



Mayor and City Council Work Session

Tuesday, August 20, 2024 at 6:30 PM

City Hall, 875 Main Street, Stone Mountain, Georgia 30083

Agenda

Mayor and Council: Dr. Beverly Jones – Mayor | Post 3 :Mayor Pro Tem Ryan Smith

Post 1: Council Member Anita Bass | Post 2: Council Member Mark Marianos

Post 4: Council Member Gil Freeman | Post 5: Council Member Shawnette Bryant

Post 6: Council Member Teresa Crowe

Staff: Shawn Edmondson - Interim City Manager - City Clerk | Danny Mai - Assistant City Clerk | Jeff Strickland - City Attorney

City of Stone Mountain, GA Facebook page: <https://www.facebook.com/CityofStoneMtn/>

Link to join Webinar: [<https://us06web.zoom.us/j/81079327852>]

I. Public Hearing

- 1.** Discussion on the proposed approval of text amendments to Article 3, 5, 16, and 17 of Appendix A – Zoning and Article 2 of Chapter 12 – Licenses and Business Regulations to further define and regulate short-term lodging in the City of Stone Mountain (City Planner Edwards) (PAGES 4 - 35)
- 2.** Discussion on the proposed approval of text amendments to Article 3 and 5 of Appendix A – Zoning to create definitions and commercial uses for convenience stores, alcohol outlets, package stores, and smoke shops. (City Planner Edwards) (PAGES 36-51)

II. Adjournment

III. Call to Order

IV. Determination of Quorum

V. Invocation and Pledge

VI. Citizen Comments – Including comments from public/stakeholders (3 minutes per comment)

Comments from the Public

The public comments are reserved exclusively for comments from the public and not for immediate reply. The purpose of public comment is to allow the public to voice city related requests, concerns or opinions only during the public comment portion of the City Council meeting. I. The Mayor and City Council reserves the right to extend or limit the length of public comments based on: (1) the issue under discussion; (2) the number of items on the agenda; and (3) the extent to which the speaker remains constructive in their comments and questions. II. The public may not directly confront the public speaker but must direct all comments and questions to the Mayor and City Council. III. Public harassment of or confrontation with a public speaker will not be tolerated. Members of the public violating tenets two or three will be asked to sit down or leave the premises.

VII. Review of the Journal (Interim City Manager & City Clerk Edmondson)

- [1.](#) Request Minutes from Special Called City Council Meeting [08.06.2024] be approved (Interim City Manager & City Clerk Edmondson) (PAGES 52-62)
- [2.](#) Request Minutes from Special Called City Council Meeting (Millage Rate) [07.11.2024] be approved (Interim City Manager & City Clerk Edmondson) (PAGES 63-64)
- [3.](#) Request Minutes from City Council Meeting [07.02.2024] be approved (Interim City Manager & City Clerk Edmondson) (PAGES 65-71)
- [4.](#) Request Minutes from City Council Meeting [08.13.2024] be approved (Interim City Manager & City Clerk Edmondson) (PAGES 72-74)

VIII. Reading of Communications

IX. Adoption of The Agenda of The Day

X. Committee Discussion Items

1. Planning Commission
2. Economic Development/Downtown Development Authority
3. Historic Preservation Commission
4. Parks and Recreation Committee

XI. Staff Reports

- [1.](#) Public Safety- Police Chief- James Westerfield Jr (PAGES 75-78)
- [2.](#) Administration - Interim City Manager & City Clerk Edmondson (PAGES 78-79)

XII. City Manager's Report

- [1.](#) Interim City Manager & City Clerk Edmondson (PAGES 80-93)

XIII. Council Policy Discussion Topics

XIV. Unfinished Business

- [1.](#) Discussion on the proposed approval of Article 3, 5, 16, and 17 of Appendix A – Zoning and Article 2 of Chapter 12 – Licenses and Business Regulations to further define and regulate short-term lodging in the City of Stone Mountain. (City Planner Edwards) (PAGES 94-125)
- [2.](#) Discussion on the proposed approval of text amendments to Article 3 and 5 of Appendix A – Zoning to create definitions and commercial uses for convenience stores, alcohol outlets, package stores, and smoke shops. (City Planner Edwards) (PAGES 126-141)
3. Discussion with Sarah McQuade (CPL) regarding the consideration of her as the lead for the Zoning Town Hall. (City Planner Edwards)
4. Approval of the appointment of Tom Zimmerman as a new member to the Stone Mountain Community Garden Committee (Interim City Manager Shawn Edmondson)
5. Discussion on the Lawn (Chief Westerfield)
6. Discussion regarding Part 2 of the DDA Report (CM Gil Freeman)
7. Discussion on Digital Signage & Business Directional Signage on Main Street (CM Anita Bass)
8. Discussion regarding updates on RFQ's relating to the Lawn on Main (CM Anita Bass)

XV. New Business

- [1.](#) Discussion with iParametrics (City Grant Writers) regarding the following items: (1) Grants Report Update & (2) ARPA Opinion Update(PAGES 145-148)
2. Discussion with CPL regarding opinion on a change order for the Main Street Road repaving project.
3. Discussion on the implementation of measures to optimize and regulate the duration of City Council meetings. (MPT Smith)

XVI. New Ordinances and Resolutions

XVII. Remarks of Privilege

XVIII. Announcements by The Mayor

XIX. Executive Session to Discuss Personnel, Legal, and/or Real Estate (if needed)

XX. Adjournment



City of Stone Mountain
875 Main Street
Stone Mountain, GA 30083

STAFF ANALYSIS AND REPORT

To: City of Stone Mountain Mayor & City Council

From: Richard Edwards, AICP

Subject: Proposed Text Amendments to Article 3, 5, 16, and 17 of Appendix A – Zoning and Article 2 of Chapter 12 – Licenses and Business Regulations to further define and regulate short-term lodging in the City of Stone Mountain.

Date: August 6, 2024

Purpose:

The purpose of this staff report and analysis is to present the proposed text amendments to Article 3, 5, 16, and 17 of Appendix A – Zoning and Article 2 of Chapter 12 – Licenses and Business Regulations to further define and regulate short-term lodging in the City of Stone Mountain.

Background:

Short-term lodging has become more accessible to property owners and visitors, the desire to have short-term lodging options has become very popular in metropolitan Atlanta and throughout the country.

The city has seen an increase in the number of special use permits and variances for short-term lodging over the past two years. Staff has researched ordinances and best practices from jurisdictions throughout the State of Georgia to determine how short-term lodging policies are being administered.

The State of Georgia increased the allowable excise tax for lodging to 8% and the current ordinance still has the city only charging 5%. Staff is recommending increasing the excise tax on all applicable lodging uses to the maximum 8%.

The following definitions are being proposed:

Hotel/Motel: 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.

Short-term Lodging – Homestay: a residential type establishment, with commercial enterprise, offering an individual bedroom within a residential establishment that serves as a host's principal residence, including any single-family or accessory apartment, that provides lodging for pay, for a maximum continuous period not to exceed twenty-nine (29) consecutive days, that does not include serving food.

Short-term lodging – Vacation Home Facility: A residential type establishment, with commercial enterprise, offering whole house rental with no more than four lodging rooms for temporary occupancy for a fee and that does not offer food to guests.

SUP = Special Use permit

P = Permitted

	R-1	R-2	R-3	R-4	VCM	MR-1	GC
Homestay	P*	P*	P*	P*	P*	P*	-
Vacation Home Facility	SUP*	SUP*	SUP*	SUP*	P*	SUP*	-
Hotel/Motel	-	-	-	-	P		SUP

*Supplemental Use regulations apply

These text amendments also include a new short-term lodging license that each applicant will have to apply for annually, along with their home occupational tax certificate (business license). This process requires the following information from the applicant:

- Property owner information
- Property manager information
- Floors plans of the home with the approximate square footage of each bedroom
- Site plan of the overall property identifying parking
- If applicable, HOA certification of the short-term lodging unit
- Proof of homeowners insurance
- Signed acknowledgement from the owner agreeing to abide by all regulations
- \$75 application fee

Further, this text amendment provides for stricter enforcement of violators that will include:

- 1st violation is a fine not to exceed \$250.00
- 2nd violation within a year is a fine not to exceed \$500.00
- 3rd violation within a year is a fine not to exceed \$1,000.00 and the property owner will be ineligible for a short-term lodging license for a period of 3 years.

On July 15, 2024, the Planning Commission voted to recommend approval of the text amendments, as proposed here. The following are recommendations from the Planning Commission that staff has included in the proposed text amendments:

1. Limit the number of Short-term Lodging – Vacation Home Facility permits to 60 per year.
2. Allow for Special Use Permits for Short-term Lodging – Vacation Home Facilities in all residential zoning districts.

Attachments:

1. Redlines of Article III and V of Appendix A – Zoning.
2. Redlines of Article XVI and XVII of Appendix A – Zoning.
3. Redlines of Section 12-72 and 12-73 of Article II in Chapter 12.

ARTICLE III: DEFINITION OF TERMS USED IN THE ORDINANCE

Except as specifically defined herein, all words used in this ordinance have their customary dictionary definitions. For the purpose of this ordinance, certain words or terms used herein are defined as follows:

Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

The word "shall" is always mandatory.

The word "person" includes a firm, association, organization, partnership, trust company or corporation as well as an individual.

The word "lot" includes the words "plot" or "parcel".

The word "building" includes the word "structure".

The word "used" or "occupied" as applied to any land or building, shall be construed to include the words "intended, arranged or designated to be used or occupied".

The word "map" or "zoning map" means the "Zoning Map of the City of Stone Mountain, Georgia."

Accessory use: A use customarily incidental and subordinate to the principal use of building and located on the same lot with such principal use of building.

Aggrieved person: An applicant or owner of property within 300 feet of the property in question or city-sanctioned groups including the historic preservation committee, planning commission, downtown development authority or citizen groups such as the Women's Club, Veterans of Foreign Wars or Rotary Club.

Alteration; building and structural: Any change in the supporting members of a building (such as any type of supporting structural member) except such change as may be required for its safety; any addition to a building; any change in use from that of one district classification to another or of a building from one location to another.

Alley: A private or public thoroughfare which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Buffer strip: A strip of land planted with evergreen shrubbery so as to form a solid barrier to vision from the ground to a height of six feet.

Building: Any structure permanently attached to the ground and intended for shelter, housing or enclosure of persons, animals or chattels.

Building, accessory: A subordinate building, the use of which is incidental to that of a principal building on the same lot.

Building, height of: The vertical distance from the mean finished ground level at the front of the building to the highest point of a roof.

Building line: A line establishing the minimum allowable distance between the nearest portion of any building (excluding the outermost three feet of any uncovered porches, steps, gutters and similar fixtures) and the centerline of the street.

Building, principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

PART II - CODE OF ORDINANCES
APPENDIX A - ZONING
ARTICLE V: DISTRICT REGULATIONS

Item # 1.

Commercial vehicle: Any vehicle designed, used or maintained for the transportation of persons, goods, or things used in trade, services, or commerce in general. For the purposes of this ordinance, buses, vans and other vehicles seating more than nine persons used for transportation of people shall be considered a commercial vehicle.

Cultural exhibit: An exhibition of cultural or historical property where collected objects are put on display to the public.

Dwelling unit: A dwelling or portion thereof providing facilities for one or more persons living as a nonprofit single housekeeping unit.

Dwelling, multi-family: A dwelling unit contained within a building or set of buildings on a common lot containing separate living units for four or more families, having separate or joint entrances, and including apartments and condominiums. These are specifically distinguished from units defined as single-family attached dwellings.

Dwelling, single-family, attached (townhouse): A residential structure designed to house a single-family dwelling from the lowest level to the roof, with a private outside entrance, but not necessarily occupying an individual lot, and sharing a common wall with adjoining dwelling units.

Dwelling, single-family, detached: A residential structure designed to house a single-family dwelling unit located on an individual lot, which is not attached to any other dwelling unit by any means.

Family day care home is operated in a private residential home to provide child care for children less than 18 years of age for less than 24 hours per day. Family day care home providers care for three, but no more than six children for a fee.

Group Day Care Home is operated by a person, corporation, or institution, to provide child care for children less than 18 years of age for less than 24 hours per day. Group Day Care Homes are licensed for 7-18 children.

Hotel/Motel: 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. #

Lot: A portion of land devoted to a common use or occupied by a building or group of buildings devoted to a common use by a legal subdivision process based on an approved plat of record, together with the customary accessories and open spaces belonging to the same.

Lot width: The shortest distance between the side lot lines, measured at the midpoint of the building line.

Manufactured home means a building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term includes any structure commonly referred to as a "mobile home" regardless of the date of manufacture. The term also includes parked trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Nonconforming use: Any building or land lawfully occupied by a use at the time of passage of the ordinance or amendment thereto which does not conform after the passage of this ordinance or amendment thereto with the use regulations of the district in which it is situated. Existing improvements which do not meet required parking and loading regulations, height regulations, area regulations, and residential floor area regulations for the district in which they are located are not nonconforming uses as defined above.

Short-term Lodging – Homestay: a residential type establishment, with commercial enterprise, offering an individual bedroom within a residential establishment that serves as a host's principal residence, including any

single-family or accessory apartment, that provides lodging for pay, for a maximum continuous period not to exceed twenty-nine (29) consecutive days, that does not include serving food.

Short-term lodging – Vacation Home Facility: A residential type establishment, with commercial enterprise, offering whole house rental with no more than four lodging rooms for temporary occupancy for a fee and that does not offer food to guests.

Sign: Shall mean 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 purposes of this ordinance, the term "sign" shall include the structure upon which a sign face is located. Any device, structure or representation for visual communications which is used for the purpose of bringing the subject thereof to the attention of others that is wholly located within a completely enclosed building and is located a minimum of three feet away from any opening or exterior window or and seasonal holiday decorations shall not be included within the definition of "sign" and regulated as such.

Sign, area of: Shall mean the total area upon which a message is displayed on any sign consisting of the smallest square, rectangle, triangle, circle, or combination thereof, which encompasses the entire sign, inclusive of any border and trim, but excluding the base, apron, supports, and other structural members.

Sign, free-standing: Any sign which is not supported by a wall or roof of a building, or which extends more than three feet horizontally from the wall of a building.

Street: A public or private thoroughfare, not less than 40 feet wide, which is open to the general public and which affords the principal means of access to abutting property.

Yard: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard (front): A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies or uncovered porches. On multi-frontage lots all yards fronting on a public street shall be considered front yards.

Yard (side): A yard between the main building and the side line of the lot; extending from the front lot line to the rear yard; being the minimum horizontal distance between a side lot line and the side of the main building or any projections thereto.

Yard (rear): A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof, other than the projections of uncovered steps, unenclosed balconies or unenclosed porches, provided that said projections be at least 20 feet from the rear lot lines. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.

ARTICLE V: DISTRICT REGULATIONS

Section 5-1. Single-family residential (R-1) district.

5-1.1 Intent and where permitted. This district (hereafter referred to as R-1) is created to establish a plan implementation zone that:

- Recognizes the existence of previously established low density residential districts in communities;

- Encourages clustering of development and provision of location, environmental and development amenities;
- Provides for low density residential development in cul-de-sac neighborhoods, community areas and the urban area; and
- Enhances the community's character through the promotion of high quality design.

Uses are limited to single-family dwellings served by public sewers, some residentially related institutions, to certain incidental uses intended primarily to provide service to a dwelling or a residential neighborhood.

5-1.2. Permitted uses by right.

A. The following uses shall be permitted subject to requirements and limitations of this ordinance:

1. Detached single-family dwellings, excluding manufactured homes.
2. Community parks and recreation (publicly owned).
3. Conservation and passive recreation areas.
4. Conservation/open space development of permitted residential uses, provided that conditions outlined in Article VII (Conservation/open space development) are met.
5. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility.
6. Guest house or pool house on a lot containing a single-family residence limited to one on each lot and shall not include cooking facilities and shall not exceed the square footage of the principal structure.
7. Swimming pool for a single-family residential dwelling, that is completely enclosed by an opaque fence or wall at least four (4) feet in height, but not over eight (8) feet in height. Swimming pools shall meet all the requirements of the International Building Code and applicable local health department rules and regulations.
8. Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard; any accessory building exceeding 200 square feet shall have an exterior finish consistent with the primary residence. Accessory buildings shall not exceed a total of 400 square feet of gross floor area.
9. Temporary construction uses.
10. Building or lands used for governmental purposes by a branch of a local, state or federal government such as schools, parks, post offices or fire stations.
11. Public utilities including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses or structures except warehouse, repair, storage, vehicle maintenance, truck or road equipment storage and radio and television studios.
12. Public utility facilities, if essential to service this zoning district, are permitted provided:
 - a. All structures, except for driveways, are placed 50 feet from any property line.
 - b. All structures, except for driveways, are enclosed by a wall or woven wire fence at least but not greater than eight feet in height.
 - c. A ten-foot buffer is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet in height and provide an effective visual screen.

- d. The lot is suitably landscaped.
- e. No vehicles or equipment are stored on the premises.
- 13. Stormwater management facilities shown on an approved final site plan or subdivision plat.
- 14. Schools offering traditional core educational courses similar to the public elementary, middle and high schools, provided:
 - a. Any school be on a lot at least of 400 feet wide and containing six acres of lot area;
 - b. All buildings be at least 60 feet from every property line.
- 15. Existing cemeteries.
- 16. Short-term lodging -- homestay pursuant to the supplemental use requirements in Article XVII.

5-1.3 Permitted by special use.

- A. The following uses may be permitted provided the applicant for such a development is granted a special use permit by the mayor and council after receiving recommendations from the planning commission and after a public hearing:
 - 1. Cultural exhibits and libraries.
 - 2. Religious institutions, provided:
 - a. The lot abuts upon an arterial or collector street or state highway.
 - b. The lot is at least three acres in size.
 - c. All buildings are located at least 50 feet from all property lines.
 - d. A buffer at least ten feet wide is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet tall and provide an effective visual screen;
 - e. Adequate off-street parking, provided:
 - i. Parking area is located to the side or rear of the principal building.
 - f. A circular drive for off-street loading is provided.
 - 3. Family day care center, provided
 - a. It is an owner-occupied establishment;
 - b. Must obtaining signatures from neighboring lots
 - c. No more than six individuals are kept.
 - 4. Group day care facilities including private kindergartens and playschools, provided:
 - a. The lot abuts upon a major or collector street or a state highway.
 - b. A circular drive for off-street loading and unloading of children is provided.
 - c. At least 35 square feet of indoor play area for each child at maximum enrollment is provided.
 - d. At least 100 square feet of outdoor play area for each child at maximum enrollment is provided.
 - e. The outdoor play area is enclosed by a fence at least four feet in height but not over eight feet in height.

- f. A circular drive for off-street loading is provided.
 - g. If a special use permit is approved, comply with all state day care requirements and health regulations.
- 4. Parks, private, provided:
 - a. All buildings are located at least 100 feet from any property line.
- 5. Neighborhood recreation centers, provided:
 - a. All buildings are located at least 100 feet from any property line.
- 6. Bed and breakfast.
- 7. Short-term lodging – vacation home facility pursuant to Article XVI.

...

Section 5-2. Traditional residential (R-2) district.

5-2.1 Intent and where permitted. This district (hereafter referred to as (R-2)) is created to establish a plan implementation zone that:

- Promotes the preservation of historic and architectural integrity of Stone Mountain's residential neighborhoods;
- Restricts properties and structures to predominantly low density single-family residential uses;
- Requires low densities that are similar to the established neighborhoods within the R-2 district;
- Protects the established neighborhoods from encroachment of uses not performing a function necessary to the single-family residential environment.

Uses are limited to single-family detached dwellings, two-family dwellings upon condition, some residentially related institutions, to certain incidental uses intended primarily to provide service to a dwelling or a residential neighborhood.

5-2.2 Permitted Uses by Right.

- A. The following uses shall be permitted subject to requirements and limitations of this ordinance:
 - 1. Detached single-family dwellings, excluding manufactured homes provided the development is compatible to the scale and architectural style of the surrounding neighborhood.
 - 2. Swimming pool for a single-family residential dwelling, that is completely enclosed by an opaque fence or wall at least four feet in height, but not over eight feet in height. Swimming pools shall meet all the requirements of the International Building Code and applicable local health department rules and regulations.
 - 3. Community parks and recreation (publicly owned).
 - 4. Conservation and passive recreation areas.
 - 5. Conservation/open space development of permitted residential uses, provided that conditions outlined in article VII (conservation/open space development) are met.
 - 6. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility.

7. Building or lands used for governmental purposes by a branch of a local, state or federal government such as schools, parks, post offices or fire stations.
8. Public utilities including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses or structures except warehouse, repair, storage, vehicle maintenance, truck or road equipment storage and radio and television studios.
9. Public utility facilities, if essential to service this zoning district, are permitted provided:
 - a. All structures, except for driveways, are placed 50 feet from any property line.
 - b. All structures, except for driveways, are enclosed by a wall or opaque fence at least but not greater than eight feet in height.
 - c. Ten-foot buffer is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet in height and provide an effective visual screen.
 - d. The lot is suitably landscaped.
 - e. No vehicles or equipment are stored on the premises.
10. Stormwater management facilities shown on an approved final site plan or subdivision plat.
11. Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard; any accessory building exceeding 200 square feet shall have an exterior finish consistent with the primary residence. Accessory buildings shall not exceed 400 square feet of gross floor area.
12. Existing cemeteries.
13. Short-term lodging -- homestay pursuant to the supplemental use requirements in Article XVII.
- ~~143.~~ Temporary construction uses.

5-2.3 Permitted by special use.

- A. The following uses may be permitted provided the applicant for such a development is granted a special use permit by the mayor and council after receiving recommendations from the planning commission and after a public hearing:
 1. Single- and two- family attached dwellings, provided the dwelling is owner-occupied.
 2. Cultural exhibits and libraries.
 3. Religious institutions, provided:
 - a. The lot abuts upon an arterial or collector street or state highway.
 - b. The lot is at least three acres in size.
 - c. All buildings are located at least 50 feet from all property lines.
 - d. A buffer at least ten feet wide is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet tall and provide an effective visual screen;
 - e. Adequate off-street parking, provided:
 - i. Parking area is located to the side or rear of the principal building.
 - f. A circular drive for off-street loading is provided.

