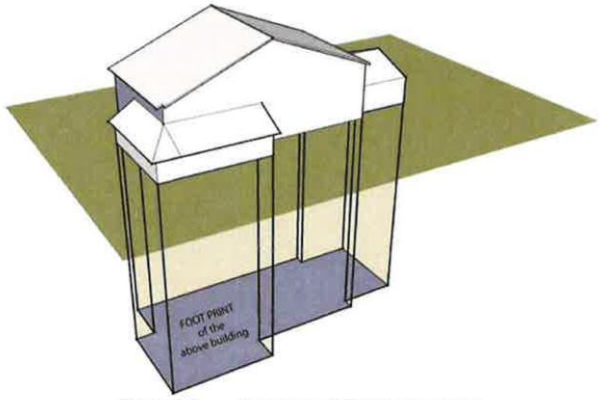


Figure 9.2 Illustration of Building Footprint

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.

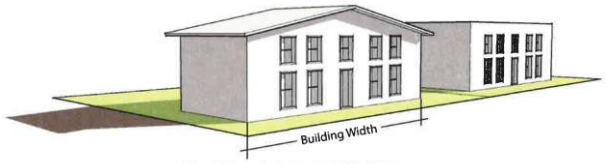


Figure 9.3 Illustration of Building Width

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 rapid transit (BRT) means a permanent, integrated transit system that uses buses or specialized vehicles on roadways or dedicated lanes to transport passengers to their destinations.

Business service establishment means an entity primarily engaged in rendering services to businesses on a fee or contract basis, including the following and similar services means advertising and mailing; building maintenance; employment services; management and consulting services; protective services; commercial research; development and testing; photo finishing; and personal supply services.

Business vehicle means vehicle, or heavy construction equipment, or trailer used to transport passengers or property in furtherance of a commercial enterprise. The term "business vehicle" may include, but is not limited to, pick-up trucks with exterior equipment storage, passenger vans, passenger vehicles with or without logos or advertisements identifying the commercial enterprise, ambulances, limousines, taxi cabs, tow trucks, earthmoving machinery such as bobcats and bulldozers, dump trucks, flatbed trucks, box vans, any vehicle with a trailer attached to it, tractors, "dually" trucks (pick-up trucks with four wheels on the rear axle), heavy construction equipment, and semi-tractor cabs whether or not a trailer is attached.

C-weighted sound level means the sound level reported in units of dB(C) as measured using the C-weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors.

Campus style development means a development type which is primarily characterized by having several separate buildings on one site, unified through design and landscape elements.

Canopy means a protective roof-like covering, often of canvas, mounted on a frame over a walkway or door.

Canopy tree means a deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purpose of a canopy tree is to provide shade to adjacent ground areas.

Car wash means a facility for washing, waxing, and cleaning of passenger vehicles, recreational vehicles, or other light-duty equipment.

Car wash, self-service, means a car wash wherein operating functions are performed entirely by an operator owner with the use of washing, waxing, and drying equipment supplemented with manual detailing by the operator owner.

Cat means a feline that has reached the age of six months.

Catering establishment means an establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

Cellar means a space having less than one-half or more of its floor-to-ceiling height below the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than 6½ feet.

Cemetery means property used for the interring of the dead. See *Georgia cemetery regulations.*

Chapel. See *Place of worship.*

Characterized by in the definition of a sexually oriented business means describing the essential character or quality of an item. No business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

Check cashing facility means a person, business or establishment licensed by the State of Georgia pursuant to O.C.G.A. § 7-1-700 et seq. that for compensation engages, as a principal use, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. The term "check cashing facility" does not include a state or federally chartered bank, savings association, credit union, or industrial loan company.

Child care facility: A building(s) in which housing, meals, and 24-hour continuous watchful oversight of six or more children under the age of 18 are provided and which facility is licensed or permitted as a child caring institution by the State of Georgia. The term "child caring institution" shall not include a "child day care center or child care facility."

Child care home: A building(s) in which housing, meals, and 24-hour continuous watchful oversight for up to five (5) children under the age of 18 are provided. The term "child caring institution" shall not include a "child day care center or facility."

Child caring institution means a building in which housing, meals, and 24-hour continuous watchful oversight for children under the age of 18 are provided and which facility is licensed or permitted as a child caring institution by the State of Georgia. The term "child caring institution" shall not include a child daycare center or facility.

Child caring institution, community, means a child caring institution that offers care to seven or more children.

Child caring institution, group, means a child caring institution that offers care to between four and six children.

Child day care center: An establishment operated by any person with or without compensation providing for the care, supervision, and protection of seven or more children who are under the age of 18 years for less than 24 hours per day, without transfer of legal custody. The term "child caring institution" shall not include a "child day care center or child care facility."

Child daycare facility means an establishment operated by any person with or without compensation providing for the care, supervision, and protection of six or fewer children who are under the age of 18 years for less than 24 hours per day, without transfer of legal custody. For the purpose of computing the number of children within the child daycare facility, all children who are related by blood, marriage, adoption or guardianship to the person or persons operating the facility shall be included.

Church. See *Place of worship.*

Cistern means an underground reservoir or tank for storing rainwater.

City means the City of Stonecrest, Georgia, a political subdivision of the State of Georgia. When appropriate to the context, the term "city" also includes authorized officers, employees and agents thereof.

Clinic, health services, means a facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human diseases, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, diagnostic center, treatment center, rehabilitation center, extended care center, nursing home, intermediate care facility, outpatient laboratory, or central services facility serving one or more such institutions.

Club, private, means a group of people organized for a common purpose to pursue common goals, interests, or activities and characterized by definite membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws, such as country clubs and golf clubs, but excluding places of worship, personal service facilities, and sexually oriented businesses which shall be defined and regulated as otherwise provided herein. The term "private club" shall also mean, where the context requires, the premises and structures owned or occupied by members of such group within which the activities of the private club are conducted.

Clubhouse means a structure in which the activities of a private club are conducted.

Cluster housing development means a development that permits a reduction in lot area provided there is no increase in overall density of development, and in which all remaining land area is perpetually and properly protected, maintained and preserved as undivided open space or recreational or environmentally sensitive areas.

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 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.

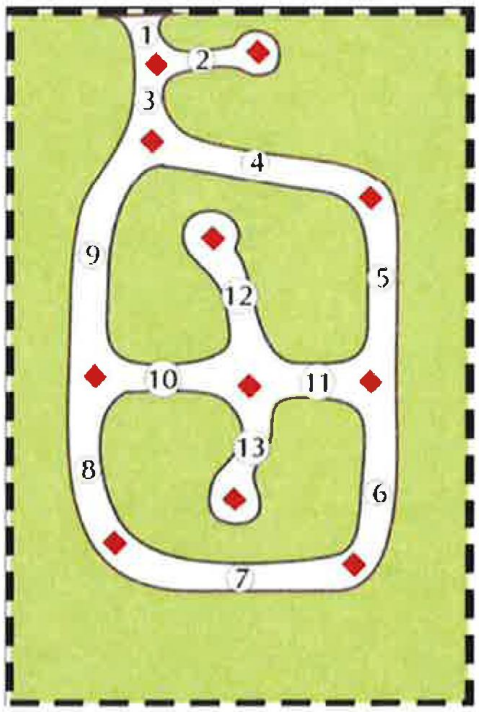


Figure 9.4 Example 1: Does not meet ratio

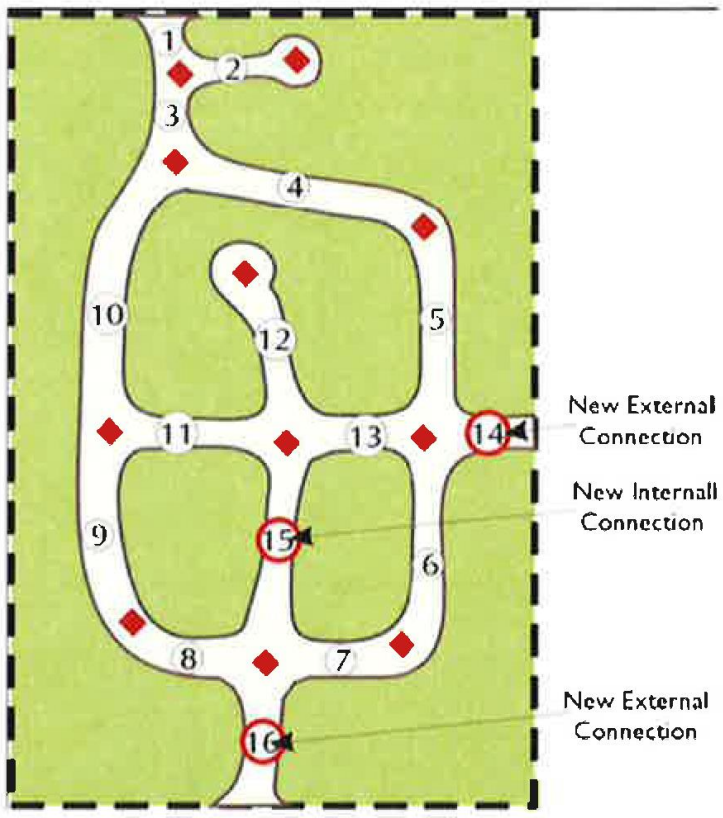


Figure 9.5 Example 2: Modified to meet ratio

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.

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.

County or city solid waste means any solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks and means solid waste from single-family, duplex, and multifamily residences, hotel and motels, picnic grounds and day use recreation areas. The term "county or city solid waste" includes yard trimmings and commercial solid waste but does not include solid waste from mining, agricultural, or silvicultural operations or industrial processes or operations.

County or city solid waste disposal facility means any facility or location where the final deposition of any amount of county or city solid waste occurs, whether or not mixed with or including commercial or industrial solid waste, and, includes, but is not limited to, county or city solid waste landfills and county or city solid waste thermal treatment technology facilities.

County or city solid waste landfill means a disposal facility where any amount of county or city solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludge, or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon.

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 Sustainability (also referred to as the Community Development Director), or his 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.

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.

Dry cleaning plant means an establishment for dry cleaning or laundry where the operation, equipment and machinery is on-site.

Durable materials means Materials that can resist wear, tear and decay from use, time and other conditions like weather.

Dwelling, mobile home. See *Mobile home.*

Dwelling, multifamily. See *Dwelling unit, multifamily.*

Dwelling, single-family, means a building designed for and containing one dwelling unit.

Dwelling, single-family attached, means a dwelling unit located in a building in which multiple units are attached by a common party wall.

Dwelling, single-family detached,, means a dwelling unit on an individual lot unattached to another dwelling unit.

Dwelling, single-family detached condominiums in the Residential Neighborhood Conservation District, means single-family detached dwelling units which are owned under the condominium form of ownership such that there are no individual lots associated with the units and the common areas are held in common ownership by a condominium association.

Dwelling, three-family or triplex, means a building designed for and containing three dwelling units.

Dwelling, two-family or duplex, means a building designed for and containing two dwelling units.

Dwelling, urban single-family, means residential buildings that share similar configuration to townhouse developments; however, they may be attached or detached and may have lot lines that coincide with the building envelope.

Dwelling unit means one or more rooms, designed, occupied, or intended for occupancy as a separate living quarters, with cooking, sleeping, and bathroom facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

Dwelling unit, accessory, means a dwelling unit located on the same lot as a single-family dwelling, either within or attached to the single-family dwelling, or detached, and is a separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities.

Dwelling unit, efficiency or studio, means a self-contained residential unit consisting of not more than one room together with a private bath and kitchen facilities.

Dwelling unit, multifamily, means one or more rooms with a private bath and kitchen facilities comprising an independent, self-contained residential unit in a building containing four or more dwelling units.

Dyeworks means a facility or workshop where the process of applying a comparatively permanent color to fiber, yarn or fabric takes place.

Eating and drinking establishments mean those establishments whose primary purpose is to derive income from the sale of food and drink, including malt beverages, wine and/or distilled spirits consumed primarily within the principal building, and without a drive-in or drive-thru component where such establishment is open for use by patrons beyond 12:30 a.m. Entertainment shall be incidental thereto.

Edifice means a building or a structure, especially one of imposing appearance or size, which has a roof and walls and stands permanently in one place.

Elevation means an architectural term referring to the view of a building seen from one side; it is a flat representation of one facade. This is the most common view used to describe the external appearance of a building. Each elevation is labeled in relation to the yard it faces (front, rear or side).

Elevation height means above sea level or ground level. See *Grade, existing.*

Emergency work means any work or action necessary to deliver essential services, including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions.

Enclosed area means an area surrounded by a fence or walls, sheltered by a structure with a roof and no side walls, but not located within a building.

Encroachment means a building or some portion of it, or a wall or fence, which extends beyond the land of the owner and illegally intrudes upon land of an adjoining owner, a street or an alley.

Environmental contamination means a presence of hazardous substances in the environment. From the public health perspective, environmental contamination is addressed when it potentially affects the health and quality of people living or working nearby.

Exceptional topographical restrictions means the physical condition of a lot or parcel, determined by the contours of the land itself, which may inhibit or alter the compliant status of an existing or proposed structure.

Explosive manufacture or storage means the manufacture or storage of any chemical compound mixture or device, the primary and common purpose of which is to function by explosion with substantially simultaneous release of gas and heat, the resulting pressure being capable of producing destructive effects.

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.

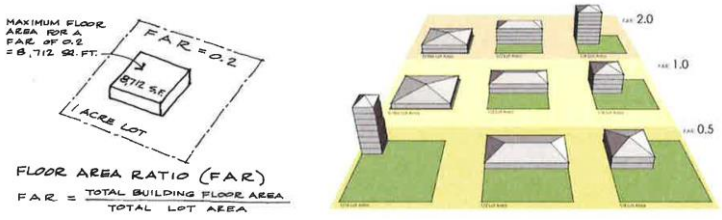


Figure 9.6 Illustration of Floor Area Ratio (FAR)

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 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.

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.

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 caring institution*, *Personal care homes*, *Transitional housing facility.*

Growler means a professionally sanitized reusable container not exceeding 64 ounces in volume used to transport draft beer for off-premises consumption.

Growler store means a retail store that sales [sells] growlers.

Gym. See *Fitness center.*

Hardscape means the inanimate elements of landscaping, especially any masonry work or woodwork. For instance, stone walls, concrete or brick patios, tile paths, wooden decks and wooden arbors would all be considered part of the hardscape.

Hardship means a condition of significant practical difficulty in developing a lot because of physical problems relating solely to the size, shape or topography of the lot in question, which are not economic difficulties and which are not self-imposed.

Hardware store means a facility of 30,000 or less square feet gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, house wares and household appliances, garden supplies, and cutlery.

Health spa means a nurturing, safe, clean commercial or not-for-profit establishment, which employs professional, licensed therapists whose services include massage and body or facial treatments. Private treatment rooms are provided for each client receiving a personal service. Massage treatments may include body packs and wraps, exfoliation, cellulite and heat treatments, body toning, waxing, aromatherapy, cleansing facials, medical facials, nonsurgical face lifts, electrical toning, and electrolysis. Hydrotherapy and steam and sauna facilities, nutrition and weight management, spa cuisine, and exercise facilities and instruction may be provided in addition to the massage and therapeutic treatment services. Full-service hair salons, make-up consultation and application and manicure and pedicure services may be provided as additional services. This specifically excludes sexually oriented businesses.

Heavy 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.

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.

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, truck terminals and landfills. 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 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.

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, buildable area of. See *Buildable area.*

Lot, conforming, means a designated parcel, tract, or area of land which meets the lot area, lot width and street frontage requirements of this chapter.

Lot, contiguous, (as used in section 8.1.4) means lots adjoining the rear or either side of the lots.

Lot, corner, means a lot abutting upon two or more streets at their intersection or upon two parts of the same street.

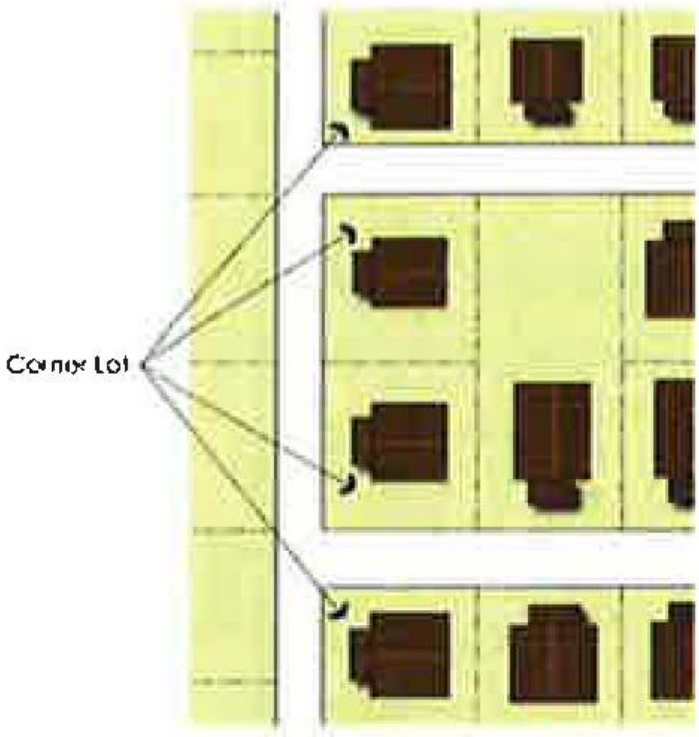


Figure 9.7 Corner Lots

Lot coverage means that portion of a lot that is covered by buildings, structures, driveways or parking areas, and any other impervious surface. For the purposes of calculating lot coverage, wooden decks, stone walkways and patios set without grout, or pervious, permeable, or porous pavements shall be considered pervious.

Lot, double-frontage, means a lot that abuts two parallel streets or that abuts two streets that do not intersect at the boundaries of the lot. A double-frontage lot may also be referred to as a through lot.

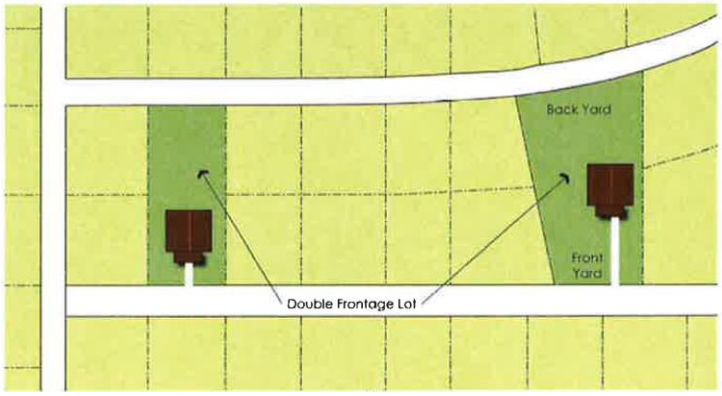


Figure 9.8 Double Frontage Lots

Lot, flag, means a tract or lot of land of uneven dimensions in which the portion fronting on a street is less than the required minimum width required for construction of a building or structure on that lot. A flag lot may also be referred to as a panhandle lot.

Lot, interior, means a lot, other than a corner lot, abutting only one street.

Lot, irregular, means a lot of such a shape or configuration that technically meets the area, frontage, and width to depth requirements of this article but meets these requirements by incorporating unusual elongations, angles, curvilinear lines unrelated to topography or other natural land features.

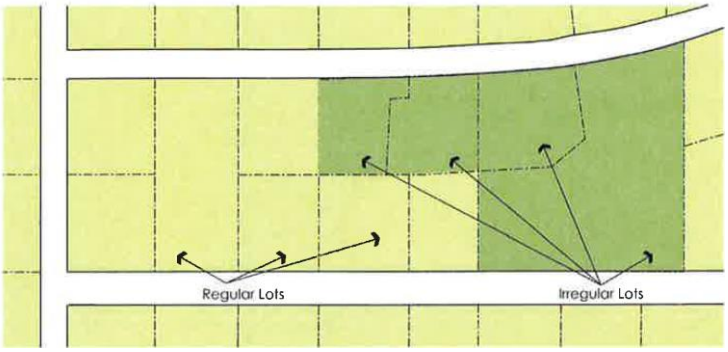


Figure 9.9 Irregular lots

Lot of record means a lot which is part of a subdivision, a plat of which has been recorded in the Office of the Clerk of Superior Court of DeKalb County, Georgia, or a parcel of land described by metes and bounds, the plat or description of which has been recorded in said office.

Lot of record, nonconforming, means a designated parcel, tract, or area of land legally existing at the time of the enactment of this chapter or amendment of this chapter which does not meet the lot area, lot width, or public or private street frontage and access requirements of this chapter.

Lot remnant means any portion or portions of a lot not suitable for building because of its size and remaining after the transfer of other portions of said lot to adjoining lots.

Lot, substandard, means a designated parcel, tract, or area of land created after the time of enactment of this chapter or amendment of this chapter which does not meet the lot area, lot width, or public or private street frontage and access requirements of this chapter. Such a lot is illegal except where created by governmental action in which case such lot shall have the status of a nonconforming lot of record.

Lot width means the horizontal distance measured at the building line between the side lines of a lot, measured at right angles along a straight line parallel to the street, or in case of a curvilinear street, parallel to the chord of the arc.

Low-rise in the I-20 Corridor Overlay District means a building in the I-20 Corridor Overlay district that is one to four stories in height.

Low-rise in the Stonecrest Area Overlay District means a building in the Stonecrest Area Overlay district that is one to three stories in height.

Lumber supply establishment means a facility for manufacturing, processing, and sales uses involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes.

Mail room means a room in an office which mail and package shipments are prepared and deliveries accepted.

Major automobile repair and maintenance shop. See *Automobile repair, major.*

Major intersection means the intersection of a major arterial striate with a major or minor arterial street.

Major modification. See section 4.2.57.B.

Major modification to zoning conditions. See article 7 of this chapter.

Major thoroughfare means a street, road or highway shown as a major thoroughfare in the DeKalb County Transportation and Thoroughfare Plan.

Malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than 14 percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term does not include sake, known as Japanese rice wine.

Manufactured home, Class I, means a single-family dwelling unit that is constructed in accordance with the Federal Manufactured Home Construction and Safety Standards and bears an insignia issued by the U.S. Department of Housing and Urban Development, or a single-family dwelling unit that, if constructed prior to applicability of such standards and insignia requirements, was constructed in conformity with the Georgia State Standards in effect on the date of manufacture.

Manufactured home, Class II, means a single-family dwelling unit meeting the requirements of a Manufactured Home Class I and, in addition, bears the insignia of the Southern Standard Building Code Congress International.

"Manufacturer" means any maker, producer, or bottler of an alcoholic beverage. The term also means:

In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits; provided, however, that a vintner that blends wine with distilled spirits to produce a fortified wine shall not be considered a manufacturer of distilled spirits;

In the case of malt beverages, any brewer; and

In the case of wine, any vintner.

Manufacturing, heavy. See *Industrial, heavy.*

Manufacturing, light. See *Industrial, light.*

Massage establishment means any business properly licensed under chapter 15, article VIII that is established for profit and employs one or more massage therapists, operates or maintains for profit one or more massage apparatus, and which, for good or valuable consideration, offers to the public facilities and personnel for the administration of massages, within the meaning of said chapter 15, article VIII. The term "massage establishment" shall not include hospitals or other professional health care establishments separately licensed as such by the State of Georgia.

Materials recovery facility means a handling facility that provides for the extraction of recoverable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

Mausoleum means a building containing aboveground tombs.

Meat processing means a building where live animals are killed and processed; and/or a building where meat, poultry, or eggs are cooked, smoked, or otherwise processed or packed but does not include a butcher shop or rendering plant.

Medical model means a comprehensive program that provides aging adults with the basic social, rehabilitative, health, and personal care services needed to sustain essential activities of daily living and to restore or maintain optimal capacity for self-care. Such program of care shall be based on individual plans of care and shall be provided for less than 24 hours per day.

Medium and high density residential zoning districts. Any of the following zoning districts means r-SM, MR-1, MR-2, HR-1, HR-2, and HR-3.

Micro brewery. See *Craft brewery.*

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.

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, 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 theater means an outdoor open space where dramatic, operatic, motion picture, or other performance, for admission to which entrance money is required takes place.

Overstory tree means any self-supporting woody plant of a species that normally achieves an overall height at maturity of 30 feet or more.

Package store means a retail establishment that sells distilled spirits for off-site consumption.

Parapet means that portion of a wall that extends above the roof line.

Parcel. See *Lot.*

Parking or*park* means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading of property or passengers.

Parking, valet, means Parking of vehicles by an attendant provided by the establishment for which the parking is provided.

Parking aisle means an area within a parking facility intended to provide ingress and egress to parking spaces.

Parking bay means the clear space containing one or two rows of parking stalls and a parking aisle.

Parking garage means a covered or sheltered structure designed, constructed and used for the parking of motor vehicles.

Parking lot means any area designed for temporary storage of motor vehicles by the motoring public in normal operating condition, whether for a fee or as a free service.

Parking space means a paved area of not less than 120 square feet (small car space) or not less than 153 square feet (large car space) space with dimensions of not less than eight feet wide by 15 feet deep (small cars) or eight feet six inches wide by 18 feet deep (large cars), the exclusive purpose of which is for the parking of a vehicle.

Parking structure means a structure or portion thereof composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade with those levels being either open or enclosed.

Party house: A single-family detached dwelling unit, including all accessory structures, which is used for the purpose of hosting a commercial event. For this definition, commercial event includes parties, ceremonies, receptions or similar-scale gatherings where the attendees are charged entry to the event, either in cash money or other remuneration, or the structure and its curtilage otherwise functions as a commercial recreation facility. An event produced by an owner-occupier of the property, or a long-term lessee residing on the property for a period not less than one year, where no remuneration is charged to guests shall not qualify under this definition.

Pasture land. See *Grazing land.*

Path means a paved or structurally improved walkway that provides access to areas within a development.

Paved means a structurally improved surface supporting the intended or allowed uses of traffic. An area may be covered by asphalt, concrete, permeable pavement or permeable pavement system that is acceptable to the director of planning. 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 zoning permit which is required by the terms of this chapter.

Personal assistance services means assistance to an individual with, or supervision of self-administration of, medication, ambulation, and transfer from location to location, and/or essential activities of daily living, such as eating, bathing, grooming, dressing, and toileting.

Personal care home: A building(s) in which housing, meals, personal assistance services, and 24-hour continuous watchful oversight to seven or more persons are provided and which facility is licensed or permitted as a personal care home by the State of Georgia. The term "personal care home" shall not include a "child care institution," "transitional housing," a "rehabilitation housing facility," a "rooming house," or a "boarding house." "Personal care home" includes a "community living arrangement," which is an establishment licensed by the State of Georgia and providing a residence for adults receiving care for mental health, development disabilities, and/or addictive diseases.

Personal care home, community, means a personal care home that offers care to seven or more persons.

Personal care home, group: A personal care home that offers care to up to six persons.

Personal services establishment means an establishment primarily engaged in providing services involving the care of a person or providing personal goods where the sale at retail of such goods, merchandise, or articles is only accessory to the provision of such services, including barber shops, beauty shops, tailor shops, laundry shops, dry cleaning shops, shoe repair shops, and similar uses, but specifically excluding sexually oriented businesses.

Pervious area means an area maintained in its natural condition, or covered by a material that permits infiltration or percolation of water into the ground.