4. Bed and breakfast.
5. Guest house or pool house on a lot containing a single-family residence limited to one on each lot and shall not include cooking facilities and shall not exceed the square footage of the principal structure.
6. Accessory dwelling units and garage apartments provided that:
 - a. The minimum lot area required for any lot containing an accessory dwelling unit or garage apartment shall be the minimum lot size required by R-2 district regulations, and the guest house shall not exceed the square footage of the principal structure.
 - b. The primary building/residence is not rented.
 - c. The accessory dwelling unit shall contain 400 or less square feet, with the maximum lot coverage with the principal and accessory structures combined not to exceed the maximum lot coverage as specified in the R-2 District Regulations.
 - d. The accessory dwelling unit shall meet the requirements as provided in Article VI Supplemental, Section 6-8 Accessory Uses.
7. Family day care center, provided
 - a. It is an owner-occupied establishment;
 - b. Must receive approval by:
 - i. Obtaining signatures from neighboring lots; and
 - ii. Receive approval through a public hearing.
 - c. No more than six individuals are kept.
8. Group day care facilities including private kindergartens and playschools, provided:
 - a. The lot abuts upon a major or collector street or a state highway.
 - b. A circular drive for off-street loading and unloading of children is provided.
 - c. If a special use permit is approved, comply with all state day care requirements and health regulations.
 - d. At least 35 square feet of indoor play area for each child at maximum enrollment is provided.
 - e. At least 100 square feet of outdoor play area for each child at maximum enrollment is provided.
 - f. The outdoor play area is enclosed by a fence at least four feet in height but not over eight feet in height.
 - g. A circular drive for off-street loading is provided.

9. Short-term lodging – vacation home facility pursuant to Article XVI.

...

Section 5-3. In-town neighborhood (R-3) district.

5-3.1 Intent and where permitted. This district (hereafter referred to as (R-3) is created to establish a plan implementation zone that:

- Promotes the preservation of historic and architectural integrity of Stone Mountain's residential neighborhoods;
- Encourages and allows for cluster development;
- Encourage the preservation of functional open space in and around the R-3 district;
- Encourages infill development;
- Provides for compact single-family and two-family residential development;
- Promotes more efficient use of land and utilities;
- Accommodates moderate- density residential development adjacent to small-scale commercial uses;
- Encourage pedestrian-oriented development within walking distance of transit opportunities;
- Enhance the community's character through the promotion of high quality urban design.

Uses are limited to single-family dwellings, two-family dwellings, some residentially related institutions, to certain incidental uses intended primarily to provide service to a dwelling or a residential neighborhood.

5-3.2 Permitted uses by right.

- A. The following uses shall be permitted subject to requirements and limitations of this ordinance:
1. Single- and two- family attached dwellings, provided the dwelling is owner occupied.
 2. Detached single-family dwellings, excluding manufactured homes.
 3. Conservation/open space development of permitted residential uses, provided that conditions outlined in article VII (conservation/open space development) are met.
 4. Community parks and recreation (publicly owned).
 5. Conservation and passive recreation areas.
 6. Fire and police protection services.
 7. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility.
 8. Temporary construction uses.
 9. Building or lands used for governmental purposes by a branch of a local, state or federal government such as schools, parks, post offices or fire stations.
 10. Public utilities including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses or structures except warehouse, repair, storage, vehicle maintenance, truck or road equipment storage and radio and television studios.
 11. Public utility facilities, if essential to service this zoning district, are permitted provided:
 - a. All structures, except for driveways, are placed 50 feet from any property line.
 - b. All structures, except for driveways, are enclosed by a wall or woven wire fence at least but not greater than eight feet in height.
 - c. A ten-foot buffer is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet in height and provide an effective visual screen.
 - d. The lot is suitably landscaped.

- e. No vehicles or equipment are stored on the premises.
- 12. Stormwater management facilities shown on an approved final site plan or subdivision plat.
- 13. Schools offering traditional core educational courses similar to the public elementary, middle and high schools, provided:
 - a. Any school be on a lot at least of 400 feet wide and containing six acres of lot area;
 - b. All buildings be at least 60 feet from every property line.
- 14. Existing cemeteries.

15. Short-term lodging -- homestay pursuant to the supplemental use requirements in Article XVII.

5-3.3 Permitted by special uses. The following uses may be permitted provided the applicant for such a development is granted a special use permit by the mayor and council after receiving recommendations from the planning commission and after a public hearing:

- 1. Cultural exhibits and libraries.
- 2. Lodges and buildings of fraternal and civic assembly, provided that:
 - a. The lot abuts upon an arterial or collector street or state highway.
 - b. The lot is at least three acres in size.
 - c. All buildings are located at least 50 feet from all property lines.
 - d. A buffer at least ten feet wide is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet tall and provide an effective visual screen;
 - e. Adequate off-street parking, provided:
 - i. Parking area is located to the side or rear of the principal building.
 - f. A circular drive for off-street loading is provided.
- 2. Bed and breakfast provided that it is owner-occupied and that conditions outlined in article XV (bed and breakfast facilities) are met.
- 3. Accessory dwelling units or guest houses on a lot containing a single-family residence limited to one on each lot and provided further that the minimum lot area shall be the minimum lot size required by R-3 district regulations.
 - a. The accessory dwelling unit shall contain not less than 400 or less square feet, with the maximum lot coverage with the principal and accessory structures combined not to exceed the maximum lot coverage as specified in the R-3 district regulations.
 - b. The accessory dwelling unit shall meet the requirements as provided in article VI supplemental, section 6-8 accessory uses.
- 4. Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard; any accessory building exceeding 200 square feet shall have an exterior finish consistent with the primary residence. Accessory buildings shall not exceed 400 square feet of gross floor area.
- 5. Rental of permitted accessory dwelling units and guest cottages, provided that:
 - a. Yard, area, and other requirements of this ordinance shall be met for each such use whether or not such use is on an individual lay-out;
 - b. The primary building/residence is not rented.

6. Eating and drinking establishments.
7. Food and beverage retail sales.
8. Retail sales and services, provided:
 - a. A use does not exceed 2,500 square feet of gross floor area per parcel.
 - b. The lot must abut a major street as defined by the official zoning map.
9. Planned community including single-family residential units, multi-family residential units with or without individual cooking facilities and complimentary uses primarily to provide services to the planned community, provided:
 - a. The minimum parcel size for the development is five acres.
 - b. A master plan for the entire development is approved.
 - c. Commercial or other non-residential uses shall be incidental to the primary use.

10. Short-term lodging – vacation home facility pursuant to Article XVI.

...

Section 5-4. Shermantown residential (R-4) district.

5-4.1 Intent and where permitted. This district (hereafter referred to as (R-4) is created to establish a plan implementation zone that:

- Recognizes the existence of a previously established medium density residential district in communities and the urban area;
- Retains and protects the historic Shermantown neighborhood;
- Encourages infill development;
- Provides for compact single-family residential development;
- Promotes more efficient use of land and utilities;
- Accommodates moderate- density residential development above small-scale ground-floor commercial uses;
- Encourage pedestrian-oriented development within walking distance of transit opportunities;
- Enhance the community's character through the promotion of high quality urban design.

Uses are limited to single-family dwellings, two-family dwellings, some residentially related institutions, mixed-use developments to certain enumerated complimentary uses intended primarily to provide service to a dwelling or a residential neighborhood.

5-4.2 Permitted uses by right.

- A. The following uses shall be permitted subject to requirements and limitations of this ordinance:
 1. Detached single-family dwellings, excluding manufactured homes.
 2. Attached single- and multi-family dwellings, provided:
 - a. Residential units are not on the ground floor;
 - b. Are a part of a residential/commercial mixed-use building.

3. Conservation/open space development of permitted residential uses, provided that conditions outlined in article VII (conservation/open space development) are met.
4. Rental of permitted residential uses or guest cottages, provided that either the principal residence or guest cottage is owner occupied; that yard, area, and other requirements of this ordinance shall be met for each such use whether or not such use is on an individual lay-out.
5. Community parks and recreation (publicly owned).
6. Conservation and passive recreation areas.
7. Fire and police protection services.
8. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility.
9. Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard; except that not more than two automobiles in operating condition belonging to residents of a dwelling shall be parked between a dwelling and the street or streets it adjoins. All cars in excess of two and all cars not in operating condition any truck, boat or unoccupied travel trailer shall be parked in the rear yard or in a garage or carport. All automobile parts shall be stored within a garage or storage building. Any accessory building exceeding 200 square feet shall have an exterior finish consistent with the primary residence. Accessory buildings shall not exceed 800 square feet of gross floor area.
10. Building or lands used for governmental purposes by a branch of a local, state or federal government such as schools, parks, post offices or fire stations.
11. Public utilities including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses or structures except warehouse, repair, storage, vehicle maintenance, truck or road equipment storage and radio and television studios.
12. Public utility facilities, if essential to service this zoning district, are permitted provided:
 - a. All structures, except for driveways, are placed 50 feet from any property line.
 - b. All structures, except for driveways, are enclosed by a wall or opiate fence at least but not greater than eight feet in height.
 - c. A ten-foot buffer is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet in height and provide an effective visual screen.
 - d. The lot is suitably landscaped.
 - e. No vehicles or equipment are stored on the premises.
13. Stormwater management facilities shown on an approved final site plan or subdivision plat.
14. Schools offering traditional core educational courses similar to the public elementary, middle and high schools, provided:
 - a. Any school be on a lot at least of 400 feet wide and containing six acres of lot area;
 - b. All buildings be at least 60 feet from every property line.
15. Existing cemeteries.
16. Retail sales and services, provided:

- a. A use is a part of a residential/commercial mixed-use building;
 - b. A use does not exceed 1,000 square feet of gross floor area per parcel;
 - c. A use does not provide for, or serve alcohol.
17. Religious institutions, provided:
- a. The lot abuts upon an arterial or collector street or state highway.
 - b. The lot is at least three acres in size.
 - c. All buildings are located at least 50 feet from all property lines.
 - d. A buffer at least ten feet wide is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet tall and provide an effective visual screen;
 - e. Adequate off-street parking, provided:
 - i. Parking area is located to the side or rear of the principal building.
 - f. A circular drive for off-street loading is provided.

18. Short-term lodging -- homestay pursuant to the supplemental use requirements in Article XVII.

5-4.3 Permitted by special use.

- A. The following uses may be permitted provided the applicant for such a development is granted a special use permit by the mayor and council after receiving recommendations from the planning commission and after a public hearing:
- 1. Cultural exhibits and libraries.
 - 2. Lodges and buildings of fraternal and civic assembly, provided that:
 - a. Such use is currently underserved by existing use.
 - b. The lot abuts upon an arterial or collector street or state highway.
 - c. The lot is at least three acres in size.
 - d. All buildings are located at least 50 feet from all property lines.
 - e. A buffer at least ten feet wide is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet tall and provide an effective visual screen;
 - f. Adequate off-street parking, provided:
 - i. Parking area is located to the side or rear of the principal building.
 - g. A circular drive for off-street loading is provided.
 - 3. Bed and breakfast facilities.
 - 4. Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard; any accessory building exceeding 200 square feet shall have an exterior finish consistent with the primary residence. Accessory buildings shall not exceed 400 square feet of gross floor area.
 - a. Accessory dwelling units shall contain 400 or less square feet, with the maximum lot coverage with the principal and accessory structures combined not to exceed the maximum lot coverage as specified in the R-4 district regulations.

- b. The accessory dwelling unit shall meet the requirements as provided in article VI supplemental, section 6-8 accessory uses.
- 5. Eating and drinking establishments (with alcohol).
- 6. Food and beverage retail sales (with alcohol).
- 7. Short-term lodging – vacation home facility pursuant to Article XVI.

...

Section 5-5. Village center mixed-use (VCM) district.

5-5.1 Intent and where permitted. This district (hereafter referred to as (VCM) is created to establish a plan implementation zone that:

- Accommodates moderate- to high-density residential development and ground-floor commercial uses with residential units above. This district also accommodates low-intensity office development compatible with the residential character of the VCM district.
- Allows for a diverse variety of uses, structures, densities and open spaces when not in conflict with existed and permitted land uses on abutting properties;
- Promotes a more efficient use of land and a smaller network of utilities and natural resources than conventional land development;
- Encourages the preservation of functional open space in and around the village center;
- Provides the opportunity for the application of innovative site planning concepts through the creation of aesthetically pleasing environments for living, shopping and working on properties of adequate shape, size and location that conventional land development may not allow for;
- Encourages high pedestrian use and accessibility and transportation alternatives.

Uses are limited to multi-family dwellings, two-family dwellings, mixed-use residential and commercial developments to commercial and professional complimentary uses intended primarily to provide service to the entire city.

5-5.2 Permitted uses by right.

- A. The following uses shall be permitted subject to requirements and limitations of this ordinance:
 - 1. Attached multi-family dwellings, provided:
 - a. Is a part of a residential/commercial mixed-use building.
 - 2. Conservation/open space development of permitted residential uses, provided that conditions outlined in article VII (conservation/open space development) are met.
 - 3. Rental of permitted residential uses, provided that yard, area, and other requirements of this ordinance shall be met for each such use whether or not such use is on an individual lay-out.
 - 4. Community parks and recreation (publicly owned).
 - 5. Conservation and passive recreation areas.
 - 6. Fire and police protection services.
 - 7. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility.

8. Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard; any accessory building exceeding 200 square feet shall have an exterior finish consistent with the primary residence. Accessory buildings shall not exceed 400 square feet of gross floor area.
9. Temporary construction uses.
10. Building or lands used for governmental purposes by a branch of a local, state or federal government such as schools, parks, post offices or fire stations provided:
11. Public utilities including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses or structures except warehouse, repair, storage, vehicle maintenance, truck or road equipment storage and radio and television studios.
12. Public utility facilities, if essential to service this zoning district, are permitted provided:
 - a. All structures, except for driveways, are placed 50 feet from any property line.
 - b. All structures, except for driveways, are enclosed by a wall or woven wire fence at least but not greater than eight feet in height.
 - c. A ten-foot buffer is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet in height and provide an effective visual screen.
 - d. The lot is suitably landscaped.
 - e. No vehicles or equipment are stored on the premises.
13. Stormwater management facilities shown on an approved final site plan or subdivision plat.
14. Consumer services (non-automotive).
15. Recreation sales and services.
16. Automatic teller machines that are not an accessory use to a financial center.
17. Professional medical clinic services.
18. Financial services.
19. Eating and drinking establishments.
20. Food and beverage retail sales,
21. Professional offices.
22. Retail sales (general excluding automotive).
- [23. Short-term lodging -- homestay pursuant to the supplemental use requirements in Article XVII.](#)
- [24. Short-term lodging – vacation home facility pursuant to the supplemental use requirements in Article XVI.](#)
- [25. Hotel/Motel.](#)

...

Section 5-6. Multi-family residential (MR-1) district.

5-6.1 Intent and where permitted. This district (hereafter referred to as (MR-1) is created to establish a plan implementation zone that:

- Accommodate moderate- to high-density residential development above or adjacent to ground-floor commercial uses. This district also accommodates office development compatible with the residential character of the MR-1 district.
- Support mixed-use (residential/nonresidential) projects with active ground-floor uses;
- Allow for a diverse variety of uses, structures, densities and open spaces when not in conflict with existed and permitted land uses on abutting properties;
- Promote a more efficient use of land and a smaller network of utilities and natural resources than conventional land development;
- Provide the opportunity for the application of innovative site planning concepts through the creation of aesthetically pleasing environments for living, shopping and working on properties of adequate shape, size and location that conventional land development may not allow for;
- Encourage high pedestrian use and accessibility and transportation alternatives.

Uses are limited to multi-family dwellings, mixed-use residential and commercial developments to commercial and professional complimentary uses; certain enumerated complimentary uses intended primarily to provide services to this district.

5-6.2 Permitted uses by right.

- A. The following uses shall be permitted subject to requirements and limitations of this ordinance:
1. Two-family attached dwellings.
 2. Multi-family attached dwellings.
 3. Mixed-use dwellings.
 4. Conservation/open space development of permitted residential uses, provided that conditions outlined in article VII (conservation/open space development) are met.
 5. Rental of permitted residential uses, provided that yard, area, and other requirements of this ordinance shall be met for each such use whether or not such use is on an individual lay-out.
 6. Community parks and recreation (publicly owned).
 7. Conservation and passive recreation areas.
 8. Fire and police protection services.
 9. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility.
 10. Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard; any accessory building exceeding 200 square feet shall have an exterior finish consistent with the primary residence. Accessory buildings shall not exceed 400 square feet of gross floor area.
 11. Temporary construction uses.
 12. Building or lands used for governmental purposes by a branch of a local, state or federal government such as schools, parks, post offices or fire stations provided:
 13. Public utilities including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses or structures except warehouse, repair, storage, vehicle maintenance, truck or road equipment storage and radio and television studios.

14. Public utility facilities, if essential to service this zoning district, are permitted provided:
 - a. All structures, except for driveways, are placed 50 feet from any property line.
 - a. All structures, except for driveways, are enclosed by a wall or opaque fence at least but not greater than eight feet in height.
 - b. A ten-foot buffer is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet in height and provide an effective visual screen.
 - c. The lot is suitably landscaped.
 - d. No vehicles or equipment are stored on the premises.
15. Stormwater management facilities shown on an approved final site plan or subdivision plat.
16. Consumer services (non-automotive).
17. Professional medical clinic services.
18. Financial services offices.
19. Eating and drinking establishments (without alcohol).
20. Food and beverage retail sales (without alcohol).
21. Professional offices.
22. Retail sales (general excluding automotive), provided:
 - a. A use does not exceed 45,000 square feet of gross floor area.
23. Neighborhood recreation centers, provided:
 - a. All buildings are located at least 100 feet from any property line.
24. Temporary construction uses.
25. Schools offering traditional core educational courses similar to the public elementary, middle and high schools, provided:
 - i. Any school be on a lot at least of 400 feet wide and containing six acres of lot area;
 - ii. All buildings be at least 60 feet from every property line.

26. Short-term lodging -- homestay pursuant to the supplemental use requirements in Article XVII.

5-6.3 Permitted by special use.

- A. The following uses may be permitted provided the applicant for such a development is granted a special use permit by the mayor and council after receiving recommendations from the planning commission and after a public hearing:
 1. Religious institutions, provided:
 - a. The lot abuts upon an arterial or collector street or state highway.
 - b. The lot is at least three acres in size.
 - c. All buildings are located at least 50 feet from all property lines.
 - d. A buffer at least ten feet wide is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet tall and provide an effective visual screen;

- e. Adequate off-street parking, provided:
 - i. Parking area is located to the side or rear of the principal building.
- f. A circular drive for off-street loading is provided.
- 2. Cultural exhibits and libraries.
- 3. Family day care center, provided
 - a. It is an owner-occupied establishment;
 - b. Must receive approval by:
 - i. Obtaining signatures from neighboring lots; and
 - ii. No more than six individuals are kept.
- 4. Group day care facilities including private kindergartens and playschools provided:
 - a. The lot abuts upon a major or collector street or a state highway.
 - b. A circular drive for off-street loading and unloading of children is provided.
 - c. If a special use permit is approved, comply with all state day care requirements and health regulations.
 - d. At least 35 square feet of indoor play area for each child at maximum enrollment is provided.
 - e. At least 100 square feet of outdoor play area for each child at maximum enrollment is provided.
 - f. The outdoor play area is enclosed by a fence at least four feet in height but not over eight feet in height.
 - g. A circular drive for off-street loading is provided.
- 5. Animal sales and services (household pets, no outside runs or kennels).
- 6. Consumer repair services provided:
 - h. Services are non-automotive;
 - i. No outside storage.
- 7. Eating and drinking establishments (with walk-through service).
- 8. Laundry services (drycleaners).
- 9. Recreational equipment rental provided there is no outside storage.
- 10. Automatic teller machines that is a part of a mixed use development.
- 11. Bed and breakfast, provided that conditions outlined in article XV (bed and breakfast facilities) are met.

12. Short-term lodging – vacation home facility pursuant to Article XVI.

Section 5-7. General commercial (GC) district.

5-7.1 Intent and where permitted. This district (hereafter referred to as (GC) is created to establish a plan implementation zone that:

- Encourages the organized concentration of a wide variety of retail goods and services for the community;

- Promotes high-quality design and aesthetic features including lighting, landscaping and pedestrian-oriented amenities;
- Encourage inter-parcel accessibility and promotes the use of transportation alternatives;
- Creates and enhances commercial areas where complete retail sales and services are available and desirable for public service and convenience; and
- Require a location accessible to large numbers of people and that serve substantial portions of the community.

This district is intended primarily for developments that contain commercial, financial, governmental or professional complementary uses intended primarily to provide service to the entire community. Typically this district would be applied where central area commercial facilities are desired or along major roadways.

5-7.3 Permitted by special use.

- A. The following uses may be permitted provided the applicant for such a development is granted a special use permit by the mayor and council after receiving recommendations from the planning commission and after a public hearing:
1. Cultural exhibits and libraries.
 2. Hotel/~~motel and lodging services.~~
 3. Laundry services (drycleaners)
 4. Consumer repair services provided:
 - a. Services are non-automotive;
 - b. No outside storage.
 5. Eating and drinking establishments (with drive-thru service).
 6. Retail sales and services (with drive-thru service).
 7. Recreational equipment rental provided there is no outside storage.
 8. Day nurseries and kindergartens.
 - a. The following provisions apply to day nurseries and kindergartens:
 - i. There shall be not less than thirty-five (35) square feet of indoor play area for each child at maximum licensed enrollment and not less than one hundred (100) square feet per child of outdoor play area at maximum licensed enrollment.
 - ii. The outdoor play area shall be enclosed by a fence not less than four (4) feet in height but not over eight (8) feet in height.
 - iii. A circular drive shall be provided for off-street loading and unloading.
 10. Microbrewery, provided that:
 - a. Shall adhere to a maximum floor area of eight thousand (8,000) square feet.
 - b. No outdoor speaker systems shall be permitted.
 - c. Productions shall be in wholly enclosed buildings.
 - d. Outdoor equipment shall be permitted, with adequate screening from public view.
 - e. No outdoor storage is permitted.

11. Microdistillery (craft distillery), provided that:
 - a. Shall adhere to a maximum floor area of eight thousand (8,000) square feet.
 - b. No outdoor speaker systems shall be permitted.
 - c. Productions shall be in wholly enclosed buildings.
 - d. Outdoor equipment shall be permitted, with adequate screening from public view.
 - e. No outdoor storage is permitted.

Section 6-8. Accessory uses.