Pervious pavers means a range of sustainable materials and techniques for permeable pavements with a base and sub-base that allow the movement of stormwater through the surface.

Pet. See *Household pet.*

Pet cemetery means property used for the interring of dead domestic animals.

Pet shop means a retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and livestock.

Pharmacy (retail) means a place where drugs and medicines are legally prepared and dispensed and which is licensed by the state.

Phased development means a development project that is constructed in increments, each stage being capable of meeting the regulations of this chapter independently of the other stages.

Physical therapy facility means a facility where service of developing, maintaining, and restoring maximum movement and functional ability is provided to individuals.

Pitch of roof lines means the ratio of the rise to the run of a roof.

Place of worship means a lot or building wherein persons assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship. The term "place of worship" shall also include any of the following accessory uses and buildings means schools, religious education, social gathering rooms, food service facilities, indoor and outdoor recreation facilities, child daycare center, kindergarten, parsonage, rectory or convent and columbarium.

Plainly audible means any sound that can be detected by a person using his unaided hearing faculties.

Planned industrial center means an industrial development planned with multiple buildings for industrial users.

Planning director. See *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.

Quasi-judicial officers, boards, or agencies' **means an officer, board, or agency appointed by a local government to exercise delegated, quasi-judicial zoning powers including hearing appeals of administrative**

decisions by such officers, boards, or agencies and hearing and rendering decisions on applications for variances, special administrative permits, special exceptions, or other similar permits not enumerated herein as a zoning decision, pursuant to standards for the exercise of such quasi-judicial authority adopted by a local government.

Quick copy and printing store means a facility established for the reproduction and printing of written or graphic materials on a custom order basis for individuals or businesses.

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 sales and service means a facility established for the exhibition, sale, and repair of recreational vehicles/boats.

Recycling collection point means a neighborhood drop-off point for the temporary storage of recyclables.

Recycling plant. See *Recovered materials center* or *Recovered materials processing.*

Regularly means the consistent and repeated doing of an act on an ongoing basis.

Rehabilitation housing facility means an establishment primarily engaged in inpatient care of a specialized nature with staff to provide diagnosis and/or treatment.

Repair, small household appliance, means a business established to provide a service of repairing small household appliances like microwaves, etc.

Replacement. See section 4.2.57.B.

Research and training facility means any facility owned by a private party, institution or government where research and training activities related to various fields like science, arts, etc. are conducted.

Residence hall. See *Dormitory.*

Residential component means the primarily residential portion of a development that may contain a mix of single-family detached, single-family attached and multifamily dwelling units and may include small scale, nonresidential uses.

Residential zoning district means any of the following zoning districts: RE, R-LG, R-100, R-85, R-75, R-60, MHP, R-NC, R-SM, MR-1, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4, and MU-5.

Residential use means the occupation of a building and land for human habitation.

Restaurant, drive-through, means an establishment where food and drink are prepared which may be consumed within the principal building or which may be ordered and picked up from a service window for off-site consumption.

Retail means the sale of goods, wares or merchandises directly to the end-consumer.

Retail warehouse/wholesale means an establishment exceeding 70,000 square feet of gross floor area and offering a full range of general merchandise to the public, and may include gasoline.

Retaining wall means a structure constructed and erected between lands of different elevations to protect structures and/or to prevent erosion.

Riding stable means a building where horses and ponies are sheltered, fed, or kept.

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.

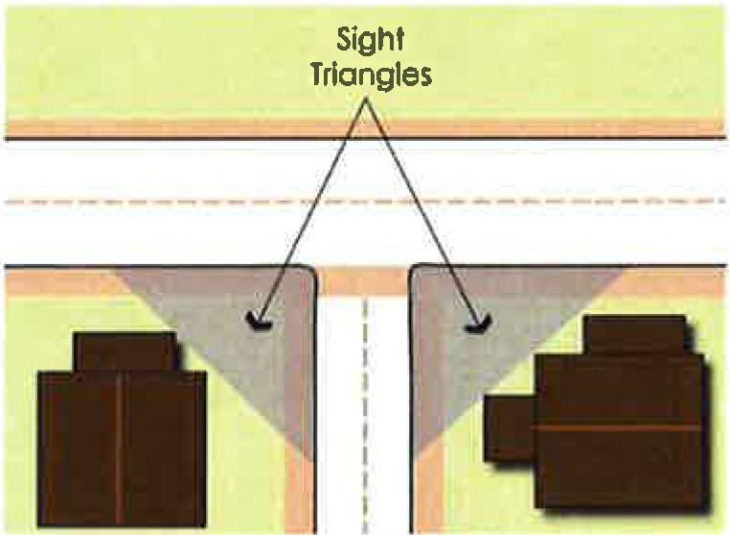


Figure 9.10 Sight Triangles

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, 5,000 sf or less," "Retail, over 5,000 sf," or "Variety Store" under the provisions of the City of Stonecrest Zoning Ordinance and Use Table. Small Box Discount Stores shall be a prohibited use in every zoning district of the City of Stonecrest.

Smoking lounge means an establishment which sells tobacco and/or promotes the smoking of tobacco products or other any other substance on its premises. The term "smoking lounge" includes but, is not limited to cigar lounges, hookah cafes, tobacco lounges, tobacco clubs, or tobacco bars.

Social model means a program that addresses primarily the basic social and recreational activities needed to be provided to aging adults, but also provides, as required, limited personal care assistance, supervision, or assistance essential for sustaining the activities of daily living. Such programs of care shall be based on individual plans of care and shall be provided for less than 24 hours per day.

Soldier course means a course of upright bricks with their narrow faces showing on the wall surface.

Solid waste means any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material, including solid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 USC 1342; or source, special nuclear, or byproduct material, as defined by the Federal Atomic Energy Act of 1954, as amended (68 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.

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.

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.

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.*

Townhouse means one of a group of three or more single-family dwelling units, attached side-by-side by a common wall. See *Dwelling, single-family.*

Townhouse, stacked, means multifamily building with the appearance of a townhouse (side-by-side attached), but which has multiple dwelling units whereby a unit is located above or below another.

Trailer means any non-motorized vehicle or wheeled attachment designed to be towable, including, but not limited to, landscape utility trailers, horse trailers, storage trailers, campers, recreational vehicle trailers designed for temporary living quarters while traveling or camping, fifth-wheel trailers, pop-up campers, transport trailers, and boat trailers.

Transit means the conveyance of persons or goods from one place to another by means of a local, public transportation system.

Transit oriented development (TOD) means moderate and high-density mixed-use development which is located along transit routes and encourages pedestrian use of public transportation.

Transitional buffer zone means a natural or planted buffer area between two different land uses which is intended to provide protection between said land uses and which meets the criteria for said buffer specified in article 5 of this chapter.

Transitional height plane means a geometric plane that establishes the maximum permitted height of a building in a district that allows a greater density than that of an adjoining lower-density residential district. The transitional height plane shall begin at a point 35 feet above setback or transitional buffer line, whichever is furthest from the property line, then extend at an upward angle of 45 degrees over the lot of the building.

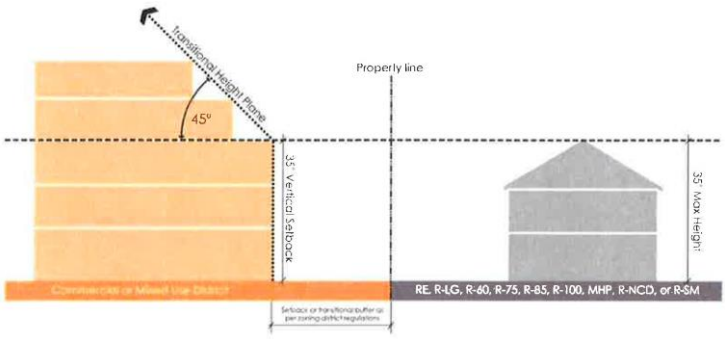


Figure 9.11 Transitional Height Plane

Transitional housing facility means a building or buildings in which is provided long-term but no permanent living accommodations for more than six persons who have no permanent residence and are in need of long-term housing assistance. Compare with *Homeless shelter.*

Transparent material means any material which allows light to be transmitted and objects to be seen clearly and with definition.

Transportation equipment and storage or maintenance (vehicle) means any building, premises or land in which or upon which is the storage or maintenance of motor freight vehicles or equipment, without services provided, such as those provided by a truck stop. Compare with *Truck terminal.*

Tree means any living, self-supporting, woody perennial plant which has a trunk caliper of two inches or more measured at a point six inches above the ground and which normally attains a height of at least ten feet at maturity usually with one main stem or trunk and many branches.

Tree canopy means the area directly beneath the crown and within the outermost edges of the branches and leaves of a tree.

Truck stop means any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into such commercial vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may also include overnight accommodations and restaurant facilities primarily for the use of truck crews.

Truck terminal means 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.

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.

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.

Workforce housing means for-sale housing that is affordable to those households earning 80 percent of median household income for the Atlanta Metropolitan Statistical Area (MSA) as determined by the current fiscal year HUD income limit table at the time the building is built.

Xeriscape means a landscape designed and maintained with the principles that promote good horticultural practices and efficient use of water and is characterized by the use of vegetation that is drought-tolerant or of low water use in character.

Yard means that area of a lot between the principal building and adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

Yard sale means the temporary residential sale of tangible personal property, such as, but not limited to, household items, clothing, tools, toys, recreational equipment, or other used or secondhand items normally found in and about the home. The term "yard sale" includes the term estate sale, if held outside, garage sale, basement sale, carport sale, moving sale, or rummage sale. This temporary use may be conducted by an individual, multiple persons, churches, social civic or charitable organizations, a neighborhood group, church or civic association.

Yard, corner side, means an open-space area of a corner lot between the exterior side lot line and the required exterior side building setback line, extending between the front building setback line and the rear building setback line.

Yard, front, means an area extending across the total width of a lot between the front lot line and the building. With respect to limitations within the front yard, there can only be one Front yard:

Yard, interior side, means a yard extending between the front and rear yards and being that area between the side lot line, where the side lot line is coincidental with the side or rear lot line of an adjacent lot, and those lines established by the side walls of the principal structure.

Yard, rear, means a yard extending across the total width of a lot between side lot lines and being that area between the rear lot line and those lines established by the rear walls of the principal structure projected to intersect the side lot lines.

Yard, side, means a yard extending between the front and rear yards and being that area between the side lot lines and the principal structure.

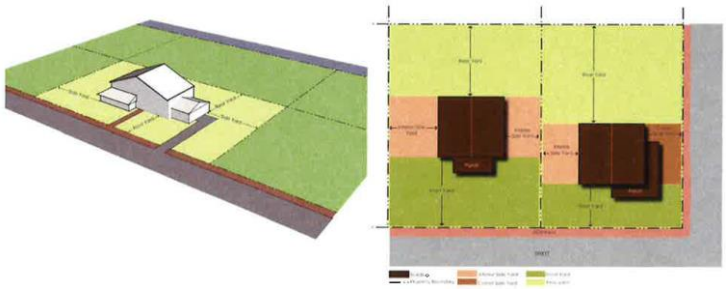


Figure 9.12 Illustration of Yard

Zero lot line means when location of a building in such manner that one or more of building's exterior wall is allowed to rest directly on the lot line or property boundary.

Zoning decision means final legislative action by a local government which results in:

1. The adoption **or repeal** of a zoning ordinance;
2. The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance;
3. The adoption **or denial** of any amendment to a zoning ordinance ~~which rezones~~ **to rezone** the property from one zoning classification to another;
4. The adoption **or denial** of an amendment to a zoning ordinance by a municipal local government ~~which zones~~ **to rezone** property to be annexed into the municipality;
5. The grant **or denial** of a permit relating to a special use of property, as defined in O.C.G.A. § 36-66-3, and as may hereafter be amended by Georgia law; or
6. **The grant or denial of a variance or conditions concurrent and in conjunction with a decision pursuant to subparagraphs 3. and 5. of this definition.** ~~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; Ord. No. 2019-11-04 , § II, 11-25-2019; Ord. No. 2019-11-05 , § IV, 11-25-2019; Ord. No. 2021-06-04 , § 1(Exh. A), 8-23-2021; Ord. No. 2022-01-02 , § 1(Exh. A), 1-10-2022; Ord. No. 2022-01-06 , § 1(Exh. A), 1-24-2022; Ord. No. 2022-05-01 , § 1(Exh. A), 5-23-2022; Ord. No. 2022-06-02 , § 1(Exh. A), 6-29-2022)

Sec. 9.2.0. Official zoning maps.

Now, therefore, be it ordained by the Mayor and Council of the City of Stonecrest, Georgia, the Code of the City of Stonecrest, Georgia, is hereby amended by adding the official zoning maps entitled "Official Zoning Map, Stonecrest, Georgia" (the "official zoning maps"). The official zoning maps, adopted contemporaneously with chapter 27, together with all explanatory information contained or referenced thereon, in digital format and contained on a compact disk to be maintained in its original, unedited and unaltered form by the clerk to the city council, attached as Exhibit A. A printed copy of the compact disk's contents depicting the official zoning maps on the date of its initial adoption shall also be maintained in its original, unedited and unaltered form by the clerk to the city council.

(Ord. of 8-2-2017, § 2)

Sec. 9.3.0. Stonecrest overlay maps.

Now, therefore, be it ordained by the Mayor and Council of the City of Stonecrest, Georgia, the Code of the City of Stonecrest, Georgia, is hereby amended by adding the official zoning maps entitled "Official Zoning Map, Stonecrest, Georgia, Stonecrest Area Overlay District")(the Stonecrest overlay maps). The Official Zoning Map, Stonecrest, Georgia, Stonecrest Area Overlay District, to be adopted contemporaneously with chapter 27, together with all explanatory information contained or referenced thereon, is hereby adopted by reference and declared to be a part of this chapter. The Stonecrest overlay maps shall be adopted contemporaneously with this chapter in digital format and contained on a compact disk to be maintained in its original, unedited and unaltered form by the clerk to the city council, attached as Exhibit B. A printed copy of the compact disk's contents depicting the official zoning maps on the date of its initial adoption shall also be maintained in its original, unedited and unaltered form by the clerk to the city council.

(Ord. of 8-2-2017, § 3)

Sec. 9.4.0. I-20 Corridor overlay maps.

Now, therefore, be it ordained by the Mayor and Council of the City of Stonecrest, Georgia, the Code of the City of Stonecrest, Georgia, is hereby amended by adding the official zoning maps entitled "Official Zoning Map, Stonecrest, Georgia, I-20 Corridor Overlay District")(the I-20 Corridor overlay maps). The Official Zoning Map, Stonecrest, Georgia, I-20 Corridor Overlay District, to be adopted contemporaneously with this chapter, together with all explanatory information contained or referenced thereon, is hereby adopted by reference and declared to be a part of this chapter. The I-20 Corridor overlay maps shall be adopted contemporaneously with this chapter in digital format and contained on a compact disk to be maintained in its original, unedited and unaltered form by the clerk to the city council, attached as Exhibit C. A printed copy of the compact disk's contents depicting the official zoning maps on the date of its initial adoption shall also be maintained in its original, unedited and unaltered form by the clerk to the city council.

(Ord. of 8-2-2017, § 4)

Sec. 9.5.0. Transition period.

During the transition period, any department, 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 Community Development Director. During and after the transition period, any reference to the planning department shall refer

to the Community Development department or the similar department created by the City Council during the transition period.

(Ord. of 8-2-2017, § 5)

STATE OF GEORGIA

DEKALB COUNTY

CITY OF STONECREST

ORDINANCE NO. ____-_____

AN ORDINANCE TO AMEND VARIOUS ARTICLES WITHIN CHAPTER 27 (ZONING ORDINANCE) OF THE CITY OF STONECREST, GEORGIA TO APPLY AMENDMENTS PASSED BY THE GEORGIA GENERAL ASSEMBLY TO THE GEORGIA ZONING PROCEDURES LAW; TO PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the governing body of the City of Stonecrest ("City") is the Mayor and City Council thereof; and

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

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

WHEREAS, the Mayor and City Council desire to amend various articles within Chapter 27 (Zoning Ordinance) based on amendments passed by the Georgia General Assembly to the Georgia Zoning Procedures Law; and

WHEREAS, from time-to-time amendments may be proposed for public necessity, general welfare, or sound zoning practice that justify such action; and

WHEREAS, the Director of Planning and Zoning recommends approval based on the City Staff Report; and

WHEREAS, a public hearing and recommendation pursuant to the provisions of the Zoning Procedures Law has been provided by the Planning Commission; and

WHEREAS, a public hearing pursuant to the provisions of the Zoning Procedures Law has been properly held by the City Council 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 within Chapter 27 (Zoning Ordinance) by adopting the amendments set forth in Exhibit A attached hereto and made a part hereof by reference.

Section 2. That text added to current law appears in **red bold and underline** 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 _____, 2023.

CITY OF STONECREST, GEORGIA

_____

Jazzmin Cobble, Mayor

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

EXHIBIT A

CITY COUNCIL AGENDA ITEM

SUBJECT: Adoption of 2023 Millage Rate

AGENDA SECTION: (*check all that apply*)

☐ **PRESENTATION** ☐ **PUBLIC HEARING** ☐ **CONSENT AGENDA** ☐ **OLD BUSINESS**

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

CATEGORY: (*check all that apply*)

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

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

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

Previously Heard Date(s): 06/21/23 & 06/28/23

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

Current Council Meeting: Wednesday, June 28, 2023

SUBMITTED BY: Deputy Finance Director Mia Wilson

PRESENTER: Deputy Finance Director Mia Wilson

PURPOSE: To adopt the 2023 Millage Rate

FACTS: Click or tap here to enter text.

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

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

ATTACHMENTS:

(1) Attachment 1 - Notice of Property Tax Increase
(2) Attachment 2 - 5 Year Levy History
(3) Attachment 3 - PT 32.1 Computation of Roll Back Millage
(4) Attachment 4 - PT 32 City and Independent School Millage Rate Certification
(5) Attachment 5 - Resolution

NOTICE OF PROPERTY TAX INCREASE

The **City of Stonecrest** has tentatively adopted a 2023 millage rate which will require an increase in property taxes by **5.36** percent. All concerned citizens are invited to the public hearing on this tax increase to be held at Stonecrest City Hall, 3120 Stonecrest Blvd, Stonecrest, GA on **June 21, 2023, at 11:00 am and 6:00 pm.** Times and places of additional public hearings on this tax increase are at Stonecrest City Hall, 3120 Stonecrest Blvd, Stonecrest, GA on **June 28, 2023, at 6:00 pm. The public hearings will be virtual and broadcasted live on the City's YouTube Channel The link to the City's YouTube Channel is as follows: https://www.youtube.com/@officialcityofstonecrestge6410/streams.**

This tentative increase will result in a millage rate of **1.257 mills**, an increase of **0.064 mills**. Without this tentative tax increase, the millage rate will be no more than **1.193 mills**. The proposed tax increase for a home with a fair market value of **$100,000** is approximately **$19.20** and the proposed tax increase for non- homestead property with a fair market value of **$300,000** is approximately **$76.80**.

NOTICE

The City Council of the City of Stonecrest does hereby announce that the millage rate will be set at a meeting to be held at the Council meeting on **June 28, 2023 at 7:00 p.m**. and pursuant to the requirements of O.C.G.A. § 48-5-32 does hereby publish the following presentation of the current year's tax digest and levy, along with the history of the tax digest and levy for the past five years.

CURRENT 2023 PROPERTY TAX DIGEST AND 5 YEAR HISTORY OF LEVY

	COUNTY WIDE		2018	2019	2020	2021	2022	2023
Countywide Area	VALUE	Real & Personal	1,622,214,982	1,788,582,332	1,971,004,816	2,176,939,296	2,691,678,081	3,233,755,049
		Motor Vehicles		7,956,030	8,637,740	6,639,480	5,952,430	5,729,240
		Mobile Homes						
		Timber - 100%						
		Heavy Duty Equipment		78,546	41,730	132,745	2,240	185,387
		Gross Digest	1,622,214,982	1,796,616,908	1,979,684,286	2,183,711,521	2,697,632,751	3,239,669,676
		Less Exemptions	266,671,701	247,054,516	568,476,742	694,585,453	933,160,615	1,113,140,479
		NET DIGEST VALUE	1,355,543,281	1,549,562,392	1,411,207,544	1,489,126,068	1,764,472,136	2,126,529,197
	RATE	Gross Maintenance & Operation Millage	0.0000	0.0000	1.4380	1.3360	1.2570	1.2570
		Less Rollback (Local Option Sales Tax)	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
		NET M&O MILLAGE RATE				1.3360	1.2570	1.2570
	TAX	**TOTAL M&O TAXES LEVIED**				$1,989,472	$2,217,941	$2,673,047
		Net Tax $ Increase				$1,989,472	$228,469	$455,106
		Net Tax % Increase				100.00%	11.48%	20.52%

http://www.etax.dor.ga.gov/ptd/download/index.aspx

7.820
9.580

http://www.etax.dor.ga.gov/ptd/download/index.aspx

		-1.760	
66.88	100,000.00		100,000.00
	40,000.00		40,000.00
	38,000.00		30,000.00
	66.88		19.2
211.2	300,000.00		300,000.00
	120,000.00		120,000.00
	211.20		76.80

http://www.etax.dor.ga.gov/ptd/download/index.aspx

PT-32.1 - Computation of MILLAGE RATE ROLLBACK AND PERCENTAGE INCREASE IN PROPERTY TAXES - 2023

COUNTY:	002-DeKalb	TAXING JURISDICTION:	Stonecrest

ENTER VALUES AND MILLAGE RATES FOR THE APPLICABLE TAX YEARS IN YELLOW HIGHLIGHTED BOXES BELOW

DESCRIPTION	2022 DIGEST	REASSESSMENT OF EXISTING REAL PROP	OTHER CHANGES TO TAXABLE DIGEST	2023 DIGEST
REAL	2,415,288,531	108,458,924	396,860,069	2,920,607,524
PERSONAL	276,389,550		36,757,975	313,147,525
MOTOR VEHICLES	5,952,430		(223,190)	5,729,240
MOBILE HOMES	0		0	
TIMBER -100%	0		0	
HEAVY DUTY EQUIP	2,240		183,147	185,387
GROSS DIGEST	2,697,632,751	108,458,924	433,578,001	3,239,669,676
EXEMPTIONS	933,160,615		179,979,864	1,113,140,479
NET DIGEST	1,764,472,136	108,458,924	253,598,137	2,126,529,197
	(PYD)	(RVA)	(NAG)	(CYD)

2022 MILLAGE RATE:	1.257	2023 MILLAGE RATE:	1.257

CALCULATION OF ROLLBACK RATE

DESCRIPTION	ABBREVIATION	AMOUNT	FORMULA
2022 Net Digest	PYD	1,764,472,136	
Net Value Added-Reassessment of Existing Real Property	RVA	108,458,924	
Other Net Changes to Taxable Digest	NAG	253,598,137	
2023 Net Digest	CYD	2,126,529,197	(PYD+RVA+NAG)
2022 Millage Rate	PYM	1.257	PYM
Millage Equivalent of Reassessed Value Added	ME	0.064	(RVA/CYD) * PYM
Rollback Millage Rate for 2023	RR - ROLLBACK RATE	1.193	PYM - ME

CALCULATION OF PERCENTAGE INCREASE IN PROPERTY TAXES

If the 2023 Proposed Millage Rate for this Taxing Jurisdiction exceeds Rollback Millage Rate computed above, this section will automatically calculate the amount of increase in property taxes that is part of the notice required in O.C.G.A. § 48-5-32.1(c) (2)

Rollback Millage Rate	1.193
2023 Millage Rate	1.257
Percentage Tax Increase	5.36%

CERTIFICATIONS

I hereby certify that the amount indicated above is an accurate accounting of the total net assessed value added by the reassessment of existing real property for the tax year for which this rollback millage rate is being computed.

Chairman, Board of Tax Assessors Date

I hereby certify that the values shown above are an accurate representation of the digest values and exemption amounts for the applicable tax years.

Tax Collector or Tax Commissioner Date

I hereby certify that the above is a true and correct computation of the rollback millage rate in accordance with O.C.G.A. § 48-5-32.1 for the taxing jurisdiction for tax year 2022 and that the final millage rate set by the authority of this taxing jurisdiction for tax year 2022 is _____

CHECK THE APPROPRIATE PARAGRAPH BELOW THAT APPLIES TO THIS TAXING JURISDICTION

[ ] If the final millage rate set by the authority of the taxing jurisdiction for tax year 2022 exceeds the rollback rate, I certify that the required advertisements, notices, and public hearings have been conducted in accordance with O.C.G.A. §§ 48-5-32 and 48-5-32.1 as evidenced by the attached copies of the published "five year history and current digest" advertisement and the "Notice of Intent to Increase Taxes" showing the times and places when and where the required public hearings were held, and a copy of the press release provided to the local media.

[X] If the final millage rate set by the authority of the taxing jurisdiction for tax year 2022 does not exceed the rollback rate, I certify that the required "five year history and current digest" advertisement has been published in accordance with O.C.G.A. § 48-5-32 as evidenced by the attached copy of such advertised report.

Responsible Party Title Date

PT-38 (Rev 01/23)
City Millage Rate Certification

CITY AND INDEPENDENT SCHOOL MILLAGE RATE CERTIFICATION FOR TAX YEAR 2023

http://www.dor.ga.gov

Complete this form once the levy is determined, report this information in Column 1. E-mail a copy to local.government.services@dor.ga.gov or fax to (404)724-7011 and distribute a copy to your County Tax Commissioner and Clerk of Court. This form also provides the Local Government Services Division with the millage rates for the distribution of Railroad Equipment Tax and Alternative Ad Valorem Tax. Form must be remitted even if levy is zero.

Georgia Department of Revenue
Local Government Services Division
4125 Welcome All Road
Atlanta, Georgia 30349
Phone: (404) 724-7003

CITY NAME	ADDRESS			CITY, STATE, ZIP
City of Stonecrest	3120 Stonecrest Blvd., Suite 190			Stonecrest, GA 30038
FEI #	**CITY CLERK**	**PHONE NO.**	**FAX**	**EMAIL**
821294890	Sonya Isom	770-224-0214	470-299-4214	slsom@stonecrestga.gov
OFFICE DAYS / HOURS	**ARE TAXES BILLED AND COLLECTED BY THE ( ) CITY OR ( ) COUNTY TAX COMMISSIONER? LIST VENDOR, CONTACT PERSON AND PHONE NO.**			
M-F 8:30a-5p	DeKalb County Tax Commissioner- David Butler - 404-298-3100			

List below the amount & qualifications for each LOCAL homestead exemption granted by the City and Independent School System.

CITY		INDEPENDENT SCHOOL	
Exemption Amount	Qualifications	Exemption Amount	Qualifications
$10000+ 1 mil reduction	Basic Homestead		
100%	Veterans		
$14,000	Senior		

If City and School assessment is other than 40%, enter percentage millage is based on _____%. List below the millage rate in terms of mills.
EXAMPLE: 7 mills (or .007) is shown as 7.000. PLEASE SHOW MILLAGE FOR EACH TAXING JURISDICTION EVEN IF THERE IS NO LEVY.

CITY DISTRICTS	DISTRICT NO.	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
List Special Districts if different from City District below such as CID's, BID's, or DA's	List District Numbers	Gross Millage for Maintenance & Operations	**Less Rollback for Local Option Sales Tax	Net Millage for Maintenance & Operation Purposes (Column 1 less Column 2)	Bond Millage (If Applicable)	Total Millage Column 3 + Column 4
City Millage Rate	80	1.257	0.000	1.257		
Independent School System						
Special Districts						

****Local Option Sales Tax Proceeds must be shown as a mill rate rollback if applicable to Independent School.**

Name of County(s) in which your city is located:	DeKalb		

I hereby certify that the rates listed above are the official rates for the Districts indicated for Tax Year 2023

_____ _____
Date **Mayor or City Clerk**

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

RESOLUTION 2023-____-____

A RESOLUTION BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST, GEORGIA TO FIX THE MILLAGE RATE FOR AD VALOREM PROPERTY TAXES OF THE CITY OF STONECREST FOR THE FISCAL YEAR 2023 AND FOR OTHER LAWFUL PURPOSES.

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

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

WHEREAS, the millage rate set by the City of Stonecrest for tax year 2022 was 1.257 mills; and

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

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

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

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

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

SECTION 1. The ad valorem tax at the rate for the City of Stonecrest, Georgia for the 2024 fiscal year on property subject to ad valorem taxation by the City, is hereby fixed at 1.257 on each $1,000.00 of taxable value or any part thereof of the value of all real and personal property, which under the laws of this state are subject to taxation within the corporate limits of the City for this purpose.

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

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

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

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

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

SO RESOLVED, this 28th day of June, 2023.

CITY OF STONECREST, GEORGIA:

Attest:

Approved:

Sonya Isom, City Clerk

Jazzmin Cobble, Mayor

Approved as to Form:

City Attorney

CITY COUNCIL AGENDA ITEM

SUBJECT: Classification and Compensation Study

AGENDA SECTION: (*check all that apply*)

☒ **PRESENTATION** ☐ **PUBLIC HEARING** ☐ **CONSENT AGENDA** ☐ **OLD BUSINESS**

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

CATEGORY: (*check all that apply*)

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

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

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

Previously Heard Date(s): 06/12/23 & Click or tap to enter a date.

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

Current Council Meeting: Wednesday, June 28, 2023

SUBMITTED BY: City Manager Gia Scruggs

PRESENTER: MGT Consulting & City Manager Gia Scruggs

PURPOSE: To present classification and compensation study that reviews the internal equity and external competitiveness. The analysis assesses how well the City's current pay practices align with the larger compensation strategy and to simplify classification structures, identify career progression paths, review of qualification to assist in the recruitment of talent, and to address recruitment and retention needs.

FACTS: The City Charter requires the city manager to be responsible for a position classification and a pay plan which shall be submitted to the city council for approval. Said plan may apply to all employees of the City of Stonecrest and any of its agencies and offices. The Acting City Manager previously requested funding to conduct a classification and compensation study and MGT of America Consulting, LLC was chosen to perform the study. After reviewing jobs descriptions, analyzing data, discussions with selected staff, the MGT Consulting team will be presenting their research on market trends regarding compensation. The classification and compensation plan will help guide recruitment and retention strategies for the City of Stonecrest.

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

CITY COUNCIL AGENDA ITEM

RECOMMENDED ACTION: Approve 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.

CITY COUNCIL AGENDA ITEM

SUBJECT: SECURITY SERVICES AGREEMENT 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): 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 28, 2023

SUBMITTED BY: Procurement Manager Shakerah Hall

PRESENTER: Procurement Manager Shakerah Hall

PURPOSE: Amend Scope of Services for Security Services with N2U Protection Services, LLC.

FACTS: N2U original contract with the City of Stonecrest was executed as an emergency procurement in June 2022. The City Management is requesting the admendment of services provided by N2U.

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

RECOMMENDED ACTION: Approve The City Staff is requesting the amendment of N2U Protection Services, LLC contract to include the following: Private security personnel during regular business hours at the Aquatic Center, Private security at City Events, and Executive Protection private security personnel.

ATTACHMENTS:

(1) Attachment 1 - Contract Amendment
(2) Attachment 2 - Exhibit A
(3) Attachment 3 - Click or tap here to enter text.
(4) Attachment 4 - Click or tap here to enter text.

CITY COUNCIL AGENDA ITEM

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

Security Services Agreement Amendment

This Amendment to Professional Services Contract ("Contract") is made as of the _**28**__ day of **June 2023**, by and between the **City of Stonecrest** ("City"), **and N2U Protection Services, LLC**, hereinafter referred to as the "Contractor". The City and Contractor may hereinafter be referred to individually as a "Party" or collectively as the "Parties."

A. The Parties entered into the Contract for Private Security Services on June 17, 2022; and

B. The Party (City) wishes to amend the scope of services stated in the original contract.

NOW THEREFORE, in consideration of the promises and obligations set forth below, the Parties agree to amend the Contract as follows:

Section 1. Exhibit A entitled SERVICES/ SCOPE OF WORK of the Agreement is hereby stricken and replaced with Exhibit A attached hereto and incorporated herein.

Section 2. Deletion of Exhibits. Upon the date of execution of the Agreement, the parties hereto agree to delete the current Exhibit A, in its entirety, and replace it with a new Exhibit A attached hereto and incorporated herein by reference herein.

Section 3. SERVICES/ SCOPE OF WORK. That any reference to a SERVICES/ SCOPE OF WORK be replaced with “Exhibit A” SERVICES/ SCOPE OF WORK.

Section 4. Section 2. entitled COMPENSATION. of the Agreement is hereby stricken and replaced with the language below.

COMPENSATION

In consideration for Services, the City shall pay to Contractor a fee not to exceed:

- A hourly rate of $25 and $30 for Executive Protection Detail
- One- and one-half times the Regular Rate for Services provided in less than 48 hours’ notice and Services provided on Federal Holidays.
- The City agrees to pay a $500 monthly fee for insurance.

The City agrees to pay Contractor’s invoices within thirty (30) days of receiving same. As the City is a local government entity and thus exempt from sales taxation, notwithstanding the terms of the proposal, Contractor acknowledges that the City shall not be responsible for payment of

any sales taxes on any invoices submitted for the services provided under this Agreement. The Contractor shall send all invoices by email to payables@stonecrestga.gov for payment.

Section 5. COMPENSATION. That any reference to costs for services be replaced with the Compensation terms as referenced herein.

Section 6. 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 a shall remain in full force and effect.

Section 7. 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 8. 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 9. Effective Date. That the Amendment will become effective 15 days after the Execution Date.

IN WITNESS WHEREOF, the Parties have set their hands to this Amendment on the day and year above first written.

CITY OF STONECREST	**N2U PROTECTION SERVICES, LLC**
_____	_____
Printed Name & Title	Printed Name & Title
_____	_____
Signature	Signature
_____	_____
Date	Date

EXHIBIT A
SERVICES/SCOPE OF WORK

Contractor agrees to provide one (1) private security personnel during regular business hours Monday-Saturday 12 pm-7 pm and Sundays 1 pm – 7 pm:

- at the Aquatic Center.

Contractor agrees to provide private security personnel:

- at City events;
- amount of personnel varies based on the crowd size.

Executive Protection private security personnel:

- amount of personnel varies based on the event.

If the date and time is not provided with at least 48 hours' notice, the services shall incur the cost per the terms of section II COMPENSATION.

Additional Enforcement Services require enforcement personnel:

1. Adhere to all Post Order Requirements;

2. Maintain a high visibility profile;

3. Conduct vehicular/foot patrol throughout the buildings and surrounding areas;

4. Lock and unlock designated doors/gates if designated;

5. Update City regarding the property as deemed necessary in regard to any incidents or of emergency nature;

6. Conduct preliminary investigations of incident and write a report describing the incident and actions taken;

7. Maintain post coverage until shift ends or proper relief arrives;

8. Respond to suspicious activities and take the necessary actions to bring the activity to a resolution: in cooperation with local police whenever possible in lieu of any confrontation with a perpetrator;

9. Provide other duties as agreed between CONTRACTOR and City; and

10. CONTRACTOR shall ensure that while on duty at Property, each Officer will be completely outfitted with a uniform and a badge which clearly identifies the Officer with Contractor.

CITY COUNCIL AGENDA ITEM

SUBJECT: Security Services Vendor Contract

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 28, 2023

SUBMITTED BY: Click or tap here to enter text.

PRESENTER: Gia Scruggs

PURPOSE: Consideration and Approval of Contract for Security Services for City Hall, Brownsmill Recreation and Aquatic Centers.

FACTS: The City piggyback off of Georgia Statewide Contract to procure vendor. The vendor billable rate will be $24.67 per hour.

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

RECOMMENDED ACTION: Approve Staff respectfully request the approval of this contract with Dynamic Security LLC. For Security Services through December 31, 2023, with the option to renew the contract up to four (4) additional one-year terms. Fund Source: Facilities & Building.

ATTACHMENTS:

(1) Attachment 1 - Contract
(2) Attachment 2 - Dynamic Security Inc. Proposal
(3) Attachment 3 - Click or tap here to enter text.

CITY COUNCIL AGENDA ITEM

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

PROFESSIONAL SERVICES CONTRACT

Armed Security Services for City Hall and Browns Mill Recreation Center

This **CONTRACT** made and entered into this__**28th**__ day of ___**June**__, **2023** by and between the City of Stonecrest, (Party of the First Part, hereinafter called the "City"), and **Dynamic Security Inc**. Party of the Second Part, hereinafter called the "Service Provider" or "Contractor").

NOW THEREFORE, for and in consideration of the mutual promises and obligations contained herein and under the conditions hereinafter set forth, the parties do hereby agree as follows:

1. **TERMS:**
   The services to be performed under this Contract shall commence on the date hereof. The initial terms of this Contract shall be through December 31, 2023. This Contract shall terminate absolutely and without further obligation upon the completion of the full scope of work on the part of the City or on December 31, 2023, and each December 31 of each succeeding and renewed year, as required by O.C.G.A. §36-60-13, as amended, unless terminated earlier in accordance with the provisions of this Contract.

2. **ATTACHMENTS:**
   The following documents are attached and are specifically incorporated herein by reference; and, along with this Contract and the General Conditions attached as Exhibit A encompass all of the **Contract documents :**

I.	General Conditions.
II.	Scope of Work
Exhibit A:	Georgia Security and Immigration Compliance Affidavit.
Exhibit B:	Certificate of Insurance

3. **PERFORMANCE:**
   Service Provider agrees to furnish all skill and labor of every description necessary to carry out perform, perform the services in accordance with the Contract Documents (the "Work").

4. **PRICE:**
   The City agrees to pay the Service Provider following receipt by the City of a detailed invoice reflecting the actual work performed by the Service Provider, provided, however, Service Provider guarantees that the maximum price for materials, labor and expenses, shall be the amount reflected in Cost Proposal.

5. **INDEMNIFICATION AND HOLD HARMLESS:**
   [See Section 13 of Exhibit A. --- General Conditions]

   Service Provider further agrees to indemnify, and hold harmless the CITY, its council members, officers, and employees from liability for compensation under the Worker's Compensation Act arising out of injuries sustained by any employee or subcontract of the Service Provider, as allowed under the law.

6. TERMINATION FOR CAUSE:

The City may terminate this Contract *with or without* cause upon ten (10) days prior written notice to the Service Provider. Such termination shall be without prejudice to any City's rights or remedies provide by law.

7. PAYMENT AFTER TERMINATION:

In the event of the City's termination of this Contract, the Service Provider will be paid for those services actually performed up to the date of termination unless the termination is based on an event of default and in that event, the provisions of Section 16 shall apply. Partially completed performance of the Contract will be compensated based upon a signed statement of completion to be submitted by the Service Provider who shall itemize each element of performance provided that the City has confirmed in writing that such work has been performed in a manner satisfactory to the City. Should the parties fail to agree on the amount of payment due, the provisions of Section 9.4, applicable to "items in dispute" shall apply.

8. TERMINATION FOR FUND APPROPRIATION:

The City may unilaterally terminate this Contract due to lack of funding at any time by written notice to the Service Provider. In the event of the City's termination of this Contract for fund appropriation, the Service Provider will be paid for those services actually performed. Partially completed performance of the Contract will be compensated based upon a signed statement of completion to be submitted by the Service Provider which shall itemize each element of performance.

9. CONTRACT NOT TO DISCRIMINATE:

During the performance of this Contract, the Service Provider will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, age, or disability which does not preclude the applicant or employee from performing the essential functions of the position. The Service Provider will also, in all solicitations or advertisements for employees placed by qualified applicants, consider the same without regard to race, creed, color, sex, national origin, age, or disability which does not preclude the applicant from performing the essential functions of the job. The Service Provider will cause the foregoing provisions to be inserted in all subcontracts for any work covered by this Contract so that such provision will be binding upon each subservice providers for standard commercial supplies of raw materials.

10. **ASSIGNMENT:**

The Service Provider shall not sublet, assign, transfer, pledge, convey, sell or otherwise dispose of the whole or any part of this Contract or his right, title, or interest therein to any person, firm, or corporation without the previous consent of the City in writing.

11. WAIVER:

A waiver by either party of any breach of any provision, term, covenant, or condition of this Contract shall not be deemed a waiver of any subsequent breach of the same or any other provision, term, covenant, or condition.

12. SEVERABILITY:

The parties agree that each of the provisions included in this Contract is separate, distinct and severable from the other and remaining provisions of this Contract, and that the invalidity of any Contract provision shall not affect the validity of any other provision or provisions of this Contract.

13. GOVERNING LAW:

The parties agree that this Contract shall be governed and construed in accordance with the laws of the State of Georgia. This Contract has been signed in DeKalb County, Georgia.

14. MERGER CLAUSE:

The parties agree that the terms of this Contract included the entire Contract between the parties, and as such, shall exclusively bind the parties. No other representations, either oral or written, may be used to contradict the terms of this Contract.

IN WITNESS WHEREOF, the parties hereto, acting through their duly authorized agents, have caused this **CONTRACT** to be signed, sealed and delivered.

Signatures on following page.

STONECREST, GEORGIA

By: _____
Jazzmin Cobble
Mayor, City of Stonecrest, Georgia

ATTEST: _____
Sonya Isom
City Clerk

APPROVED AS TO FORM:

_____
Fincher Denmark, City Attorney

SERVICE PROVIDER:

Signature_____ Date _____

Print Name_____

Print Title _____

ATTEST:

_____ Date _____
Signature

Print Name_____

Print Title _____

GENERAL CONDITIONS

1. SCOPE OF WORK

The Contract will be to provide services to the City in accordance with the Contract Documents. All work will be performed under approved Task Orders. Each Task Order shall provide the specific Scope of Work and Fees.

2. REGULATIONS

2.1 The Service Provides shall comply with all applicable federal, state and local laws, ordinances, rules and regulations pertaining to the performance of the work specified herein.

2.2 The Service Provider shall obtain all permits, licenses and certificates, or any such approvals of plans or specifications as may be required by Federal, State and local laws, ordinance, rules and regulations, for the proper execution of the work specified herein.

2.3 During the performance of this Contract, the Service Provider shall keep current and, if requested by the City, provide copies of any and all licenses, registrations or permits required by applicable governing agencies, The Service Provider shall keep a copy of any and all licenses, registrations and permits on the job site while performing the Contract work.

2.4 The Service Provider will comply with the City of Stonecrest's Financial Management and Purchasing Policies.

2.5 Service Provider will complete all work in accordance with all applicable legal requirements, including but not limited to O.C.G.A. § 50-5-63, as applicable.

3. SERVICE PROVIDER'S PERSONNEL

3.1 The Service Provider will abide by all State and Federal regulations on wages and hours of an employee dealing with the employment relationship between the Service Provider and its subsidiaries or related parties and its employees, including but not limited to the Federal National Labor Relations Act, the Federal Fair Labor Standards Act, the Federal Civil Rights Act of 1964, as amended, and the Americans with Disabilities Act.

3.2 The Service Provider shall require all prospective employees to show proof of citizenship, or proof from the United States Immigration and Naturalization Service of valid entry permits and/or work permits for legal aliens and proof that such legal aliens

are eligible to be employed in the United States. This includes any requirement for participation in the DHS e-Verify or SAVE program.

3.3 Should the Service Provider engage employees who are illiterate in English, it will be the Service Provider's responsibility and obligation to train such employees to be able to identify and understand all signs and notices in and /or around the areas that relate to them or the services being performed by them pursuant to this Contract. In addition, the Service Provider will have someone in attendance at all time who can communicate instructions to said employees.

3.4 The Service Provider shall maintain a drug-free workplace within the meaning of the Georgia Drug-free Workplace Act. No employee shall be hired by a Service Provider for work on the City's premises prior to such employee having tested negative for drugs. In addition, existing employees having tested negative for drugs. In addition, existing employees of the Service Provider must be subject to drug testing by the Service Provider upon reasonable suspicion of drug use. Results of all such drug tests are to be retained by the Service Provider. Copies shall be provided to the City, if requested.

3.5 The Service Provider shall transfer promptly from the City any employee or employees that the City advises are not satisfactory and replace such personnel with employees satisfactory to the City; but in no event shall the City be responsible for monitoring or assessing the suitability of any employee or agent of the Service Provider.

3.6 The Service Provider's employees shall be instructed that no gratuities shall be solicited or accepted for any reason whatsoever from the tenants, customers or other persons at the City.

3.7 A valid driver license (Commercial Driver License, if applicable) will be required of all personnel operating motor vehicles or motorized equipment on roadways in or around the City.

3.8 While working on city property all Service Provider's employees shall wear neat-appearing attire and footwear of a style that the complies with all legal and safety requirements, including and without limitation, the requirements of OSHA.

3.9 Designation of Project Manager-the Service Provider shall designate an experienced Project Manager ("Project Manager") acceptable to the City for all purpose related to the work. The initial Project Manager shall be (TBD).

GENERAL CONDITIONS

3.9.1 The Project Manager shall be fully responsible for the Service Provider meeting all of its obligations under this Contract. The Project Manager shall provide the City with an appropriate status report on the progress of the project.

3.9.2 The Project Manager shall be available, as reasonably required, to be on-site during necessary times. Such times shall be discussed between the Project Manager and the City, but the final required times will be the City's discretion.

3.9.3 In the event that the designated Project Manager terminates employment with the Service Provider or is requested by the City to be removed from the role of Project Manager (as provided in Section 3.5), the position shall be assumed by an individual with equivalent qualifications, experience, and knowledge. Such replacement shall require the City's prior approval.

3.10 The process by which the implementation partner requests the removal of a team member from the project. If a Service Provider replaces a proposed team member, the Service Provider shall replace that team member of similar experience. The City reserves the right to accept or reject any proposed or replacement team member, with or without cause, at any time during the duration of the project.

4. TOOLS AND EQUIPMENT

It shall be the sole responsibility of the Service Provider to provide for all tools, parts, and equipment necessary to perform work under this Contract.

5. PERFORMANCE REQUIREMENTS

5.1 The Service Provider shall perform all of its obligations and functions under the Contract in accordance with the Contract specifications and to the standard of care of a reasonable professional that is performing the same or similar work, at the same time and locality and under the same or similar conditions faced by Service Provider (the "Standard of Care").

The Service Provider shall adjust and coordinate its activities to the needs and requirements of the City and perform its activities so as not to annoy, disturb, endanger, unreasonably interfere with or delay the operations or activities of the City.

5.2 The Service Provider's personnel shall perform work in compliance with all Federal, State, and City of Stonecrest regulations.

5.3 Dates for commencement and completion of work shall be coordinated with the City's Authorized Representative (CAR).

GENERAL CONDITIONS

5.4 Any work required beyond that which is specified herein shall be reported in advance to the City. At no time shall work beyond the scope be performed without prior written authorization from the City.

5.5 The Service Provider shall utilize maximum safety procedures. Tools and equipment will be in a good state of repair, safe to use, and be used in the manner in which they were intended. The Service Provider is required to inform all workers and concerned persons of the Material Safety Data on all products being utilized on this project. No materials or equipment will be left unattended at any time.

6. CONFIDENTIAL INFORMATION

6.1 In the *course* of performing the Contract work, the Service Provider may gain access to security-sensitive and other sensitive information of the City.

6.2 The Service Provider agrees to hold all *security-sensitive* City data and information in confidence and to make such information known only to its employees and subcontracts who have a legitimate need to know such information and only after advising such persons of the Service Provider's non-disclosure obligations.

6.3 The Service Provider shall seek the City's prior written consent before using for any purpose other than the fulfillment of the Service Provider's obligations hereunder, or before releasing, disclosing, or otherwise making such information available to any other person. *As a Service Provider with the City, the Service Provider is subject to the requirements of the Open Records Act. As such the Service Provider shall immediately notify the City of any and all requests for documents relating to the services provided herein so that the City can ensure that the provisions of the Open Records Act are satisfied. Failure to comply with this notification requirement shall constitute a material breach of this Agreement.*

6.4 The Service Provider shall employ such practices and take such actions to protect the City's information from unauthorized use or disclosure as the Service Provider employs and takes to protect its own information, but in no event shall the Service Provider use less than reasonable efforts to protect the City's information.

6.5 The provisions of this Section shall survive the expiration or earlier termination of the Contract.

7. USE OF PREMISES

During the progress of the work specified herein, to the extent any work is performed on the City's premises, the Service Provider shall keep the premises free from accumulation of waste materials, and other debris resulting from, work and about the premises as well

as tools, equipment, machinery and surplus material, and leave the site clean and ready for occupancy by the City.

8. SAFETY AND PROTECTION

The Service Provider shall be solely and completely responsible for initiating, maintaining and supervising all safety precautions for the safety of, and shall provide the necessary protection to prevent damage, injury or loss to all employees on the worksite and other persons including, but not limited to, the general public who may be affected thereby. Service Provider shall not be responsible for initiating, maintaining and supervising any safety precautions for the City's other consultants or contractors.

9. COMPENSATION – INVOICE AND PAYMENT FOR SERVICES

9.1 The City shall pay the Service Provider, subject to any authorized deductions, the applicable prices set forth for each service authorized by the City, and actually delivered or performed, as the case may be, by the Service Provider to the satisfaction and acceptance, as appropriate, of the City. The timing of such payments shall be as set forth below in the Section.

9.2 The Service Provider shall invoice with such supporting documentation and other backup material as the City may reasonably require. The Service Provider shall provide the Proof of Payment indicating all subcontractors have paid, with each invoice.

9.3 The Service Provider shall deliver to the City approval and acceptance, and before eligible for final payment of any amounts due, all documents and material prepared by the Service Provider for the City under this Contract.

9.4 The City shall pay the undisputed amount of the Service Provider’s invoice, as it may be reduced to reflect unsubstantiated or unsatisfactory service. Items in dispute shall be paid upon the resolution of the dispute. No verification or payment of any amounts invoiced shall preclude the City from recovering any money paid in excess of that due under the terms of this Contract.

9.5 The Service Provider shall be obligated to pay promptly all proper charges and costs incurred by the Service Provider for labor and expenses incurred for the work performed hereunder. The City shall have the right, but not the obligation, to pay directly to third parties (including subcontractors) all past due amounts owed by the Service Provider to third parties for labor and materials used for the work hereunder, based on invoices submitted by such third party, and all such amounts paid by the City shall be applied toward, and shall reduce, amount owed to Service Provider hereunder.

GENERAL CONDITIONS

9.6 The Service Provider shall submit all invoices with purchase order number to: City of Stonecrest, GA, Accounts Payable, 3120 Stonecrest Blvd, Stonecrest, GA 30038 or email to payables@stonecrestga.gov.

9.7 The Service Provider will agree to comply with the City of Stonecrest's Financial Policies and Purchasing Policy, to the extent applicable.

9.8 The Service Provider agrees that the compensation provided herein shall be full and final settlement of all claims arising against Stonecrest for work done, materials furnished, costs incurred or otherwise arising out of this contract and shall release the City from any and all further claims related to the payment for services and materials furnished in connection with this Agreement.

9.9 The Service Provider and City agree that in any event a provision of this Contract pertaining to the time of payment, the rate of payment, and any rates of interest differs from any provision of the Prompt Pay Act, such provision of the Prompt Pay Act is hereby waived and said Contract provision shall control. The City shall not be responsible for any interest penalty or for any late payment.

10. COMPLIANCE WITH LAWS AND REGULATIONS

10.1 The Service Provider shall perform its obligations and functions here under consistent with the Standard of Care to the applicable laws of the United States, the State of Georgia, DeKalb County, the City of Stonecrest, any applicable rules, regulations or directives of any agency thereof, and the applicable regulations of the City. OSHA rules and regulations shall be followed at all times. The City shall have the right (but not the obligation) to contest or challenge by any means whatsoever any law, regulation, rule or directive which in any way affects or otherwise impacts upon the Service Provider's performance of its obligations and functions hereunder; the Service Provider shall cooperate to the fullest extent and take whatever action (including becoming a party in any litigation) the City should reasonable request in connection with any such challenge or contest by the City.

10.2 The Service Provider shall obtain and keep current all licenses, permits and authorizations, whether municipal, county, state or deferral, required for the performance of its obligations and functions hereunder and shall pay promptly when due all fees therefore.

10.3 The Service Provider shall abide by all applicable state and federal regulations pertaining to wages and hours of an employees; including but not limited to the Service Provider's compliance with requirements of O.C.G.A. 13-10-91 AND Rule 300-104-1-.02.

GENERAL CONDITIONS

11. SERVICE PROVIDER'S LIABILITY

The Service Provider shall be responsible for the prompt payment of any fines imposed on the city or the Service Provider by any other federal, state or local governmental agency as a result of the Service Provider's, or its subcontractor's (or the officers' directors', employees' or agents' of either), failure to comply with the requirements of any law or any governmental agency rule, regulation, order or permit. The liability of the Service Provider under this Section 11 is in addition to and in no way a limitation upon any other liabilities and responsibilities which may be imposed by applicable law or by the indemnification provision of Section 12 hereof, and such liability shall survive the expiration or earlier termination of this Contract.

12. INDEMNIFICATION AND INSURANCE

12.1 The Service Provider shall, indemnify and hold harmless the City, and the members (including, without limitation, members of the City's Council, and members of the boards and of the City), officers, employees of each, from damages, losses, or expenses to the extent caused by or resulting from the negligence, recklessness, or intentionally wrongful conduct of the Service Provider or other persons employed or utilized by the Service Provider in the performance of the contract. *Throughout the term of this City and its agents, officials and employees shall be an additional named insured on any policy of liability insurance required herein. The Service Provider shall provide the City with copies of all insurance documents reflecting this designation and the City, as a named insured, shall be entitled to receive notice from the insurer regarding any changes, modifications, or cancellations to any such policy. Failure to comply with this requirement shall constitute a material breach of this agreement.*

12.2 In addition to indemnification provisions stated above, if the City's use of any service, software, firmware, programming, or other item provided by or on behalf of the Service Provider is enjoined due to infringement of another person or entity's intellectual property rights, the Service Provider shall promptly, at its sole cost and expense, modify the infringing item so that it no longer infringes, procure for the City the legal right to continue using the infringing item, or procure for the City a non-infringing item, or procure for the City a non-infringing replacement item having equal or greater functional capabilities as the infringing item.

12.3 The Service Provider shall assume all responsibility for loss caused by neglect or violation of any state, federal, municipal or agency law, rule, regulation or order. The Service Provider shall give to the proper authorities all required notices relation to its performance, obtain all official permits and licenses, and pay all proper fees and taxes. It shall promptly undertake proper monetary restitution with respect to any injury that may occur to any building, structure or utility in consequence of its work. The Service Provider will notify the City in writing of any claim made or suit instituted against the Service Provider because of its activities in performance of the Contract.