- A. Accessory uses or buildings (including accessory dwelling units) shall be permitted only in side or rear yards, except as otherwise provided in this ordinance.
- B. No accessory building shall be erected on a lot prior to the time of construction of the principal building to which it is accessory.
- C. Only two accessory buildings (not including accessory dwelling units) shall be permitted on a lot.
- D. Accessory uses or structures (not including accessory dwelling units) shall be permitted if they meet the following:
 1. Accessory buildings shall be set back not less than ten feet from any lot line.
 2. An accessory building shall not be any larger than 24' x 24' and must comply with district development regulations.
 3. Accessory buildings located on property in excess of one acre will not be restricted to size, as long as the structure meets building codes and other requirements of this ordinance.
 4. Accessory buildings in residential districts shall not be used for any type of commercial operation whether permanent, part-time or as part of a home occupation except as otherwise provided for in this ordinance. A home occupation can be conducted in an accessory building if approved as a special use.
 5. No accessory structure shall exceed a height of 15 feet.
 6. Detached accessory buildings shall be located at least ten feet from the principal structure on a lot.
 7. Satellite dish antennas shall be permitted as accessory structures only in rear yards unless it can be documented that reception is impaired by such a location. In this case an antenna would be permitted in a side yard.
 - a. Satellite dish antennas which exceed two feet in diameter shall not be located on the roof of a single-family structure.
 8. Basketball goals, which are attached to the principal residence structure or erected adjacent to and abutting the driveway of the principal residence structure or the driveway area shall be allowed in the front, side or rear yard but not in the right-of-way of a public street.
 9. No fabricated structure shall be erected on a lot for accessory purposes in any residential zoning district except when constructed in the rear yard.
 - a. No tent or tarpaulin structures shall be erected on a lot for accessory purposes in any zoning district. Tent or tarpaulin structures shall be permitted in residential districts for temporary recreational use or in the exercise of religious observances or similar events.

E. Accessory dwelling units shall be permitted if they meet the following:

1. The accessory dwelling unit shall contain 400 or less square feet.
2. There shall be one off-street parking space provided for the accessory dwelling unit, which is in addition to any off-street parking spaces required for the primary residence.
3. No accessory dwelling unit shall exceed a height of 15 feet and shall be set back not less than 10 feet from any lot line.
4. Accessory dwellings, whether attached or detached, shall have exterior finishes or architectural treatments (e.g. brick, wood, etc.) or an appearance substantially similar to those on the principal residence.
5. The accessory building unit shall meet all building code standards including building, electrical, fire, and plumbing code requirements, and occupancy restrictions as provided in the city's ordinances.
6. The accessory dwelling shall not contain a home occupation and shall not be used for any commercial occupation. Any property owner seeking to establish an accessory dwelling unit shall apply to register the unit with the administration department (zoning administrator). The property owner shall file a complete registration application form, before building permit issuance, affirming that at least one owner will occupy the primary residence for the full length of time that accessory dwelling use is established in accordance with all applicable zoning regulations. The property owner shall annually affirm the same by registration renewal within thirty (30) days after January 1, of each year.
7. After receipt of a completed application for registration and prior to issuance of a certificate of occupancy or approval of use, the city (building official) shall inspect the property to confirm adherence to the size, height, design, and parking requirements of this code are met.
8. The registration form or other forms as required by the zoning administrator shall be filed as a deed restriction with the DeKalb County Tax Assessor to provide notice of the presence of the accessory dwelling unit, the requirement of owner occupancy, and other standards for maintaining the unit as described, with verification of recording of the filing being provided to the city zoning administrator within 90 days of issuance of certificate of occupancy.
9. The zoning administrator (or his/her designee) shall report annually on accessory dwelling unit registration, number of units and distribution throughout the city, and average size of units.
10. Cancellation of registration of the accessory dwelling unit may be accomplished by the property owner filing a certificate with the zoning administrator (or his/her designee) for recording with the DeKalb County Tax Assessor or may occur as result of an enforcement action.
11. Only one accessory dwelling unit shall be permitted on a lot.
12. Accessory dwelling units and guest houses shall be differentiated from short-term lodging units regulated in Articles XVI and XVII.

(Ord. No. 2016-14, Pt. I, 10-4-16; Ord. No. 2018-02, Pt. I, 3-6-18)

ARTICLE XVI: SHORT-TERM LODGING - VACATION HOME FACILITIES

Section 16-1. Purpose, applicability, definitions, ~~licenses~~.

16-1.1 Purpose.

- A. The purpose of this article is to establish the establishment of land use regulations within the scope of the zoning powers of the municipal authority to govern vacation home facilities in the city. The intent of this article is to promote economic development in the vacation rental industry while minimally impacting existing residential uses. ~~without harming existing residential properties.~~
- B. This article is not intended to regulate hotels, motels, inns, or non-vacation type rental arrangements including, but not limited to, boardinghouses, lodging houses, or rooming houses.

16-1.2 Applicability.

- A. It shall be unlawful for any owner of any property within the City of Stone Mountain to rent or operate a vacation home facility contrary to the procedures and regulations established in this article, other provisions of this Code, or any applicable state law.
- B. The restrictions and obligations contained in this article shall apply to vacation home facilities at all times during which the vacation home facility is marketed and used as such.
- C. The allowance of a vacation home facility pursuant to this article shall not prevent enforcement of additional restrictions that may be contained in restrictive covenants or other private contractual agreements or arrangements. The City of Stone Mountain shall not be responsible for enforcement of such covenants, agreements, or arrangements.
- D. A property that has been advertised or listed via the internet or other media sources (e.g. www.vrbo.com, www.airbnb.com, etc.) for short-term lodging shall be prima facie evidence the property is being used as a short-term lodging.

16-1.~~23~~ Definitions.

- A. A lodging room is defined as a room that is used for temporary occupancy for a fee.
- B. An owner is defined as an individual, partner, or officer of a corporation who is an officer registered with the Corporations Division of the Georgia Secretary of State with title to real property.
- C. A vacation home facility is defined as a residential type establishment, with commercial enterprise, offering whole house rental with no more than four lodging rooms for temporary occupancy for a fee and that does not offer food to guests.
- D. A property manager is a person designated by the owner who has access and authority to assume management of the vacation home facility and take remedial measure while the vacation home facility is occupied.
- E. Temporary occupancy is defined as the short-term use of a unit for a limited duration not exceeding 30 consecutive days and intended for transient guests who do not establish permanent residence.

~~16-1.3 Licenses.~~~~A. A vacation home facility shall obtain a home occupational tax certificate from the city.~~~~B. Fees for lodging in a vacation home facility are subject to local and state taxation ordinances.~~~~(Ord. No. 2017-07, pt. I, 8-1-17)~~**Section 16-2. Occupancy and parking restrictions.***16-2.1 Occupancy restrictions.*

A. A vacation home facility must meet the following occupancy restrictions:

1. Provide no more than four lodging (guest) rooms with a minimum of 70 square feet per room.
2. Occupancy of a lodging room shall require at least 40 square feet per individual.
3. Occupancy by guest(s) shall not exceed 14 consecutive days during any 90 day period.
4. The owner of a vacation home facility shall live within the corporate boundaries of DeKalb County, Georgia or have a designated property manager, as defined and regulated in this Article.
5. Vacation home facilities shall be available for occupancy on a continuous basis except for repairs, renovations, or the absence of the owner.
6. Vacation home facilities shall be required to have a smoke alarm in each lodging room (guest room) and a fire extinguisher visible and accessible to guests. The facilities are subject to at least one annual inspection at the time of initial licensing and during renewal of the same.

16-2.2 Parking restrictions.

- A. Except where permitted by law, no parking shall be allowed on the street or in any unpaved portion of the front yard of any lot occupied by a short-term lodging use. ~~a vacation home facility.~~
- B. Parking regulations relative to the zoning district in which the vacation home facility is located shall apply.

(Ord. No. 2017-07, pt. I, 8-1-17)

Section 16-3. Signage.*16-3.1 Signage.*

A. No business and advertising signs shall be permitted.

(Ord. No. 2017-07, pt. I, 8-1-17)

Section 16-4. Licenses, transferability, enforcement.*16-4.1 Licenses.*

A. The City shall not issue more than 60 permits annually. Once the City has issued 60 permits, no additional permits shall be issued for that year. Applications to renew will be prioritized over new applications. New applications will be issued in the order in which they were received. All permits shall expire on December 31. Permits shall be effective from January 1 through December 31, unless otherwise revoked. No permit will be automatically renewed.

- B. Vacation home facilities shall be limited to those properties zoned Village Center Mixed-Use (VCM) and properties with an approved Special Use Permit from City Council.
- C. A vacation home facility shall obtain a home occupational tax certificate from the city and renew on an annual basis.
- D. Fees for lodging in a vacation home facility are subject to local and state taxation ordinances.
- E. The owner of a vacation home facility shall obtain a short-term lodging license from the city and renew on an annual basis. The application shall be furnished on a form specified by the city, accompanied by a non-refundable license fee as established by the official Fee Schedule of the City of Stone Mountain. Such application shall include:
 - 1. Name, address, phone number, and email address of the property owner(s) of record for which a permit is sought.
 - 2. The property manager contact form including but not limited to their name, address, phone number, and email address. #
 - 3. A floor plan showing all bedrooms and bathrooms with the approximate square footage of each bedroom.
 - 4. A site plan of the overall property identifying parking spaces for lodgers.
 - 5. A short-term lodging property located within a subdivision where a functioning homeowners association exists shall provide a notarized statement from the applicant that short-term lodging is not prohibited under the covenants of the HOA/subdivision.
 - 6. Proof of homeowners insurance.
 - 7. Signed acknowledgement that the owner(s) has read all regulations pertaining to the operation of a vacation home facility and their agreement to abide by all applicable regulations.
- F. Active licenses shall not expire, provided that a property owner shall renew the license on an annual basis. If a property owner fails to renew a license, it shall be considered terminated by the licensee.

16-4.2 Property Manager Required.

- A. A property manager shall be designated for each vacation home facility.
- B. The property manager shall be required to respond to the location of the vacation home facility 24 hours a day, 7 days a week, and within one (1) hour after being notified by the City.
- C. An owner of a vacation home facility may designate themselves as the property manager.

16-4.3 Transferability.

- A. Short-term lodging licensure issued under this ordinance shall not be transferred, assigned, or used by any person other than the owner to whom it is issued, or at any location other than for which it is issued.
- B. Short-term lodging licensure terminates upon transfer of the property to another owner.

16-4.4 Enforcement.

- A. Licenses issued under this ordinance may be suspended or revoked for any of the following reasons:
 - 1. An applicant furnished fraudulent or untruthful information in the application for a license, or omitted information required in the application for a license, or failed to pay all fees, taxes, or other charges imposed under the provisions of the City Code, in which case the city may immediately suspend or revoke the short-term lodging license.

2. Any short-term lodging for which there are three (3) final determinations of violations of the City Code by a property owner, tenant, guest, host, lessee, or individual otherwise related directly to the property within any rolling 365-day period, shall constitute a violation of the terms of licensure and shall terminate the license. For any license that is terminated due to code violations, a property owner shall be ineligible for a license for a period of three (3) years.
3. Any licensee having his or her license suspended or revoked under this section may appeal to the city council in accordance with Section 2-1.10 Procedures for appeal of administrative decision.
4. Failure to renew a short-term lodging license or home occupation tax certificate.
- B. Any violations of this this code, including any violation of the noise control ordinance, shall subject the licensed individual to the following progressive actions:
 1. The first violation within any rolling 365 day period shall result in a fine not to exceed \$250.00 and a written warning notice of violation.
 2. The second violation within any rolling 365 day period shall result in a fine not to exceed \$500.00 and a short-term lodging license suspension for a period of 30 days.
 3. The third violation within any rolling 365 day period shall result in a fine not to exceed \$1,000.00 and the revocation of the short-term lodging license and neither the owner nor local contact person shall be eligible to reapply for a license for a period of three (3) years.
- C. Each day the short-term lodging is marketed or rented for overnight accommodation without the necessary short-term lodging license required under this article shall constitute a separate violation.
- D. Failure of the owner or property manager to respond to calls or complaints regarding the condition, operation, or conduct of occupants and/or guests of the short-term lodging in a timely and appropriate manner shall be grounds for imposition of penalties as set forth in this article. It is not intended that an owner or local contact person act as a peace officer or place himself or herself in an at-risk situation.

ARTICLE XVII: SHORT-TERM LODGING -- HOMESTAY

Section 17-1. Purpose, applicability, definitions.

17-1.1 Purpose.

- A. The purpose of this article is to establish land use regulations within the scope of the zoning powers of the municipal authority to govern vacation home facilities in the city. The intent of this article is to promote economic development in the vacation rental industry while minimally impacting existing residential uses.
- B. This article is not intended to regulate hotels, motels, inns, or non-vacation type rental arrangements including, but not limited to, boarding houses, lodging houses, or rooming houses.

17-1.2 Applicability.

- E. It shall be unlawful for any owner of any property within the City of Stone Mountain to rent or operate a homestay contrary to the procedures and regulations established in this article, other provisions of this Code, or any applicable state law.
- F. The restrictions and obligations contained in this article shall apply to homestays at all times during which the homestay is marketed and used as such.

G. The allowance of a homestay pursuant to this article shall not prevent enforcement of additional restrictions that may be contained in restrictive covenants or other private contractual agreements or arrangements. The City of Stone Mountain shall not be responsible for enforcement of such covenants, agreements, or arrangements.

H. A property that has been advertised or listed via the internet or other media sources (e.g. www.vrbo.com, www.airbnb.com, etc.) for short-term lodging shall be prima facie evidence the property is being used as a short-term lodging.

17-1.3 Definitions.

A. A lodging room is defined as a room that is used for temporary occupancy for a fee.

B. An owner is defined as an individual, partner, or officer of a corporation who is an officer registered with the Corporations Division of the Georgia Secretary of State with title to real property.

C. Homestay lodging is defined as a residential type establishment, with commercial enterprise, offering an individual bedroom within a residential establishment that serves as a host's principal residence, including any single-family or accessory apartment, that provides lodging for pay, for a maximum continuous period not to exceed twenty-nine (29) consecutive days, that does not include serving food.

D. Temporary occupancy is defined as the short-term use of a unit for a limited duration not exceeding 30 consecutive days and intended for transient guests who do not establish permanent residence.

Section 17-2. Occupancy and parking restrictions.

17-2.1 Occupancy restrictions.

A. A short-term lodging room must meet the following occupancy restrictions:

1. Provide no more than one lodging (guest) rooms with a minimum of 70 square feet per room.

2. Occupancy of a lodging room shall require at least 40 square feet per individual.

3. Occupancy by guest(s) shall not exceed 14 consecutive days during any 90 day period.

4. The owner of a short-term lodging room shall be present at the residential home during the entire occupancy of the short-term lodging room.

5. Short-term lodging room shall be available for occupancy on a continuous basis except for repairs, renovations, or the absence of the owner.

6. Short-term lodging rooms shall be required to have a smoke alarm in the lodging room (guest room) and a fire extinguisher visible and accessible to guests. The facilities are subject to at least one annual inspection at the time of initial licensing and during renewal of the same.

17-2.2 Parking restrictions.

A. Except where permitted by law, no parking shall be allowed on the street or in the any unpaved portion of the front yard of any lot occupied by a short-term lodging use.

B. Parking regulations relative to the zoning district shall apply.

Section 17-3. Signage.

16-3.1 Signage.

A. No additional signage shall be permitted.

Section 17-4. Licenses, transferability, enforcement.

17-4.1 Licenses.

- A. Applicants shall be limited to owner-occupied single-family residential lots receiving a current homestead exemption through DeKalb County.
- B. A homestay shall obtain a home occupational tax certificate from the city and renew on an annual basis.
- C. Fees for lodging in a homestay are subject to local and state taxation ordinances.
- D. The owner of a homestay shall obtain a short-term lodging license from the city and renew on an annual basis. The application shall be furnished on a form specified by the City, accompanied by a non-refundable license fee as established by the official Fee Schedule of the City of Stone Mountain. Such application shall include:
 - 1. Name, address, phone number, and email of the property owner(s) of record for which a permit is sought. #
 - 2. A floor plan showing all bedrooms and bathrooms with the approximate square footage of each bedroom.
 - 3. A site plan of the overall property identifying parking spaces for lodgers.
 - 4. A short-term lodging property located within a subdivision where a functioning homeowners association exists must provide a notarized statement from the applicant that short-term lodging is not prohibited under the covenants of the HOA/subdivision.
 - 5. Proof of homeowners insurance.
 - 6. Signed acknowledgement that the owner(s) has read all regulations pertaining to the operation of a homestay and their agreement to abide by all applicable regulations.
- E. Active licenses shall not expire, provided that a property owner shall renew the license on an annual basis. If a property owner fails to renew a license, it shall be considered terminated by the licensee.

17-4.2 Transferability.

- A. Short-term lodging licensure issued under this ordinance shall not be transferred, assigned, or used by any person other than the owner to whom it is issued, or at any location other than for which it is issued.
- B. Short-term lodging licensure terminates upon transfer of the property to another owner.

17-4.3 Enforcement.

- A. Licenses issued under this ordinance may be suspended or revoked for any of the following reasons:
 - 1. An applicant furnished fraudulent or untruthful information in the application for a license, or omitted information required in the application for a license, or failed to pay all fees, taxes, or other charges imposed under the provisions of the City Code, in which case the city may immediately suspend or revoke the short-term lodging license.
 - 2. Any short-term lodging for which there are three (3) final determinations of violations of the City Code by a property owner, tenant, guest, host, lessee, or individual otherwise related directly to the property within any rolling 365 day period, shall constitute a violation of the terms of licensure and shall terminate the license. For any license that is terminated due to code violations, a property owner shall be ineligible for a license for a period of three (3) years.

3. Any licensee having his or her license suspended or revoked under this section may appeal to the city council in accordance with Section 2-1.10 Procedures for appeal of administrative decision.
- B. Any violations of this this code, including any violation of the noise control ordinance, shall subject the licensed individual to the following progressive actions:
1. The first violation within any rolling 365 day period shall result in a fine not to exceed \$250.00 and a written warning notice of violation.
 2. The second violation within any rolling 365 day period shall result in a fine not to exceed \$500.00 and a short-term lodging license suspension for a period of 30 days.
 3. The third violation within any rolling 365 day period shall result in a fine not to exceed \$1,000.00 and the revocation of the short-term lodging license and neither the owner nor local contact person shall be eligible to reapply for a license for a period of three (3) years.
- C. Each day the short-term lodging is marketed or rented for overnight accommodation without the necessary short-term lodging license required under this article shall constitute a separate violation.
- D. Failure of the owner or local contact person to respond to calls or complaints regarding the condition, operation, or conduct of occupants and/or guests of the short-term lodging in a timely and appropriate manner shall be grounds for imposition of penalties as set forth in this article. It is not intended that an owner or local contact person act as a peace officer or place himself or herself in an at-risk situation.

Sec. 12-72. Tax rate; applicability; maximum rate.

Pursuant to O.C.G.A. § 48-13-51, there is hereby levied an excise tax upon the furnishing for value to the public of any room, lodging or accommodations furnished by any person licensed by or required to pay business or occupation taxes to the city for operating a hotel, motel, inn, lodge, tourist camp, tourist cabin, or any other place in which rooms, lodgings or accommodations are regularly furnished for value. No tax shall be levied as provided in this section upon the fees or charges for any rooms, lodgings or accommodations furnished for a period of more than ten (10) consecutive days or for use as meeting rooms. No tax shall be levied as provided in this section upon the fees or charges for any rooms, lodgings or accommodations furnished for a period of one (1) or more consecutive days for use by state or local government officials or employees when traveling on official business. No tax levied pursuant to this section shall be levied or collected at a rate exceeding ~~eightfive (85)~~ percent of the charge to the public for the furnishings. The proceeds of this tax shall be used in accordance with the provisions of O.C.G.A. § 48-13-51(a)(D)(3). Any action by the city to increase the tax imposed under this section above ~~eightfive (58)~~ percent shall become effective no sooner than the first day of the second month following its adoption.

(Ord. No. 95-5, 4-4-95; Ord. No. 05-13, pt. I, 6-7-05)

Sec. 12-73. Collection of tax by operator.

Every operator renting guest rooms in this city shall collect a tax of ~~eightfive (85)~~ percent on the amount of rent from the occupant, unless an exemption is provided under section 12-74. The operator shall provide a receipt to each occupant, which receipt shall reflect both the amount of rent and the amounts of this and other tax(es) applicable. This tax shall be due from the occupant, and shall be collected by the operator at the same time that the rent is collected.

(Ord. No. 95-5, 4-4-95)



City of Stone Mountain
875 Main Street
Stone Mountain, GA 30083

STAFF ANALYSIS AND REPORT

To: City of Stone Mountain Mayor & City Council

From: Richard Edwards, AICP

Subject: Proposed Text Amendments to Article 3 and 5 of Appendix A – Zoning to create definitions and commercial uses for convenience stores, alcohol outlets, package stores, and smoke shops.

Date: August 6, 2024

Purpose:

The purpose of this staff report and analysis is to present the proposed text amendments to Article III and V of Appendix A – Zoning to create definitions and commercial uses for convenience stores, alcohol outlets, package stores, and smoke shops.

Background:

The city has seen an increase in the number of new businesses and business request for commercial businesses that include convenience stores, alcohol outlets, package stores, and smoke shops. The current code does not provide for a definition nor specific zoning regulations for these use types, as they are all regulated general retail uses. These text amendments define all of those uses and provides specific use allowances for each.

The following definitions are being proposed:

Alcohol outlet: 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 ten thousand (10,000) square feet that may sell beer, malt beverages, hard cider and/or wine for off-site consumption, as well as other products.

Convenience store: Any retail establishment offering for sale items such as household items, newspapers and magazines, prepackaged food products, beverages, 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. A convenience store may also include accessory fuel pumps. Excluded from this definition is any establishment providing automotive maintenance services or repairs.

Package store: A retail establishment that sells distilled spirits for off-site consumption.

Retail: The sale of goods, wares, or merchandise directly to the end-consumer. Other uses defined and regulated by this code shall not fall under “retail.”

Smoke shop: Any business establishment dedicated to the display, sale, distribution, delivery, offering, furnishing, marketing or use of tobacco, tobacco products, or alternative nicotine products/instruments, or any combination thereof, including but not limited to cigarettes, cigars, e-cigarettes, hookahs, and vapes. This definition shall not include any grocery stores, gas stations or similar retail use that only sells conventional cigars, or alternatively sells cigarettes only as an accessory sale (ten percent or less of total sales).