GENERAL CONDITIONS

12.4 No recourse under or upon any obligation, covenant or agreement contained in this Contract, or any other agreement or document pertaining to the work or services of the Service Provider hereunder, as such may from time to time be altered or amended in accordance with the provisions hereof, or any judgment obtained against the City, or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any statute or otherwise, under or independent of this Contract, shall be had against any member (including without limitation members of the City's Council, or members of the citizens advisory committees of each), any officer, employee or agent, as such, past, present, or future of the City, either directly or through the City or otherwise for any claim arising out of or in connection with this Contract or the work or services conducted pursuant to it, or for any sum that may be due and unpaid by the City. Any and all personal liability of every nature, whether at common law or in equity, or by statue or by constitution or otherwise, of any such member, officer, employee, or agent, as such, to respond by reason of any act or omission on his or her part or otherwise for any claim arising out of or in connection with this Contract or the work or services conducted pursuant to it, or for the payment for or to the City, or any receiver therefore or otherwise, or any sum that may remain due and unpaid by the City, is expressly waived and released as a condition of and in consideration of the execution of this Contract and the promises made to the Service Provider pursuant to this Contract.

12.5 In any and all claims against the City, or any of their officers, members, agents, servants or employees, by any employee of the Service Provider, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, the indemnification obligation of the Service Provider under this Section 112 shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefit payable by or for the Service Provider or any subcontractor under Workers' Compensation Acts, disability benefit acts or other employee benefit acts.

12.6 No provisions of Section 12 herein shall be construed to negate, abridge, or otherwise reduce any other right of indemnity that the City may have as to any party or person described therein.

12.7 Insurance

All insurance required under this Agreement shall name the City, its officials, agents, and employees as a named insured. Service Provider shall, at the City's request, provide copies of each such policy. Service Provider shall also ensure that the City is identified in each such policy as being entitled to receive any and all notices regarding changes, modifications, cancellations and claims involving each such policy.

12.7.1 General Liability and Automobile Liability. The Service Provider shall purchase and maintain in force during the term of the Contract, at its own cost and

expense, to protect the Service Provider, the City, and the members (including, without limitation, all members of the governing City's Council and the citizens' advisory committees of each), officers, agents, and employees of each, from and against any and all liabilities arising out of or in connection with the Service Provider's performance of the Contract work:

(1) Commercial general liability insurance with coverage of not less than ONE MILLION DOLLARS ($1,000,000.00) combined single limit per occurrence, and with contractual liability coverage for Service Provider's covenants to and indemnification of the City under the Contract, and

(2) Automobile liability insurance with policy limits of not less than ONE MILLION DOLLORS ($1,000,000.00) combined single limit per accident or occurrence covering each motor vehicle operated on City property.

12.7.1.1 Self-Insured Retention. Service Provider's commercial general liability insurance policies shall not be subject to a self-insured retention exceeding $250,000, if the value of the Contract is less than $1,000,000, and not be subject to a self-insured retention exceeding $250,000, if the Contract is $1,000,000 or more, unless approved by the City Manager. Service Provider's automobile liability insurance policies shall not be subject to a self-insured retention exceeding $10,000, unless approved by the City Manager.

12.7.1.2 Additional Insured Endorsement. Service Provider agrees and shall cause the City their member (including, without limitation, members of the City's Council and members of the citizens' advisory committees of each), officers, employees, and agents to be named as additional insured under such policy or policies of commercial general and automobile liability insurance.

12.7.1.2 Workers' Compensation and Employer's Liability. If Service Provider has any employee working on City property, Service Provider shall procure and maintain in force during the term of the Contract (i) workers' compensation insurance, and (ii) employer's liability insurance. The policy limits of the Service Provider's employer's liability insurance shall not be less than $100,000 for "each employee." If the Service Provider is self-insured, the Service Provider shall provide proof of self-insurance and authorization to self-insure as required by applicable state laws and regulations.

12.7.1.3 Professional Liability Insurance. The Service Provider shall purchase and maintain in force during the term of the Contract, Professional Liability insurance

which will pay for damages arising out of errors or omissions in the rendering, or failure to render professional services under the Contract in the amount of at least ONE MILLION DOLLARS ($1,000,000.00) per claim. Such insurance must contain nose and tail coverage to include work performed by the Service Provider from the project's inception date and until such time as the Statue of Limitations has run for the work done on the project.

12.7.4 Health Insurance. Not applicable.

12.7.5 Garage Liability Insurance. Not applicable.

12.7.6 Garage Keeper's Legal Liability Insurance. Not applicable.

12.7.7 Crime Coverage. Not applicable.

12.7.8 Pollution Liability Insurance. Not applicable.

12.7.9 Other Insurance Requirements. All insurance policies required by this Section 12.7.10 shall provide that they are primary insurance with respect to any other valid insurance the City may possess, and that any other insurance the City does possess shall be considered excess insurance only. All such insurance shall be carried with a company or companies which meet the requirements of Section 13.2 of these General Conditions and said policies shall be in a form satisfactory to the City. A properly completed and executed Certificate of Insurance on a form provided or approved by the City (such as a current ACORD certificate of insurance) evidencing the insurance coverage required by this Section shall be furnished to the City upon the Service Provider shall provide the City with at least thirty (30) days' prior written notice of any adverse material change in the Service Provider's required insurance coverage except that ten (10) days' notice of cancellation for non-payment is required. For purposes of this Section 12.7.10, and "adverse material change" shall mean any reduction in the limits of the insurer's liability, any reduction, non-renewal or cancellation of any insurance coverage, or any increase in the Service Provider's self-insured retention. Prior to the expiration of any such policy, the Service Provider shall file with the City a certificate of insurance showing that such insurance coverage has been renewed. If the insurance coverage is canceled or reduced, the Service Provider shall, within five (5) days after such cancellation or reduction in coverage, file with the City a certificate showing that the required insurance has been reinstated or provided through another insurance company or companies approved by the City. If the Service Provider fails to obtain or have such insurance reinstated, the City may, if it so elects, and without waiving any other remedy it may have against the Service Provider, immediately terminate this Contract upon written notice to the Service Provider. The City Manager shall have the right to alter the monetary limits or coverage herein specified from time to time during the term of this Contract, and the Service

Provider shall comply with all reasonable requests of the City Manager with respect thereto.

13. LIABILITY INSURANCE

13.1 N/A

13.2 Liability Insurance Companies furnishing insurance coverage required by these General Conditions shall (a) be approved to issue insurance policies in the State of Georgia, and (b) must have no less that a "B+" Financial Rating and a Financial Size Category of "Class VI" or higher according to the most current edition of A.M. Best's Insurance Reports. If the liability insurer is rated by A.M. Best's Insurance Reports at an "A- Financial Rating and a Financial Size Category of "Class VIII" or higher that the City Manager may waive the requirement for the insurer to be approved by the State of Georgia.

14. CONTRACT ADJUSTMENTS

14.1 Notwithstanding any provision herein to the contrary, the City reserves the right to modify at any time the nature, method, scope, frequency, or timing of the Service Provider's obligations under this Contract (Contract Adjustments) in whatever manner it determines to be reasonably necessary for the proper completion of the Service Provider's work hereunder. Both parties agree that, should any Contract Adjustments be made, the Service Provider's compensation will be adjusted accordingly, in such amount or amounts as will be mutually agreed to by means of good faith negotiation by the City and Service Provider and, to the extent possible, by reference to any unit costs already established in the Proposal. Without exception, all deletion or additions to the scope of work will be set forth in a written Amendment to this Contract.

14.2 Notwithstanding the foregoing, the City shall have the right to terminate this Contract herein should the Service Provider and the City fail to reach agreement on the adjusted compensation within thirty (30) days after the date of the Contract Adjustment.

14.3 Notwithstanding the foregoing, there shall be no upward adjustment of the compensation on account of any Contract Adjustment made necessary or appropriate as a result of the mismanagement, improper act, or other failure of the Service Provider, its employees, agents, or its subcontractors to properly perform its obligations and functions under this Contract.

15. SUBCONTRACTORS

15.1 The Service Provider shall perform all of its obligations and functions under this Contract by means of its own employees, or by a duly qualified subcontractor which

is approved in advance by the City. Such subcontractor which is an affiliate, parent, or subsidiary company; or had principal owners, relative, management, or employees common to the Service Provider; or any other party that has the ability to significantly influence the management or daily business operations of the subcontractor must be disclosed in writing to the City Manager. Goods and services provided by subcontractors which are reimbursed by the City must be bona fide arm's-lengths transactions. In the event a subcontractor is employed, the Service Provider shall continuously monitor the subcontractor's performance, shall remain fully responsible to ensure that the subcontractor performs as required and itself perform or remedy any obligations or functions which the subcontractor fails to perform properly. Nothing contained herein shall be construed to prevent the Service Provider from using the services of a common carrier for delivering goods to the City. The City approves the sub-Service Providers listed in the Statement of Qualifications.

15.2 This Contract shall be referred to and incorporated within any contractual arrangement between the Service Provider and a subcontractor and, in such contractual arrangement; the subcontractor shall give its express written consent to the provisions of this Section 15. To the extent feasible, the provisions of this Contract shall apply to any such subcontractor in the same manner as the apply to the Service Provider. However, such application shall neither make any subcontractor a party to this Contract, nor make such subcontractor a third-party beneficiary hereof.

15.3 In the event that the Service Provider employs a subcontractor, then the City may require that copies of invoices for all work (including invoices submitted to the Service Provider for work performed by a subcontractor) shall be submitted to the City by the Service Provider and the City shall pay all compensation to the Service Provider. It shall be the sole responsibility of the Service Provider to deal with a subcontractor with respect to the collection ang submission of invoices and the payment of compensation. In no event shall the City have any obligation or liability hereunder to any subcontractor, including, in particular, any obligations of payment.

16. DEFAULT AND TERMINATION

16.1 In the event that:

16.1.1 the Service Provider shall fail to keep, perform or observe any of the promises, covenants or agreements set forth in this Contract (provided that notice of the first failure shall have been given to the Service Provider, but whether or not the Service Provider shall have remedied any such failure); or

16.1.2 the Service Provider shall fail to keep, perform or observe any promise, covenant, or agreement set forth in this Contract, and such failure shall continue for a period

of more than five (5) days after delivery to the Service Provider of a written notice of such breach or default; or

16.1.3 the Service Provider's occupational or business license shall terminate, or the Service Provider shall fail to provide the City with any bond, letter of credit, or evidence of insurance as required by the Contract Documents, for any reason; or

16.1.4 the Service Provider fails for any reason to provide the City with an acceptable renewal or replacement bond or letter of credit within the time period specified by a provision for this Contract; or

16.1.5 the Service Provider shall become insolvent, or shall take the benefit of any present or future insolvency statute, or shall make a general assignment for the benefit of creditor, or file a voluntary petition in bankruptcy or a petition or answer seeking an arrangement for its reorganization, or the readjustment of its indebtedness under the Federal Bankruptcy laws, or under any other law or statute of the United States or any State thereof, or shall consent to the appointment of a receiver, trustee or liquidator of all or substantially all of its property; or

16.1.6 the Service Provider shall have a petition under any part of the Federal Bankruptcy laws, or an action under any present or future insolvency laws or statute filed against it, which petition is not dismissed within thirty (30) days after the filing thereof; or

16.1.7 there is any assignment by the Service Provider of this Contract or any of the Service Provider's rights and obligations hereunder for which the City has not consented in writing; or

16.1.8 the Service Provider shall default on any other agreement entered into by and between Service Provider and the City, then, in its discretion, the City shall have the right to terminate this Contract for default, which termination shall be effective upon delivery of written notice of such termination to the Service Provider. In the event that the City terminates this Contract for default, or the Service Provider abandons or wrongfully terminates the Contract, the Service Provider shall be paid for compensation earned to the date of termination or abandonment (but the City shall have the right to reduce by off-set any amounts owed to the Service Provider hereunder or under any other Contract or obligation by the amount of the City's damages and any amounts owed by the Service Provider to the City), but the Service Provider shall not be compensated for any profits earned or claimed after the receipt of the City's notice of termination by default or after abandonment or wrongful termination. The City's election to terminate or not to terminate this Contract in part or whole for the Service Provider's default shall in no way be construed to limit the City's right to pursue

and exercise any other right or remedy available to it pursuant to the terms of the Contract or otherwise provided by law or equity.

16.2 Notwithstanding anything else herein contained, the City may terminate this Contract in whole or in part at any time for its convenience by giving the Service Provider thirty (30) days written notice. In that event, the Service Provider shall proceed to complete any part of the work, as directed by the City, and shall settle all its claims and obligations under the Contract, as directed by the City. The Service Provider shall be compensated by the City in accordance with the provisions hereof, including in particular Section 2 of these General Conditions, provided, however, that in no event shall Service Provider be entitled to compensation for work not performed or for anticipatory profits. Service Provider shall justify its claims, as requested by the City, with accurate records and data.

16.3 Bankruptcy and Liquidation – In the event the Service Provider (1) makes an assignment for the benefit of creditors, or petition or apply to any tribunal for the appointment pf a custodian, receiver, or trustee for all or a substantial part of its assts; (2) commences any proceeding under any bankruptcy, reorganization, arrangement, readjustment of debt, dissolution, or liquidation law or statute of any jurisdiction whether now or hereafter in effect; (3) has had any such petition or application filed or any such proceeding commenced against it in which an order for relief is entered or an adjudication or appointment is made, and which remains undismissed for a period of sixty(60) days or more; (4) takes any corporate action indicating its consent to, approval of, or acquiescence in any such petition, application, proceeding, or order for relief or the appointment of a custodian, receiver, or trustee for all or substantial part of its assets; or (5) permits any such custodianship, receivership, or trusteeship to continue undischarged for a period of sixty (60) days or more causing the Service Provider or any third party, including, without limitation, a trustee in bankruptcy, to be empowered under state or federal law to reject this Contract or any agreement supplementary hereto, the City shall have the following rights:

(i) In the event of a rejection of this Contract or any agreement supplementary hereto, the City shall be permitted to retain and use any back-up or archival copies of the software licensed hereunder under this Agreement for the purpose of enabling it to mitigate damages caused to the City because of the rejection of this Contract. The City shall exert reasonable efforts to mitigate such damage by use of such back-up or archival copies.

(ii) In the event of rejection of this Contract or any agreement supplementary hereto, the City may elect to retain its rights under this Contract or

any agreement supplementary hereto as provided in Section 365(n) of the Bankruptcy Code.
Upon written request of the City to, as applicable, the Service Provider or the bankruptcy trustee or receiver. The Service Provider or such bankruptcy trustee or receiver shall not interfere with the rights of the City as licensee as provided in this Contract or in any agreement supplementary hereto to obtain the Source Material(s) form the bankruptcy trustee and shall, if requested, cause a copy of such Source Material (s) to be available to the City.

(iii) In the event of rejection of this Contract or any agreement supplementary hereto, the City may elect to retain its rights under this Contract or any agreement supplementary hereto as provided in section 365(n) of the Bankruptcy Code without prejudice to any of its rights of setoff with respect to this Contract under the Bankruptcy Code or applicable non-bankruptcy law; or In the event of a rejection of this Contract or any agreement supplementary hereto, the City may retain its rights under this Contract or any agreement supplementary hereto as provided in section 365(n) of the Bankruptcy Code without prejudice to any of its right under section 503(b) of the Bankruptcy Code.

17. CITY'S AUTHORIZED REPRESENTATIVE

During the term of this Contract, the City manager or designee may from time to time designate an individual to serve as the City's Authorized Representative (CAR) and an Assistant CAR designated to serve in that capacity in the absence of the CAR, who shall have such authority to act on the City's behalf as the City Manager may from time to time actually delegate to such person, but in no event shall the CAR have authority to modify or terminate this Contract, or make final decisions with respect to amendments, time extensions, assignments, cost or payment adjustments or payment disputes.

18. ASSIGNMENT

Neither this Contract nor any of the Service Provider's rights or obligations hereunder may be assigned by the Service Provider without the City's prior written consent, which consent may be granted or withheld at the City's sole discretion. Any transfer of this Contract by merger, consolidation or liquidation (unless the stock of the Service Provider is traded on a national stock exchange or in a generally recognized over the counter securities market) any change in ownership of a power to vote a majority of the outstanding voting stock or ownership interests of the Service Provider shall constitute an assignment of this Contract for purposes of this Section. In the event the Service Provider assigns or subcontracts or attempts to assign or subcontract any right or obligation arising under this Contract without City's prior written consent, the City shall be entitled to terminate this Contract pursuant to the provisions of Section 17 hereof.

GENERAL CONDITIONS

19. NOTICES

19.1 Unless otherwise stated herein, all notices or other writings which the City is required or permitted to give to the Service Provider may be hand delivered, mailed via U.A Certified Mail or sent next-day delivery by a nationally-recognized overnight delivery service to the Service Provider's address set forth in the Proposal. Any such notice shall be deemed to have been delivered upon actual delivery, or one (1) day following submission to a nationally-recognized overnight delivery service for next day delivery to the Service Provider, or three (3) days following submission to the Service Provider by U.S. Certified Mail.

19.2 Unless otherwise stated herein, all notices or other writings which the Service Provider is required or permitted to give to the City may be hand delivered to the City Manager, mail via U.S. Certified Mail. Or sent next-day delivery by a nationally-recognized overnight delivery service for next day delivery to City, or three (3) days following submission to the City by U.S. Certified Mail. Any such notice shall be sent to:

City Manager
Stonecrest City Hall
3120 Stonecrest Blvd.
Stonecrest, Georgia 30038

City Attorney
Fincher Denmark, LLC
100 Hartsfield Centre Parkway
Atlanta, Georgia 30354

Service Provider: _____
_____
_____

19.3 Either party may change its notice address by written notice to the other given as provided in this section.

20. NONDISCRIMINATION

20.1 During the performance of this Contract, the Service Provider, for itself, its assignees and successors in interest agrees as follows:

20.1.1 Compliance with Regulations. The Service Provider shall comply with the Law and Regulations as they may be amended from time to time (hereafter referred to as the "Regulations"), which are herein incorporated by reference and made a part of this Contract.

20.1.2 Nondiscrimination. The Service Provider, with regard to the work performed by it during the Contract, shall not discriminate on the grounds of race, color, or national

origin in the selection and retention of any subcontractor, including procurement of materials and leases of equipment. The Service Provider shall not participate either directly or indirectly in the discrimination prohibited by the Regulations.

20.1.3 Solicitations for Subcontracts, Including Procurement of Materials and Equipment. In all solicitations either by competitive proposing or negotiation made by the Service Provider for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Service Provider of the Service Provider's obligations under this Contract and the Regulation relative to nondiscrimination on the grounds of race, color or national origin.

20.1.4 Information and Reports. The Service Provider shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources or information, and its facilities as may be determined by the City to be pertinent to ascertain compliance with such Regulations, orders and instructions, the Service Provider shall so certify to the City , as appropriate, and shall set forth what efforts it has made to obtain the information.

20.1.5 Sanctions for Noncompliance. In the event of the Service Provider's noncompliance with the nondiscrimination provisions of this Contract, the City shall impose such Contract Sanctions as it may determine to be appropriate, including but not limited to:

20.1.5.1 Withholding of payments to the Service Provider under the Contract until the Service Provider complies, and/or

20.1.5.2 Cancellation, termination or suspension of the Contract, in whole or in part.

20.1.6 Incorporation of Provisions, The Service Provider shall include the provisions of subsections 20.1.1 through 20.1.5 in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The Service Provider shall take such action with respect to any subcontract or procurement as the City may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event the Service Provider becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Service Provider may request the City to enter into such litigation to protect the interest of the City and, in addition, the Service Provider may request the interest of the City and, in addition, the Service Provider may request the United States to enter into such litigation to protect the interests of the United States.

GENERAL CONDITIONS

20.2 The Service Provider assures the City that it will comply with the pertinent statutes, Executive Orders and such rules as are promulgated to assure that no person shall, on the grounds of race, creed, color, national origin sex, age, marital status, or handicap be excluded from participating in any activity conducted with or benefiting from Federal assistance. This provision shall bind the Service Provider from the period beginning with the initial solicitation through the completion of the Contract.

21. COPYING DOCUMENTS

The Service Provider hereby grants the City and its agent's permission to copy and distribute any and all materials and documents contained in, comprising, or which are otherwise submitted to the City with or in connection with the Service Provider's Proposal or which are contained in the Contract Documents (the "Submittals"). The permission granted by the Service Provider shall be on behalf of the Service Provider and any and all other parties who claim any rights to any of the materials or documents comprising the Submittals. Such permission specifically authorizes the City and its agents to make and distribute such copies of the Submittals or portions thereof as may be deemed necessary or appropriate by the City for its own internal purposes or for responding to requests for copies from any member of the public regardless of whether the request is specifically characterized as a public records request pursuant to Georgia Cod. This provision shall survive the expiration or termination of the Contract.

22. GENERAL PROVISIONS

22.1 The Contract Documents consist of the Contract, the Proposal Forms, the Instructions to Proposers, Request for Qualifications, all Addendum(s) issued prior to execution of this Contract, these General Conditions and Specifications. Together, these documents comprise the Contract and all the documents are fully a part of the Contract as if attached to the Contract or repeated herein. Precedence of the Contract Documents shall be as follows: (i) addendum(s) to the Contract Documents, (ii) the Contract, (iii) the General Conditions, (iv) the Scope of Work in Exhibit B, (v) the Request for Proposal, and (vii) the Bid Form.

22.2 This Contract represents the entire agreement between the parties in relation to the subject matter hereof and supersedes all prior agreements and understandings between such parties relation to such subject matter, and there are no contemporaneous written or oral agreements, terms or representation made by any party other than those contained herein. No verbal or written representations shall be relied upon outside the Contract terms and amendments. Without exception, all deletions or additions to the scope of work will be set forth in a written amendment to this Contract. No amendment, modification, or waiver of this Contract, or any part thereof, shall be valid or effective

unless in writing signed by the party or parties sought to be bound or charged therewith; and no waiver of any breach or condition of this Contract shall be deemed to be a waiver of any other subsequent breach or condition, whether of a like or different nature.

22.3 The Service Provider shall, during the term of this Contract, repair any damage caused t real or personal property of the City and/or its tenants, wherever situated, caused by the intentional, reckless, or negligent acts or omissions of the Service Provider's officers, agents, or employees, and any subcontractors and their officers, agents, or employees, or , at the option of the City, the Service Provider shall reimburse the City for the cost of repairs thereto and replacement thereof accomplished by or on behalf of the City.

22.4 The Service Provider warrants to the City that no work performed or materials purchased pursuant to the Contract, whether by, from, or through the Service Provide or a subcontractor, shall cause any claim, lien or encumbrance to be made against any property of the City, and the Service Provider shall indemnify and hold the City harmless from and against any and all losses, damages and const, including attorneys' fees, with respect thereto. If any such claim, lien or encumbrance shall be filed, the Service Provider shall, within thirty (30) days after notice of the filing thereof, cause the same to be discharged of record by payment, deposit, bond, order of a court of competent jurisdiction or otherwise. This provision shall survive the expiration or termination of the Contract.

22.5 This Contract shall be deemed to be made, construed and performed according to the laws of the State of Georgia. Any suit or proceeding initiate for the purpose of interpreting or enforcing any provision of this Contract or any matter in connection therewith shall be brought exclusively in a court of competent jurisdiction in Dekalb County, Georgia, and the Service Provider waives any venue objection, including, but not limited to, any objection that a suit has been brought in an inconvenient forum. The Service Provider agrees to submit to the jurisdiction of the Georgia courts and irrevocably agrees to acknowledge service of process when requested by the City.

22.6 The section headings herein are for the convenience of the City and the Service Provider and are not to be used to construe the intent of this Contract or any part hereof, or to modify, amplify, or aid in the interpretation or construction of any of the provisions hereof.

22.7 The use of any gender herein shall include all genders, and the use of any number shall be construed as the singular or the plural, all as the context may require.

GENERAL CONDITIONS

22.8 The delay or failure of the City at any time to insist upon a performance of any of the terms, conditions and covenants herein shall not be deemed a waiver of that breach or any subsequent breach or default in the terms, conditions, or covenants of this Contract. The Service Provider shall not be relieved of any obligation hereunder on account of its failure to perform by reason of any strike, lockout, or other labor disturbance.

22.9 The City shall have the right to recover from the Service Provider all of the City's costs and expenses incurred in enforcing the provisions of this Contract including, but not limited to, (1) the cost of administrative investigation and enforcement (including, without limitation, audit fees and costs, attorneys' fees) and (2) the cost of any trial, appellate or bankruptcy proceeding (including, without limitation, investigation costs, audit fees and costs, attorney's fees, court costs, paralegal fees and expert witness fees). This provision shall survive the expiration or termination of the Contract.

22.10 The Service Provider shall not during the term of the Contract knowingly hire or employ (on either a full-time or part-time basis) any employee of the City.

22.11 The Service Provider shall be required, during the term of the Contract at no additional cost to the City, to take such reasonable security precaution with respect to its operations at City Hall as the City in its discretion may from time to time prescribe. The Service Provider shall comply with all regulation, rules and policies of any governmental authority, including the City, relating to security issues.

22.12 The City may, but shall not be obligated to, cure, at any time, upon five (5) days written notice to the Service Provider (provided, however, that in any emergency situation to the City shall be required to give only such notice as is reasonable in light of all the circumstances), any default by the Service Provider under this Contract; whenever the City so cures a default by the Service Provider, all costs and expenses incurred by the City in curing the default, including but not limited to, reasonable attorneys' fees, shall be paid by the Service Provider to the City on demand.

22.13 The City shall, in its discretion, be entitled to deduct from the compensation to which the Service Provider is otherwise entitled hereunder, an amount equal to any liabilities of the Service Provider to the City which are then outstanding. In the event that additional work beyond the scope of this Contract is requested by the City Manager and it results in any extra charges to the City, the Service Provider shall so advise the City in writing of the amount of the extra charges. The City is not required to pay any extra charges for additional work unless such work and the charges therefore have been approved in advance and have been confirmed in writing within twenty-four (24) hours by the City Manager, in his or her exclusive discretion.

GENERAL CONDITIONS

22.14 The Service Provider is an independent Service Provider, and nothing contained herein shall be construed as making the Service Provider an employee, agent, partner or legal representative of the City for any purpose whatsoever. The Service Provider acknowledges that it does not have any authority to incur any obligations or responsibilities on behalf of the City and agrees not to hold itself out as having any such authority. Nothing contained in this Contract shall be construed to create a joint employer relationship between the City and the Service Provider with respect to any employee of the Service Provider or of its subcontractors.

22.15 The Service Provider and its subcontractors if any, shall maintain complete and accurate books and records in accordance with generally accepted accounting principles, consistently applied, and shall be in a form reasonable acceptable to the City Manager or designee. The Service Provider and its subcontractors shall account for all expenses of any nature related to transactions in connection with the Contract in a manner which segregates in detail those transaction from other transactions of the Service Provider and subcontractors and which support the amounts reported and /or invoiced to the City. At a minimum, the Service Provider's and subcontractor's accounting for such expenses and transactions shall include such records in the form of electronic media compatible with or convertible to a format compatible with computers utilized by the City at its offices; a computer run hard copy; or legible microfilm or microfiche, together with access to the applicable reader. All such books and records and computerized accounting systems shall upon reasonable notice from the City be make available in Dekalb County, Georgia, for inspection, examination, audit and copying by the City through and by its duly authorized representatives at any time for up to four (4) years after the year to which books and records pertain. Such inspection, examination, or audit may include, but is not limited to a review of the general input, processing and output controls of information systems, using read only access, for all computerized applications used to record financial transactions and information. The Service Provider and subcontractor shall freely lend its own assistance in a timely manner in making such inspection, examination, audit, or copying and, if such records are maintained in electronic and other machine-readable format, shall provide the City and/or its representative such assistance as may be required to allow complete access to such records. The City Manager may require the Service Provider and subcontractors to provide other records the City Manager, in his or her sole discretion, deems necessary to enable the City to perform an accurate inspection, examination or audit of expenses incurred in and transactions related to performance of this Contract. Such records shall be provided within thirty (30) days or request thereof. In the event that expenses incurred or reimbursed are found by such inspection, examination, or audit to have been overpaid, the Service Provider and its subcontractors agree that such amounts shall be payable to the City. If, prior to the

expiration of the above-state four (4) year record retention period, any audit or investigation is commenced by the City, or any claim is made or litigation commenced relating to this Contract by the City, the Service Provider, or third party, the Service Provider shall continue to maintain all such records, and the City shall continue to have the right to inspect such records in the manner stated above, until the inspection, examination, audit, claim, or litigation is finally resolved (including the determination of any and all appeals or the expiration of time for an appeal). This provision shall survive the expiration or earlier termination of this Contract. In the event of any conflict between any provision of this Contract and generally accepted accounting principles or generally accepted auditing standards, the provisions of this Contract shall control even where this Contract references such provisions or standards. In particular, without limitation, the Service Provider and subcontractors shall maintain all records required under this Contract to the full extend required hereunder, even if some or all such records would not be required under such generally accepted accounting principles or auditing standards. If as a result of an inspection, examination or audit, it is established that amounts are due from the Service Provider to the City, the Service Provider shall forthwith, upon written demand from the City, pay the City such amount, together with interest on the amount due at the rate of twelve (12%) percent per annum, or if less, the maximum rate of interest allowed by law, from the date such additional amounts were overpaid by the City. Further if such inspection, examination or audit establishes that the Service Provider has over billed such amounts for any Contract period by two (2%) percent or more, then the entire expense of such inspection, examination or audit shall be paid by the Service Provider.

22.16 The Service Provider and subcontractors shall prepare and provide the City with all detailed reports as required under the Contract on a timely basis. The City reserves the right to modify the reporting procedures or the form and content of any report as it deems necessary.

22.17 There are no third-party beneficiaries to this Contract, and nothing contained herein shall be construed to create such.

22.18 In computing any period of time established under this Contract, except as otherwise specified herein the word “days” when referring to a period of time is ten (10) days or less means business days, and when referring to a period of time that is more than ten (10) days means calendar days. The day of the event, from which the designated period of time begins to run shall not be included. A business day is any day other than Saturday, Sunday, or Federal, State of Georgia or City holidays.

GENERAL CONDITIONS

22.19 The Service Provider agrees to perform all acts and execute all supplementary instruments or documents which may be reasonably necessary to carry out or complete the transaction(s) contemplated by this Contract.

22.20 The City reserves the right to further develop, improve, repair and alter the facilities and all roadways, and parking areas, as it may reasonably see fit, free from any and all liability to the Service Provider for loss of business or damages of any nature whatsoever to the Service Provider occasioned during the making of such improvements, repairs, alterations and additions, including, but not limited to, any damages resulting from negligence of the City or its employees, agents or Service Providers.

22.21 The Service Provider and the City hereby mutually waive any claim against each other and their respective members, officials, officers, agents and employees for damages (including damages for loss of anticipated profits) caused by any suit or proceedings brought by either of them or by any third party directly or indirectly attacking the validity of this Contract or any part thereof, or any addendum or amendment hereto, or the manner in which this Contract was solicited, awarded or negotiated, or arising out of any judgment or award in any suit or proceeding declaring this Contract, or any addendum or amendment hereto, null, void or voidable or delaying the same, or any part thereof, from being carried out.

22.22 At the option of the Service Provider, the products and/or services provided under the Contract resulting from this solicitation may be provided to other governmental agencies, including the State of Georgia, its agencies, political subdivisions, counties and cities under the same terms and conditions, including price, as such products and/or services are provided under this Contract. Each governmental agency allowed by the Service Provider to purchase products and/or services in connection with this Contract shall do so independent of the City or any other governmental entity. Each agency shall be responsible for its own purchases and shall be liable only for goods and services ordered, received and accepted by it. The City shall have no liability to Service Provider or any governmental agency resulting from the purchase by that agency of products and /or services from the Service Provider in connection with this Contract.

23. GRATUITIES, REBATES, OR KICKBACKS.

23.1 GRATUITIES. It shall be unethical for any person to offer, give or agree to give any employee or official of the City or for any employee or official of the City to solicit, demand, accept from another person, a gratuity, rebate, loan, offer of employment or other services or property of value in connection with any decision, approval, disapproval, recommendation or preparation of any part of a program requirement or a

purchase request including the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any particular matter, pertaining to any program requirement or a Contract or subcontract, or to any solicitation or proposal therefore in any manner inconsistent with the State of Georgia's Department of Administrative Services Gratuity Policy. Rebates normally or routinely offered to customers in the ordinary course of business for the purchase of goods and services are acceptable and are the property of the City.

23.2 KICKBACK AND REBATES. It shall be unethical for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor to this Contract to the prime contract or higher tie subcontractor, or any person associated therewith, as an inducement for a subcontractor or order.

End of General Condition.

EXHIBIT A
GEORGIA SECURITY AND IMMIGRATION COMPLIANCE ACT AFFIDAVIT

Contractor(s) Name: _____

Address: _____

By executing this affidavit, the undersigned person or entity verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm, or corporation which is registered with, is authorized to participate in, and is participating in the federal work authorization program commonly known as E-Verify,* in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91.

The undersigned person or entity further agrees that it will continue to use the federal work authorization program throughout the contract period, and it will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the undersigned with the information required by O.C.GA. § 13-10-91(b).

The undersigned person or entity further agrees to maintain records of such compliance and provide a copy of each such verification to the City of Stonecrest within five (5) business days after any subcontractor(s) is/are retained to perform such service.

_____ _____
E Verify ™ Company Identification Number Date of Authorization

_____ _____
BY: Authorized Officer or Agent Date
(Name of Person or Entity)

SUBSCRIBED AND SWORN BEFORE
ME ON THIS THE

_____ DAY OF , 20_

_____ [NOTARY SEAL]
Notary Public

My Commission Expires: _____

*** or any subsequent replacement** operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603.

Subcontractor Affidavit under O.C.G.A. § 13-10-91(b)(3)

By executing this affidavit, the undersigned subcontractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm or corporation which is engaged in the physical performance of services under a contract with (name of contractor) on behalf of (name of public employer) has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91. Furthermore, the undersigned subcontractor will continue to use the federal work authorization program throughout the contract period and the undersigned subcontractor will contract for the physical performance of services in satisfaction of such contract only with sub-subcontractors who present an affidavit to the subcontractor with the information required by O.C.G.A.§ 13-10-91(b). Additionally, the undersigned subcontractor will forward notice of the receipt of an affidavit from a sub-subcontractor to the contractor within five business days of receipt. If the undersigned subcontractor receives notice that a sub-subcontractor has received an affidavit from any other contracted sub-subcontractor, the undersigned subcontractor must forward, within five business days of receipt, a copy of the notice to the contractor. Subcontractor hereby attests that its federal work authorization user identification number and date of authorization are as follows:

_____
Federal Work Authorization User Identification Number

_____
Date of Authorization

_____
Name of Subcontractor

_____
Name of Project

_____
Name of Public Employer

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE

_____ DAY OF_____ _____, 202_

[NOTARY SEAL]

_____
Notary Public

My Commission Expires: _____

EXHIBIT A
SERVICES/ SCOPE OF WORK

SPECIFICATIONS – CITY HALL

1. Services provided by Security Officers shall include at a minimum for Building Security:

a) Keeps record of entrance and departures of visitors.
b) Maintain a high level of visibility in the building and parking area.
c) Write reports on any incidents that occur on the property.
d) Conducts checks of building and perimeter.
f) Escort employees to their vehicles after dark.
g) Assist with fire, severe weather, bomb threat and intruder drills.
h) Summons emergency vehicles and crews when needed.
i) Reports any suspicious behavior to the City Manager and Dekalb County Police Department
j) Complies with the City of Stonecrest regulations and policies.

Uniforms:
a) Uniforms shall be provided by Contractor selected to provide Security Officers.
b) Security Officers shall be neat and uniform in appearance.
c) Uniforms shall consist of long trousers, short or long-sleeved shirts with company badge and name tag prominently displayed on the shirt.
d) Only the "clip on tie" is acceptable.
e) Black coframe shoes shall be worn at all times.
f) Hair shall be neatly cut and shall not extend below the top of the shirt collar line; no spiked, cornrows or braided hair allowed.
g) Style and color must be conservative and professional.
h) Identification badges must be worn and displayed at all times while on campus.

SPECIFICATIONS – BROWNS MILL RECREACTION

2. Services provided by Security Officers shall include at a minimum for Building Security:

a) Keeps record of entrance and departures of students and visitors.
b) Maintain a high level of visibility in the building and parking area.
c) Write reports on any incidents that occur on the property.
d) Conducts checks of building and perimeter.
f) Escort employees to their vehicles after dark.
g) Assist with fire, severe weather, bomb threat and intruder drills.
h) Summons emergency vehicles and crews when needed.
i) Reports any suspicious behavior to the City Manager and Dekalb County Police Department
j) Complies with the City of Stonecrest regulations and policies.

Uniforms:
a) Uniforms shall be provided by Contractor selected to provide Security Officers.
b) Security Officers shall be neat and uniform in appearance.

c) Uniforms shall consist of long trousers, short or long-sleeved shirts with company badge and name tag prominently displayed on the shirt.
d) Only the “clip on tie” is acceptable.
e) Black coframe shoes shall be worn at all times.
f) Hair shall be neatly cut and shall not extend below the top of the shirt collar line; no spiked, cornrows or braided hair allowed.
g) Style and color must be conservative and professional.
h) Identification badges must be worn and displayed at all times while on campus.

***Transportation:**
a) The City of Stonecrest shall have the right to move officers to different locations based on need.
b) Security Officers shall be responsible for providing their own transportation.

***Miscellaneous:**
a) Overtime shall not be paid under any circumstances.
b) Location and hours shall vary. Some buildings may require twenty-four (24) hour seven (7) days a week security services, whereas other buildings may require eight (8) to ten (10) hours a day.
c) In the event a separate site requires security services, the site will contact the City Representative. Once approved by the City Representative, he/she will contact the Contractor to facilitate staffing.
d) The City will provide a monthly schedule a week prior to the 1st of each month*

Staffing of Armed Officers
*Work Session, City Council Meeting, and Special Call Meeting- 3 officers
*Other Public Meeting – 2 officers
*Browns Mill Recreation – 1 officer
City Hall – 1 officer

***Services and time vary for both locations.**

DYNAMIC SECURITY INC.

PROVIDING PROFESSIONAL SECURITY SERVICES FOR MORE THAN 80 YEARS. ***There is NO SUBSTITUTE for EXPERIENCE!***

March 30, 2023

Proposal for: **City of Stonecrest, GA.**

Attention: **Ms. Shakerah Hall**

Dynamic Security, Inc. is:

- American Owned – Privately Held - Family Operated in business since 1941.
- Dynamic Security has grown from humble beginnings in Muscle Shoals AL. to a nationally recognized security company with more than 2000 employees.
- Never sold or parentally owned by any other company, we remain our own individual entity.
- Despite consistent interest from National and International Conglomerates, we are not for sale.
- The top six executives at Dynamic have over 170 years of contract security management experience between them.
- We hold firm to our convictions regarding integrity in all our business relationships.
- We are committed to strategic careful growth supported operationally by managers with proven experience who lead supervisors and trainers of all disciplines throughout our company.
- We believe you will appreciate the Dynamic Difference which includes individual security solutions tailored to your facility with customer service accountability built in. Dynamic has the unique advantage of OWNER involvement which is very rare among large security companies today.

Some of our customers include the following:

My name is Greg Carter. I am the Vice President of Business Development at Dynamic Security Inc. We are sincere in our efforts to earn your contract security business. Please see the following pages regarding our proposal. For more information, please reach out. I am here to help.

Greg Carter – E-Mail: gcarter@dynamicsecurity.org – Cell: 205.773.9273

DYNAMIC SECURITY INC.

Proposed Rates for Services

City of Stonecrest GA. Proposed Rates 3-30-23			
OPTION 1: **Unarmed Positions**	**Hourly Pay Rate:**	Mark Up %	**Regular Bill Rate:**
Security Officers:	**$14.00**	40.00%	**$19.60**
OPTION 1: **Armed Positions**	**Hourly Pay Rate:**	Mark Up %	**Regular Bill Rate:**
Security Officers:	**$17.25**	43.00%	**$24.67**

Holiday Pay and Billing: Any Dynamic Security Officer working on site at CITY OF STONECREST GA. will receive time and one half pay for hours worked on any of the 6 holidays identified and agreed upon between CITY OF STONECREST GA. and Dynamic Security. These specific Holidays will be identified in the Service Agreement. The cost of this employee benefit IS INCLUDED in the regular bill rates as quoted here.

Vacations:

All Fulltime Dynamic Security Officers assigned to CITY OF STONECREST GA. will receive one week's paid vacation after 1 year of continuous service. The cost for this employee benefit IS INCLUDED in the regular bill rates as quoted herein.

Overtime:

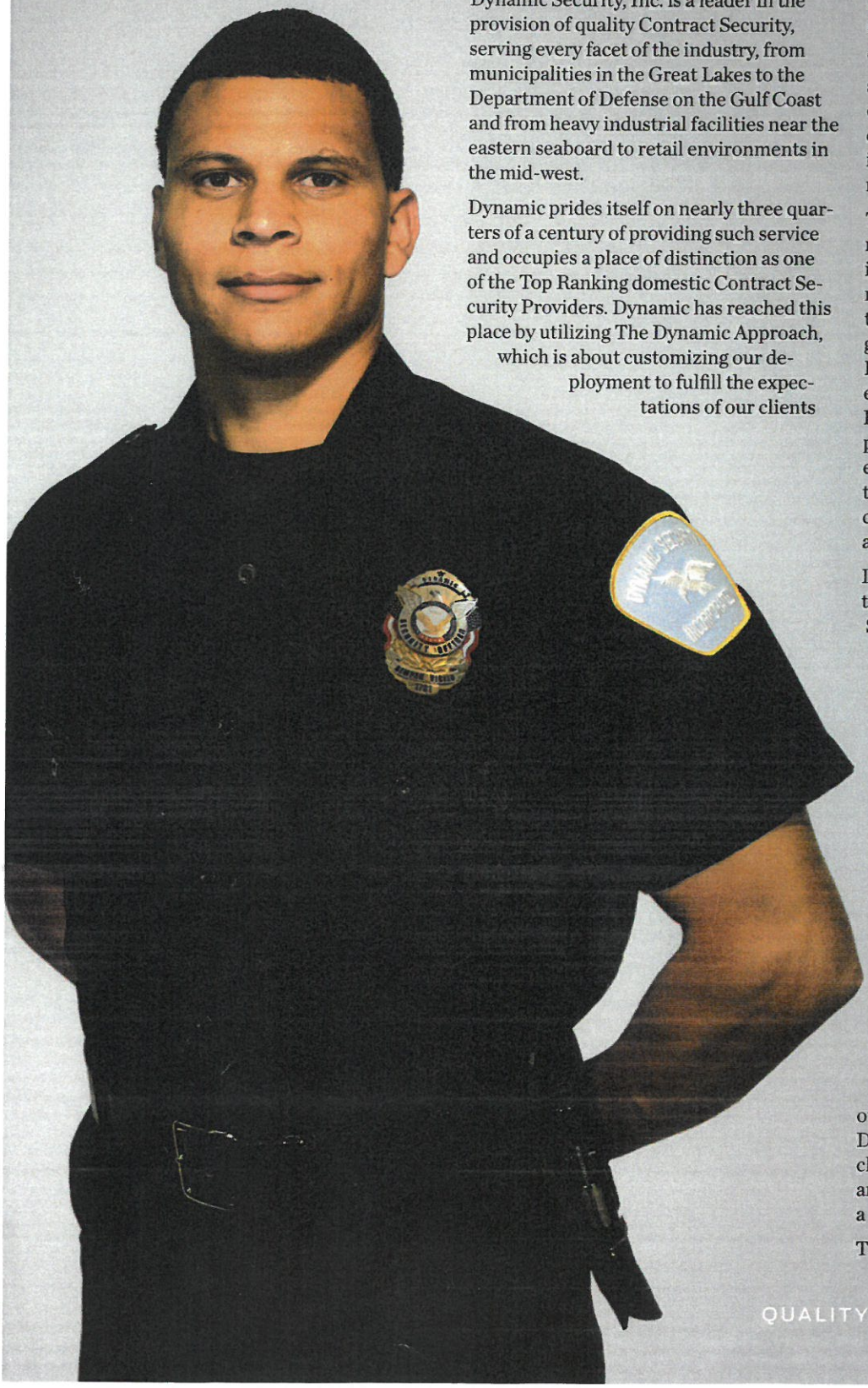
Dynamic Security bills all CITY OF STONECREST GA. services at the regular straight time hourly rate, with the exception of emergency extra coverage (without a 72-hour advance notice) and when CITY OF STONECREST GA. requests that specific Security Officers work more than 40 hours per week. Any staffing shortages due to call-off's, vacations or Dynamic scheduling issues are the responsibility of Dynamic Security. CITY OF STONECREST GA. will only be billed the regular rate for those hours.

Equipment:

Any additional equipment required by CITY OF STONECREST GA. would be billed monthly as straight pass-through items.

DYNAMIC SECURITY INC. | Driven to Serve

THE DYNAMIC APPROACH



Dynamic Security, Inc. is a leader in the provision of quality Contract Security, serving every facet of the industry, from municipalities in the Great Lakes to the Department of Defense on the Gulf Coast and from heavy industrial facilities near the eastern seaboard to retail environments in the mid-west.

Dynamic prides itself on nearly three quarters of a century of providing such service and occupies a place of distinction as one of the Top Ranking domestic Contract Security Providers. Dynamic has reached this place by utilizing The Dynamic Approach, which is about customizing our deployment to fulfill the expectations of our clients and focusing our entire team on shaping our service to that goal.

The Dynamic Approach begins by forming strong lines of communication with our client contact, ensuring an understanding of objectives, turning those goals into a regimen of recruitment, training and ongoing multi-layered support.

The talent represented in Dynamic Security's management spans a broad spectrum including career Contract Security Leaders, representatives from every division of military service, the Federal Bureau of Investigation and law enforcement. Each of these Industry Leaders consult with our customers in order to formulate a deployment of Professional Security Officers, customize procedures to fit each client's needs and establish firm lines of communication. We take tremendous pride in our ability to recruit, to train, and to retain quality officers and provide unrivaled service.

Dynamic also provides services which further ensure superb client support. Our Elite Services Division focuses on clients who need officers with law enforcement or military experience and require a premium level of training. Other areas of service include investigations, consulting, and disaster relief.

Additionally, Dynamic Staffing provides the highest quality staffing services for industrial, clerical, medical, Aerospace Engineering and other professional positions along with human resource services.

It is Dynamic's charter to protect the employees, property, and information in and on each clients' facilities by delivering the highest level of quality service available in the industry. With a workforce comprised of thousands of employees and numerous offices throughout the United States, Dynamic Security tailors our services to our clients' unique requirements, conquering any security or personnel issues to cultivate a satisfied customer.

This is The Dynamic Approach.

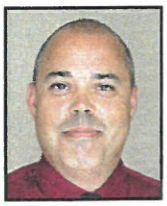
DYNAMIC SECURITY INC.

Section 1: Senior Management Team

JOHN C. RIDDLE, *President & CEO* (100% shareholder) – Mr. Riddle has guided the collective efforts of Dynamic Security, Inc. and Dynamic Staffing, Inc. since early in his business career. Following a short hiatus during which he left to earn his degree in business administration from Southern Methodist University, he worked in various accounting management positions in Dallas, Texas. He then assumed control of Dynamic upon his father's death in 1976. Since then, he has devoted his full efforts towards building Dynamic into the strong competitor that it is today by developing an unrivaled organizational team of experienced security business professionals. In the year 2000, the Chamber of Commerce named Mr. Riddle "Businessman of the Year," the highest honor given by the Chamber, for his continued business success and contribution to the community.

SCOTT A. RIDDLE (MCP),
Executive Vice President
Now responsible for every facet of Dynamic Security, Inc., and Dynamic Staffing, Inc., Mr. Riddle brings over 30 years of experience, having worked in every operational and sales position. Beginning his career as a Security Officer, Mr. Riddle later worked as a Field Supervisor, District Manager, Quality Assurance Manager and Business Development Representative before assuming the position of Vice President for Dynamic Security in 1999 and finally Executive Vice President in 2004. Mr. Riddle has negotiated federal contracts and maintained relationships with multiple federal agencies. And he has fostered contractual alliances with numerous Fortune 500 companies. Serving as an industry vanguard, Scott has also pushed forward the quality of operational reporting by inventing the Dynamic Officer Reporting System (a.k.a. DORS), a cloud-based, multi- platform, client focused reporting solution.

TRACY PEOPLES
Vice President of Operations
Mr. Peoples brings more than 26 years of security experience to Dynamic Security. Tracy came to Dynamic in 2010 as a Security Officer and has worked his way up in the Company, holding every operational position within Dynamic including but not limited to Field Supervisor, Operations Manager, District Manager and Regional Manager before being appointed to his current position of Vice President. Prior to joining the Dynamic team Mr. Peoples proudly served in United States Air Force as a Weapons System Specialist for 20 years. He is also instrumental in Dynamic's training program as a State Board licensed instructor in in multiple states across Dynamic Security's service footprint in addition to holding many other industry specific training class certifications.



GAIL ARRINGTON (CPA)
Chief Financial Officer
Ms. Arrington is the company's primary Accountant and Corporate Office Manager and provides insight into all facets of financial administration for Dynamic Security. She holds both a Bachelor's and Master's degree in Accountancy from the University of Mississippi and is a Certified Public Accountant. Ms. Arrington is an accomplished Financial Analyst with experience in the service industry and medical fields. Additionally, Gail possesses a technical background, making her instrumental in the implementation and rollout of accounting software systems. She is also responsible for the company's commercial insurance program and works to mitigate risks to both Dynamic and our clients. Gail is active in the Shoals community, serving on the Executive Leadership Team of the American Heart Association and is an avid supporter of the local University of North Alabama.

GREG CARTER
Vice President of Business Development
Mr. Carter brings more than 37 years of Contract Security Management and Business Development experience to Dynamic Security. Greg spent 31 years with a large privately held security firm where he served as Vice President for 18 years. Greg has personally negotiated, sold, and managed the delivery of security service to hundreds of customers to include: Foreign Trade Zone facilities, Department of Corrections Inmate Custody (state and federal), hospitals, banks, industrial sites, shipyards, chemical companies, food processing facilities, and more. Greg's extensive security management background places him in the unique position to understand the importance of bringing sales and operations together for true success.

KRISTAL L. RIDDLE
DOD Facility Security Officer & Chief Legal Officer
Ms. Riddle's distinguished educational background includes a Bachelor's Degree in Accounting & Business Administration from the University of North Alabama and numerous professional certifications in both Government and Private sectors of business. This is augmented by decades of experience as a Director of Human Resources, an Accountant and an Operations Manager. In her role as an F.S.O., Kristal ensures Dynamic Security's compliance with NISP requirements and Department of Defense mandates by establishing policies and standards appropriate to this unique field and overseeing its implementation. She oversees the establishment of eQUIP sessions for those needing a PCL, monitoring the results via the DISS system. Tracking initial and annual briefings as well as debriefings allows her to continually monitor cleared employees to keep each updated and fully trained to the high standards of the DoD. Kristal maintains her certification studies through online and classroom situations using STEPP, and also actively attends NCMS conferences and programs.

DYNAMIC SECURITY INC.

Section 2: **Screening and Placement**

Dynamic is committed to hiring, training, and retaining only the best security officers. The first step in this commitment involves the screening of applicants for employment. Dynamic uses the following pre-employment selection tools for hiring security officers:

- Standard Employment Application
- Security Officer Questionnaire
- Prior Employment Verification
- Background Investigations

Dynamic follows the steps listed below in selecting and placing employees:

STEP 1
The Application

Dynamic utilizes a standard employment application heavy in written aptitude and reasoning testing as the first step in the screening process. Applicants are also asked to complete a Security Officer Questionnaire in order to gain more knowledge into a person's experience in the security industry. Prior work experience along with educational background information is also gathered during the application process.

The Operations Manager reviews all materials completed during the application process to determine if an interview should be scheduled with an applicant.

STEP 2
The Interview

After careful review of applications, a Dynamic Operations Manager selects applicants for face-to-face interviews. During this process, applicants are asked a series of questions regarding their ability to perform the required job duties along with various situational questions to determine their capabilities and aptitude.

STEP 3
Background Investigations

Dynamic requires extensive background investigations of potential employees. These checks verify past employment, education, driving records, and felony records. All of these investigations follow state and federal guidelines.

Drug Screening & Fingerprinting – Concurrent with background investigations, applicants are asked to submit to drug screening, and in those states in which it is required by law, they are fingerprinted.

STEP 4
Client Follow-Up/ Acceptance

The final step in the screening and placement process is to follow-up with the Client once a Dynamic employee has been placed to ensure that the assignment is successful in meeting or exceeding the Client's needs. If for some reason, the Dynamic employee or employees do not meet the Client's expectations, Dynamic will see to it that the situation is remedied in an efficient and timely manner.

DYNAMIC SECURITY INC.

Section 3: Officer Training

Dynamic is committed to providing training to all security officers which exceeds any government stipulated requirements in all states where Dynamic operates. The following programs and training are designed to ensure job knowledge and to ensure that all Dynamic security officers are properly trained in how to handle a variety of job situations.

PHASE 1
Initial Classroom Training

Dynamic classroom training provides officers with an excellent primer for beginning a career in the security industry. A variety of classroom subjects ranging from access control procedures to an effective patrol round will be taught by a Dynamic Corporate Trainer.

This training consists of 12 topics, presented during a total of eight to ten hours (strike PSTN reference). These interactive training sessions with in-person instruction also include videos, question and answer sessions, and a comprehensive examination at the conclusion. Each security officer must pass this test prior to placement with Dynamic.

The 12 training modules include the following topics:

- Introduction to private security
- Role of the security officer
- Public relations
- Safety
- General duties
- Report writing
- Emergency situations
- Patrol methods
- Legal aspects
- Fire prevention
- Communications
- Code of ethics

Officers that complete the course with a successful test score receive printed certification.

PHASE 2
Onsite Training

Dynamic also provides basic onsite training to its security officers, which is critical to providing excellent service. The length of this onsite training is customized for each Client's needs, however one eight-hour shift is usually the minimum.

Post orders are vitally important to Dynamic's onsite training program. Post orders are developed by combining the Client's desires and expectations with Dynamic's management consultation. All clients approve the Post Orders and then they are reviewed periodically, based on client desire.