SUP = Special Use permit

P = Permitted

Zoning	Alcohol Outlet	Convenience Store	Package Store	Smoke Shop
Village Center Mixed-Use (VCM)	SUP	SUP	SUP	SUP
General Commercial (GC)	SUP	P*	SUP	P*
Industrial (I)	P*	P*	P	P*

*Supplemental Use regulations apply

Staff is recommending the following supplemental use regulations for **convenience stores**:

- Storefronts along a public street shall allow views into the building interior for a depth of at least five feet.
- No convenience store shall be located within 3,960 feet (i.e., three-fourth of a mile) of any other convenience store. The measurement of distance for the purposes of this subsection shall be from the front door of the structure to the closest point on a boundary of any parcels containing another convenience store.
- No less than ten (10) percent of the sales floor area shall be dedicated to fresh or pre-packaged meats, fruits, vegetables, and dairy products. Prior to the commencement of business for any convenience store, a floor plan showing the designated sales floor area shall be submitted to the city for approval.
- All convenience stores are required to have a functioning, 24/7 video surveillance system (VSS).

Staff is recommending the following supplemental use regulations for **smoke shops**:

- No smoke shop shall be allowed within 200 yards of any church, temple, or place of worship, daycare, school, college, university, or government owned facilities or properties.

- b. No smoke shop shall be allowed within 3,960 feet (i.e., three-fourth of a mile) of another smoke shop.
- c. The measurement of distance for the purposes of this subsection shall be measured by a straight line without regard to intervening structures or objects, from the front door of the smoke shop to the closest point on a boundary of any parcels containing a Church, Temple or Place of Worship, School, College, University, Government Facility, or another Smoke Shop.
- d. No use or establishment can exceed 2,000 square feet and drive-through/drive-up service is not permitted.
- e. Hours of operations can begin no earlier than 6 AM and end no later than 10 PM, including all deliveries.
- f. All smoke shops are required to have a functioning, 24/7 video surveillance system (VSS).

Staff is recommending the following supplemental use regulations for **alcohol outlets**, as recommended by the Planning Commission:

- a. All alcohol outlets are required to have a functioning, 24/7 video surveillance system (VSS).

Staff is recommending the following supplemental use regulations for **package stores**, as recommended by the Planning Commission:

- a. All package stores are required to have a functioning, 24/7 video surveillance system (VSS).

On July 15, 2024, the Planning Commission voted to recommend approval of this text amendment with the following additional changes highlighted in red:

Staff is recommending the following supplemental use regulations for **smoke shops**:

- a. No smoke shop shall be allowed within 200 yards of any church, temple, or place of worship, ~~daycare, school,~~ college, university, or government owned facilities or properties.
- b. No smoke shop call be allowed within 500 yards of any daycare or school.
- c. No smoke shop shall be allowed within 3,960 feet (i.e., three-fourth of a mile) of another smoke shop.
- d. The measurement of distance for the purposes of this subsection shall be measured by a straight line without regard to intervening structures or objects, from the front door of the smoke shop to the closest point on a boundary of any

parcels containing a Church, Temple or Place of Worship, School, College, University, Government Facility, or another Smoke Shop.

- e. No use or establishment can exceed 2,000 square feet and drive-through/drive-up service is not permitted.
- f. Hours of operations can begin no earlier than 6 AM and end no later than 10 PM, including all deliveries.
- g. All smoke shops are required to have a functioning, 24/7 video surveillance system (VSS).

Attachments:

1. Redlines of Article III and V of Appendix A – Zoning

PART II - CODE OF ORDINANCES
APPENDIX A - ZONING
ARTICLE III: DEFINITION OF TERMS USED IN THE ORDINANCE

ARTICLE III: DEFINITION OF TERMS USED IN THE ORDINANCE

Except as specifically defined herein, all words used in this ordinance have their customary dictionary definitions. For the purpose of this ordinance, certain words or terms used herein are defined as follows:

Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

The word "shall" is always mandatory.

The word "person" includes a firm, association, organization, partnership, trust company or corporation as well as an individual.

The word "lot" includes the words "plot" or "parcel".

The word "building" includes the word "structure".

The word "used" or "occupied" as applied to any land or building, shall be construed to include the words "intended, arranged or designated to be used or occupied".

The word "map" or "zoning map" means the "Zoning Map of the City of Stone Mountain, Georgia."

Accessory use: A use customarily incidental and subordinate to the principal use of building and located on the same lot with such principal use of building.

Aggrieved person: An applicant or owner of property within 300 feet of the property in question or city-sanctioned groups including the historic preservation committee, planning commission, downtown development authority or citizen groups such as the Women's Club, Veterans of Foreign Wars or Rotary Club.

Alcohol outlet: 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 ten thousand (10,000) square feet that may sell beer, malt beverages, hard cider and/or wine for off-site consumption, as well as other products.

Alteration; building and structural: Any change in the supporting members of a building (such as any type of supporting structural member) except such change as may be required for its safety; any addition to a building; any change in use from that of one district classification to another or of a building from one location to another.

Alley: A private or public thoroughfare which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Buffer strip: A strip of land planted with evergreen shrubbery so as to form a solid barrier to vision from the ground to a height of six feet.

Building: Any structure permanently attached to the ground and intended for shelter, housing or enclosure of persons, animals or chattels.

Building, accessory: A subordinate building, the use of which is incidental to that of a principal building on the same lot.

Building, height of: The vertical distance from the mean finished ground level at the front of the building to the highest point of a roof.

Building line: A line establishing the minimum allowable distance between the nearest portion of any building (excluding the outermost three feet of any uncovered porches, steps, gutters and similar fixtures) and the centerline of the street.

PART II - CODE OF ORDINANCES
APPENDIX A - ZONING
ARTICLE III: DEFINITION OF TERMS USED IN THE ORDINANCE

Building, principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Commercial vehicle: Any vehicle designed, used or maintained for the transportation of persons, goods, or things used in trade, services, or commerce in general. For the purposes of this ordinance, buses, vans and other vehicles seating more than nine persons used for transportation of people shall be considered a commercial vehicle.

Convenience store: Any retail establishment offering for sale items such as household items, newspapers and magazines, prepackaged food products, beverages, 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. A convenience store may also include accessory fuel pumps. Excluded from this definition is any establishment providing automotive maintenance services or repairs.

Cultural exhibit: An exhibition of cultural or historical property where collected objects are put on display to the public.

Dwelling unit: A dwelling or portion thereof providing facilities for one or more persons living as a nonprofit single housekeeping unit.

Dwelling, multi-family: A dwelling unit contained within a building or set of buildings on a common lot containing separate living units for four or more families, having separate or joint entrances, and including apartments and condominiums. These are specifically distinguished from units defined as single-family attached dwellings.

Dwelling, single-family, attached (townhouse): A residential structure designed to house a single-family dwelling from the lowest level to the roof, with a private outside entrance, but not necessarily occupying an individual lot, and sharing a common wall with adjoining dwelling units.

Dwelling, single-family, detached: A residential structure designed to house a single-family dwelling unit located on an individual lot, which is not attached to any other dwelling unit by any means.

Family day care home is operated in a private residential home to provide child care for children less than 18 years of age for less than 24 hours per day. Family day care home providers care for three, but no more than six children for a fee.

Group Day Care Home is operated by a person, corporation, or institution, to provide child care for children less than 18 years of age for less than 24 hours per day. Group Day Care Homes are licensed for 7-18 children.

Lot: A portion of land devoted to a common use or occupied by a building or group of buildings devoted to a common use by a legal subdivision process based on an approved plat of record, together with the customary accessories and open spaces belonging to the same.

Lot width: The shortest distance between the side lot lines, measured at the midpoint of the building line.

Manufactured home means a building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term includes any structure commonly referred to as a "mobile home" regardless of the date of manufacture. The term also includes parked trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Nonconforming use: Any building or land lawfully occupied by a use at the time of passage of the ordinance or amendment thereto which does not conform after the passage of this ordinance or amendment thereto with the use regulations of the district in which it is situated. Existing improvements which do not meet required parking and

PART II - CODE OF ORDINANCES
APPENDIX A - ZONING
ARTICLE III: DEFINITION OF TERMS USED IN THE ORDINANCE

loading regulations, height regulations, area regulations, and residential floor area regulations for the district in which they are located are not nonconforming uses as defined above.

Package store: A retail establishment that sells distilled spirits for off-site consumption.

Retail: The sale of goods, wares, or merchandise directly to the end-consumer. Other uses defined and regulated by this code shall not fall under "retail."

Sign: Shall mean 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 purposes of this ordinance, the term "sign" shall include the structure upon which a sign face is located. Any device, structure or representation for visual communications which is used for the purpose of bringing the subject thereof to the attention of others that is wholly located within a completely enclosed building and is located a minimum of three feet away from any opening or exterior window or and seasonal holiday decorations shall not be included within the definition of "sign" and regulated as such.

Sign, area of: Shall mean the total area upon which a message is displayed on any sign consisting of the smallest square, rectangle, triangle, circle, or combination thereof, which encompasses the entire sign, inclusive of any border and trim, but excluding the base, apron, supports, and other structural members.

Sign, free-standing: Any sign which is not supported by a wall or roof of a building, or which extends more than three feet horizontally from the wall of a building.

Smoke shop: Any business establishment dedicated to the display, sale, distribution, delivery, offering, furnishing, marketing or use of tobacco, tobacco products, or alternative nicotine products/instruments, or any combination thereof, including but not limited to cigarettes, cigars, e-cigarettes, hookahs, and vapes. This definition shall not include any grocery stores, gas stations or similar retail use that only sells conventional cigars, or alternatively sells cigarettes only as an accessory sale (ten percent or less of total sales).

Street: A public or private thoroughfare, not less than 40 feet wide, which is open to the general public and which affords the principal means of access to abutting property.

Yard: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard (front): A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies or uncovered porches. On multi-frontage lots all yards fronting on a public street shall be considered front yards.

Yard (side): A yard between the main building and the side line of the lot; extending from the front lot line to the rear yard; being the minimum horizontal distance between a side lot line and the side of the main building or any projections thereto.

Yard (rear): A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof, other than the projections of uncovered steps, unenclosed balconies or unenclosed porches, provided that said projections be at least 20 feet from the rear lot lines. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.

(Ord. No. 2020-06, Pt. I, 7-7-20)

ARTICLE V: DISTRICT REGULATIONS

Section 5-5. Village center mixed-use (VCM) district.

5-5.1 Intent and where permitted. This district (hereafter referred to as (VCM) is created to establish a plan implementation zone that:

- Accommodates moderate- to high-density residential development and ground-floor commercial uses with residential units above. This district also accommodates low-intensity office development compatible with the residential character of the VCM district.
- Allows for a diverse variety of uses, structures, densities and open spaces when not in conflict with existed and permitted land uses on abutting properties;
- Promotes a more efficient use of land and a smaller network of utilities and natural resources than conventional land development;
- Encourages the preservation of functional open space in and around the village center;
- Provides the opportunity for the application of innovative site planning concepts through the creation of aesthetically pleasing environments for living, shopping and working on properties of adequate shape, size and location that conventional land development may not allow for;
- Encourages high pedestrian use and accessibility and transportation alternatives.

Uses are limited to multi-family dwellings, two-family dwellings, mixed-use residential and commercial developments to commercial and professional complimentary uses intended primarily to provide service to the entire city.

5-5.3 Permitted by special use.

- A. The following uses may be permitted provided the applicant for such a development is granted a special use permit by the mayor and council after receiving recommendations from the planning commission and after a public hearing:
1. Cultural exhibits and libraries.
 2. Bed and breakfast.
 3. Laundry services (drycleaners).
 4. Consumer repair services provided:
 - a. Services are non-automotive;
 - b. No outside storage.
 5. Animal sales and services (household pets no outside kennels or runs).
 6. Eating and drinking establishments (with walk-through service).
 7. Recreational equipment rental provided there is no outside storage.
 8. Day nurseries and kindergartens.
 - a. The following provisions apply to day nurseries and kindergartens:
 - i. There shall be not less than thirty-five (35) square feet of indoor play area for each child at maximum licensed enrollment and not less than one hundred (100) square feet per child of outdoor play area at maximum licensed enrollment.

- ii. The outdoor play area shall be enclosed by a fence not less than four (4) feet in height but not over eight (8) feet in height
 - iii. A circular drive shall be provided for off-street loading and unloading.
- 10. Business or vocational school.
- 11. Private or parochial elementary, middle or high school, or college.
 - a. Day nurseries and kindergartens may be established as an accessory use to private or parochial schools subject to the requirements listed in 5-5.3A-9.
- 12. Religious Institutions.
- 13. Microbrewery, provided that:
 - a. Shall adhere to a maximum floor area of four thousand (4,000) square feet.
 - b. No outdoor speaker systems shall be permitted.
 - c. Productions shall be in wholly enclosed buildings.
 - d. Outdoor equipment shall be permitted, with adequate screening from public view.
 - e. No outdoor storage is permitted.
- 14. Microdistillery (craft distillery), provided that:
 - a. Shall adhere to a maximum floor area of four thousand (4,000) square feet.
 - b. No outdoor speaker systems shall be permitted.
 - c. Productions shall be in wholly enclosed buildings.
 - d. Outdoor equipment shall be permitted, with adequate screening from public view.
 - e. No outdoor storage is permitted.
- 15. Alcohol outlets, provided that:
 - a. All alcohol outlets are required to have a functioning, 24/7 video surveillance system (VSS).
- 16. Package store, provided that:
 - a. All package stores are required to have a functioning, 24/7 video surveillance system (VSS).
- 17. Convenience store without accessory fuel pumps, provided that:
 - a. Storefronts along a public street shall allow views into the building interior for a depth of at least five feet.
 - b. No convenience store shall be located within 3,960 feet (i.e., three-fourth of a mile) of any other convenience store. The measurement of distance for the purposes of this subsection shall be from the front door of the structure to the front door of the structure along the shortest possible course, regardless of any common route, path, or travel.
 - c. At least ten (10) percent of the sales floor area shall be dedicated to fresh or pre-packaged meats, fruits, vegetables, and dairy products. Prior to the commencement of business for any convenience store, a floor plan showing the designated sales floor area shall be submitted to the city for approval.
 - d. All convenience stores are required to have a functioning, 24/7 video surveillance system (VSS).

18. Smoke shops, provided that:

- a. No smoke shop shall be allowed within 200 yards of any church, temple, or place of worship, daycare, school, college, university, or government owned facilities or properties.
- b. No smoke shop shall be allowed within 500 yards of another smoke shop.
- c. The measurement of distance for the purposes of this subsection shall be measured by a straight line without regard to intervening structures or objects, from the front door of the smoke shop to the closest point on a boundary of any parcels containing a Church, Temple or Place of Worship, School, College, University, Government Facility, or another Smoke Shop.
- d. No use or establishment can exceed 2,000 square feet and drive-through/drive-up service is not permitted.
- e. Hours of operations can begin no earlier than 6 AM and end no later than 10 PM, including all deliveries.
- f. All smoke shops are required to have a functioning, 24/7 video surveillance system (VSS).

Section 5-7. General commercial (GC) district.

5-7.1 Intent and where permitted. This district (hereafter referred to as (GC) is created to establish a plan implementation zone that:

- Encourages the organized concentration of a wide variety of retail goods and services for the community;
- Promotes high-quality design and aesthetic features including lighting, landscaping and pedestrian-oriented amenities;
- Encourage inter-parcel accessibility and promotes the use of transportation alternatives;
- Creates and enhances commercial areas where complete retail sales and services are available and desirable for public service and convenience; and
- Require a location accessible to large numbers of people and that serve substantial portions of the community.

This district is intended primarily for developments that contain commercial, financial, governmental or professional complementary uses intended primarily to provide service to the entire community. Typically this district would be applied where central area commercial facilities are desired or along major roadways.

5-7.2 Permitted uses by right.

- A. The following uses shall be permitted subject to requirements and limitations of this ordinance:
 - 1. Administrative and business offices.
 - 2. Animal sales and services (household pets, no outside runs or kennels).
 - 3. Animal sales and services (veterinary — small animals, no outside runs or kennels).
 - 4. Business equipment sales.
 - 5. Commercial recreation.
 - 6. Communication services.
 - 7. Community parks and recreation (publicly owned).

8. Conservation and passive recreation areas.
9. Fire and police protection services.
10. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility.
11. Temporary construction uses.
12. Building or lands used for governmental purposes by a branch of a local, state or federal government such as schools, parks, post offices or fire stations provided.
13. Public utilities including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses or structures except warehouse, repair, storage, vehicle maintenance, truck or road equipment storage and radio and television studios.
14. Public utility facilities, if essential to service this zoning district, are permitted provided:
 - a. All structures, except for driveways, are placed 50 feet from any property line.
 - b. All structures, except for driveways, are enclosed by a wall or opaque fence at least but not greater than eight feet in height.
 - c. A ten-foot buffer is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet in height and provide an effective visual screen.
 - d. The lot is suitably landscaped.
 - e. No vehicles or equipment are stored on the premises.
15. Stormwater management facilities shown on an approved final site plan or subdivision plat.
16. Consumer services (non-automotive).
17. Recreation sales and services.
18. Automatic teller machines that are not an accessory use to a financial center.
19. Professional medical clinic services.
20. Financial services.
21. Eating and drinking establishments.
22. Food and beverage retail sales.
23. Professional offices.
24. Retail sales (general excluding automotive).
25. Funeral and interment services.
26. Business or vocational school.
27. Private or parochial elementary, middle or high school, or college.
 - a. Day nurseries and kindergartens may be established as an accessory use to private or parochial schools subject to the requirements listed in 5-7.3A-9.
28. Religious institutions.

29.. Convenience store, provided that:

- a. Storefronts along a public street shall allow views into the building interior for a depth of at least five feet.
- b. No convenience store shall be located within 3,960 feet (i.e., three-fourth of a mile) of any other convenience store. The measurement of distance for the purposes of this subsection shall be from the front door of the structure to the closest point on a boundary of any parcels containing another convenience store.
- c. No less than ten (10) percent of the sales floor area shall be dedicated to fresh or pre-packaged meats, fruits, vegetables, and dairy products. Prior to the commencement of business for any convenience store, a floor plan showing the designated sales floor area shall be submitted to the city for approval.
- d. All convenience stores are required to have a functioning, 24/7 video surveillance system (VSS).

30. Smoke shops, provided that:

- a. No smoke shop shall be allowed within 200 yards of any church, temple, or place of worship, daycare, school, college, university, or government owned facilities or properties.
- b. No smoke shop shall be allowed within 500 yards of another smoke shop.
- c. The measurement of distance for the purposes of this subsection shall be measured by a straight line without regard to intervening structures or objects, from the front door of the smoke shop to the closest point on a boundary of any parcels containing a Church, Temple or Place of Worship, School, College, University, Government Facility, or another Smoke Shop.
- d. No use or establishment can exceed 2,000 square feet and drive-through/drive-up service is not permitted.
- e. Hours of operations can begin no earlier than 6 AM and end no later than 10 PM, including all deliveries.
- f. All smoke shops are required to have a functioning, 24/7 video surveillance system (VSS).

5-7.3 Permitted by special use.

- A. The following uses may be permitted provided the applicant for such a development is granted a special use permit by the mayor and council after receiving recommendations from the planning commission and after a public hearing:
 - 1. Cultural exhibits and libraries.
 - 2. Hotel and lodging services.
 - 3. Laundry services (drycleaners)
 - 4. Consumer repair services provided:
 - a. Services are non-automotive;
 - b. No outside storage.
 - 5. Eating and drinking establishments (with drive-thru service).
 - 6. Retail sales and services (with drive-thru service).
 - 7. Recreational equipment rental provided there is no outside storage.

8. Day nurseries and kindergartens.
 - a. The following provisions apply to day nurseries and kindergartens:
 - i. There shall be not less than thirty-five (35) square feet of indoor play area for each child at maximum licensed enrollment and not less than one hundred (100) square feet per child of outdoor play area at maximum licensed enrollment.
 - ii. The outdoor play area shall be enclosed by a fence not less than four (4) feet in height but not over eight (8) feet in height.
 - iii. A circular drive shall be provided for off-street loading and unloading.
10. Microbrewery, provided that:
 - a. Shall adhere to a maximum floor area of eight thousand (8,000) square feet.
 - b. No outdoor speaker systems shall be permitted.
 - c. Productions shall be in wholly enclosed buildings.
 - d. Outdoor equipment shall be permitted, with adequate screening from public view.
 - e. No outdoor storage is permitted.
11. Microdistillery (craft distillery), provided that:
 - a. Shall adhere to a maximum floor area of eight thousand (8,000) square feet.
 - b. No outdoor speaker systems shall be permitted.
 - c. Productions shall be in wholly enclosed buildings.
 - d. Outdoor equipment shall be permitted, with adequate screening from public view.
 - e. No outdoor storage is permitted.
13. Alcohol outlet, provided that:
 - a. All alcohol outlets are required to have a functioning, 24/7 video surveillance system (VSS).
3. Package store, provided that:
 - a. All package stores are required to have a functioning, 24/7 video surveillance system (VSS).

Section 5-9. Industrial (I) district.

5-9.1 Intent and where permitted. This district (hereafter referred to as (I) is created to establish a plan implementation zone that:

- Accommodates development for heavy commercial uses associated with manufacturing and assembly;
- Provides for a district where such uses can operate in a manner that does not cause harm to the health, safety and welfare of the surrounding districts;
- Encourages similar uses to operate in designated, concentrated areas within the city;
- Provides for appropriate operating hours that do not cause hardship upon the landowner in this district nor upon the surrounding districts.

Uses are limited to developments associated with heavy commercial and industrial operations. Operating hours for all uses within this district are from 6 a.m. to 7 p.m.

5-9.2 Permitted uses by right.

- A. The following uses shall be permitted subject to requirements and limitations of this ordinance:
1. Agricultural uses when located on a tract of not less than five acres.
 2. Manufacturing, processing, fabrication, assembly, packaging, repair or servicing of any consumer or commercial-grade product.
 3. Warehousing, wholesaling, storage or transport of consumer or commercial-grade product.
 4. Retail sale of any commodity manufactured, processes, fabricated, assembled or repaired by the occupant on the premises.
 5. Offices which are in conjunction with other permitted uses.
 6. Laboratories.
 7. Building material yards.
 8. Automobile, truck or equipment repair garages, provided that a minimum of two off street spaces are available for service.
 9. Automobile wrecking or junk yards, when completely enclosed by an opiate fence having a minimum height of six feet, but no less than what effectively screens from plain view of all sides of the property.
 10. Trucking, railroad terminals and stations.
 11. Fire and police protection services.
 12. Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard; any accessory building exceeding 200 square feet shall have an exterior finish consistent with the primary residence. Accessory buildings shall be limited to two structures and not exceed 400 square feet of gross floor area.
 13. Lodges and buildings of fraternal and civic assembly, provided that:
 - a. Such use is currently underserved by existing use.
 - b. The lot abuts upon an arterial or collector street or state highway.
 - c. The lot is at least three acres in size.
 - d. All buildings are located at least 50 feet from all property lines.
 - e. A buffer at least ten feet wide is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet tall and provide an effective visual screen;
 - f. Adequate off-street parking, provided:
 - i. Parking area is located to the side or rear of the principal building.
 - g. A circular drive for off-street loading is provided.
 14. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility.