Work Sites or Duty Posts which do not elect to utilize the Dynamic Officer Reporting System is supplied with a Post Notebook, which contains Post Orders, Daily Report Forms, Post Log Book, Incident Reports, Schedules, Rules and Regulations, and any other information regarding the Client and/or security operations.

Training on site operations occurs on a continuous basis. In addition, each and every visit by a Field Supervisor or Training Supervisor ensures proper appearance as well as thorough understanding and compliance with Post Order procedures.

PHASE 3
Ongoing Training

Dynamic believes that ongoing continuous training is the key to successful security operations. Therefore, Dynamic maintains a large library of security study materials for ongoing training purposes.

Classes are scheduled on a regular basis and can be tailored for specific Client needs. These training courses are held at Dynamic offices, but can be scheduled at a Client site as well.

Training covered includes courses on such topics as, but not limited to, the following:

- Diversity awareness
- Coping with stress
- Crowd control
- Motivation
- Loss prevention
- Disaster management
- Workplace violence
- Harassment
- Special event security
- Blood borne pathogens
- Public relations

Specialized training for Red Cross, NRA, MARSEC, OPSEC and disciplines can be provided with In House Trainers.

Field Supervision

Dynamic also provides specialized training for supervisors and specialty officers. This training ensures that individuals in supervisory positions have the proper personal and administrative skill sets needed for these positions.

Training topics include courses on such topics as, but not limited to, the following:

- Service Quality
- Employee counseling
- Behavior and motivation
- Employee performance
- Effective communication
- Employee discipline
- Leadership
- Time management
- Discrimination

DYNAMIC SECURITY INC.

Section 4: Transition Plan

Phase-In /Phase Out Plan

The team will begin the phase-in period immediately after contract award. We anticipate conducting individual site visits at each installation to gain familiarization with the posts, the personnel and staffing requirements, procedures, and the individual task orders. These important site visits enable us to gain first hand knowledge of our client's expectations, post locations and procedures, training fulfillment and staffing shortages to begin the staffing phase requirements. Upon full completion of the tours, hiring, equipping, placing and training of our personnel, we will be at full performance at the completion of the phase-in period.

It is imperative that we become thoroughly familiar with installation specific work requirements and procedures (task orders) to finalize the development of necessary post orders and work instructions. Doing so is vitally important to match our employees skill sets to the demands of the job assignment. Schedules are prepared, with all the individual assignments and work hours detailed therein.

Incumbent Personnel Transition

It is commonplace in the industry, with the selection of a new provider to retain a number of employees from the existing contractor when their skills, dedication, and performance have proven invaluable to the customer's operation. We have extensive experience in assuming security responsibility from other organizations, while maintaining the integrity of the client's security program as well as minimizing any disruption to the client's core business operation. Most clients describe our contractual transitions as "seamless" and we take great pride in providing a "turn-key" management role in relieving the worries and concerns of change. Our team will provide personnel for training in key operations, obtaining licenses and permits and certifications, all prior to posting our first officer.

We recognize how integral and important the incumbent security officers assigned to our client are to mission readiness and facility security. To that end, we desire to transition all qualified individuals that our client recommends if the individual is interested in seeks continued employment with our team. After consultation with our client and prior to the commencement of services, we carefully screen potential employees that we feel will be most beneficial for our client and us to retain. We hold ourselves to the highest ethical business practices and at no time will we actively solicit a competitor's employee. However, where we jointly discuss retaining a "key employee" and the employee elects to stay at the client's location, the following is the normal course of action. In the event a potential incumbent applicant does not meet either our or our client's requirements, we will notify our client that the individual is not suitable for continued employment.

The process of hiring incumbent employees follows:

- Incumbent employees must apply with us at appropriate meeting locations, on-site, or though our web site

- Candidates must be subjected to our interview, hiring practices, background investigation, and all pre-employment criteria
- We must verify incumbent's licenses, credentials and documentation
- Verify compliance with the suitability requirements, medical, psychological, Physical Fitness and the Individual reliability program
- We will place the incumbent employee on the tentative work schedule at preferred shifts and times (when possible)
- Arrange for off site hiring, benefit coordination, and orientation
- Measure for Uniforms and Equipment
- Await contract commencement while performing duties with existing vendor.

New Hire Personnel/Recruiting

The primary focus in retaining incumbents is to fill the work schedule with as many trained and qualified employees possible. Should there remain voids in the work schedule, then we seek to hire new personnel meeting or exceeding the selection requirements outlined by our client. Traditional classified ads will run in the local and various outlying newspapers, as well as specialized websites, online applications, and non-traditional recruiting methods to attract highly skilled human resources. Our staffing agencies are expertly gifted in recruiting large numbers of people and subjecting them through the rigors of testing and background investigations. In our effort to recruit former State Law Enforcement officers, Federal Agents, and Former Military, we see these offices as an integral part of the success of an overall staffing strategy. It is our aspiration that only those candidates that pass all the pre-hire requirements, possess adequate credentials, and are qualified to work be allowed access to our client installation for further scrutiny, minimizing security issues.

Our orientation and training will be conducted in our local offices and/or on-site when permitted for all personnel assigned to our client account. All of the new hire security personnel selected for our client account will receive an extensive background investigation. Prior to fulfilling their duties we will use this time to conduct many of the training topics, not deemed as sensitive. Firearms training and qualification, CPR, First Aid and AED, and non-sensitive site specific training can be accomplished awaiting and pending approval from our client's background investigation.

DYNAMIC SECURITY INC.™

Section 5: **Quality Control**

Dynamic promotes strong lines of communication between the security team and clients. Standardized reports, which are periodically submitted to the Client representative, are among the tools utilized to accomplish this communication.

Security Officer Inspections *(Weekly)*
Unannounced random checks of Dynamic officers to ensure they are conforming to and are knowledgeable of Dynamic rules and regulations as well as knowledgeable of site-specific duties.

Client Visits *(Monthly Meetings)*
One of the keys to successfully providing superior service is constant communication between the Client and Dynamic. Therefore, Dynamic representatives typically meet on a monthly basis with Clients in addition to any Client requested meetings to review performance and the training and staffing of the account. A review of the performance of the Dynamic staff compared to the last meeting occurs during each of these visits as well as discussion of any concerns either the Dynamic representative or Client contact may have.

Periodic Client Service Evaluations
Additionally, to ensure quality, customers are given Client Evaluation Forms on a periodic basis to voice their opinions on a wide variety of service elements and provide feedback on Dynamic's performance, which the senior staff reviews immediately, to act on any item of concern. Clients have the capability to visit Dynamic's website, **www.dynamicsecurity.org**, at any time to complete a Client service evaluation, which will be forwarded automatically and reviewed immediately by the Dynamic management team.

Section 6: Employee Benefits

Dynamic offers one of the most comprehensive benefits programs in the security industry. The available benefits include the following:

- Vacation and holiday pay
- Life insurance
- Disability insurance
- Company provided uniforms
- Vision insurance
- Dental insurance
- Medical Insurance Plan
- Cancer insurance
- Retirement Investment Options

Details about these benefits are listed below. Coverage is provided for employees at reasonable premiums for both individual and family coverage.

Medical Insurance Plan

Dynamic offers two medical insurance products to all qualifying employees:

- Major Medical Health Insurance which is ACA-compliant. This includes a broad range of in-network medical benefits.
- Limited Medical coverage which utilizes a cafeteria plan approach allowing officers to elect basic medical and accidental death coverage options.

Dental Coverage

Dynamic has a comprehensive dental plan with no deductible for oral exams, regular cleanings, treatments, sealant, etc. Other basic care is covered 80% with a $50.00 deductible. Major restorative care is covered 50% after the $50.00 deductible.

Vision Care

This plan includes a free annual eye exam, annual lenses, and biannual frames with family coverage available.

Life Insurance Program

Dynamic provides a life insurance program to its officers who have been with the company for at least six months. This insurance is effective for as long as an officer is employed by Dynamic and is a level, benefit term life plan with a $10,000 benefit with double indemnity in the event of an accidental death. Spouses and family can be added to the program for a nominal fee.

Cancer Insurance

This policy pays all eligible expenses, not to exceed the calendar year maximum benefit amount the officer selects, for every calendar year throughout the life of the policy.

Disability Insurance

This short-term disability plan pays bi-weekly in the event of total disability, which results from a non-occupational accident or sickness. Officers will receive the benefit level up to 70% of their basic weekly earnings.

Retirement Investment Options

Retirement Savings plans are available to employees on a voluntary basis, provided the officers have completed at least one year of service with Dynamic and who work at least 1,000 hours during that service period. 401K plan options may be made available in certain areas or for certain projects where participation levels will be high enough. However, IRA investment options will be made available to all qualifying officers who express a desire in participation through the Vanguard Personal Investment Group.

Vacation & Holiday Pay

Dynamic offers its fulltime security officers one week of paid vacation after one year of continuous service with the company. This paid vacation is at the officer's regular base pay for a regular workweek. Dynamic also provides its officers holiday pay according to the Client's holiday schedule.

Uniforms

Dynamic provides all security officers complete uniforms at no cost. The standard uniform for full-time officers consists of three shirts, three trousers, one necktie, and security enforcement shield (badge). Dynamic also issues such items as: bomber jackets, windbreakers, rain gear, and blazers when necessary. Additional items can also be issued at the Client's request.

Employee Recognition

Dynamic has developed an employee recognition program to acknowledge employee performance, self-improvement, and personal development.

R G Riddle Service Award

This type of recognition is given to employees for exhibiting professionalism, self-improvement, or meritorious service in the execution of their duties. Certificates and monetary compensation accompany the reception of this award.

DYNAMIC SECURITY INC.

Section 7: **Additional Services**

In addition to security officers, Dynamic offers the following services to its Clients:

- Confidential security studies and evaluations
- Security strike plan development
- Drug screening
  - Marijuana
  - Amphetamines
  - Methamphetamines
  - Cocaine
  - Opiates
- Background Screening
  - Felonies
  - Motor vehicle
  - Workers' compensation/ WC Fraud
  - Education verification
  - Misdemeanors
  - Employment eligibility verification
  - Credit references/credit checks
  - Employment reference checks
- Facility Staffing
  - Part-time
  - Full-time
  - Clerical workers
  - Additional human resource services
  - Temporary workers
  - Industrial workers
  - Professional placements

CITY COUNCIL AGENDA ITEM

SUBJECT: Park Equipment Request

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 here to enter text.

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

Current Council Meeting: Wednesday, June 28, 2023

SUBMITTED BY: Interim Director of Parks & Recreation, Tameika Porter

PRESENTER: City Manager Gia Scruggs

PURPOSE: To update Council regarding Parks equipment and to request approval to purchase additional equipment.

FACTS: The Parks & Recreation department would like to replace equipment and purchase additional maintenance equipment. The additional equipment will be ordered from Ag-Pro in Conyers, GA.

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

RECOMMENDED ACTION: Approval

ATTACHMENTS:

(1) Attachment 1 - Agenda Item Memo
(2) Attachment 2 - Ag Pro Purchase Order
(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.

AG-PRO
Equipment List

Equipment Name:	Selling Price:	Qty	Total	Justification
John Deere Z960M Ztrak Mower	$14,549.34	1	$14,549.34	Replacement Mower
John Deere Z960M Ztrak Mower	$14,510.34	1	$14,510.34	Replacement Mower
JRCO H473-60Z8 60" Dethatcher	$1,433.28	2	$2,866.56	Remove dead roots, stems, and,shoots from between the turf and soil.
SCAG AS30-23CV Aerator	$12,346	2	$24,692	Increase nutrient availability, water flow, and air flow to soil while reducing soil compaction.
STIHL Backpack Blower	$467.49	2	$934.98	Equipment needed for 3rd crew.
STIHL Edger	$339.99	2	$679.98	Equipment needed for 3rd crew.
Hedge Trimmer	$467.49	2	$934.98	Equipment needed for 3rd crew.
STIHL Trimmer	$314.49	2	$628.98	Equipment needed for 3rd crew.
RB800 STIHL Pressure Washer	$1,572.49	1	$1,572.49	Additional washer needed for play ground and surface cleaning.
Hooper 6.5x14 Landscape Trailer	$4,499	1	$4,499	Replacement Trailer
			Total:	
			$65,868.65	

Equipment Name:	Part Number	Vendor Name:	Quantity:
Field Sparyer: FieldLazer S100	215-330-029	Beacon Athletics	2
Beacon Cocoa Mat Drag	205-100-060	Beacon Athletics	2
Beacon Steel Mat Drag	205-100-110	Beacon Athletics	2
Cocoa Mop	2220-100-020	Beacon Athletics	2
Beacon Adjustable Weight Nail Drag	205-100-360	Beacon Athletics	2
Steel Mat Mop	220-100-030	Beacon Athletics	2
Streamliner 354 Line Chalker	240-100-300	Beacon Athletics	2
Softball Pitchers Circle Kit	240-100-040	Beacon Athletics	2
Lip Broom	220-525-190	Beacon Athletics	4
Scuffle Hoe	220-525-220	Beacon Athletics	4
Sifter Shovel	220-525-030	Beacon Athletics	6
Beacon Level Board	220-100-140	Beacon Athletics	4
Lute Scarifying Rake	220-355-200	Beacon Athletics	4
Big Gulp water removal Pump	245-950-100	Beacon Athletics	4
Deluxe Fast Retrieve Measuring Tape	230-430-120	Beacon Athletics	2
Checkmate Striping System	380-180-689	Beacon Athletics	4
Pro Cord String Winder	230-100-060	Beacon Athletics	2
Beacon Pro Shot Hose Nozzle	225-385-420	Beacon Athletics	2
Ballfield Dimension Guide	500-100-070	Beacon Athletics	2
Cotton String	230-100-020	Beacon Athletics	2
Roller Squeegee	245-525-140	Beacon Athletics	4
Puddle Sponge	245-100-030	Beacon Athletics	2
Hand Tamps	220-190-260	Beacon Athletics	2

Tamp Sock	220-780-020	Beacon Athletics	2
Heavy Duty Shovel	220-525-40	Beacon Athletics	6
Heavy Duty Shovel	220-525-410	Beacon Athletics	6
Infield Drag Broom	220-525-010	Beacon Athletics	2
Sifter Scoop Shovel	220-525-370	Beacon Athletics	2
Proflex Hose	225-725-260	Beacon Athletics	2
Pruning Shears	88449	Lowes	9
Wheel Barrow	2560883	Lowes	2
Leaf Rake	1120736	Lowes	6
Garden Rake	1120730	Lowes	6
Pitch Fork	4141432	Lowes	6
Loppers	1478665	Lowes	6
Purning Saw	1478680	Lowes	6
Trench Spade	4141436	Lowes	2
Spade	607383	Lowes	2
Safety Helmet	192764	Lowes	2
Safety Gloves	1227101	Lowes	2
Safety Chaps	192767	Lowes	2
Post Hole Digger	863601	Lowes	2
Handheld Sprayer	4809792	Lowes	1
Handheld Spreader	1217219	Lowes	1
Grass Shears	4141479	Lowes	2
Scoop Shovel	607319	Lowes	2

Digging Bar	3636575	Lowes	1
Sledge Hammer	863645	Lowes	1
Tool Cabinet	3807742	Lowes	1
5 Gallon Buckets	57640	Lowes	10
Anemometer	4142272	Lowes	1
Hand Scale	2500993	Lowes	2
Grill Brush	4103260	Lowes	20
Carta Measuring Wheel	10002carta	Siteone	1
Measuring Pitcher	TM80128	Siteone	2
Digital Scale	3nzg9	Siteone	1
Flammable Cabinet	h-1564m-y	uline	2
Pesticide Cabinet	H-5701s	uline	1
Spill Kit	S-23405	uline	3
Roller	220-247-009	Beacon Athletics	2
Ball & Hitch 2"	5024217	Lowes	2
Tiller	1144043	Lowes	1
Dump Truck	Lease Work w/ procurement		
Soil probe rod	Varomorus	Amazon	2
Air Compressor	Work w/ procurement		
Portable Water Tanks	H-3886	uline	2
Water pumps	Work w/ procurement		
Impact Wrench	840780	Lowes	1
Impact Socket Set	856843	Lowes	1
Torque Wrench	GR3997	Lowes	2

Ball & Hitch 2 1/2"	5024223	Lowes	3

Price Per Item:	Total:
3999	7998
795	1590
869	1738
215	430
1109	2218
185	370
589	1178
45	90
79	316
68	272
87	522
199	796
116	464
75	300
172	344
445	1780
99	198
549	1098
9.95	20
65	130
229	916
109	218
99	198

35	70
44	264
47	282
319	638
159	318
319	638
14.48	130.32
99	198
23.98	143.88
25.98	155.88
57.98	347.88
34.98	209.88
22.98	137.88
32.98	65.96
39.98	79.96
49.98	99.96
29.98	59.96
84.98	169.96
64.98	129.96
90.98	90.98
27.98	27.98
28.48	56.96
44.98	89.96

39.98	39.98
49.98	49.98
449	449
4.98	40.98
159.99	159.99
11.42	22.84
14.98	299.6
298	298
22.81	45.62
150.61	150.61
1230	2460
1760	1760
535	1605
375	750
62.18	124.36
699	699
39.95	79.9
595	1190
169	169
139	139
263.98	527.96

81.48	244.44
	Total
	38894.62

Justification
Used for marking football, and soccer fields.
Reduces the accumulation of dirt. Finishing drag.
Breaks up chunks, and cut downs high spots.
Finishing mop used to smooth the edge where the out field and infield meets.
Used to loosen the surface of the infield and incorporate conditioners.
Used to groom around bases.
Used to mark the infield and batter box.
Creates a perfect softball pitcher circle with out measuring.
Brushing infield soil out of turf to resist lip build up.
Remove sod after edging field.
Scoop out rocks and debris from infield.
Hand grading.
To remove small spaces of dead material.
Remove water from base anchors, and irrigation boxes.
Measuring the length and dimensions of field.
Cutting patterns in the out field giving a professional apperance.
To guide chalker, and edger.
Watering the infield after applying conditioners.
Dimensions of playing fields.
Replacement cord.
Push water off playing field without disturbing surface.
Remove puddles without disturbing topdressing.
Packing materials around high traffic areas.

Keeps clay from sticking to tamp.
Scraping up soil, debris, gravel, from hard surfaces.
Digging in compacted or loose soil.
Smooth surface without transporting excess material.
Sifting rock and clay from out of topdressing.
Professional hose with 150psi to water infields.
Prune small branches on trees.
Transport small loads of material.
Gather leaves, cut grass, and debris.
Moving soil in plant beds.
Pitch loose materials such as hay, pine straw, and leaves.
Prune medium branches to large for hand pruners.
To cut large branches.
To make narrow trenches to service irrigation pipes.
Drigging, slicing, and lifting sod.
Use during operation of chain saw.
Use during operation of chain saw.
Use during operation of chain saw.
To dig holes to set fence post, flag poles, and sign post.
Spray small areas such as tree islands.
Spread materials in small areas.
Trimming ornamental grasses.
Scoop compost, gravel, and other materials for hard surfaces.

Breaking up clay, concrete, and other hard material.
Breaking stone, driving stakes, demolition.
For storing tools.
For trash pick up while on mowers.
Measuring wind speed before pesticide application.
Measuring pounds of fertilizer.
Cleaning park grills.
Measuring the sq ft of an area.
Measuring liquid pesticides.
Measure use of a pesticide.
To storge gas containers.
To storge pesticides.
For emergency chemical spills.
To flatten soil surface.
To tow trailers.
To till plant beds.
For hauling debris, and pick up materials such as mulch, rocks, pine straw and towing heavy equipment.
Collect soil for testing.
Blow out irrigation system, pump tires, remove mower blades and wheels.
For pressure washing.
To attach to water tanks.
Tightening lug nuts.
To use with impact wrench.
To torque bolts and nuts to manufacure specs.

To tow trailers.

CITY COUNCIL AGENDA ITEM

SUBJECT: City of Civility 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 28, 2023

SUBMITTED BY: City Manager Gia Scruggs

PRESENTER: City Manager Gia Scruggs

PURPOSE: Click or tap here to enter text.

FACTS: The Georgia Municipal Association recognizes cities that adopt resolutions to become a City of Civility. The resolution enacts the City of Stonecrest to adopt a pledge to build a stronger and more prosperous community by advocating for civic engagement, respecting others and their viewpoints and finding solutions for the betterment of the City of Stonecrest. The pledge strives to show courtesy by treating all colleaguesm staff, anf members of the public in a professional and respectful manner whether in-person, online, or in written communication, especially when we disagree. It demonstrates the city's commtment against violence and incivility in all their forms whenever and wherever they occure in all our meetings and interactions.

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

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

CITY COUNCIL AGENDA ITEM

ATTACHMENTS:

(1) Attachment 1 - City of Civility Resolution
(2) Attachment 2 - Civility Pledge
(3) Attachment 3 - Civility Postcard
(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

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STONECREST, GEORGIA PLEDGING TO PRACTICE AND PROMOTE CIVILITY IN THE CITY OF STONECREST; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and the City Council of the City of Stonecrest (the "City Council"), the governing body of the City of Stonecrest, Georgia (the "Municipality"), recognizes that robust debate and the right to self-expression, as protected by the First Amendment to the United States Constitution, are fundamental rights and essential components of democratic self-governance; and

WHEREAS, the City Council further recognizes that the public exchange of diverse ideas and viewpoints is necessary to the health of the community and the quality of governance in the Municipality; and

WHEREAS, the members of the City Council, as elected representatives of the community and stewards of the public trust, recognize their special role in modeling open, free and vigorous debate while maintaining the highest standards of civility, honesty and mutual respect; and

WHEREAS, City Council meetings are open to the public and thus how City officials execute their legal duties is on public display; and

WHEREAS, civility by City officials in the execution of their legislative duties and responsibilities fosters respect, kindness and thoughtfulness between City officials, avoiding personal ill will which results in actions being directed to issues made in the best interests of residents; and

WHEREAS, civility between City officials presents an opportunity to set a positive example of conduct and promotes thoughtful debate and discussion of legislative issues, resulting in better public policy and a more informed electorate while also encouraging civil behavior between residents; and

WHEREAS, civility between City officials is possible if each member of the elected body remembers that they represent not only themselves, but the constituents of their district and city; and

WHEREAS, in order to publicly declare its commitment to civil discourse and to express its concern for the common good and well-being of all of its residents, the City Council has determined to adopt this resolution.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STONECREST, GEORGIA, HEREBY RESOLVES, the City of Stonecrest pledges to practice and promote civility within the governing body as a means of conducting legislative duties and responsibilities.

BE IT FURTHER RESOLVED, The elected officials of the City Council enact this civility pledge to build a stronger and more prosperous community by advocating for civil engagement, respecting others and their viewpoints, and finding solutions for the betterment of the City of Stonecrest.

BE IT FURTHER RESOLVED, This pledge strives to ensure that all communication be open, honest, and transparent as this is vital for cultivating trust and relationships.

BE IT FURTHER RESOLVED, This pledge strives to show courtesy by treating all colleagues, staff and members of the public in a professional and respectful manner whether in-person, online or in written communication, especially when we disagree.

BE IT FURTHER RESOLVED, This pledge strives to ensure mutual respect to achieve municipal goals, recognizing that patience, tolerance and civility are imperative to success and demonstrates the Council's commitment to respect different opinions, by inviting and considering different perspectives, allowing space for ideas to be expressed, debated, opposed, and clarified in a constructive manner.

BE IT FURTHER RESOLVED, This pledge demonstrates our commitment against violence and incivility in all their forms whenever and wherever they occur in all our meetings and interactions.

BE IT FINALLY RESOLVED, The City of Stonecrest expects members of the public to be civil in its discussion of matters under consideration by and before the City Council, with elected officials, staff, and each other.

ADOPTED this ___ day of _____, 20____.

[SIGNATURES ON FOLLOWING PAGE]

Jazzmin Cobble
Mayor

Alecia Washington
District 3 Councilmember

Tara Graves
District 1 Councilmember

George Turner
District 4 Councilmember

Robert Turner
District 2 Councilmember

Tammy Grimes
District 5 Councilmember

ATTEST:

City Clerk

AS TO FORM:

City Attorney

EMBRACE CIVILITY

CIVILITY PLEDGE

The way we govern ourselves is often as important as the positions we take. Our collective decisions will be better when differing views have had the opportunity to be fully vetted and considered. All people have the right to be treated with respect, courtesy and openness. We value all input. We commit to conduct ourselves at all times with civility and courtesy to each other.

GEORGIA MUNICIPAL ASSOCIATION

GEORGIA CITY SOLUTIONS
A Georgia Municipal Association Nonprofit

EMBRACE CIVILITY

WHAT IS CIVILITY?

Civility is more than just politeness. It is about disagreeing without disrespect, seeking common ground as a starting point for dialogue about differences, listening past one's preconceptions and teaching others to do the same. Civility is the hard work of staying present even with those with whom we have deep-rooted and fierce disagreement.*

WHY CIVILITY MATTERS FOR CITIES?

1. Civil behavior and speech are critically important to a healthy, functional and respectful society.
2. A 2019 survey revealed that 93 percent of Americans believe that incivility is a problem, with 68 percent identifying incivility as a major problem.**
3. Cities need a plan to counteract the growing polarization and challenges caused by incivility.

*The Institute for Civility in Government
** Weber Shandwick's annual poll, Civility in America 2019

"Civility fosters respect, trust, and belonging. By modeling and practicing civility, city leaders set an expectation that vigorous debate and vetting of ideas can be respectful and productive, leading to better engagement and outcomes for all."

LARRY HANSON, GMA CEO & EXECUTIVE DIRECTOR

EMBRACE CIVILITY

9 PILLARS OF CIVILITY

Be considerate of others' opinions. It's ok to agree to disagree.

Manage your emotions. Get curious instead of furious.

A silent voice is not always a weak voice. Sometimes it's ok not to respond.

Be Kind! Make your point about the issue, not the person.

Actively listen, to learn how to Engage respectfully!

Think about the impact of your actions and not the intent.

Ask questions to learn. Answer questions with respect.

Remember the acronym QTIP (Quit Taking It Personal).

Have empathy! Just because you have not experienced it, does not mean it does not exist.

CIVILITY PLEDGE

The way we govern ourselves is often as important as the positions we take. Our collective decisions will be better when differing views have had the opportunity to be fully vetted and considered. All people have the right to be treated with respect, courtesy and openness. We value all input. We commit to conduct ourselves at all times with civility and courtesy to each other.

ADOPT THE CIVILITY RESOLUTION AND PLEDGE TO BECOME A CITY OF CIVILITY TODAY!

GEORGIA CITY SOLUTIONS

GEORGIA MUNICIPAL ASSOCIATION

WWW.GACITIES.COM/CIVILITY

CITY COUNCIL AGENDA ITEM

SUBJECT: Facility Use Agreement American Red Cross

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: Agreement**

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

Previously Heard Date(s): 06/12/23 & Click or tap to enter a date.

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

Current Council Meeting: Wednesday, June 28, 2023

SUBMITTED BY: City Manager Gia Scruggs

PRESENTER: City Manager Gia Scruggs

PURPOSE: Click or tap here to enter text.

FACTS: The American Red Cross provides services to individuals, families, and communities when disasters strike. Safety for all residents and visitors is always at the forefront of the City of Stonecrest. After meeting with the Metro Atlanta American Red Cross earlier this spring, the then Acting City Manager discussed the possibility of having the Browns Mill Recreation center as a possible shelter for the American Red Cross to deliver services to disaster victims. As a result of the discussions, the City Manager is presenting this agreement to Council for consideration of approval at the June 28, 2023 Council Meeting.

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

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

ATTACHMENTS:

(1) Attachment 1 - Facility Use Agreement

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.

Facility Use Agreement with Instructions

Disaster Cycle Services Job Tools

Logistics / Facilities

INSTRUCTIONS

This agreement should be used in conjunction with the *Facility Management Standards and Procedures*. Delete these instructions before finalizing and signing the agreement, as the instructions are for internal Red Cross use only.

Immediately before using the facility, use the *Facility/Shelter Opening and Closing Inspection Form* to document the date the Red Cross begins using the facility, any existing damage, and any restrictions regarding the use of the facility by Red Cross such as restrictions related to parking or areas that are off limits.

If you have any questions regarding the *Facility Use Agreement*, please contact the Disaster Logistics Center at 202-303-4099 or DLC@redcross.org. The Facilities associate will either answer your questions or contact the Office of General Counsel, as appropriate.

FOLLOW THESE STEPS TO COMPLETE THE AGREEMENT:

1. Enter *Parties and Facility* information.
2. Review *Terms and Conditions* with the facility representative.
   a. Paragraph 1 (*Use of Facility*): The Red Cross and facility representatives both initial each purpose for which the Red Cross may use the facility.
   b. Paragraph 4 (*Food Services*) and paragraph 5 (*Custodial Services*) can be removed if those services are not relevant to the relationship with the facility by crossing the paragraphs out on a printed version and having the facility and Red Cross representatives initial next to the crossed-out paragraph.
   c. Paragraph 10 (*Reimbursement*): The Red Cross and facility representatives both initial all utilities that Red Cross will reimburse. Make sure the facility representative understands the terms for reimbursement.
      i. Paragraph 10(e) only applies to facilities that are owned by a municipal or state government entity. It can be crossed out if the facility owner is not a municipal or state government entity. If this paragraph is crossed out, also cross out this phrase from the Paragraph 10 opening statement: “Subject to the conditions in paragraph 10(e) below,” Facility and Red Cross representatives should initial next to crossed out paragraphs.
   d. Paragraph 13 (Term): This paragraph describes the term of the agreement, but it does not identify the specific days the Red Cross will use the facility. The dates the Red Cross begins and ends its use of the facility are recorded on the *Shelter/Facility Opening and Closing Inspection* form during an operation.
   e. **Modifications other than those listed above must be reviewed by the Disaster Logistics Center** at national headquarters. Send the proposed modifications to DLC@redcross.org. The

Disaster Logistics Center will engage Risk Management, Office of General Counsel, and the Sheltering program as appropriate to provide coordinated input.

3. Authorized Red Cross and Facility representatives sign and date the agreement. This may be completed by hand or by digital signature if both parties agree. The use of digital signatures is not intended to be used to circumvent the requirement of our visual inspection of the facility.
4. If a facility owner requests confirmation of Red Cross insurance coverage, fill out the Downloadable Memorandum of Insurance, submit and provide a copy to the Facility representative.
5. File the *Facility Use Agreement* with all other documentation in the Disaster Requisition Facility File. See the *Facility Documentation Checklist* for file requirements.

Additional Instructions for Florida

- When entering into an agreement with a school district that may be required to open their facility as a shelter due to Florida Statutes §252.385(4), add the following paragraph immediately before the *Term* section, and attach as an addendum:
    - o Exception: This agreement does not apply if the school is opened for sheltering during an evacuation pursuant to Florida Statutes §252.385(4).

The American National Red Cross (“Red Cross”), a non-profit corporation chartered by the United States Congress, provides services to individuals, families and communities when disasters strike. The disaster relief activities of the Red Cross are made possible by the American public who support the Red Cross with generous donations. The Red Cross’s disaster services are also supported by facility owners who permit the Red Cross to use their buildings as shelters and other service delivery sites for disaster victims. This agreement is between the Red Cross and a facility owner (“Owner”) so the Red Cross can use the facility to provide services during a disaster. This agreement only applies when Red Cross requests use of the facility and is managing the activity at the facility.

Parties and Facility

Owner:

Full Name of Owner	City of StoneCrest, GA
Address	
24-Hour Point of Contact Name and Title Work Phone Cell Phone	
Address for Official Notices (only if different from above address)	

Red Cross:

Chapter Name	Greater Atlanta Chapter
Chapter Address	1955 Monroe Dr NE, Atlanta, GA 30324
24-Hour Point of Contact Name and Title Work Phone Cell Phone	William O'Neill, Disaster Program Manager 470-201-7920 1-800-Red-Cross
Address for Official Notices	American Red Cross, Disaster Cycle Services Logistics, 8550 Arlington Blvd., Fairfax, VA 22031

Facility:

Insert name and complete street address of building or, if multiple buildings, write “See attached facility list,” and attach facility list, including complete street address of each building that is part of this agreement. If the Red Cross will use only a portion of a building, then describe the portion of the building that the Red Cross will use.
Browns Mill Recreation Center5101 Browns Mill RoadStonecrest, GA 30038

Terms and Conditions

1. Use of Facility: Upon request and if feasible, Owner will permit the Red Cross to use and occupy the Facility on a temporary basis to conduct emergency, disaster-related activities. The Facility may be used for the following purposes (both parties must initial all that apply):

Facility Purpose	Owner Initials	Red Cross Initials
Service Center (Operations, Client Services, or Volunteer Intake)		WO
Storage of supplies		WO
Parking of vehicles		WO
Disaster Shelter		WO

2. Facility Management: The Red Cross will designate a Red Cross official to manage the activities at the Facility ("Red Cross Manager"). The Owner will designate a Facility Coordinator to coordinate with the Red Cross Manager regarding the use of the Facility by the Red Cross.

3. Condition of Facility: The Facility Coordinator and Red Cross Manager (or designee) will jointly conduct a survey of the Facility before it is turned over to the Red Cross. They will use the first page of the Red Cross's ***Facility/Shelter Opening/Closing Form*** to record any existing damage or conditions. The Facility Coordinator will identify and secure all equipment in the Facility that the Red Cross should not use. The Red Cross will exercise reasonable care while using the Facility and will not modify the Facility without the Owner's express written approval.

4. Food Services (*This paragraph applies only when the Facility is used as a shelter or service center.*): Upon request by the Red Cross, and if such resources are available, the Owner will make the food service resources of the Facility, including food, supplies, equipment and food service workers, available to feed the shelter occupants. The Facility Coordinator will designate a Food Service Manager to coordinate meals at the direction of and in cooperation with the Red Cross Manager. The Food Service Manager will establish a feeding schedule and supervise meal planning and preparation. The Food Service Manager and Red Cross Manager will jointly conduct a pre-occupancy inventory of the food and food service supplies before the Facility is turned over to the Red Cross. When the Red Cross vacates the Facility, the Red Cross Manager and Facility Coordinator or Food Service Manager will conduct a post-occupancy inventory of the food and supplies used during the Red Cross's activities at the Facility.

5. Custodial Services (*This paragraph applies only when the Facility is used as a shelter or service center.*): Upon request of the Red Cross and if such resources are available, the Owner will make its custodial resources, including supplies and workers, available to provide cleaning and sanitation services at the Facility. The Facility Coordinator will designate a Facility Custodian to coordinate these services at the direction of and in cooperation with the Red Cross Manager.

6. Security/Safety: In coordination with the Facility Coordinator, the Red Cross Manager, as he or she deems necessary and appropriate, will coordinate with law enforcement regarding any security and safety issues at the Facility.

7. Signage and Publicity: The Red Cross may post signs identifying the Facility as a site of Red Cross operations in locations approved by the Facility Coordinator. The Red Cross will remove such signs when the Red Cross concludes its activities at the Facility. The Owner will not issue press releases or other publicity concerning the Red Cross's activities at the Facility without the written consent of the Red Cross Manager. The Owner will refer all media questions about the Red Cross activities to the Red Cross Manager.

8. Closing the Facility: The Red Cross will notify the Owner or Facility Coordinator of the date when the Red Cross will vacate the Facility. Before the Red Cross vacates the Facility, the Red Cross Manager and Facility Coordinator will jointly conduct a post-occupancy inspection, using the second page of the *Shelter/Facility Opening/Closing Form,* to record any damage or conditions.

9. Fee (*This paragraph does not apply when the Facility is used as a shelter. The Red Cross does not pay fees to use facilities as shelters.*): Both parties must initial one of the two statements below:

   a. Owner will not charge a fee for the use of the Facility.
   Owner initials: ____ Red Cross initials: WO

   b. The Red Cross will pay $0____ per Select for the right to use and occupy the Facility. Owner initials: _____ Red Cross initials: WO

10. Reimbursement: Subject to the conditions in paragraph 10(e) below, the Red Cross will reimburse the Owner for the following:

   a. *Damage to the Facility or other property of Owner*, reasonable wear and tear excepted, resulting from the operations of the Red Cross. Reimbursement for facility damage will be based on replacement at actual cash value. The Red Cross, in consultation with the Owner, will select from bids from at least three reputable contractors. The Red Cross is not responsible for storm damage or other damage caused by the disaster.

   b. *Reasonable costs associated with custodial and food service personnel and supplies* which would not have been incurred but for the Red Cross's use of the Facility. The Red Cross will reimburse at per-hour, straight-time rate for wages actually incurred but will not reimburse for (i) overtime or (ii) costs of salaried staff.

   c. *Reasonable, actual, out-of-pocket costs for the utilities indicated below*, to the extent that such costs would not have been incurred but for the Red Cross's use of the Facility. (Both parties must initial all utilities that may be reimbursed by the Red Cross):

	Owner Initials	Red Cross Initials
Water		WO
Gas		WO
Electricity		WO
Waste Disposal		WO

   d. The Owner will submit any request for reimbursement to the Red Cross within 60 days after the occupancy of the Red Cross ends. Any request for reimbursement must be accompanied by supporting invoices. Any request for reimbursement for personnel costs must be accompanied by a list of the personnel with the dates and hours worked.

   e. If the disaster is a Federally-declared disaster and Owner is a municipal or state government entity, then the Owner will work with appropriate emergency management agencies to seek cost reimbursement through the Federal Emergency Management Agency's program for administering Public Assistance Category B under the Robert T. Stafford Act. The Red Cross is not obligated to reimburse the Owner for costs covered by Public Assistance Category B.

11. Insurance: The Red Cross shall carry insurance coverage in the amounts of at least $1,000,000 per occurrence for Commercial General Liability and Automobile Liability. The Red Cross shall also carry Workers' Compensation coverage with statutory limits for the jurisdiction within which the facility is located and $1,000,000 in Employers' Liability.

12. Indemnification: The Red Cross shall defend, hold harmless, and indemnify Owner against any legal liability, including reasonable attorney fees, in respect to claims for bodily injury, death, and property damage arising from the negligence of the Red Cross during the use of the Facility.

13. Term: The term of this agreement begins on the date of the last signature below and ends 30 days after written notice by either party.

Digital Signature: Each party agrees that either party's execution of this agreement by DIGITAL signature (whether ELECTRONIC or encrypted) is expressly intended to authenticate this AGREEMENT and to have the same force and effect as manual signatures. The term DIGITAL signature means any electronic sound, symbol, or process attached to or logically associated with a record and executed and adopted by a party with the intent to sign such record, including facsimile or email electronic signatures. The use of digital signatures is intended to facilitate more efficient execution and delivery of signed documents.

	The American National Red Cross
_____	_____
Owner (Legal Name)	(Legal Name)
_____	_____
By (Signature)	By (Signature)
_____	William O'Neill
Name (Printed)	Name (Printed)
_____	Disaster Program Manager
Title	Title
_____	_____
Date	Date

CITY COUNCIL AGENDA ITEM

SUBJECT: NRPA - Bobcat Grant

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: Memorandum of Understanding**

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 28, 2023

SUBMITTED BY: Naturalist Coordinator Sheldon Fleming

PRESENTER: City Manager Gia Scruggs

PURPOSE: The Parks department applied for the Bobcat grant.

FACTS: Click or tap here to enter text.

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

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

ATTACHMENTS:

(1) Attachment 1 - Memorandum of Understanding
(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.

NATIONAL
RECREATION AND PARK
ASSOCIATION

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU), entered into as of the date of the last signature affixed hereto (July 1st, 2023), is made between **National Recreation and Park Association, Incorporated** a New York not-for-profit corporation and Section 501(c)(3) organization located at 22377 Belmont Ridge Road, Ashburn, Virginia, 20148 ("NRPA" or "Grantor") and the City of Stonecrest, a provider of park, recreation, or community services located in Stonecrest, Georgia ("Grantee") .

Grantee will be responsible for the financial oversight, design, construction, reporting and project management of this project throughout the length of the MOU. Grantee is the owner of the site and project, collaborator on grant deliverables, such as reporting, events, and other activities, and will be responsible for ongoing maintenance of the project and ensuring all grant deliverables are met and the project is completed in accordance with the terms of this MOU.

1. Purpose

The purpose of this MOU is to confirm approval of the terms governing the acceptance and use of Fifty Thousand Dollars ($50,000.00) ("Grant Funds") made available to Grantee for the implementation of the project selected for grant funding, Everett Park ("Project").

Made possible, in part, through the support of Bobcat Company, NRPA is managing the administration of the grant program ("Program"). Grants made through this Program are intended to increase environmental and community resilience.

Having been selected as a recipient of Grant Funds through this Program, Grantee is required to accept the terms contained within this MOU in order to receive the Grant Funds and participate in this Project.

2. Project Funding

- **a.** Within thirty (30) days upon execution of this MOU and delivery to NRPA, NRPA will send Grantee a check or wire transfer in the amount of Fifty Thousand **($50,000.00)**
- **b.** Grant Funds will be distributed by NRPA
- **c.** No matching funds are required
- **d.** It is expressly understood that the NRPA has no obligation to provide additional support or funds to the Grantee for this Project or any other project or purposes.

3. Grantee Requirements

Grantee will use the Grant Funds to:

- ***A.*** Support the creation of a new trail and programming at Everett Park, in alignment with Grantee's proposal.
- ***B.*** Complete Project by January 31st, 2024
- ***C.*** Grantee may be asked to host a site visit(s) for NRPA and/or Bobcat Company
- ***D.*** Technical Assistance and Trainings: Grantees will participate in trainings:
  - Project kick off call focused on project implementation
  - NRPA will share learning opportunities like webinars, identifying solutions that break down barriers in access to parks and open spaces and play in their community. Grantees are expected to participate in at least two engagements related to the learning community to complete their grant fulfillment requirements.

NATIONAL
RECREATION AND PARK
ASSOCIATION

E. Grantee will host an event for volunteers including local Bobcat Company dealers and the community that contributes to the Project through hands-on activities as well as for project milestones like the groundbreaking and ribbon cutting
- Evaluation: Participate in evaluation activities and data collection including: completing community engagement event forms, participating in focus groups, assisting in organizing interviews with project stakeholders, and completing a grantee final report.
- Agencies may be asked to participate in an annual focus group.
- Agencies will participate in surveys prior to two project status calls with an NRPA staff member and submit a written final report.

F. Grantee will promote receipt of Grant Funds and success of Project through one or more strategy; press release, on-site dedication event, and ongoing social media

G. Grantee will submit a final report (template provided by NRPA) explaining the success of the Project and how the Grant Funds were utilized upon completion of the Project

4. Promotion

NRPA and Bobcat Company may be granted a limited, non-exclusive, and royalty-free license to use Grantee's name and/or park names, photos, and/or information in connection with the Project for promotional or other purposes associated with the Project, in any and all media, without limitation and without further payment, notification, or permission, except where prohibited by law. If the Grantee's photo release form does not cover promotional and other uses, NRPA can provide one upon request.

NRPA also grants Grantee a limited, non-exclusive, and royalty-free license to use NRPA's name, trademark, logos, and other identifying marks ("Licensed Marks") for promotional or other purposes associated with the Project, unless prohibited by law. NRPA shall have the right to review and approve the use of the Licensed Marks, as well as any and all related promotional and advertising material, in order to ensure that the use of the Licensed Marks meets NRPA's quality assurance standards.

Grantee shall provide NRPA an opportunity to review and approve any statement, message or use of the Bobcat Company logo related to this grant or Project in advance of its release to the public. Any promotion, public announcement, annual report or promotion relating to the Grant Funds or Project shall be subject to the prior review of Bobcat Company and the National Recreation and Park Association. NRPA and Bobcat Company shall also provide the same opportunity to the Grantee for prior review and approval of any statement, message or use of the Grantee's logo, as well as any promotion, public announcement, annual report or promotion related to the Grant Funds or Project.

All Parties shall retain all title, ownership, rights, and intellectual property rights in their own respective marks, logos, content, materials, tools and intellectual property. Under no circumstance will any Party to this MOU use another Party's Licensed Marks in a false, misleading, or disparaging manner. Upon completion of the Project, Parties shall, at their own expense, return all copies Licensed Marks to their respective owners beyond what is necessary for record-keeping purposes.

5. Limits of Liability

To the fullest extent permitted by applicable law, excepting any site visit(s) and events involving Bobcat Company and NRPA's Support Parties as described below, and including local Bobcat Company dealers and the community volunteers that contribute to the Project, the Grantee hereby releases Bobcat Company and NRPA, and each of their directors, officers, managers, members, employees, agents, attorneys, advisors, consultants, volunteers and other like parties (collectively the "Support Parties"), from any liability whatsoever relating to or arising out of the Project or the use of the Grant Funds. Grantee further waives any right to sue or bring any action of any kind against the Support Parties relating to

NATIONAL RECREATION AND PARK ASSOCIATION

or arising out of the Project or the use of the Grant Funds. This limitation of liability shall apply whether the Support Parties' liability arises due to breach of contract, breach of warranty, or as a result of tortious conduct, including, but not limited to, negligence (of any kind), strict liability, statutory liability, or any other causes of action.

With the exception of any site visit(s) and events involving Bobcat Company and NRPA's Support Parties described above, and including local Bobcat Company dealers and the community volunteers that contribute to the Project, as applicable, NRPA's liability, if any, arising out of or in any way related to the relationship and/or dealings between NRPA and Grantee, shall be limited to the payment amounts paid pursuant to this MOU. NRPA shall not be liable for any damages caused by or arising out of the acts or omissions of a third party.

6. Indemnification

To the fullest extent permitted by applicable law, excepting any site visit(s) and events involving Bobcat Company and NRPA's Support Parties below, and including local Bobcat Company dealers and the community volunteers that contribute to the Project, the Grantee shall indemnify, defend and hold harmless the Support Parties from any and all causes of action, suits, settlements, judgments, liens, indebtedness, damages, losses, costs, expenses, fees (including attorney's fees and costs), penalties, claims, claims for relief, liabilities and demands of every kind, nature, and character (collectively, "Claims") relating to or arising out of: (i) Grantees' involvement in the development, planning, demolition, construction, installation, implementation, maintenance, repair and/or management of the Project; (ii) any failure by Grantees to comply with any applicable laws, rules and/or regulations (including, without limitation, building, safety and fire codes, etc.); (iii) Grantee's negligence, misconduct, or malfeasance of Grantee or their agents or representatives; or (iv) any breach by Grantee of any agreement involving the Project or the use of the Grant Funds. In no event shall the Support Parties be liable for any punitive, exemplary, special, incidental, indirect or consequential damages of any kind (including, but not limited to loss of profits, loss of reputation and/or loss of current or prospective business advantage, even where such losses are characterized as direct damages) arising out of or in any way related to the relationship and/or dealings between the parties, regardless of whether the claim under which damages are sought is based upon contract, tort, negligence (of any kind), strict liability or otherwise, and regardless of whether the parties have been advised of the possibility of such damages at the time of contracting or otherwise. In such cases where Subgrantee's obligation to indemnify may be limited due to the requirements of federal, state, or local laws, Subgrantee shall be responsible for the ordinary negligent acts and omissions of Subgrantee's agents and employees causing harm to persons not a Party to this MOU.

7. Confidentiality

During the term of this MOU, the Parties may learn certain Confidential Information of each other. For purposes of this MOU, "Confidential Information" means the confidential and proprietary information, not generally known by non-party personnel, used by the disclosing party and which is proprietary to the disclosing party, and includes, without limitation, the disclosing party's trade secret or proprietary personnel, financial, marketing and business information, including strategic, operations and other business plans or forecasts, and Confidential Information provided by the disclosing party regarding its employees, customers, vendors, sponsors and other contractors. To the extent permitted by law, the receiving party shall: (i) protect and safeguard the confidentiality of the disclosing party's Confidential Information with at least the same degree of care as the receiving party would protect its own Confidential Information, but in no event with less than a commercially reasonable degree of care; (ii) not use the disclosing party's confidential information, or permit it to be accessed or used, for any purpose other than to exercise its rights or perform its obligations under this MOU; and (iii) not disclose any such Confidential Information to any person, except to the receiving party's officers, employees, consultants, accountants, and legal advisors who are bound by written confidentiality obligations and have a need to know the Confidential Information to assist the receiving party, or act on its behalf, to exercise its rights or perform its obligations under this MOU.

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8. Term

This MOU shall be effective as of the Effective Date hereof and shall continue until February 29th, 2024 (the "Term") in accordance with Section 11.

9. Use of Grant Funds

The Grantee shall use the full amount of the Grant Funds exclusively for the purposes set forth in Section 1. Unless otherwise agreed in writing by the Grantor, the Grantee shall return any portion of the Grant Funds and the income earned thereon that is not expended for such purposes in accordance with Section 11.

All unspent or uncommitted Grant Funds shall be invested in highly liquid investments (such as an interest-bearing bank account) with the primary objective being preserving the Grant Funds availability for the Project. Any interest or other income generated by the Grant Funds must be applied to the purposes described in the Grant Project.

The Grantees agree not to use any portion of the grant or any income derived from the grant for the following:

A. To carry on propaganda or otherwise attempt to influence legislation within the meaning of Section 4945(d)(1) of the Internal Revenue Code of 1986, as amended (the Code);
B. To influence the outcome of any specific public election or to carry on, directly or indirectly, any voter registration drive within the meaning of Section 4945(d)(2) of the Code;
C. To provide a grant to an individual for travel, study, or similar purpose within the meaning of Section 4945(g) of the Code, without prior written approval of Grantor.
D. Payments of salaries, other compensation, or expense reimbursement to employees of the Grantees within the scope of their employment do not constitute "grants" for these purposes and are not subject to these restrictions;
E. Except as expressly may be authorized in the approved Project, to provide a grant to any other organization without prior written approval of the Grantor; or
F. To promote or engage in the following, but not limited to, acts that would create civil liability, criminal acts, criminal acts of violence, terrorism, hate crimes, the destruction of any state, or discrimination on the basis of race, national origin, religion, military and veteran status, disability, sex, age, or sexual orientation, or support of any entity that engages in these activities.
G. To travel to NRPA's Annual Conference or any other conference travel without written approval from Grantor.

10. Audit

Grantee is expected to keep and maintain detailed books and records relating to the Grant, and the Grant Funds (including, without limitation, all uses thereof and expenditures therefrom) (collectively, the "Records") during the Term and for a period of seven (7) years thereafter (the "Audit Period"). NRPA and its assigns have the right to audit the Grantees' financial records relating to this MOU upon not less than ten (10) business days' advance written notice to Grantees by NRPA at any time during the Audit Period, at NRPA's sole expense, during Grantee's normal business hours. If as a result of an audit, NRPA determines that Grant Funds were not spent in accordance with the purposes of this Grant, the Grantees shall: (1) be required to return any Grant Funds not substantiated, and (2) reimburse NRPA for all costs and expenses incurred in connection with such audit. If NRPA determines that Grant Funds were used for fraudulent purposes, the Grantees shall be barred from participation in any further programs. Grantees shall further indemnify, defend, and hold the Support Parties harmless from any acts or omissions relating to its fraudulent use of the Grant Funds.

NATIONAL
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ASSOCIATION

11. Termination and Repayment
Any Party may terminate this MOU at any time for any reason upon providing the other party thirty (30) calendar days' written notice. Further, either party may terminate this MOU at any time effective upon receipt of written notice by the other party of failure to perform. In the event that this MOU is terminated for any reason, Grantee shall promptly repay to NRPA any portion of the Grant Funds not already spent (subject to and in accordance with all of the terms and conditions hereof) as of the effective date of such termination.

None of the Parties shall be liable to the other by reason of termination of this MOU for compensation, reimbursement or damages for any loss of prospective profits on anticipated sales or for expenditures, investments, leases or other commitments relating to the business or goodwill of any of the parties, notwithstanding any law to the contrary. No termination of this MOU shall release the obligation to pay any sums due to the terminating party which accrued prior to such termination.

12. **Compliance with Laws.**
Grantee will comply in full with all applicable federal, state, and local laws and regulations and rules of governmental agencies and bodies relating to Grantee's acceptance and use of the Grant Funds, including those that govern gifts, donations, contributions, expenditures, and anything else of value that benefit, directly or indirectly, public officials. Grantee agrees to notify Grantor immediately: (a) of any conduct on Grantee's part that may be in violation of any applicable federal, state and local laws and (b) if Grantee receives notice of, or otherwise becomes aware of, any actual or threatened investigation, action, litigation, or disciplinary or other proceeding of which Grantee is or may be a subject in connection with the Grant Funds and to the extent permitted by applicable law, shall provide Grantor with all written notices and communications received by Grantee relating to or any such investigation, action, litigation, or disciplinary proceeding.

13. Governing Law, Jurisdiction, Venue and Dispute Resolution
This MOU and the performance thereof shall be governed, interpreted, construed and regulated by the law of the State of Georgia, without reference to or application of principles concerning conflicts of laws of any jurisdiction. Before commencing any litigation arising out of or relating to the relationship of the parties, this MOU, or the breach hereof, the parties agree to negotiate in good faith to resolve such dispute within fifteen (15) business days of notice by the other party of such dispute. Should the parties fail to mutually resolve their dispute and commence litigation, the parties hereby irrevocably consent to venue before the federal and state courts situated in the State of Georgia and each party hereby irrevocably submits to the jurisdiction of such courts.

14. No Agency; Relationship of the Parties
Each party and their respective officers, employees, agents, contractors and/or consultants are independent contractors and are not, nor shall they hold themselves out to as or claim to be, employees or agents of the other party or any department, agency or unit thereof; accordingly, neither party shall have any authority to enter into any agreement on behalf of the other party or otherwise cause the other party to incur any obligations whatsoever other than as set forth herein.