15. Temporary construction uses.
16. Building or lands used for governmental purposes by a branch of a local, state or federal government such as schools, parks, post offices or fire stations provided:
 - a. A use does not exceed 12,000 square feet of gross floor area per parcel.
17. Public utilities including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses or structures except warehouse, repair, storage, vehicle maintenance, truck or road equipment storage and radio and television studios.
18. Public utility facilities, if essential to service this zoning district, are permitted provided:
 - a. All structures, except for driveways, are placed 50 feet from any property line.
 - b. All structures, except for driveways, are enclosed by a wall or opaque fence at least but not greater than eight feet in height.
 - c. A ten-foot buffer is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet in height and provide an effective visual screen.
 - i. The lot is suitably landscaped.
 - ii. No vehicles or equipment are stored on the premises.
 - d. Stormwater management facilities shown on an approved final site plan or subdivision plat.
19. Alcohol outlet, provided that:
 - a. All alcohol outlets are required to have a functioning, 24/7 video surveillance system (VSS).
20. Package store, provided that:
 - a. All package stores are required to have a functioning, 24/7 video surveillance system (VSS).
21. Convenience store, provided that:
 - a. Storefronts along a public street shall allow views into the building interior for a depth of at least five feet.
 - b. No convenience store shall be located within 3,960 feet (i.e., three-fourth of a mile) of any other convenience store. The measurement of distance for the purposes of this subsection shall be from the front door of the structure to the front door of the structure along the shortest possible course, regardless of any common route, path, or travel.
 - c. At least ten (10) percent of the sales floor area shall be dedicated to fresh or pre-packaged meats, fruits, vegetables, and dairy products. Prior to the commencement of business for any convenience store, a floor plan showing the designated sales floor area shall be submitted to the city for approval.
 - d. All convenience stores that include commercial fuel pumps are required to have a functioning, 24/7 video surveillance system (VSS).
22. Smoke shops, provided that:
 - a. No smoke shop shall be allowed within 200 yards of any church, temple, or place of worship, daycare, school, college, university, or government owned facilities or properties.
 - b. No smoke shop shall be allowed within 500 yards of another smoke shop.
 - c. The measurement of distance for the purposes of this subsection shall be measured by a straight line without regard to intervening structures or objects, from the front door of

the smoke shop to the closest point on a boundary of any parcels containing a Church, Temple or Place of Worship, School, College, University, Government Facility, or another Smoke Shop.

- d. No use or establishment can exceed 2,000 square feet and drive-through/drive-up service is not permitted.
- e. Hours of operations can begin no earlier than 6 AM and end no later than 10 PM, including all deliveries.
- f. All smoke shops are required to have a functioning, 24/7 video surveillance system (VSS).



Mayor and City Council Regular Session

Tuesday, August 06, 2024 at 6:30 PM

City Hall, 875 Main Street, Stone Mountain, Georgia 30083

Minutes

Mayor and Council: Dr. Beverly Jones – Mayor | Ryan Smith - Mayor Pro Tem

Anita Bass | Mark Marianos | Gil Freeman | Shawnette Bryant | Teresa Crowe

Staff: Darnetta Tyus - City Manager | Shawn Edmondson - Assistant City Manager - City Clerk |

Danny Mai - Assistant City Clerk | Jeff Strickland - City Attorney

City of Stone Mountain, GA Facebook page: <https://www.facebook.com/CityofStoneMtn/>

Link to join Webinar: [<https://us06web.zoom.us/j/82926013751>]

Call to Order

Determination of Quorum

PRESENT

Council Member: Post 1 Anita Bass

Council Member: Post 2 Mark Marianos

Mayor Pro Tem: Post 3 Ryan Smith

Council Member: Post 5 Shawnette Bryant

Council Member: Post 6 Teresa Crowe

Mayor Beverly Jones

PRESENT

Council Member: Post 4 Gil Freeman (Arrived at 07:08 PM ET).

Invocation and Pledge

Mayor Jones led the Pledge at 06:37 PM ET. Rev Orea Parker led the Invocation at 06:37 PM ET.

Citizen Comments – Including comments from public/stakeholders (3 minutes per comment)

Comments from the Public

The public comments are reserved exclusively for comments from the public and not for immediate reply.

The purpose of public comment is to allow the public to voice city related requests, concerns or opinions only during the public comment portion of the City Council meeting. I. The Mayor and City Council reserves the right to extend or limit the length of public comments based on: (1) the issue under discussion; (2) the number of items on the agenda; and (3) the extent to which the speaker remains constructive in their comments and questions. II. The public may not directly confront the public speaker but must direct all comments and questions to the Mayor and City Council. III. Public harassment of or confrontation with a public speaker will not be tolerated. Members of the public violating tenets two or three will be asked to sit down or leave the premises.

Citizen Comment #1 (Sharon Frierson): Frierson mentioned that there was a major fire & explosion within the city. Frierson noted that she would like to have quicker response times to emergency situations. Frierson asked what the city's emergency response plans were in the event that a peril occurs.

Citizen Comment #2 (Theresa Thomas): Thomas opened discussion with a prayer. Thomas noted that there is not enough transparency within the city, specifically regarding the zoning. Thomas noted that there are changes to MR1's within the city (Commercial Businesses). Thomas noted the Georgia Law in regard to conflict of interest within the city.

Citizen Comment #3 (Cheryl Dudley): Dudley noted the importance of having an emergency plan within the city in the event of a peril. Dudley also noted that she would be speaking in regard to the Baptist Lawn. Dudley also noted that the events that have occurred within the lawn have been great but is hoping that the lawn will be opened for the public. Dudley also noted that the GMC building would be purchased for the public to use as well.

Citizen Comment #4 (A Thomas): Thomas spoke on the rezoning of townhomes within the city. Thomas specifically noted that the DeKalb County website notes that the zoning is different from the City of Stone Mountain's rezoning.

Citizen Comment #5 (Carl Wright): Wright spoke in regard to the vacant buildings within Mainstreet. Wright mentions the risks and perils to public safety and health. Wright mentions that there is a building within Mainstreet that one of the windows are cardboard. Wright mentions that these buildings are keeping the city from reaching their potential, and suggests a \$1000.00 fine per month, for vacant buildings. Wright additionally mentions various different cities that have implemented such vacancy controls.

Citizen Comment #6 (Waini Buggs): Buggs spoke in regard to the rezoning that is occurring within the city. Buggs noted that she is concerned that the city is working for the benefit of investors.

Citizen Comment #7 (Anthonia Amadi-Emina): Amadi-Emina spoke in regard to the rezoning that is occurring within the city. She also mentioned that the seniors who live within the city should be spending the rest of their lives living in peace rather than anxiety.

Citizen Comment #8 (Courtney Veasey): Veasey spoke in regard to the rezoning that is occurring within the city. Veasey requests that there are meetings in regard to the zoning situation. She also speaks regarding the abundance of vacant buildings within the city.

Citizen Comment #9 (Everett White): White spoke in regard to the rezoning that is occurring within the city. White spoke questioned the benefits that the rezoning has to the city and residents. White requested that the plans be made public for the citizens so that that citizens may make educated opinions on the changes. White additionally mentioned that citizen comments should occur after the agenda items.

Citizen Comment #10 (Vanessa Walls): Walls spoke representing Stone Mountain Elementary School, noting that the council has no authority to call forth the principle to speak to them. The Stone Mountain Elementary has since then noted that they would not like to be considered for the adaptation of Stone Mountain. Walls thanked City Manager Tyus, the Police Department, and various council members for their efforts to support the school. Walls noted that the council works for the citizens of the City of Stone Mountain.

Citizen Comment #11 (Clint Monroe): Monroe wanted to speak in regard to the installation of the new LED lights within the city. Monroe spoke on the positive benefits that these lights bring to the city, specifically noting that around 100 lights are being installed. Monroe also spoke on the benefits that the adaption would bring to the community.

Citizen Comment #12 (Tequilla Hunts): Hunts spoke in regard to the rezoning that is occurring within the city. Hunts specifically mentioned the importance of protecting the churches within the City.

Review of the Journal (Assistant City Manager & City Clerk Edmondson)

1. Request Minutes from City Council Meeting [07.16.2024] be approved

Assistant City Manager Edmondson spoke to council, requesting the minutes be approved.

Motion made by Mayor Pro Tem: Post 3 Smith, Seconded by Council Member: Post 1 Bass.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 6 Crowe

Voting Nay: Council Member: Post 5 Bryant

Reading of Communications

Adoption of The Agenda of The Day

Motion made by Mayor Pro Tem: Post 3 Smith, Seconded by Council Member: Post 6 Crowe.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe

City Manager's Report

2. City Manager - Darnetta Tyus

Mayor Jones announced the former City Manager Tyus has since resigned from her role. in the Interim, Assistant City Manager will take her place.

Assistant City Manager spoke in regard to the City Manager's Report found within the agenda. Assistant City Manager also announced Renata Boyd to council as a new member of the city staff.

(CITY MANAGER REPORT IS IN THE AGENDA PACK)

Council Policy Discussion Topics

Unfinished Business

3. Discussion on updates on City Finances: -Monthly Financial Report -SPLOST I Update - SPLOST II Update -ARPA Update -ARPA Opinion Update -Grants Report Update -Budget Amendment (City Manager Tyus)

City Attorney spoke in regard to the mayors' credit card usage, and the legality of such. The Attorney noted that he provided opinions based on the documents that were provided to council prior to the meeting. The Attorney noted that the credit cards that were provided to the other council members should immediately be terminated and turned into the Assistant City Clerk.

CM Freeman noted that he believes that the City Council Members should pay back the city and get reimbursed after the matter. After discussion with CM Freeman, City Attorney Strickland noted that proper procedure was not followed.

Mayor requested that a forensic audit occurs to ensure that the city is in compliant with the law. Mayor additionally noted that she would like to ensure that the budget is done legally and proper. Discussion ensued regarding the budget.

4. Discussion and Approval of a budget Amendment Resolution (City Manager Darnetta Tyus) ITEM TABLED UNTIL NEXT SESSION UNTIL AUGUST 20th. Mayor noted that the council will vote on that session.

PRESENT

Council Member: Post 1 Anita Bass

Council Member: Post 2 Mark Marianos

Mayor Pro Tem: Post 3 Ryan Smith

Council Member: Post 4 Gil Freeman

Council Member: Post 5 Shawnette Bryant

Council Member: Post 6 Teresa Crowe

Mayor Beverly Jones

5. Approval of the Purchase and Installation of the 4th Street Traffic Calming Device(s) totaling \$24,973.01 using ARPA Funds. The following items are being purchased:

- 5 3'x18' speed bumps with pins
- 5 installation of the 5 speed bumps with traffic control
- 8 Temporary Traffic Measure (Signs)
- 2 Residential speed controls (Signs)
- 2 Speed bumps ahead (Signs)
- 8 Speed bump (Signs)

(City Manager Darnetta Tyus)

MOTION TO APPROVE THE PURCHASE

Motion made by Mayor Pro Tem: Post 3 Smith, Seconded by Council Member: Post 2 Marianos.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 4 Freeman, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe

6. Discussion on The City of Stone Mountain's 2021 Comprehensive Plan; specifically focusing on, (1) What has been accomplished since its adoption AND (2) What are the top 3 items that still need to be completed. (CM Anita Bass)

Assistant City Manager spoke to council and reinforced council of what is relevant to the city since 2020.

City Mayor asked what has been accomplished, and what has been completed. City Mayor noted that this will be an item in a future agenda. CM Bass noted that by completing these items in phases, this will be better manageable.

CM Freeman noted that he would like to have discussions prior to having public discussions. Mayor noted that there will be a workshop with an individual who does not have an interest in the city.

MOTION TO CANCEL THE MEETINGS FOR THE PUBLIC HEARING August 20th & SEPTEMBER 3rd

Motion made by Council Member: Post 4 Freeman, Seconded by Council Member: Post 2 Marianos.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 4 Freeman, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe

7. Discussion on a Traffic Calming for Mountain View Drive. (CM Anita Bass)

NO ACTION ITEM - CITY TO HOST A TOWNHALL

8. Discussion in regards to the Baptist lawn (Rules on the Lawn with Chief Westerfield, What days it would be open, Potentially hiring a consultant to compile citizen comments regarding the Baptist lawn, Presenting the findings in a special called). (CM Anita Bass)

Chief Westerfield passed around City Ordinances in regard to Park rules. Chief is asking that council revises and updates the park ordinances.

Mayor Jones noted that she would like Chief to work with the Parks and Recreations committee. Discussion occurred between staff and administration regarding policing of the Baptist Lawn, administration of the Lawn, and the engagement of the public into the Lawn CM Freeman noted that he would like to have 2 police officers stationed at the Baptist Lawn at all times.

MOTION TO DIRECT ADMINISTRATION TO CREATE RFP'S IN REGARD TO THE BAPTIST LAWN

Motion made by Council Member: Post 6 Crowe, Seconded by Council Member: Post 2 Marianos.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 4 Freeman, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe

9. Discussion on the completion of Rockbrough Signage (CM Shawnette Bryant)

MOTION TO RECESS FOR 5 MINUTES

UNANIMOUS VOTE YES; Reconvene at 10:06 PM ET

NO ACTION TAKEN.

10. Discussion on the City Budget regarding street paving and traffic calming study for Rockbrough Subdivision (CM Shawnette Bryant)

NO ACTION TAKEN

11. Discussion regarding the re-naming of the "Baptist Lawn" (MPT Ryan Smith)

NO ACTION TAKEN.

12. Discussion regarding the "Baptist Lawn's" maintenance & month-to-month contract (CM Teresa Crowe)

NO ACTION TAKEN

13. Discussion and Vote on Opening Baptist Lawn (5305 West Mountain Street, Stone Mountain, Georgia 30083) for Public Use (CM Teresa Crowe)

NO ACTION TAKEN

14. Discussion regarding the DDA (CM Gil Freeman)

NO ACTION TAKEN

New Business

15. Discussion and Approval of the contract with DebtBook Services for a premium of \$3,000.00 a year; for a 3 year term; totaling \$9,000.00 total. This is to ensure that the city is complying with the Governmental Accounting Standards Board (GASB; Statement #96; subscriptions). (City Manager Darnetta Tyus)

MOTION TO APPROVE ITEM AS IS

Motion made by Mayor Pro Tem: Post 3 Smith, Seconded by Council Member: Post 2 Marianos.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 4 Freeman, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe

16. Ratification of Main Street Paving change order for a total of \$14,793.60 using SPLOT I Funds (City Manager Darnetta Tyus)

MOTION TO APPROVE ITEM AS IS

Motion made by Mayor Pro Tem: Post 3 Smith, Seconded by Council Member: Post 1 Bass.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro

Tem: Post 3 Smith, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe
 Voting Nay: Council Member: Post 4 Freeman

17. Consideration of the appointment of Rebecca Spring to the Historic Preservation Commission
 (City Planner Richard Edwards)

Applicant spoke to council and explained their background to council. Applicant noted that she is an archeologist and further explained additional information regarding her experiences.

-----COUNCIL DISCUSSION-----

CM Freeman asked applicant on their experience regarding the HPC. Applicant noted that she is familiar with the federal and state laws but is working on memorizing local ordinances. CM Freeman asked applicant if the new developments affect Historical Preservation. CM Freeman asked applicant if she has any relations to any officials in the City. Applicant stated no.

Motion made by Mayor Pro Tem: Post 3 Smith, Seconded by Council Member: Post 1 Bass.
 Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro
 Tem: Post 3 Smith, Council Member: Post 4 Freeman, Council Member: Post 5 Bryant,
 Council Member: Post 6 Crowe

18. Proposed Text Amendments to Article 3, 5, 16, and 17 of Appendix A – Zoning and Article 2 of
 Chapter 12 – Licenses and Business Regulations to further define and regulate short-term
 lodging in the City of Stone Mountain. (City Planner Richard Edwards)

NO ACTION TAKEN

19. Proposed Text Amendments to Article 3 and 5 of Appendix A – Zoning to create definitions
 and commercial uses for convenience stores, alcohol outlets, package stores, and smoke
 shops. (City Planner Richard Edwards)

NO ACTION TAKEN

20. Approval of the appointment of Tom Zimmerman as a new member to the Stone Mountain
 Community Garden Committee (Assistant City Manager & City Clerk Shawn Edmondson)
 Assistant City Manager & City Clerk Shawn Edmondson spoke to council regarding the item.

MOTION TO APPROVE.

SUBSEQUENT MOTION TO TABLE.

-----COUNCIL DISCUSSION-----

CM Freeman noted that since there were no committee members present, he would like to
 table all appointments for the Community Garden Commission.

SUBSEQUENT MOTION TO TABLE ALL APPOINTMENTS

NO SECOND... FAILED

MOTION TO TABLE APPLICANT

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 4 Freeman, Council Member: Post 5 Bryant, Mayor Jones

Voting Nay: Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 6 Crowe,

MOTION TO TABLE PASSES... MOVED

TO NEXT AGENDA.

21. Approval and reappointment of Columbus Brown to the Stone Mountain Community Garden Committee (Assistant City Manager & City Clerk Shawn Edmondson)

MOTION TO APPROVE AS IS

Motion made by Mayor Pro Tem: Post 3 Smith, Seconded by Council Member: Post 1 Bass.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 6 Crowe

Voting Nay: Council Member: Post 4 Freeman, Council Member: Post 5 Bryant

MOTION PASSES

22. Approval and reappointment of Chakira Johnson to the Stone Mountain Community Garden Committee (Assistant City Manager & City Clerk Shawn Edmondson)

MOTION TO APPROVE AS IS

Motion made by Mayor Pro Tem: Post 3 Smith, Seconded by Council Member: Post 1 Bass.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe

Voting Nay: Council Member: Post 4 Freeman

23. Approval and reappointment of Laurette Jackson to the Stone Mountain Community Garden Committee (Assistant City Manager & City Clerk Shawn Edmondson)

MOTION TO APPROVE AS IS

Motion made by Mayor Pro Tem: Post 3 Smith, Seconded by Council Member: Post 1 Bass.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 6 Crowe

Voting Nay: Council Member: Post 4 Freeman, Council Member: Post 5 Bryant

24. Approval and reappointment of Juliana Pierre to the Stone Mountain Community Garden Committee (Assistant City Manager & City Clerk Shawn Edmondson)

MOTION TO APPROVE AS IS

Motion made by Mayor Pro Tem: Post 3 Smith, Seconded by Council Member: Post 1 Bass.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 6 Crowe

Voting Nay: Council Member: Post 4 Freeman, Council Member: Post 5 Bryant

25. Discussion and Approval of the purchase of the following items from ULINE utilizing ARPA Funds, for a total of \$5,050.00:

-15 Portable Safety Barrier(s)

-25 8' A-Frame Barrier(s)

-50 A-Frame Legs

(Chief James Westerfield)

MOTION TO APPROVE THE ITEM AS IS

Motion made by Mayor Pro Tem: Post 3 Smith, Seconded by Council Member: Post 5 Bryant.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 4 Freeman, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe

26. Discussion and Approval of a 100kW Generator through ESSE for \$139,230.00 through ARPA Funds. This Generator is going to be used to protect City Hall in the event of a Power Outage. The total price includes:

-Startup

-Freight

-Training

-Installation

(Chief James Westerfield)

MOTION TO APPROVE AS IS

Motion made by Mayor Pro Tem: Post 3 Smith, Seconded by Council Member: Post 2 Marianos.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 4 Freeman, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe

27. Discussion on re-mapping the DDA Map (CM Gil Freeman)

NO ACTION TAKEN

New Ordinances and Resolutions

Remarks of Privilege

Announcements by The Mayor

Executive Session to Discuss Personnel, Legal, and/or Real Estate (if needed)

Executive session at 11:47 PM ET

Motion made by Mayor Pro Tem: Post 3 Smith, Seconded by Council Member: Post 5 Bryant.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 4 Freeman, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe

Adjournment

MOTION TO ADJOURN 12:23 AM ET

Motion made by Mayor Pro Tem: Post 3 Smith, Seconded by Council Member: Post 2 Marianos.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 4 Freeman, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe



Mayor and City Council Special Called Session

Thursday, July 11, 2024 at 6:30 PM

City Hall, 875 Main Street, Stone Mountain, Georgia 30083

Minutes

Mayor and Council: Dr. Beverly Jones – Mayor | Ryan Smith - Mayor Pro Tem

Anita Bass | Mark Marianos | Gil Freeman | Shawnette Bryant | Teresa Crowe

Staff: Darnetta Tyus - City Manager | Shawn Edmondson - Assistant City Manager - City Clerk |

Danny Mai - Assistant City Clerk | Jeff Strickland - City Attorney

City of Stone Mountain, GA Facebook page: <https://www.facebook.com/CityofStoneMtn/>

Link to join Webinar: [\[LINK\]](#)

Call to Order

Determination of Quorum

Invocation and Pledge

Adoption of The Agenda of The Day

PRESENT

Council Member: Post 1 Anita Bass

Council Member: Post 2 Mark Marianos

Mayor Pro Tem: Post 3 Ryan Smith

Council Member: Post 4 Gil Freeman

Council Member: Post 5 Shawnette Bryant

Council Member: Post 6 Teresa Crowe

Mayor Beverly Jones

New Ordinances and Resolutions

1. NOTICE OF PROPERTY TAX INCREASE (Millage Rate) (City Manager Tyus).

City Manager Tyus spoke to council to further explain the property tax increase.

----- NEW ITEM -----

City Mayor requests a vote to adopt the 16.0 Milage rate

MPT Smith Motioned to adopt the 16.0 Rate (Discussed Second). CM Marianos seconded.

CM Freeman Motioned a substitute motion to adopt the 15.508 Rate (Discussed First). CM Bryant seconded.