15. Notices
All notices, requests, demands and other communications required or permitted under this MOU must be in writing and will be deemed to have been duly given, made and received only (a) when personally delivered, or (b) on the date specified for delivery when deposited with an overnight courier service such as Federal Express for delivery to the intended addressee, or (c) when sent via facsimile, only so long as followed by a hard copy sent in a manner set forth in (a) or (b) above, or (d) when delivered via email, only so long as followed by a hard copy sent in a manner set forth in (a) or (b) above, each of the foregoing addressed as set forth below:

If to Grantee, to:

City of Stonecrest
3120 Stonecrest Blvd, #190
Stonecrest, GA 30038
Attn: Gia Scruggs
Email: gscruggs@stonecrestga.gov

If to NRPA, to:
National Recreation and Park Association
22377 Belmont Ridge Road
Ashburn, VA 20148
Attn: Ayanna Williams, Director of Community and Environmental Resiliency
Email: awilliams@nrpa.org

16. **Entire Agreement.**
This MOU supersedes any and all agreements, either oral or written, between the parties hereto with respect to the subject matter covered herein and contains all of the covenants and agreements between the parties with respect to the Grant purpose and Project in any manner whatsoever. Each party to this MOU acknowledges that no representations, inducements, promises, or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, which is not embodied herein, and that no other agreement, statement, or promise not contained in this MOU shall be valid or binding. Any modification of this MOU will be effective only if it is in writing signed by the parties hereto. Any changes, additions or deletions to this MOU, including the Project, must be approved in writing by all the parties. This MOU and all amendments may be signed in counterparts, each of which will constitute one and the same document. Any signature delivered via facsimile or other electronic means shall be deemed an original signature to this MOU. The section headings contained in this MOU are for reference purposes only and shall not affect in any way the meaning or interpretation of this MOU.

17. Severability.
If any term, covenant, or condition of this MOU or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this MOU, or the application of such term, covenant, or condition to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each and every remaining term, covenant, or condition of this MOU shall be valid and enforced to the fullest extent permitted by law.

These parties have caused this MOU to be signed by their duly authorized representatives as of the last date set forth below.

National Recreation and Park Association	**City of Stonecrest**
By: _____	By:_____
Printed Name: _____	Printed Name:_____
Title: _____	Title:_____
Date: _____	Date: _____

NATIONAL
RECREATION AND PARK
ASSOCIATION

CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD22-015 Sign Ordinance, 2nd Read

AGENDA SECTION: (*check all that apply*)

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

CATEGORY: (*check all that apply*)

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

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

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

Previously Heard Date(s): **Monday, May 8, 2023** & 01/9/23

Current Work Session: Monday, May 22, 2023

Current Council Meeting: Wednesday, June 28, 2023

SUBMITTED BY: Ray White, Director of Planning and Zoning

PRESENTER: Ray White, Director of Planning and Zoning

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

FACTS: On December 12, 2022, the Planning & Zoning Department presented changes regarding terms and definitions, amendments to existing sections and creating new sections regarding construction signage. City Council asked staff to create a section regarding Place of Worship and Political signs.

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

RECOMMENDED ACTION: Approval

ATTACHMENTS:

(1) Attachment 1 - Ordinance
(2) Attachment 2 - Current Zoning Ordinance
(3) Attachment 3 - Facts & Background
(4) Attachment 4 - Click or tap here to enter text.

CITY COUNCIL AGENDA ITEM

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

STATE OF GEORGIA

DEKALB COUNTY

CITY OF STONECREST

ORDINANCE NO. ____-_____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STONECREST, GEORGIA, BY AMENDING ARTICLE I (GENERAL) ARTICLE II (ADMINISTRATION AND ENFORCEMENT) ARTICLE III (REGULATIONS AND RESTRICTIONS) WITHIN CHAPTER 21 (SIGNS); TO PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the governing body of the City of Stonecrest ("City") is the Mayor and City Council thereof; and

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

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

WHEREAS, the Mayor and City Council desire to amend CHAPTER 21 (SIGNS) also known as the Sign Ordinance; and

WHEREAS, from time-to-time amendments may be proposed for public necessity, general welfare, or sound zoning practice that justify such action; and

WHEREAS, the Director of Planning and Zoning recommends approval based on the City Staff Report; and

WHEREAS, a public hearing and recommendation pursuant to the provisions of the Zoning Procedures Law has been provided by the Planning Commission; and

WHEREAS, a public hearing pursuant to the provisions of the Zoning Procedures Law has been properly held by the City Council 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 ARTICLE I (GENERAL) ARTICLE II (ADMINISTRATION AND ENFORCEMENT) ARTICLE III (REGULATIONS AND RESTRICTIONS) WITHIN CHAPTER 21 (SIGNS) by adopting the provisions set forth in Exhibit A attached hereto and made a part hereof by reference.

Section 2. That text added to current law appears in **red, bold and underlined**. Text removed from current law appears as **red, bold 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 _____, 2023.

[SIGNATURES TO FOLLOW]

CITY OF STONECREST, GEORGIA

_____

Jazzmin Cobble, Mayor

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

EXHIBIT A

TMOD-22-015
STONECREST ZONING ORDINANCE UPDATE
Revisions to the Sign Ordinance, Chapter 21

Sec. 21-1. - Purpose and findings.

The city council finds that signs provide an important medium through which persons may convey a variety of noncommercial and commercial messages. However, left completely unregulated, the number, size, design characteristics, and locations of signs in the city can become a threat to public safety as a traffic hazard and a detriment to property values and to the city's general public welfare, as well as create an aesthetic nuisance. The city, further, finds that signs have become excessive and that many signs are distracting and dangerous to motorists and pedestrians, are confusing to the public and substantially detract from the beauty and appearance of the city. The city finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address these concerns through the adoption of the following regulations. The purpose and intent of the governing authority of the city in enacting the ordinance from which this chapter is derived are as follows:

(1)To protect the health, safety and general welfare of the citizens of the city, and to implement the policies and objectives of a comprehensive development plan of the city through the enactment of a comprehensive set of regulations governing signs in the city;
(2)To regulate the erection and placement of signs within the city in order to provide safe operating conditions for pedestrian and vehicular traffic without unnecessary and unsafe distractions to drivers or pedestrians;
(3)To preserve the value of property on which signs are located and from which signs may be viewed;
(4)To maintain an aesthetically attractive city in which signs are compatible with the use patterns of established zoning districts;
(5)To maintain for the city's residents, workers and visitors a safe and aesthetically attractive environment and to advance the aesthetic interest of the city;
(6)To establish comprehensive sign regulations that effectively balance legitimate business and development needs with a safe and aesthetically attractive environment for residents, workers, and visitors to the city;
(7)To provide fair and reasonable opportunities for advertisement by the business community located within the city so as to promote the economic vitality of local businesses;
(8)To ensure the protection of free speech rights under the state constitution and the United States Constitution with the city;
(9)To establish a permit system to allow specific types of signs in zoning districts consistent with the uses, intent and aesthetic characteristics of those districts;
(10)To allow certain signs that are small, safe, unobtrusive and incidental to the principal use of

the respective lots on which they are located, subject to the substantive requirements of this chapter but without a requirement for permits;
(11)To provide for temporary signs in limited circumstances;
(12)To place reasonable controls on nonconforming signs that are by definition contrary to the public health, safety and welfare while protecting the constitutional rights of the owners of said nonconforming signs; ~~and~~
(13)To provide for the maintenance of signs, and to provide for the enforcement of the provisions of this chapter~~.~~**; and**
(14) To prohibit all signs not expressly authorized by this chapter, to provide for the maintenance of signs, and to provide for the enforcement of the provisions of this chapter.

Sec. 21-2. - Definitions.

Parapet Wall means that integral part of a wall that extends above the top of a building.

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

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

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

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

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

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

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

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

Sec. 21-23. - Permits.

(a) Except as specifically excluded from the requirements for obtaining a permit, it shall be unlawful for any person to post, display, substantially change, or erect a sign in the city without first having obtained a sign permit or any other permit required by this chapter or other ordinances of the city. Notwithstanding the foregoing, signs which are not visible from a public right-of-way or from neighboring properties shall not b subject to the standards of this chapter.

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

Sec. 21-28. - Enforcement and penalties.

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

Sec. 21-61. - Fees.

The cost of a sign permit shall be established by the city council and collected by the ~~director~~ Director of Planning and Zoning

Sec. 21-62. – Prohibited signs.

The following types of signs are prohibited throughout the city:

(1)Signs placed in the dedicated right-of-way of any public road other than publicly-owned or -maintained signs and signs pertaining to railroad crossings;

(2)Window signs which exceed 30 percent of the total window area for the entire business;

(3)Signs that contain words, pictures, or statements which are obscene, as defined by O.C.G.A. § 16-12-80, as amended;

(4)Signs that simulate an official traffic control device, warning sign, or regulatory sign or which hide from view any traffic control device, signal or public service sign;

(5)Signs that emit or utilize in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing abilities;

(6)Signs that interfere with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic or which otherwise pose a hazard to traffic due to structural deficiencies in the structure of such signs;

(7)Signs erected by nailing, fastening or affixing the sign in any manner to any tree, curb, utility pole, natural feature, or other structure except as may be set forth herein;

(8)Animated signs;

(9)Signs that obstruct any fire escape, any means of egress or ventilation or that prevent free passage from one part of a roof to any other part thereof, as well as signs attached to any fire escape;

(10)Signs that do not conform to city building and electrical codes;

(11)Signs for which a permit is required that do not display the sign permit number and the name and address of the person responsible for erecting and maintaining the sign;

(12)Roof signs;

(13)Multi-faced signs, including:a.Tri-vision signs; andb.LED signs not meeting the standards of section 21-74;

(14)Signs erected after the effective date of adoption of the ordinance from which this chapter

is derived that are in violation of the rules and regulations of any zoning overlay district presently existing or as may later be enacted;

(15)Balloons, pennant streamers or air or gas filled figures and any sign constructed of non-durable material, including, but not limited to, paper, cardboard or flexible plastic. This provision does not apply to flags, banners, or special event signs;

(16)Portable signs;

(17)Abandoned signs. Signs (including sign structures) shall be deemed abandoned if it does not present a neat and orderly appearance, which may be manifested by the following; rust or holes on or in the sign or sign structure, or broken, missing, loose or bent parts, faded or flaking paint, non-operative or partially non-operative illuminating or mechanical devices or missing letters in sign copy and/or if the business, service or commercial transaction to which it relates has been discontinued for six months;

(18)Any sign that is structurally unsound, or is a hazard to traffic or pedestrians;

(19)Illegal signs; ~~and~~

(20)Signs consisting in whole or in part of a series, line, or row of lights, whether supported by cables or other physical means, within 150 feet of a street and visible therefrom. Notwithstanding the foregoing holiday lights and decorations displayed not more than 30 days before a holiday shall be exempted from this section~~.~~;

(21) Human signs; and

(22) Billboard signs.

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

~~(1)~~ (A) There shall be a maximum of two monument signs per entrance into any residential subdivision or real estate development in a residential district;

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

~~(3)~~(B) No sign in any residentially zoned district may be illuminated, except for monument signs, subject to the provisions of section 21-76. No monument sign may be internally illuminated;

~~(4)~~ (C) Monument signs shall not exceed 32 square feet of sign area and shall not exceed six feet in height;

~~(5)~~ (D) Reserved; and

~~(6)~~ (E) No electronic signs are allowed in any residential zoning district if that district is designated by city as an historic district. No electronic signs shall be allowed in any other residential zoning district except one electronic sign per property for a place of worship, ~~private~~ all elementary, middle, or high school provided such sign meets all other requirements of this chapter.

(F) Entrance wall signs.

(1) Single-family residential:

One maximum 32-square-foot entry wall or monument sign or two single-faced entry wall or monument signs not to exceed 16 square feet for each side of a platted single family subdivision entrance shall be permitted for each street on which the lot has frontage.

Subdivisions with more than one identifiable section, as shown on an approved preliminary plat, may be allowed internal identification monument signs of 16 square feet on one side of the entrance to each section.

(2)Townhome and multifamily:

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

(G) Multifamily residential uses.

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

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

(a)

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

(b)

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

(c)

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

(d)

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

(e)

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

(f)

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

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

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

(a) ~~(b)~~ All ground signs allowed for primary facades shall be placed between the primary facade and the street, the primary facade faces.

(b) ~~(c)~~All ground signs allowed for secondary facades shall be placed between the secondary facade and the street, the secondary facade faces.

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

Architectural Treatment	
Prohibited	Permitted

Table 21.72

	Monument Sign	~~Canopy or~~ Wall Sign	Directional Sign	Window Sign
Max. height	10'	N/A	3'	N/A
Max. width	20'	80 percent of the wall or canopy width	3'	N/A
Max. sq. ft.	80	4 sq. ft. per linear foot of the wall or canopy, up to a maximum of 150 sq. ft. for buildings under 12 stories and up to 500 sq. ft. for buildings 12 stories or more. (See section 21-69(b))	6	10 percent of the window space
Max. number allowed	One per ~~façade~~ **street frontage**	1/ ~~primary~~ façade on **buildings less than 8 stories**; 2/ ~~and 1 secondary~~ façade **on buildings 8 stories or more**	2 authorized curb cut	N/A

Required setback from electrical transmission lines	10'	N/A	0'	N/A

(b)

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

TABLE 21-72(b)

EXPAND

	Monument Sign	Wall Sign	Directional Sign
Max. height	10'; for properties over 40 acres, 12'	N/A	3'
Max. width	20'	80% of the wall or canopy width	3'
Max. sq. ft.	80	4 sq. ft. per linear foot of the wall, up to a maximum of 150 sq. ft. for buildings 3 stories or less and up to a maximum of 300 square feet for buildings between 4 and 7 stories. Buildings 8 stories or more shall be permitted a maximum sign area of 5% of the total wall area not to exceed 800 square feet. (See section 21-69(b))	6

Max. number allowed	1/street frontage	1/facade buildings less than eight stories; 2/facade on buildings eight stories or more	2/authorized curb cut
Max. projection from structure	N/A	6'	N/A
Required setback from electrical	10'	N/A	0'

	Monument Sign	Wall Sign	Directional Sign
transmission lines			

(c)

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

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

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

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

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

(b) *Size.* ~~Wayfinding~~ Directional signs shall be a maximum of 16 square feet in area and ten feet in height.

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

(d) *Miscellaneous.*

a. Signs shall not be internally illuminated;

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

Sec. 21-84 Temporary Construction Signs

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

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

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

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

Sec. 21-85 Temporary Signs

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

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

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

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

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

(d) No temporary sign permit for a promotional sign will be issued for the same premises more than 80 days per year.
(e) No business will be issued a promotional sign for more than one sign or device per street frontage to be located on the premises at any one time. Each individual establishment within a multi-tenant center is considered to have one street frontage.
(f) No sign can be located within the public right-of-way.

(2) Yard/Garage Sale Sign.
A temporary sign used to advertise a yard/garage sale.
(a) No sign can be located within the public right-of-way.
(b) Signs must be on private property with the property owner's consent.
(c) No sign is allowed on a telephone pole, tree or traffic sign.
(d) The maximum size of a sign is 4 square feet per sign.
(e) Signs are permitted 2 days prior to sale and must be removed the day after the sale.
(f) The temporary sign permit must be displayed upon the request of any municipal officer or citizen requesting identification or proof of permission for the yard/garage sale.
(g) A maximum of 6 signs per yard/garage sale are allowed.
(h) The temporary sign permit is valid only for family use and may not exceed 3 per year.
(3) Grand Opening Signs.
A temporary sign used to advertise a grand opening or final closing sale.
a. On-premises temporary signs relating to the initial opening or final closing of a business or service are allowed, provided each sign does not exceed 32 square feet each and is not located in the public right-of-way.
b. The Director of Planning & Zoning can approve signs for a maximum period of 2 weeks for initial opening signs and 4 weeks for final closing signs, after which all signs must be removed.
(4) Off-Site Real Estate Directional Signs. A temporary sign erected by the owner, or their agent, conveying the route to real property, but not located on the property itself.
(a) Signs are allowed for a maximum period of 2 consecutive days in any one week.
(b) A maximum of 3 signs per house/lot are allowed.
(c) Signs must be located within 2 miles of the property to which they refer, as measured along existing streets.
(d) No sign can be located within the public right-of-way.
(e) Signs cannot exceed a maximum area of 4 square feet per sign.
(f) Not more than 1 sign is allowed at any "T" intersection and no more than 2 signs are allowed at any 4-way intersection.
(g) Signs cannot have any balloons, streamers, and pennants attached to them.
(h) Such signs cannot be illuminated.
(i) Signs can only be placed on property with the owner's express written permission.
(5) On-Site Real Estate Signs. A temporary sign erected by the owner, or their agent, advertising the real property upon which the sign is located for rent, lease, or for sale.

(a) Single-Family Residential District.
(i) Only one sign is permitted per lot or home for sale.
(ii) The sign cannot be illuminated.
(iii) The sign cannot exceed 6 square feet in area.
(iv) Signs must be removed within 10 days after the lot or building is leased, or sold.

(b) All Other Districts.
(i) Only 1 sign is permitted per parcel for sale or lease, except that corner lots may have 1 sign per frontage, separated by not less than 50 feet.
(ii) Once the building is occupied, no on-site real estate signs are allowed on the ground; they must be located on a panel on an existing monument sign or placed in the window of an empty tenant space.
(iii) The sign cannot be illuminated.
(iv) Each sign cannot exceed 32 square feet in area and 10 feet in height.
(v) Signs must be removed within 10 days after the lot or building is leased, or sold.
(vi) Signs cannot be located within the public right-of-way

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

(1) Political Signs. A sign identifying or urging voter support for a particular election issue, political party, or candidate for public office. A political sign cannot exceed 32 square feet in area and 8 feet in height. Sign must removed the day after election.
(2) Civic or Educational Institutions. Temporary signs not exceeding 4 feet in area pertaining to drives or events of civic, philanthropic, educational, religious organizations are allowed, provided signs are posted not more than 2 days before the event and removed the day after the event.

Facts & Background

- To amend Chapter 21 of the City's Zoning Ordinance, entitled Sign
- Staff will display edits, removals, and additions to the Sign Ordinance
- Staff implemented ordinance for Place of Worship and Political Signs as requested by Mayor & Council

Prepared by: Tre'Jon Singletary Presented by: Raymond White

Recommended Definition (Sec. 21-2)

Sec. 21-2. - Definitions.

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

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

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

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

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

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

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

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

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

What changed?

1. Implemented definition for Parapet Wall
2. Implemented definition for Parapet Wall Sign
3. Implemented definition for Shopping Center
4. Changed definition of sign
5. Implemented definition for Sign Face
6. Implemented definition for Subdivision Entrance Sign
7. Implemented definition for Temporary Sign
8. Change wording from Wayfinding Sign to Direction Sign

Sec. 21-62. – Prohibited signs.

(21) Human signs

(22) Billboard signs

What changed?

1. Added Human Signs to the prohibited signs list
2. Added Billboards to the prohibited signs list

Recommended Restrictions In Residential Zoning District (Sec. 21-65)

~~(3)~~ (A) There shall be a maximum of two monument signs per entrance into any residential subdivision or real estate development in a residential district;

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

~~(3)~~ (B) No sign in any residentially zoned district may be illuminated, except for monument signs, subject to the provisions of section 21-76. No monument sign may be internally illuminated;

~~(4)~~ (C) Monument signs shall not exceed 32 square feet of sign area and shall not exceed six feet in height;

~~(5)~~ (D) Reserved; and

~~(6)~~ (E) No electronic signs are allowed in any residential zoning district if that district is designated by city as an historic district. No electronic signs shall be allowed in any other residential zoning district except one electronic sign per property for a place of worship, private all elementary, middle, or high school provided such sign meets all other requirements of this chapter.

) Entrance wall signs.

(1) Single-family residential:

One maximum 32-square-foot entry wall or monument sign or two single-faced entry wall or monument signs not to exceed 16 square feet for each side of a platted single family subdivision entrance shall be permitted for each street on which the lot has frontage.

Subdivisions with more than one identifiable section, as shown on an approved preliminary plat, may be allowed internal identification monument signs of 16 square feet on one side of the entrance to each section.

(2)Townhome and multifamily:

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

(G) Multifamily residential uses.

(g) Multifamily residential uses.

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

Prepared by: Tre'Jon Singletary Presented by: Raymond White

What changed?

1. Removed second restriction "grounds signs are prohibited with the exception of monument signs"
2. Implemented restrictions for Entrance Wall Signs for single-family residential, townhome and multifamily
3. Implemented restrictions for overall multifamily residential uses

Recommended Wall or Projecting Signs (Sec. 21-69)

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

(a)

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

(b)

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

(c)

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

(d)

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

(e)

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

(f)

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

(Ord. of 8-2017, § 21-69)

Prepared by: Tre'Jon Singletary Presented by: Raymond White

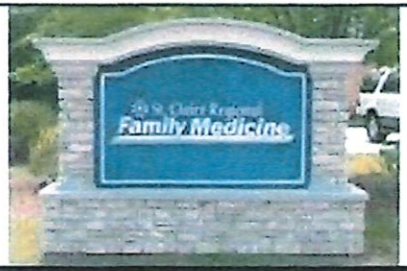
What changed?

1. In second regulations, remove "places below the 12th story of a building" and add "confined to the upper 30 feet of the façade"
2. Implemented fifth regulation, "Only one wall sign shall be allowed on any side elevation of the building and further provided that no building shall contain more than one such sign per side elevation"
3. Implemented sixth regulation, "Walls signs are subject to the prohibition against roof signs. Walls erected on the roof of a building regardless of whether such wall projects above its top are not parapet walls and no such wall may be used as a building signature sign or to support a building signature signs"

Recommended Ground Signs (Sec. 21-70)

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

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

Architectural Treatment	
	
Prohibited	**Permitted**

What changed?

1. Changed titled from “Ground Signs” to “Monument Signs”
2. Removed first regulation, “The height of any directional sign shall not be more than three feet above the ground”
3. Removed fourth regulation, “All ground signs in the MU-1 -5 zoing districts shall be monument signs“
4. Add illustration of prohibited vs permitted Monument Signs

Prepared by: Tre'Jon Singletary Presented by: Raymond White

Recommended Nonresidential Zoning District Regulations (Sec. 21-72)

In lieu of the sign regulations of Table [illegible] above, a lot developed as a planned commercial center shall be allowed the following:

TABLE [illegible]

EXPAND

	Monument Sign	Wall Sign	Directional Sign
Max. height	10', for properties over 40 acres, 12'	NA	3'
Max. width	20'	80% of the wall or canopy width	3'
Max. sq. ft.	80	4 sq. ft. per linear foot of the wall or canopy, up to a maximum of 150 sq. ft. for buildings 3 stories or less and up to a maximum of 300 square feet for buildings between 4 and 7 stories. Buildings 8 stories or more shall be permitted a maximum sign area of 5% of the total wall area not to exceed 800 square feet. (See [illegible])	6

Max. number allowed	1 street frontage	1 facade buildings less than eight stories, 2 facade on buildings eight stories or more	2 authorized curb cut
Max. projection from structure	NA	6'	NA
Required setback from electrical	10'	NA	0'

Table 21.72

	Monument Sign	~~Canopy or~~ Wall Sign	Directional Sign	Window Sign
Max. height	10'	N/A	3'	N/A
Max. width	20'	80 percent of the wall or canopy width	3'	N/A
Max. sq. ft.	80	4 sq. ft. per linear foot of the wall or canopy, up to a maximum of 150 sq. ft. for buildings under 12 stories and up to 500 sq. ft. for buildings 12 stories or more. (See section 21-69(b))	6	10 percent of the window space
Max. number allowed	One per ~~façade street~~ frontage	1/~~primary~~ façade on buildings less than 8 stories; 2/ ~~and 1 secondary~~ façade on buildings 8 stories or more	2 authorized curb cut	N/A

	Monument Sign	Wall Sign	Directional Sign
transmission lines			

(1)

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

Required setback from electrical transmission lines	10'	N/A	0'	N/A

Prepared by: Tre'Jon Singletary Presented by: Raymond White

What changed?

1. Removed "Canopy" from 3rd column
2. Changed maximum number of allowed signs for Monument Sign, "one per street frontage"
3. Changed maximum number of allowed signs for Wall Sign, "1/ façade on buildings less than 8 stories; 2 / façade on buildings 8 stories or more"

Recommended Wayfinding Signage (Sec. 21-82)

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

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

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

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

(b) *Size.* ~~Wayfinding~~ Directional signs shall be a maximum of 16 square feet in area and ten feet in height.

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

(d) *Miscellaneous.*

a. Signs shall not be internally illuminated;

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

Prepared by: Tre'Jon Singletary Presented by: Raymond White

What changed?

1. Changed all wordings from “Wayfinding Signs” to “Directional Signs”

Recommended Temporary Construction Signs (Sec. 21-83)

Sec. 21-84 Temporary Construction Signs

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

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

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

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

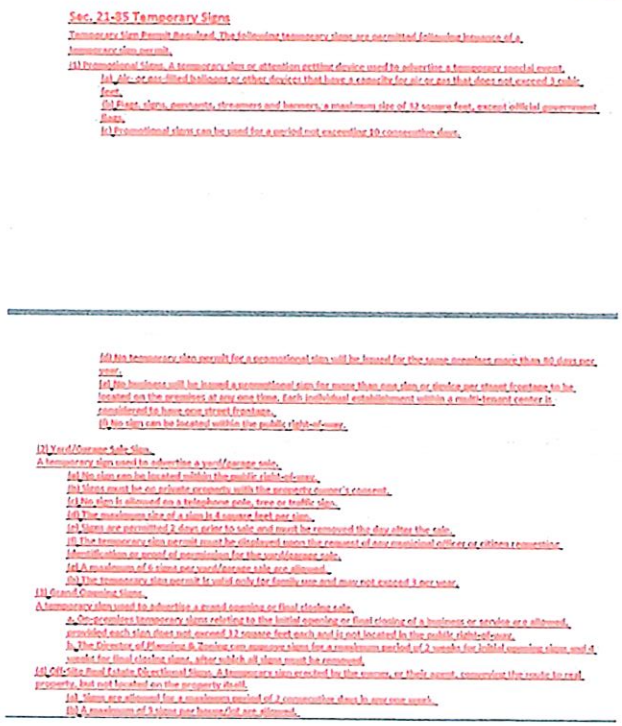
Prepared by: Tre'Jon Singletary Presented by: Raymond White

What changed?

1. Implemented a new section of the zoning ordinance, entitled "Temporary Construction Signs"
2. Implemented regulations for Temporary Construction Signs

Prepared by: Tre'Jon Singletary Presented by: Raymond White

Recommended Temporary Signs (Sec. 21-84)



Sec. 21-85 Temporary Signs

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

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

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

(b) Pilot, signs, pennants, streamers and banners, a maximum size of 32 square feet, except official government flags.

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

(d) No temporary sign permit for a promotional sign will be issued for the same premises more than 90 days per year.

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

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

(2) Yard/Garage Sale Sign.

A temporary sign used to advertise a yard/garage sale.

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

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

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

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

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

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

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

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

(3) Grand Opening Signs.

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

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

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

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

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

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

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

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

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

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

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

(h) Such signs cannot be illuminated.

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

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

(3) Grand Opening Signs.

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

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

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

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

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

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

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

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

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

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

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

(h) Such signs cannot be illuminated.

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

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

(a) Single-Family Residential District.

(i) Only one sign is permitted per lot or house for sale.

(ii) The sign cannot be illuminated.

(iii) The sign cannot exceed 6 square feet in area.

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

(b) All Other Districts.

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

(ii) Once the building is occupied, on-site real estate signs are allowed on the grounds they must be located on a panel on an existing monument sign or placed in the window of an empty tenant space.

(iii) The sign cannot be illuminated.

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

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

(vi) Signs cannot be located within the public right-of-way.

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

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

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

Prepared by: Tre'Jon Singletary Presented by: Raymond White

What changed?

1. Implemented a new section of the zoning ordinance, entitled "Temporary Signs"
2. Implemented regulations for Temporary Signs including Political Signs, Promotional Signs, Banners, and more.