VOTE ON SUBSITUTE MOTION OF 15.508 MILLAGE RATE

Voting Yea: Council Member: Post 4 Freeman, Council Member: Post 5 Bryant

Voting Nay: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 6 Crowe

SUBSITUTE MOTION FAILED

VOTE ON ORIGINAL MOTION OF 16.0 MILLAGE RATE

Motion made by Council Member: Post 2 Marianos.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro

Tem: Post 3 Smith, Council Member: Post 6 Crowe

Voting Nay: Council Member: Post 4 Freeman, Council Member: Post 5 Bryant

MOTION APPROVED.

NEW MILLAGE RATE SET AT 16.0

Executive Session to Discuss Personnel, Legal, and/or Real Estate (if needed)

Adjournment

Adjourned at 06:56 PM ET

Motion made by Mayor Pro Tem: Post 3 Smith, Seconded by Council Member: Post 5 Bryant.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 4 Freeman, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe



Mayor and City Council Public Hearing and Regular Session

Tuesday, July 02, 2024 at 6:30 PM

City Hall, 875 Main Street, Stone Mountain, Georgia 30083

Minutes

Mayor and Council: Dr. Beverly Jones – Mayor | Ryan Smith - Mayor Pro Tem

Anita Bass | Mark Marianos | Gil Freeman | Shawnette Bryant | Teresa Crowe

Staff: Darnetta Tyus - City Manager | Shawn Edmondson - Assistant City Manager - City Clerk | Danny Mai - Assistant City Clerk | Jeff Strickland - City Attorney

City of Stone Mountain, GA Facebook page: <https://www.facebook.com/CityofStoneMtn/>

Link to join Webinar: [<https://us06web.zoom.us/j/82926013751>]

Public Hearing

Applicant Elisabeth Richmond requests a Special Use Permit for a Vacation Home Facility at 1103 Forrest Avenue (Parcel ID: 18 090 01 001).

City Planner Edwards went up to spoke to Mayor & Council, recommended that Council approves this motion, dependent on various contingencies.

In Opposition:

Eileen Smith: Smith noted that the "shed" would not be occupied; however, new documents review that the "shed" would be identified as Unit B.

Theresa Thomas: Thomas noted that there needs to be more regulations for Short Term Rentals

In Favor:

Property Owner: Property Owner noted that the Shed was always a part of the plan; and noted that it was only to only be temporarily used.

Jelani Linder: Linder spoke about the importance of regulations on short-term rentals. Linder noted the importance that this would be another way for the City to Generate Revenue.

Clint Monroe: Monroe noted the importance of consistent standards for all AirBNB's within the city.

-----Applicant Response-----

Applicant Elisabeth Richmond: noted that there are already ordinances within the City Code. Additionally Richmond noted that there are 31 Illegally operating AirBNB's within city limits; however, Richmond wanted to ensure that the AirBNB's that she is associated with, are within Legal Guidelines. Richmond also noted that the entire process to obtain a permit takes 120 days.

Applicant Medhina Gibirendin owner of the Village Bottle Shop is requesting an Alcohol Privilege License for his business located at 839 Main Street. The location is zoned C-3 (Commercial) (Assistant City Manager-City Clerk Edmondson).

City Planner Edwards went up to spoke to Mayor & Council, recommended that Council approves this motion, dependent on various contingencies.

APPLICANT: Medhina discussed his experience with owning and rationale behind why he is asking to obtain this license.

IN FAVOR:

Andre Knight: Knight noted that he is excited that there is some development with the property, given that it has been run down for some time now.

Jean Milice: Milice noted that he is excited for the development of the property.

IN OPPOSITION:

City Resident: Resident noted that the applicant's property is in front of her property, and does not wish to have a liquor store in front of her home.

Theresa Thomas: Thomas noted that they are neither for nor against this application. Thomas noted that they would want metrics to determine how many liquor stores are within city limits.

APPLICANT COMMENTS:

Applicant noted that they have their own parking lot, and will not be using the street for parking. They also noted that the entry point would only be on Main Street. The Applicant also noted that they spent \$150,000.00 on parking alone. CM Freeman asked for the Applicant's hours of operation. Applicant noted that they would be open from 08:00 AM ET -> 10:00 PM ET

Adjournment

Motion made by Mayor Pro Tem: Post 3 Smith, Seconded by Council Member: Post 4 Freeman.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 4 Freeman, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe

Call to Order

Determination of Quorum

PRESENT

Council Member: Post 1 Anita Bass

Council Member: Post 2 Mark Marianos

Mayor Pro Tem: Post 3 Ryan Smith

Council Member: Post 4 Gil Freeman

Council Member: Post 5 Shawnette Bryant

Council Member: Post 6 Teresa Crowe (ONLINE)

Mayor Beverly Jones

Invocation and Pledge

Mayor Jones led the Pledge of Allegiance at [07:08] PM ET. Rev Parker led the Invocation at [07:09] PM ET.

Citizen Comments – Including comments from public/stakeholders (3 minutes per comment)

Comments from the Public

The public comments are reserved exclusively for comments from the public and not for immediate reply. The purpose of public comment is to allow the public to voice city related requests, concerns or opinions only during the public comment portion of the City Council meeting. I. The Mayor and City Council reserves the right to extend or limit the length of public comments based on: (1) the issue under discussion; (2) the number of items on the agenda; and (3) the extent to which the speaker remains constructive in their comments and questions. II. The public may not directly confront the public speaker but must direct all comments and questions to the Mayor and City Council. III. Public harassment of or confrontation with a public speaker will not be tolerated. Members of the public violating tenets two or three will be asked to sit down or leave the premises.

Citizen Comment #1 (Louise Johnson): In favor of a 4-way stop at 4th and mountain street.

Citizen Comment #2 (Orea Parker): Parker stressed the importance of the greater good when dealing with City Business.

Citizen Comment #3 (Elisabeth Richmond): Richmond noted that they would like to point out certain conversations that occurred on the "Nextdoor" App regarding certain council members. Richmond specifically noted that the behavior by certain council members should not be representative of the City.

Citizen Comment #4 (Daryle Nunnis): Nunnis spoke in regards to the Main street, specifically regarding the maintenance of Mainstreet.

Citizen Comment #5 (Ginger Criswell): Criswell spoke on the importance of annexation, and urged council to host a meeting to discuss the qualifications regarding annexation.

Review of the Journal (Assistant City Manager & City Clerk Edmondson)

1. Request Minutes from City Council Meeting [06.18.2024] be approved

Motion made by Mayor Pro Tem: Post 3 Smith, Seconded by Council Member: Post 1 Bass.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 6 Crowe

Voting Nay: Council Member: Post 4 Freeman, Council Member: Post 5 Bryant

Reading of Communications

Adoption of The Agenda of The Day

City Manager's Report

2. City Manager - Darnetta Tyus

City Manager Tyus spoke on items in the City Manager's Report.

(REPORT FOUND IN AGENDA PACKAGE)

Council Policy Discussion Topics

Unfinished Business

3. Applicant Elisabeth Richmond requests a Special Use Permit for a Vacation Home Facility at 1103 Forrest Avenue (Parcel ID: 18 090 01 001) (Richard Edwards)

MOTION TO APPROVE AS IS

Motion made by Council Member: Post 2 Marianos, Seconded by Mayor Pro Tem: Post 3 Smith.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 4 Freeman, Council Member: Post 6 Crowe

Voting Nay: Council Member: Post 5 Bryant

MOTION PASSED

4. City Staff request the approval to enter into the agreement for the Enterprise Fleet Management Program to manage and monitor maintenance and inventory of the City of Stone Mountain's Vehicles. The budgeted funding lines are (01-5040.52.2220 Vehicle Repair & Maintenance) (Chief Westerfield & Assistant City Manager & City Clerk Edmondson)

MOTION TO VOTE ON ITEM AS IS

Motion made by Council Member: Post 1 Bass, Seconded by Council Member: Post 2 Marianos.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith

Voting Nay: Council Member: Post 4 Freeman, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe, Mayor Jones

MOTION FAILS

5. Discussion on acquiring three (3) bids to move forward with the paving of the Blue House Lot (CM Bryant)

NO ACTIONABLE ITEMS

6. Request the consideration/approval to make 3rd Street and East Mountain a 4-way stop to increase safety. Currently there is a 2-way stop at the location (CM Crowe)

NO ACTIONABLE ITEMS; POSTPONED UNTIL ADDITIONAL RESEARCH HAS BEEN DONE

Motion made by Council Member: Post 6 Crowe, Seconded by Council Member: Post 2 Marianos.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 4 Freeman, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe

7. Discussion on Signing City Contracts After the Approval of Council (CM Crowe)

NO ACTIONABLE ITEMS

8. Discussion on Conducting a Forensic Audit for the City Finances (Mayor Jones)

NO ACTIONABLE ITEMS

9. Discussion on Matters Dealing with the Downtown Development Authority (CM Freeman/Attorney Strickland)

MOTION TO POSTPONE UNTIL NEXT MEETING

Motion made by Council Member: Post 4 Freeman, Seconded by Council Member: Post 5 Bryant.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Council Member: Post 4 Freeman, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe
Voting Nay: Mayor Pro Tem: Post 3 Smith

New Business

10. Discussion on the Approval of the Use Agreement between the following parties: "Stone Mountain Pharaohs" and "The City of Stone Mountain" (City Manager Tyus)

MOTION TO APPROVE THE ITEM AS IS

Motion made by Council Member: Post 2 Marianos, Seconded by Mayor Pro Tem: Post 3 Smith.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 6 Crowe

Voting Nay: Council Member: Post 4 Freeman, Council Member: Post 5 Bryant

11. Applicant Medhina Gibirendin owner of the Village Bottle Shop is requesting an Alcohol Privilege License for his business located at 839 Main Street. The location is zoned C-3 (Commercial) (Assistant City Manager-City Clerk Edmondson).

MOTION TO APPROVE THE ITEM CONTINGENT ON CONDITIONS SET FORTH BY COUNCIL

Motion made by Mayor Pro Tem: Post 3 Smith, Seconded by Council Member: Post 2 Marianos.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 4 Freeman, Council Member: Post 6 Crowe

Voting Nay: Council Member: Post 5 Bryant

New Ordinances and Resolutions

Remarks of Privilege

Announcements by The Mayor

Executive Session to Discuss Personnel, Legal, and/or Real Estate (if needed)

Adjournment



Mayor and City Council Special Called Session

Tuesday, August 13, 2024 at 6:30 PM

City Hall, 875 Main Street, Stone Mountain, Georgia 30083

Minutes

Mayor and Council: Dr. Beverly Jones – Mayor | Ryan Smith - Mayor Pro Tem

Anita Bass | Mark Marianos | Gil Freeman | Shawnette Bryant | Teresa Crowe

Staff: Shawn Edmondson - Assistant City Manager - City Clerk | Danny Mai - Assistant City Clerk
| Jeff Strickland - City Attorney

City of Stone Mountain, GA Facebook page: <https://www.facebook.com/CityofStoneMtn/>

Link to join Webinar: [<https://us06web.zoom.us/j/82188045358>]

Call to Order

Determination of Quorum

PRESENT

Council Member: Post 1 Anita Bass

Council Member: Post 2 Mark Marianos

Mayor Pro Tem: Post 3 Ryan Smith

Council Member: Post 4 Gil Freeman

Council Member: Post 5 Shawnette Bryant

Council Member: Post 6 Teresa Crowe

Mayor Beverly Jones

Invocation and Pledge

Mayor Jones led the Pledge of Allegiance at 06:32 PM ET. Mayor Jones led the Invocation at 06:33 PM ET.

Adoption of The Agenda of The Day

MOTION TO APPROVE AS IS.

Motion made by Mayor Pro Tem: Post 3 Smith, Seconded by Council Member: Post 1 Bass.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 4 Freeman, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe

MOTION PASSED

New Business

1. Vote on Executive Session Item

MOTION TO APPOINT SHAWN EDMONDSON TO THE INTERIM CITY MANAGER POSITION

Motion made by Mayor Pro Tem: Post 3 Smith, Seconded by Council Member: Post 2 Marianos.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 4 Freeman, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe

MOTION PASSED

Executive Session to Discuss Personnel, Legal, and/or Real Estate (if needed)

MOTION TO MOVE TO EXEC SESSION

Motion made by Mayor Pro Tem: Post 3 Smith, Seconded by Council Member: Post 2 Marianos.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 4 Freeman, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe

ADJOURNED AT: [07:14] PM ET

Motion made by Mayor Pro Tem: Post 3 Smith, Seconded by Council Member: Post 2 Marianos.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3 Smith, Council Member: Post 4 Freeman, Council Member: Post 5 Bryant, Council Member: Post 6 Crowe

RECONVENE

Adjournment

Motion made by Mayor Pro Tem: Post 3 Smith, Seconded by Council Member: Post 2 Marianos.

Voting Yea: Council Member: Post 1 Bass, Council Member: Post 2 Marianos, Mayor Pro Tem: Post 3

Smith, Council Member: Post 4 Freeman, Council Member: Post 5 Bryant, Council Member: Post 6
Crowe

Meeting Adjourned 07:17 PM ET

CITY OF STONE MOUNTAIN
POLICE ACTIVITY STATISTICS
JULY 1-2024 - JULY 31-2024

Item # 1.

ACTIVITY	DAY A-SHIFT	DAY B-SHIFT	MORNING C-SHIFT	MORNING D-SHIFT	TOTALS
Calls	57	35	31	32	155
Arrests	5	5	5	2	17
Citations	11	18	89	23	141
Warning Citations	4	14	6	7	31
DUI	0	0	0	0	0
VGCSA	0	1	1	0	2
Parking Citations	1	0	13	2	11
TOTALS	78	73	145	66	357
Incident Reports	160			Domestic 15	Accidents 12

Item # 1.

76

Item # 1.

77

ADMINISTRATIVE TASKS

Item	Count
Business License (New & Renewals)	8
Open Records Request	62
Approx Time per Request	1.50 Days
New Hire - Full Time	1
Total Administrative Items	71

CODE ENFORCEMENT

Violation	Count
SEC. 5-267 (J) Junk, Etc. It shall be unlawful for owner, operator or occupant of a dwelling, building or structure to use the premises of such property for open storage or of any household appliances, glass, building materials, building trash or similar items.	6
SEC. 5-267 (D), 5-267 (A) All appliances must be removed from the front driveway and disposed of properly. Garbage container must be removed from road after P/U. Grass and weeds must not exceed 12 inches in height, always cut and maintain lawn.	4
Annual Apartment Inspection	2
SEC. 5-267 (J) Storing in public view household appliances, furniture, building trash, dead trees, trash, garbage, or similar items is prohibited	6
SEC:5-267(D) Exterior Property Req.-All premises and exterior property, including develop and undeveloped lot shall maintain free from weed, under bush or plant overgrowth in excess of twelve (12) inches.	8
Parking on grass/dirt etc. is prohibited. SEC. 5-267(D), weeds/grass over 12 inches. Exterior Property Req.-All premises and exterior property, including develop and undeveloped lot shall maintain free from weed, under bush or plant overgrowth in excess of twelve (12) inches	1
SEC. 5-161 Application	1
Dekalb Co. SEC 22-28 Storing of waste container.	1
APDX-5-1.7 (6), Parking or storage of any commercial vehicles is prohibited in a residential district unless.	1
Total Code Enforcement Items	30

PERMITTING	
Permit Type	Count
Administration	28
Administration (Fire)	2
Building Permit Fee (Residential)	13
C/O or C/C Fee New or Renovated Commercial Tenant	8
C/O or C/C Fee New Single Family Detached, Condo,	3
C/O or C/C Fee Renovated Single Family Detached, Condo	9
Work done without a permit	2
Final Fire Inspection	1
Occupancy Inspection	2
Residential Plan Review	12
Residential Roof	2
Sprinkler Only Plan Review	3
Trade Permits	9
Totals Permitting Items	94

CITY MANAGER

Monthly Report - August 2024



CITY OF
STONE
MOUNTAIN, GA

Presented by:
Shawn Edmondson
Interim City Manager
sedmondson@stonemountaincity.org

Address:
875 Main St, Stone Mountain, GA 30083
Phones:
(770) 498.8984 | (770) 498.8609 (Fax)

info@stonemountaincity.org
www.stonemountaincity.org



The August 2024 City Manager's Monthly Report provides a comprehensive overview of key activities, upcoming projects, and community events shaping the future of Stone Mountain. This report highlights collaborative meetings, ongoing infrastructure improvements, and strategic initiatives aimed at enhancing the city's connectivity and community spirit.



This month's report details significant meetings, including various council and committee sessions designed to drive positive change. Notable updates include progress on city signage projects, park renovations, and SPLOST resurfacing efforts. Additionally, the report covers ongoing LCI engagement to boost walkability and connectivity, upcoming community events, and recent achievements in social media and web performance. These elements collectively demonstrate our commitment to fostering a thriving, engaged community.



•**Key Meetings:** August includes pivotal meetings such as the Parks & Recreation Committee Meeting, Mayor & Council sessions, and special meetings focusing on city developments and community engagement.

•**City Signage Projects:** Initiatives include reviewing and replacing city entry point signage, evaluating park entryway signs, and exploring electronic signage. Current installations are in progress, with some delays due to community interruptions.

•**SPLOST Projects:** The SPLOST I Resurfacing Project is addressing subgrade issues on Silver Hill Trail, with proposed changes for Main Street stabilization. SPLOST II is out to bid for resurfacing 12 additional streets. The Stone Mountain Parking Lot project is also moving forward with a new survey and design concepts.

•**LCI Engagement:** Efforts are focused on enhancing walkability and connectivity among city parks and trails, with data collection, site visits, and stakeholder engagement underway. A PAG survey is scheduled to gather broader community input.

•**Upcoming Events:** Key events in August include the Stone Mountain Community Garden Workday on August 10 and National Senior Day on August 21, with another Community Garden Workday scheduled for September 14. These events are designed to foster community engagement and celebrate local achievements.

The key meetings listed shape the outcomes of our discussions and showcase how collaborative efforts between city officials, community stakeholders, and residents are driving positive changes in Stone Mountain.

- August 05, 2024 | Parks & Recreation Committee Meeting In-Person
- August 06, 2024 & August 20, 2024 | Mayor & Council Regular Meeting
- August 10, 2024 | Stone Mountain Community Garden Mini Talk
- August 12, 2024 | DDA Special Called Meeting
- August 13, 2024 | Mayor and City Council Special Called Session
- August 16, 2024 | LCI Introductory Meeting: COSM LCI Update (VIRTUAL) Mayor and Council
- August 21, 2024 | HPC Meeting



PARK RENOVATIONS – The target completion date for all park renovations is 9/20/2024.

- **VFW PARK** - Renovation of existing restroom building at Veterans Park to include interior and exterior painting, new roofing and repair of existing power weatherhead in progress.
- **MEDLOCK PARK** – Renovation of existing concessions/restroom building to include restroom addition to provide ADA compliant facilities, new counters at Concessions Area, new code compliant exterior stair to 2nd floor, replacement of exterior siding at 2nd and 3rd floors, new interior finishes, new paved H/C accessible parking spaces and new sidewalks in progress.
- **LEILA MASON PARK** - Renovation of existing restroom building to include interior modification of restrooms with new plumbing fixtures to achieve ADA compliance, new finishes at interior and exterior, new doors and new roofing in progress.
- **MCCURDY PARK** - Renovation of existing concessions/restroom building to include modification of restrooms and new plumbing fixtures to provide ADA compliant facilities, new counters at Concessions Area, replacement of exterior siding, new interior finishes, and new roofing in progress.

SPLOST I

Resurfacing Project - Phase 1: The SPLOST I Resurfacing Project - Phase 1 includes comprehensive roadwork involving asphalt milling, paving, replacement of distressed pavement areas, and subgrade repairs. During the project, significant issues with the subbase were discovered, necessitating stabilization measures on several streets.

Current Status:

- Paving efforts are currently concentrated on Silver Hill Trail.
- There is a proposed \$417,960 change order by the contractor to address subgrade stabilization on Main Street, stretching from West Mountain to Poole Street.

Recommendation: CPL has advised the city to defer the stabilization work on Main Street. They recommend conducting a more detailed investigation of the subgrade issues and incorporating a solution in next year's contract. This approach is expected to benefit from market competition, potentially reducing costs through the bidding process.

SPLOST II

Resurfacing Project - Phase 2: This phase is currently out to bid, targeting resurfacing work on 12 additional streets within the city limits

- | | |
|---------------------------|-------------------------------------|
| • Redwood Court | Pepperwood Trail to Cul-de-sac |
| • Zachary Court | Zachary Drive to Cul-de-sac |
| • Rosewood Drive | Lucille Avenue to Pepperwood Trail |
| • Ridgemere Court | Ridgeforest Drive to Cul-de-sac |
| • VFW Drive | Sheppard Way to W. Mountain Street |
| • Veal Street | James B Rives to Central |
| • Leon Street | Mimosa to Manor |
| • San Pablo Drive | Ridge Avenue to Sheppard Road |
| • West Rockbournough | Coorough Drive to Cul-de-sac |
| • North Rockborough Court | Rockborough Drive to Cul-de-sac |
| • Cemetery Circle | Silver Hill Rd to Ponce de Leon Ave |



SPLOST II

4th Street Traffic Calming: Installation of traffic-calming measures is expected to mitigate speeding and cut-through traffic, enhancing the safety of the neighborhood. Status: Equipment purchase in progress.

Stone Mountain Parking Lot: A task order for the Stone Mountain Parking Lot project has been signed. A survey of the area has been ordered to gather necessary data. The results from the updated survey will be incorporated into our plans. Following discussions with the staff, new design concepts will be developed.



LCI ENGAGEMENT

- **Connecting and Creating Walkability:** The current focus is on enhancing walkability and connectivity **among** the city's four parks, PATH trails, and Stone Mountain Park
- **Baptist Lawn Project:** Efforts are underway to complete an updated RFP to conduct a site plan, feasibility study, and design for the Baptist Lawn area with LCI.

Current Status:

- Data collection for the projects is currently in progress.
- Site visits are being conducted to assess the specific needs and possibilities.
- Ongoing stakeholder engagement activities with the Executive Committee to gather insights and feedback
- Public Engagement: A PAG (Project Advisory Group) survey is scheduled from August 19 to August 28 to solicit broader community input on these initiatives.



CITY SIGNAGE

- **City Entry Points Signage:** The signage at the eight entry points of the city is currently being reviewed for replacement to maintain a consistent and welcoming image for visitors and residents.
- **Park Entryways:** An initiative is underway to evaluate the replacement of all park entryway signs.
- **Solar Powered Flashing Crosswalk Signs:** Received and installation is pending paving completion.
- **Electronic Signage Discussion:** This initiative is set to explore the potential for electronic signage.

Current Status: The city entry signage has been received. Street Signs need to be ordered. Rockborough is the first community for street sign installation. Community identifier sign received for Rockborough. Community identifier sign installation is slated to begin within the next two weeks.



These events are designed not only to entertain and engage but also to foster community spirit and enhance the cultural life of our city. We are eager to share the innovative and inclusive events that bring our residents together, strengthen our community bonds, and create lasting memories for everyone involved.

August

- August 10, 2024 | Stone Mountain Community Garden Workday
- August 30, 2024 | National Senior Month

September

- Sep 14, 2024 | Stone Mountain Community Garden Workday

KEY TAKEAWAYS | July 2024

Activities Completed This Month

- **Content Strategy & Social Media:** Created and published 28 posts across Twitter, Facebook, LinkedIn, and Instagram. Despite a 25% decrease in interactions from June 2024, our content remains more engaging than other municipalities, reflecting a strong ongoing presence.
- **Events & Email Blasts:** Successfully organized 3 events in July, including the Back to School Bash and the Outdoor Fitness Gym launch. Additionally, sent out 4 targeted email blasts, including updates on City activities and an announcement about the postponement of the Community Table Talks.
- **Website Traffic & User Engagement:** Experienced 7,811 sessions on the website, showing an 8% decrease from June but an increase compared to previous months. Engaged users totaled 5,615, indicating robust interest, though down by 1,154 from June; ongoing analysis is crucial to enhance user retention.
- **Email Marketing Performance:** Noted a significant 11% increase in average open rates and a 90-100% rise in click rates from June. Improved results were driven by optimized subject lines and send times. Continued A/B testing and content refinement are essential to sustain and build on this engagement.



CITY OF
STONE
MOUNTAIN, GA

Presented by:
Shawn Edmondson
Interim City Manager
sedmondson@stonemountaincity.org

Address:
875 Main St, Stone Mountain, GA 30083
Phones:
(770) 498.8984 | (770) 498.8609 (Fax)

info@stonemountaincity.org
www.stonemountaincity.org



SOCIAL MEDIA OVERVIEW | July 2024

- **Website Engagement & Content Insights:** The stable yet slightly decreased website sessions and engaged users demonstrate ongoing interest in our diverse content. Notably high engagement with the City of Stone Mountain homepage and the Back to School Bash suggests these areas are particularly appealing and should be central to future content strategies.
- **Email Marketing Success:** Recent email marketing metrics show a marked improvement in open rates and strong click rates, indicating effective engagement. Ongoing refinement of email strategies and content relevancy will be key to further enhancing communication effectiveness and maintaining high engagement levels.
- **Landing Page Analysis:** The high session count on the default or unspecified landing page likely indicates it's being used as a general redirect. This could be due to a setup issue or oversight, and verifying the correct landing page linkage for campaigns is crucial to ensure accurate tracking and engagement.
- **Social Media Growth & Engagement:** In July, follower counts increased across Facebook, Instagram, LinkedIn, and Twitter, with Instagram seeing the highest engagement through posts like the Outdoor Fitness Gym Opening thank you post. To further enhance social media presence, consider hosting a photo contest, highlighting local events and activities, and collaborating with influencers.



Thank You



CITY OF
STONE
MOUNTAIN, GA

Presented by:
Shawn Edmondson
Interim City Manager
sedmondson@stonemountaincity.org

Address:
875 Main St, Stone Mountain, GA 30083
Phones:
(770) 498.8984 | (770) 498.8609 (Fax)

info@stonemountaincity.org
www.stonemountaincity.org





City of Stone Mountain
875 Main Street
Stone Mountain, GA 30083

STAFF ANALYSIS AND REPORT

To: City of Stone Mountain Mayor & City Council

From: Richard Edwards, AICP

Subject: Proposed Text Amendments to Article 3, 5, 16, and 17 of Appendix A – Zoning and Article 2 of Chapter 12 – Licenses and Business Regulations to further define and regulate short-term lodging in the City of Stone Mountain.

Date: August 6, 2024

Purpose:

The purpose of this staff report and analysis is to present the proposed text amendments to Article 3, 5, 16, and 17 of Appendix A – Zoning and Article 2 of Chapter 12 – Licenses and Business Regulations to further define and regulate short-term lodging in the City of Stone Mountain.

Background:

Short-term lodging has become more accessible to property owners and visitors, the desire to have short-term lodging options has become very popular in metropolitan Atlanta and throughout the country.

The city has seen an increase in the number of special use permits and variances for short-term lodging over the past two years. Staff has researched ordinances and best practices from jurisdictions throughout the State of Georgia to determine how short-term lodging policies are being administered.

The State of Georgia increased the allowable excise tax for lodging to 8% and the current ordinance still has the city only charging 5%. Staff is recommending increasing the excise tax on all applicable lodging uses to the maximum 8%.

The following definitions are being proposed:

Hotel/Motel: 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.

Short-term Lodging – Homestay: a residential type establishment, with commercial enterprise, offering an individual bedroom within a residential establishment that serves as a host's principal residence, including any single-family or accessory apartment, that provides lodging for pay, for a maximum continuous period not to exceed twenty-nine (29) consecutive days, that does not include serving food.

Short-term lodging – Vacation Home Facility: A residential type establishment, with commercial enterprise, offering whole house rental with no more than four lodging rooms for temporary occupancy for a fee and that does not offer food to guests.

SUP = Special Use permit

P = Permitted

	R-1	R-2	R-3	R-4	VCM	MR-1	GC
Homestay	P*	P*	P*	P*	P*	P*	-
Vacation Home Facility	SUP*	SUP*	SUP*	SUP*	P*	SUP*	-
Hotel/Motel	-	-	-	-	P		SUP

*Supplemental Use regulations apply

These text amendments also include a new short-term lodging license that each applicant will have to apply for annually, along with their home occupational tax certificate (business license). This process requires the following information from the applicant:

- Property owner information
- Property manager information
- Floors plans of the home with the approximate square footage of each bedroom
- Site plan of the overall property identifying parking
- If applicable, HOA certification of the short-term lodging unit
- Proof of homeowners insurance
- Signed acknowledgement from the owner agreeing to abide by all regulations
- \$75 application fee

Further, this text amendment provides for stricter enforcement of violators that will include:

- 1st violation is a fine not to exceed \$250.00
- 2nd violation within a year is a fine not to exceed \$500.00
- 3rd violation within a year is a fine not to exceed \$1,000.00 and the property owner will be ineligible for a short-term lodging license for a period of 3 years.

On July 15, 2024, the Planning Commission voted to recommend approval of the text amendments, as proposed here. The following are recommendations from the Planning Commission that staff has included in the proposed text amendments:

1. Limit the number of Short-term Lodging – Vacation Home Facility permits to 60 per year.
2. Allow for Special Use Permits for Short-term Lodging – Vacation Home Facilities in all residential zoning districts.

Attachments:

1. Redlines of Article III and V of Appendix A – Zoning.
2. Redlines of Article XVI and XVII of Appendix A – Zoning.
3. Redlines of Section 12-72 and 12-73 of Article II in Chapter 12.

ARTICLE III: DEFINITION OF TERMS USED IN THE ORDINANCE

Except as specifically defined herein, all words used in this ordinance have their customary dictionary definitions. For the purpose of this ordinance, certain words or terms used herein are defined as follows:

Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

The word "shall" is always mandatory.

The word "person" includes a firm, association, organization, partnership, trust company or corporation as well as an individual.

The word "lot" includes the words "plot" or "parcel".

The word "building" includes the word "structure".

The word "used" or "occupied" as applied to any land or building, shall be construed to include the words "intended, arranged or designated to be used or occupied".

The word "map" or "zoning map" means the "Zoning Map of the City of Stone Mountain, Georgia."

Accessory use: A use customarily incidental and subordinate to the principal use of building and located on the same lot with such principal use of building.

Aggrieved person: An applicant or owner of property within 300 feet of the property in question or city-sanctioned groups including the historic preservation committee, planning commission, downtown development authority or citizen groups such as the Women's Club, Veterans of Foreign Wars or Rotary Club.

Alteration; building and structural: Any change in the supporting members of a building (such as any type of supporting structural member) except such change as may be required for its safety; any addition to a building; any change in use from that of one district classification to another or of a building from one location to another.

Alley: A private or public thoroughfare which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Buffer strip: A strip of land planted with evergreen shrubbery so as to form a solid barrier to vision from the ground to a height of six feet.

Building: Any structure permanently attached to the ground and intended for shelter, housing or enclosure of persons, animals or chattels.

Building, accessory: A subordinate building, the use of which is incidental to that of a principal building on the same lot.

Building, height of: The vertical distance from the mean finished ground level at the front of the building to the highest point of a roof.

Building line: A line establishing the minimum allowable distance between the nearest portion of any building (excluding the outermost three feet of any uncovered porches, steps, gutters and similar fixtures) and the centerline of the street.

Building, principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

PART II - CODE OF ORDINANCES
APPENDIX A - ZONING
ARTICLE V: DISTRICT REGULATIONS

Item # 1.

Commercial vehicle: Any vehicle designed, used or maintained for the transportation of persons, goods, or things used in trade, services, or commerce in general. For the purposes of this ordinance, buses, vans and other vehicles seating more than nine persons used for transportation of people shall be considered a commercial vehicle.

Cultural exhibit: An exhibition of cultural or historical property where collected objects are put on display to the public.

Dwelling unit: A dwelling or portion thereof providing facilities for one or more persons living as a nonprofit single housekeeping unit.

Dwelling, multi-family: A dwelling unit contained within a building or set of buildings on a common lot containing separate living units for four or more families, having separate or joint entrances, and including apartments and condominiums. These are specifically distinguished from units defined as single-family attached dwellings.

Dwelling, single-family, attached (townhouse): A residential structure designed to house a single-family dwelling from the lowest level to the roof, with a private outside entrance, but not necessarily occupying an individual lot, and sharing a common wall with adjoining dwelling units.

Dwelling, single-family, detached: A residential structure designed to house a single-family dwelling unit located on an individual lot, which is not attached to any other dwelling unit by any means.

Family day care home is operated in a private residential home to provide child care for children less than 18 years of age for less than 24 hours per day. Family day care home providers care for three, but no more than six children for a fee.

Group Day Care Home is operated by a person, corporation, or institution, to provide child care for children less than 18 years of age for less than 24 hours per day. Group Day Care Homes are licensed for 7-18 children.

Hotel/Motel: 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. #

Lot: A portion of land devoted to a common use or occupied by a building or group of buildings devoted to a common use by a legal subdivision process based on an approved plat of record, together with the customary accessories and open spaces belonging to the same.

Lot width: The shortest distance between the side lot lines, measured at the midpoint of the building line.

Manufactured home means a building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term includes any structure commonly referred to as a "mobile home" regardless of the date of manufacture. The term also includes parked trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Nonconforming use: Any building or land lawfully occupied by a use at the time of passage of the ordinance or amendment thereto which does not conform after the passage of this ordinance or amendment thereto with the use regulations of the district in which it is situated. Existing improvements which do not meet required parking and loading regulations, height regulations, area regulations, and residential floor area regulations for the district in which they are located are not nonconforming uses as defined above.

Short-term Lodging – Homestay: a residential type establishment, with commercial enterprise, offering an individual bedroom within a residential establishment that serves as a host's principal residence, including any

single-family or accessory apartment, that provides lodging for pay, for a maximum continuous period not to exceed twenty-nine (29) consecutive days, that does not include serving food.

Short-term lodging – Vacation Home Facility: A residential type establishment, with commercial enterprise, offering whole house rental with no more than four lodging rooms for temporary occupancy for a fee and that does not offer food to guests.

Sign: Shall mean 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 purposes of this ordinance, the term "sign" shall include the structure upon which a sign face is located. Any device, structure or representation for visual communications which is used for the purpose of bringing the subject thereof to the attention of others that is wholly located within a completely enclosed building and is located a minimum of three feet away from any opening or exterior window or and seasonal holiday decorations shall not be included within the definition of "sign" and regulated as such.

Sign, area of: Shall mean the total area upon which a message is displayed on any sign consisting of the smallest square, rectangle, triangle, circle, or combination thereof, which encompasses the entire sign, inclusive of any border and trim, but excluding the base, apron, supports, and other structural members.

Sign, free-standing: Any sign which is not supported by a wall or roof of a building, or which extends more than three feet horizontally from the wall of a building.

Street: A public or private thoroughfare, not less than 40 feet wide, which is open to the general public and which affords the principal means of access to abutting property.

Yard: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard (front): A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies or uncovered porches. On multi-frontage lots all yards fronting on a public street shall be considered front yards.

Yard (side): A yard between the main building and the side line of the lot; extending from the front lot line to the rear yard; being the minimum horizontal distance between a side lot line and the side of the main building or any projections thereto.

Yard (rear): A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof, other than the projections of uncovered steps, unenclosed balconies or unenclosed porches, provided that said projections be at least 20 feet from the rear lot lines. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.

ARTICLE V: DISTRICT REGULATIONS

Section 5-1. Single-family residential (R-1) district.

5-1.1 Intent and where permitted. This district (hereafter referred to as R-1) is created to establish a plan implementation zone that:

- Recognizes the existence of previously established low density residential districts in communities;

- Encourages clustering of development and provision of location, environmental and development amenities;
- Provides for low density residential development in cul-de-sac neighborhoods, community areas and the urban area; and
- Enhances the community's character through the promotion of high quality design.

Uses are limited to single-family dwellings served by public sewers, some residentially related institutions, to certain incidental uses intended primarily to provide service to a dwelling or a residential neighborhood.

5-1.2. Permitted uses by right.

A. The following uses shall be permitted subject to requirements and limitations of this ordinance:

1. Detached single-family dwellings, excluding manufactured homes.
2. Community parks and recreation (publicly owned).
3. Conservation and passive recreation areas.
4. Conservation/open space development of permitted residential uses, provided that conditions outlined in Article VII (Conservation/open space development) are met.
5. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility.
6. Guest house or pool house on a lot containing a single-family residence limited to one on each lot and shall not include cooking facilities and shall not exceed the square footage of the principal structure.
7. Swimming pool for a single-family residential dwelling, that is completely enclosed by an opaque fence or wall at least four (4) feet in height, but not over eight (8) feet in height. Swimming pools shall meet all the requirements of the International Building Code and applicable local health department rules and regulations.
8. Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard; any accessory building exceeding 200 square feet shall have an exterior finish consistent with the primary residence. Accessory buildings shall not exceed a total of 400 square feet of gross floor area.
9. Temporary construction uses.
10. Building or lands used for governmental purposes by a branch of a local, state or federal government such as schools, parks, post offices or fire stations.
11. Public utilities including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses or structures except warehouse, repair, storage, vehicle maintenance, truck or road equipment storage and radio and television studios.
12. Public utility facilities, if essential to service this zoning district, are permitted provided:
 - a. All structures, except for driveways, are placed 50 feet from any property line.
 - b. All structures, except for driveways, are enclosed by a wall or woven wire fence at least but not greater than eight feet in height.
 - c. A ten-foot buffer is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet in height and provide an effective visual screen.

- d. The lot is suitably landscaped.
- e. No vehicles or equipment are stored on the premises.
- 13. Stormwater management facilities shown on an approved final site plan or subdivision plat.
- 14. Schools offering traditional core educational courses similar to the public elementary, middle and high schools, provided:
 - a. Any school be on a lot at least of 400 feet wide and containing six acres of lot area;
 - b. All buildings be at least 60 feet from every property line.
- 15. Existing cemeteries.
- 16. Short-term lodging -- homestay pursuant to the supplemental use requirements in Article XVII.

5-1.3 Permitted by special use.

- A. The following uses may be permitted provided the applicant for such a development is granted a special use permit by the mayor and council after receiving recommendations from the planning commission and after a public hearing:
 - 1. Cultural exhibits and libraries.
 - 2. Religious institutions, provided:
 - a. The lot abuts upon an arterial or collector street or state highway.
 - b. The lot is at least three acres in size.
 - c. All buildings are located at least 50 feet from all property lines.
 - d. A buffer at least ten feet wide is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet tall and provide an effective visual screen;
 - e. Adequate off-street parking, provided:
 - i. Parking area is located to the side or rear of the principal building.
 - f. A circular drive for off-street loading is provided.
 - 3. Family day care center, provided
 - a. It is an owner-occupied establishment;
 - b. Must obtaining signatures from neighboring lots
 - c. No more than six individuals are kept.
 - 4. Group day care facilities including private kindergartens and playschools, provided:
 - a. The lot abuts upon a major or collector street or a state highway.
 - b. A circular drive for off-street loading and unloading of children is provided.
 - c. At least 35 square feet of indoor play area for each child at maximum enrollment is provided.
 - d. At least 100 square feet of outdoor play area for each child at maximum enrollment is provided.
 - e. The outdoor play area is enclosed by a fence at least four feet in height but not over eight feet in height.

- f. A circular drive for off-street loading is provided.
 - g. If a special use permit is approved, comply with all state day care requirements and health regulations.
- 4. Parks, private, provided:
 - a. All buildings are located at least 100 feet from any property line.
- 5. Neighborhood recreation centers, provided:
 - a. All buildings are located at least 100 feet from any property line.
- 6. Bed and breakfast.
- 7. Short-term lodging – vacation home facility pursuant to Article XVI.

...

Section 5-2. Traditional residential (R-2) district.

5-2.1 Intent and where permitted. This district (hereafter referred to as (R-2)) is created to establish a plan implementation zone that:

- Promotes the preservation of historic and architectural integrity of Stone Mountain's residential neighborhoods;
- Restricts properties and structures to predominantly low density single-family residential uses;
- Requires low densities that are similar to the established neighborhoods within the R-2 district;
- Protects the established neighborhoods from encroachment of uses not performing a function necessary to the single-family residential environment.

Uses are limited to single-family detached dwellings, two-family dwellings upon condition, some residentially related institutions, to certain incidental uses intended primarily to provide service to a dwelling or a residential neighborhood.

5-2.2 Permitted Uses by Right.

- A. The following uses shall be permitted subject to requirements and limitations of this ordinance:
 - 1. Detached single-family dwellings, excluding manufactured homes provided the development is compatible to the scale and architectural style of the surrounding neighborhood.
 - 2. Swimming pool for a single-family residential dwelling, that is completely enclosed by an opaque fence or wall at least four feet in height, but not over eight feet in height. Swimming pools shall meet all the requirements of the International Building Code and applicable local health department rules and regulations.
 - 3. Community parks and recreation (publicly owned).
 - 4. Conservation and passive recreation areas.
 - 5. Conservation/open space development of permitted residential uses, provided that conditions outlined in article VII (conservation/open space development) are met.
 - 6. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility.

7. Building or lands used for governmental purposes by a branch of a local, state or federal government such as schools, parks, post offices or fire stations.
8. Public utilities including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses or structures except warehouse, repair, storage, vehicle maintenance, truck or road equipment storage and radio and television studios.
9. Public utility facilities, if essential to service this zoning district, are permitted provided:
 - a. All structures, except for driveways, are placed 50 feet from any property line.
 - b. All structures, except for driveways, are enclosed by a wall or opaque fence at least but not greater than eight feet in height.
 - c. Ten-foot buffer is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet in height and provide an effective visual screen.
 - d. The lot is suitably landscaped.
 - e. No vehicles or equipment are stored on the premises.
10. Stormwater management facilities shown on an approved final site plan or subdivision plat.
11. Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard; any accessory building exceeding 200 square feet shall have an exterior finish consistent with the primary residence. Accessory buildings shall not exceed 400 square feet of gross floor area.
12. Existing cemeteries.
13. Short-term lodging -- homestay pursuant to the supplemental use requirements in Article XVII.
- ~~143.~~ Temporary construction uses.

5-2.3 Permitted by special use.

- A. The following uses may be permitted provided the applicant for such a development is granted a special use permit by the mayor and council after receiving recommendations from the planning commission and after a public hearing:
 1. Single- and two- family attached dwellings, provided the dwelling is owner-occupied.
 2. Cultural exhibits and libraries.
 3. Religious institutions, provided:
 - a. The lot abuts upon an arterial or collector street or state highway.
 - b. The lot is at least three acres in size.
 - c. All buildings are located at least 50 feet from all property lines.
 - d. A buffer at least ten feet wide is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet tall and provide an effective visual screen;
 - e. Adequate off-street parking, provided:
 - i. Parking area is located to the side or rear of the principal building.
 - f. A circular drive for off-street loading is provided.

4. Bed and breakfast.
5. Guest house or pool house on a lot containing a single-family residence limited to one on each lot and shall not include cooking facilities and shall not exceed the square footage of the principal structure.
6. Accessory dwelling units and garage apartments provided that:
 - a. The minimum lot area required for any lot containing an accessory dwelling unit or garage apartment shall be the minimum lot size required by R-2 district regulations, and the guest house shall not exceed the square footage of the principal structure.
 - b. The primary building/residence is not rented.
 - c. The accessory dwelling unit shall contain 400 or less square feet, with the maximum lot coverage with the principal and accessory structures combined not to exceed the maximum lot coverage as specified in the R-2 District Regulations.
 - d. The accessory dwelling unit shall meet the requirements as provided in Article VI Supplemental, Section 6-8 Accessory Uses.
7. Family day care center, provided
 - a. It is an owner-occupied establishment;
 - b. Must receive approval by:
 - i. Obtaining signatures from neighboring lots; and
 - ii. Receive approval through a public hearing.
 - c. No more than six individuals are kept.
8. Group day care facilities including private kindergartens and playschools, provided:
 - a. The lot abuts upon a major or collector street or a state highway.
 - b. A circular drive for off-street loading and unloading of children is provided.
 - c. If a special use permit is approved, comply with all state day care requirements and health regulations.
 - d. At least 35 square feet of indoor play area for each child at maximum enrollment is provided.
 - e. At least 100 square feet of outdoor play area for each child at maximum enrollment is provided.
 - f. The outdoor play area is enclosed by a fence at least four feet in height but not over eight feet in height.
 - g. A circular drive for off-street loading is provided.

9. Short-term lodging – vacation home facility pursuant to Article XVI.

...

Section 5-3. In-town neighborhood (R-3) district.

5-3.1 Intent and where permitted. This district (hereafter referred to as (R-3) is created to establish a plan implementation zone that:

- Promotes the preservation of historic and architectural integrity of Stone Mountain's residential neighborhoods;
- Encourages and allows for cluster development;
- Encourage the preservation of functional open space in and around the R-3 district;
- Encourages infill development;
- Provides for compact single-family and two-family residential development;
- Promotes more efficient use of land and utilities;
- Accommodates moderate- density residential development adjacent to small-scale commercial uses;
- Encourage pedestrian-oriented development within walking distance of transit opportunities;
- Enhance the community's character through the promotion of high quality urban design.

Uses are limited to single-family dwellings, two-family dwellings, some residentially related institutions, to certain incidental uses intended primarily to provide service to a dwelling or a residential neighborhood.

5-3.2 Permitted uses by right.

- A. The following uses shall be permitted subject to requirements and limitations of this ordinance:
1. Single- and two- family attached dwellings, provided the dwelling is owner occupied.
 2. Detached single-family dwellings, excluding manufactured homes.
 3. Conservation/open space development of permitted residential uses, provided that conditions outlined in article VII (conservation/open space development) are met.
 4. Community parks and recreation (publicly owned).
 5. Conservation and passive recreation areas.
 6. Fire and police protection services.
 7. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility.
 8. Temporary construction uses.
 9. Building or lands used for governmental purposes by a branch of a local, state or federal government such as schools, parks, post offices or fire stations.
 10. Public utilities including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses or structures except warehouse, repair, storage, vehicle maintenance, truck or road equipment storage and radio and television studios.
 11. Public utility facilities, if essential to service this zoning district, are permitted provided:
 - a. All structures, except for driveways, are placed 50 feet from any property line.
 - b. All structures, except for driveways, are enclosed by a wall or woven wire fence at least but not greater than eight feet in height.
 - c. A ten-foot buffer is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet in height and provide an effective visual screen.
 - d. The lot is suitably landscaped.

- e. No vehicles or equipment are stored on the premises.
- 12. Stormwater management facilities shown on an approved final site plan or subdivision plat.
- 13. Schools offering traditional core educational courses similar to the public elementary, middle and high schools, provided:
 - a. Any school be on a lot at least of 400 feet wide and containing six acres of lot area;
 - b. All buildings be at least 60 feet from every property line.
- 14. Existing cemeteries.

15. Short-term lodging -- homestay pursuant to the supplemental use requirements in Article XVII.

5-3.3 Permitted by special uses. The following uses may be permitted provided the applicant for such a development is granted a special use permit by the mayor and council after receiving recommendations from the planning commission and after a public hearing:

- 1. Cultural exhibits and libraries.
- 2. Lodges and buildings of fraternal and civic assembly, provided that:
 - a. The lot abuts upon an arterial or collector street or state highway.
 - b. The lot is at least three acres in size.
 - c. All buildings are located at least 50 feet from all property lines.
 - d. A buffer at least ten feet wide is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet tall and provide an effective visual screen;
 - e. Adequate off-street parking, provided:
 - i. Parking area is located to the side or rear of the principal building.
 - f. A circular drive for off-street loading is provided.
- 2. Bed and breakfast provided that it is owner-occupied and that conditions outlined in article XV (bed and breakfast facilities) are met.
- 3. Accessory dwelling units or guest houses on a lot containing a single-family residence limited to one on each lot and provided further that the minimum lot area shall be the minimum lot size required by R-3 district regulations.
 - a. The accessory dwelling unit shall contain not less than 400 or less square feet, with the maximum lot coverage with the principal and accessory structures combined not to exceed the maximum lot coverage as specified in the R-3 district regulations.
 - b. The accessory dwelling unit shall meet the requirements as provided in article VI supplemental, section 6-8 accessory uses.
- 4. Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard; any accessory building exceeding 200 square feet shall have an exterior finish consistent with the primary residence. Accessory buildings shall not exceed 400 square feet of gross floor area.
- 5. Rental of permitted accessory dwelling units and guest cottages, provided that:
 - a. Yard, area, and other requirements of this ordinance shall be met for each such use whether or not such use is on an individual lay-out;
 - b. The primary building/residence is not rented.

6. Eating and drinking establishments.
7. Food and beverage retail sales.
8. Retail sales and services, provided:
 - a. A use does not exceed 2,500 square feet of gross floor area per parcel.
 - b. The lot must abut a major street as defined by the official zoning map.
9. Planned community including single-family residential units, multi-family residential units with or without individual cooking facilities and complimentary uses primarily to provide services to the planned community, provided:
 - a. The minimum parcel size for the development is five acres.
 - b. A master plan for the entire development is approved.
 - c. Commercial or other non-residential uses shall be incidental to the primary use.

10. Short-term lodging – vacation home facility pursuant to Article XVI.

...

Section 5-4. Shermantown residential (R-4) district.

5-4.1 Intent and where permitted. This district (hereafter referred to as (R-4) is created to establish a plan implementation zone that:

- Recognizes the existence of a previously established medium density residential district in communities and the urban area;
- Retains and protects the historic Shermantown neighborhood;
- Encourages infill development;
- Provides for compact single-family residential development;
- Promotes more efficient use of land and utilities;
- Accommodates moderate- density residential development above small-scale ground-floor commercial uses;
- Encourage pedestrian-oriented development within walking distance of transit opportunities;
- Enhance the community's character through the promotion of high quality urban design.

Uses are limited to single-family dwellings, two-family dwellings, some residentially related institutions, mixed-use developments to certain enumerated complimentary uses intended primarily to provide service to a dwelling or a residential neighborhood.

5-4.2 Permitted uses by right.

- A. The following uses shall be permitted subject to requirements and limitations of this ordinance:
 1. Detached single-family dwellings, excluding manufactured homes.
 2. Attached single- and multi-family dwellings, provided:
 - a. Residential units are not on the ground floor;
 - b. Are a part of a residential/commercial mixed-use building.

3. Conservation/open space development of permitted residential uses, provided that conditions outlined in article VII (conservation/open space development) are met.
4. Rental of permitted residential uses or guest cottages, provided that either the principal residence or guest cottage is owner occupied; that yard, area, and other requirements of this ordinance shall be met for each such use whether or not such use is on an individual lay-out.
5. Community parks and recreation (publicly owned).
6. Conservation and passive recreation areas.
7. Fire and police protection services.
8. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility.
9. Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard; except that not more than two automobiles in operating condition belonging to residents of a dwelling shall be parked between a dwelling and the street or streets it adjoins. All cars in excess of two and all cars not in operating condition any truck, boat or unoccupied travel trailer shall be parked in the rear yard or in a garage or carport. All automobile parts shall be stored within a garage or storage building. Any accessory building exceeding 200 square feet shall have an exterior finish consistent with the primary residence. Accessory buildings shall not exceed 800 square feet of gross floor area.
10. Building or lands used for governmental purposes by a branch of a local, state or federal government such as schools, parks, post offices or fire stations.
11. Public utilities including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses or structures except warehouse, repair, storage, vehicle maintenance, truck or road equipment storage and radio and television studios.
12. Public utility facilities, if essential to service this zoning district, are permitted provided:
 - a. All structures, except for driveways, are placed 50 feet from any property line.
 - b. All structures, except for driveways, are enclosed by a wall or opaque fence at least but not greater than eight feet in height.
 - c. A ten-foot buffer is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet in height and provide an effective visual screen.
 - d. The lot is suitably landscaped.
 - e. No vehicles or equipment are stored on the premises.
13. Stormwater management facilities shown on an approved final site plan or subdivision plat.
14. Schools offering traditional core educational courses similar to the public elementary, middle and high schools, provided:
 - a. Any school be on a lot at least of 400 feet wide and containing six acres of lot area;
 - b. All buildings be at least 60 feet from every property line.
15. Existing cemeteries.
16. Retail sales and services, provided:

- a. A use is a part of a residential/commercial mixed-use building;
 - b. A use does not exceed 1,000 square feet of gross floor area per parcel;
 - c. A use does not provide for, or serve alcohol.
17. Religious institutions, provided:
- a. The lot abuts upon an arterial or collector street or state highway.
 - b. The lot is at least three acres in size.
 - c. All buildings are located at least 50 feet from all property lines.
 - d. A buffer at least ten feet wide is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet tall and provide an effective visual screen;
 - e. Adequate off-street parking, provided:
 - i. Parking area is located to the side or rear of the principal building.
 - f. A circular drive for off-street loading is provided.

18. Short-term lodging -- homestay pursuant to the supplemental use requirements in Article XVII.

5-4.3 Permitted by special use.

- A. The following uses may be permitted provided the applicant for such a development is granted a special use permit by the mayor and council after receiving recommendations from the planning commission and after a public hearing:
- 1. Cultural exhibits and libraries.
 - 2. Lodges and buildings of fraternal and civic assembly, provided that:
 - a. Such use is currently underserved by existing use.
 - b. The lot abuts upon an arterial or collector street or state highway.
 - c. The lot is at least three acres in size.
 - d. All buildings are located at least 50 feet from all property lines.
 - e. A buffer at least ten feet wide is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet tall and provide an effective visual screen;
 - f. Adequate off-street parking, provided:
 - i. Parking area is located to the side or rear of the principal building.
 - g. A circular drive for off-street loading is provided.
 - 3. Bed and breakfast facilities.
 - 4. Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard; any accessory building exceeding 200 square feet shall have an exterior finish consistent with the primary residence. Accessory buildings shall not exceed 400 square feet of gross floor area.
 - a. Accessory dwelling units shall contain 400 or less square feet, with the maximum lot coverage with the principal and accessory structures combined not to exceed the maximum lot coverage as specified in the R-4 district regulations.

- b. The accessory dwelling unit shall meet the requirements as provided in article VI supplemental, section 6-8 accessory uses.
- 5. Eating and drinking establishments (with alcohol).
- 6. Food and beverage retail sales (with alcohol).
- 7. Short-term lodging – vacation home facility pursuant to Article XVI.

...

Section 5-5. Village center mixed-use (VCM) district.

5-5.1 Intent and where permitted. This district (hereafter referred to as (VCM) is created to establish a plan implementation zone that:

- Accommodates moderate- to high-density residential development and ground-floor commercial uses with residential units above. This district also accommodates low-intensity office development compatible with the residential character of the VCM district.
- Allows for a diverse variety of uses, structures, densities and open spaces when not in conflict with existed and permitted land uses on abutting properties;
- Promotes a more efficient use of land and a smaller network of utilities and natural resources than conventional land development;
- Encourages the preservation of functional open space in and around the village center;
- Provides the opportunity for the application of innovative site planning concepts through the creation of aesthetically pleasing environments for living, shopping and working on properties of adequate shape, size and location that conventional land development may not allow for;
- Encourages high pedestrian use and accessibility and transportation alternatives.

Uses are limited to multi-family dwellings, two-family dwellings, mixed-use residential and commercial developments to commercial and professional complimentary uses intended primarily to provide service to the entire city.

5-5.2 Permitted uses by right.

- A. The following uses shall be permitted subject to requirements and limitations of this ordinance:
 - 1. Attached multi-family dwellings, provided:
 - a. Is a part of a residential/commercial mixed-use building.
 - 2. Conservation/open space development of permitted residential uses, provided that conditions outlined in article VII (conservation/open space development) are met.
 - 3. Rental of permitted residential uses, provided that yard, area, and other requirements of this ordinance shall be met for each such use whether or not such use is on an individual lay-out.
 - 4. Community parks and recreation (publicly owned).
 - 5. Conservation and passive recreation areas.
 - 6. Fire and police protection services.
 - 7. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility.

8. Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard; any accessory building exceeding 200 square feet shall have an exterior finish consistent with the primary residence. Accessory buildings shall not exceed 400 square feet of gross floor area.
9. Temporary construction uses.
10. Building or lands used for governmental purposes by a branch of a local, state or federal government such as schools, parks, post offices or fire stations provided:
11. Public utilities including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses or structures except warehouse, repair, storage, vehicle maintenance, truck or road equipment storage and radio and television studios.
12. Public utility facilities, if essential to service this zoning district, are permitted provided:
 - a. All structures, except for driveways, are placed 50 feet from any property line.
 - b. All structures, except for driveways, are enclosed by a wall or woven wire fence at least but not greater than eight feet in height.
 - c. A ten-foot buffer is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet in height and provide an effective visual screen.
 - d. The lot is suitably landscaped.
 - e. No vehicles or equipment are stored on the premises.
13. Stormwater management facilities shown on an approved final site plan or subdivision plat.
14. Consumer services (non-automotive).
15. Recreation sales and services.
16. Automatic teller machines that are not an accessory use to a financial center.
17. Professional medical clinic services.
18. Financial services.
19. Eating and drinking establishments.
20. Food and beverage retail sales,
21. Professional offices.
22. Retail sales (general excluding automotive).
- [23. Short-term lodging -- homestay pursuant to the supplemental use requirements in Article XVII.](#)
- [24. Short-term lodging – vacation home facility pursuant to the supplemental use requirements in Article XVI.](#)
- [25. Hotel/Motel.](#)

...

Section 5-6. Multi-family residential (MR-1) district.

5-6.1 Intent and where permitted. This district (hereafter referred to as (MR-1) is created to establish a plan implementation zone that:

- Accommodate moderate- to high-density residential development above or adjacent to ground-floor commercial uses. This district also accommodates office development compatible with the residential character of the MR-1 district.
- Support mixed-use (residential/nonresidential) projects with active ground-floor uses;
- Allow for a diverse variety of uses, structures, densities and open spaces when not in conflict with existed and permitted land uses on abutting properties;
- Promote a more efficient use of land and a smaller network of utilities and natural resources than conventional land development;
- Provide the opportunity for the application of innovative site planning concepts through the creation of aesthetically pleasing environments for living, shopping and working on properties of adequate shape, size and location that conventional land development may not allow for;
- Encourage high pedestrian use and accessibility and transportation alternatives.

Uses are limited to multi-family dwellings, mixed-use residential and commercial developments to commercial and professional complimentary uses; certain enumerated complimentary uses intended primarily to provide services to this district.

5-6.2 Permitted uses by right.

A. The following uses shall be permitted subject to requirements and limitations of this ordinance:

1. Two-family attached dwellings.
2. Multi-family attached dwellings.
3. Mixed-use dwellings.
4. Conservation/open space development of permitted residential uses, provided that conditions outlined in article VII (conservation/open space development) are met.
5. Rental of permitted residential uses, provided that yard, area, and other requirements of this ordinance shall be met for each such use whether or not such use is on an individual lay-out.
6. Community parks and recreation (publicly owned).
7. Conservation and passive recreation areas.
8. Fire and police protection services.
9. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility.
10. Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard; any accessory building exceeding 200 square feet shall have an exterior finish consistent with the primary residence. Accessory buildings shall not exceed 400 square feet of gross floor area.
11. Temporary construction uses.
12. Building or lands used for governmental purposes by a branch of a local, state or federal government such as schools, parks, post offices or fire stations provided:
13. Public utilities including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses or structures except warehouse, repair, storage, vehicle maintenance, truck or road equipment storage and radio and television studios.

14. Public utility facilities, if essential to service this zoning district, are permitted provided:
 - a. All structures, except for driveways, are placed 50 feet from any property line.
 - a. All structures, except for driveways, are enclosed by a wall or opaque fence at least but not greater than eight feet in height.
 - b. A ten-foot buffer is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet in height and provide an effective visual screen.
 - c. The lot is suitably landscaped.
 - d. No vehicles or equipment are stored on the premises.
15. Stormwater management facilities shown on an approved final site plan or subdivision plat.
16. Consumer services (non-automotive).
17. Professional medical clinic services.
18. Financial services offices.
19. Eating and drinking establishments (without alcohol).
20. Food and beverage retail sales (without alcohol).
21. Professional offices.
22. Retail sales (general excluding automotive), provided:
 - a. A use does not exceed 45,000 square feet of gross floor area.
23. Neighborhood recreation centers, provided:
 - a. All buildings are located at least 100 feet from any property line.
24. Temporary construction uses.
25. Schools offering traditional core educational courses similar to the public elementary, middle and high schools, provided:
 - i. Any school be on a lot at least of 400 feet wide and containing six acres of lot area;
 - ii. All buildings be at least 60 feet from every property line.

26. Short-term lodging -- homestay pursuant to the supplemental use requirements in Article XVII.

5-6.3 Permitted by special use.

- A. The following uses may be permitted provided the applicant for such a development is granted a special use permit by the mayor and council after receiving recommendations from the planning commission and after a public hearing:
 1. Religious institutions, provided:
 - a. The lot abuts upon an arterial or collector street or state highway.
 - b. The lot is at least three acres in size.
 - c. All buildings are located at least 50 feet from all property lines.
 - d. A buffer at least ten feet wide is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet tall and provide an effective visual screen;

- e. Adequate off-street parking, provided:
 - i. Parking area is located to the side or rear of the principal building.
- f. A circular drive for off-street loading is provided.
- 2. Cultural exhibits and libraries.
- 3. Family day care center, provided
 - a. It is an owner-occupied establishment;
 - b. Must receive approval by:
 - i. Obtaining signatures from neighboring lots; and
 - ii. No more than six individuals are kept.
- 4. Group day care facilities including private kindergartens and playschools provided:
 - a. The lot abuts upon a major or collector street or a state highway.
 - b. A circular drive for off-street loading and unloading of children is provided.
 - c. If a special use permit is approved, comply with all state day care requirements and health regulations.
 - d. At least 35 square feet of indoor play area for each child at maximum enrollment is provided.
 - e. At least 100 square feet of outdoor play area for each child at maximum enrollment is provided.
 - f. The outdoor play area is enclosed by a fence at least four feet in height but not over eight feet in height.
 - g. A circular drive for off-street loading is provided.
- 5. Animal sales and services (household pets, no outside runs or kennels).
- 6. Consumer repair services provided:
 - h. Services are non-automotive;
 - i. No outside storage.
- 7. Eating and drinking establishments (with walk-through service).
- 8. Laundry services (drycleaners).
- 9. Recreational equipment rental provided there is no outside storage.
- 10. Automatic teller machines that is a part of a mixed use development.
- 11. Bed and breakfast, provided that conditions outlined in article XV (bed and breakfast facilities) are met.

12. Short-term lodging – vacation home facility pursuant to Article XVI.

Section 5-7. General commercial (GC) district.

5-7.1 Intent and where permitted. This district (hereafter referred to as (GC) is created to establish a plan implementation zone that:

- Encourages the organized concentration of a wide variety of retail goods and services for the community;

- Promotes high-quality design and aesthetic features including lighting, landscaping and pedestrian-oriented amenities;
- Encourage inter-parcel accessibility and promotes the use of transportation alternatives;
- Creates and enhances commercial areas where complete retail sales and services are available and desirable for public service and convenience; and
- Require a location accessible to large numbers of people and that serve substantial portions of the community.

This district is intended primarily for developments that contain commercial, financial, governmental or professional complementary uses intended primarily to provide service to the entire community. Typically this district would be applied where central area commercial facilities are desired or along major roadways.

5-7.3 Permitted by special use.

- A. The following uses may be permitted provided the applicant for such a development is granted a special use permit by the mayor and council after receiving recommendations from the planning commission and after a public hearing:
1. Cultural exhibits and libraries.
 2. Hotel/~~motel and lodging services.~~
 3. Laundry services (drycleaners)
 4. Consumer repair services provided:
 - a. Services are non-automotive;
 - b. No outside storage.
 5. Eating and drinking establishments (with drive-thru service).
 6. Retail sales and services (with drive-thru service).
 7. Recreational equipment rental provided there is no outside storage.
 8. Day nurseries and kindergartens.
 - a. The following provisions apply to day nurseries and kindergartens:
 - i. There shall be not less than thirty-five (35) square feet of indoor play area for each child at maximum licensed enrollment and not less than one hundred (100) square feet per child of outdoor play area at maximum licensed enrollment.
 - ii. The outdoor play area shall be enclosed by a fence not less than four (4) feet in height but not over eight (8) feet in height.
 - iii. A circular drive shall be provided for off-street loading and unloading.
 10. Microbrewery, provided that:
 - a. Shall adhere to a maximum floor area of eight thousand (8,000) square feet.
 - b. No outdoor speaker systems shall be permitted.
 - c. Productions shall be in wholly enclosed buildings.
 - d. Outdoor equipment shall be permitted, with adequate screening from public view.
 - e. No outdoor storage is permitted.

11. Microdistillery (craft distillery), provided that:
 - a. Shall adhere to a maximum floor area of eight thousand (8,000) square feet.
 - b. No outdoor speaker systems shall be permitted.
 - c. Productions shall be in wholly enclosed buildings.
 - d. Outdoor equipment shall be permitted, with adequate screening from public view.
 - e. No outdoor storage is permitted.

Section 6-8. Accessory uses.

- A. Accessory uses or buildings (including accessory dwelling units) shall be permitted only in side or rear yards, except as otherwise provided in this ordinance.
- B. No accessory building shall be erected on a lot prior to the time of construction of the principal building to which it is accessory.
- C. Only two accessory buildings (not including accessory dwelling units) shall be permitted on a lot.
- D. Accessory uses or structures (not including accessory dwelling units) shall be permitted if they meet the following:
 1. Accessory buildings shall be set back not less than ten feet from any lot line.
 2. An accessory building shall not be any larger than 24' x 24' and must comply with district development regulations.
 3. Accessory buildings located on property in excess of one acre will not be restricted to size, as long as the structure meets building codes and other requirements of this ordinance.
 4. Accessory buildings in residential districts shall not be used for any type of commercial operation whether permanent, part-time or as part of a home occupation except as otherwise provided for in this ordinance. A home occupation can be conducted in an accessory building if approved as a special use.
 5. No accessory structure shall exceed a height of 15 feet.
 6. Detached accessory buildings shall be located at least ten feet from the principal structure on a lot.
 7. Satellite dish antennas shall be permitted as accessory structures only in rear yards unless it can be documented that reception is impaired by such a location. In this case an antenna would be permitted in a side yard.
 - a. Satellite dish antennas which exceed two feet in diameter shall not be located on the roof of a single-family structure.
 8. Basketball goals, which are attached to the principal residence structure or erected adjacent to and abutting the driveway of the principal residence structure or the driveway area shall be allowed in the front, side or rear yard but not in the right-of-way of a public street.
 9. No fabricated structure shall be erected on a lot for accessory purposes in any residential zoning district except when constructed in the rear yard.
 - a. No tent or tarpaulin structures shall be erected on a lot for accessory purposes in any zoning district. Tent or tarpaulin structures shall be permitted in residential districts for temporary recreational use or in the exercise of religious observances or similar events.

E. Accessory dwelling units shall be permitted if they meet the following:

1. The accessory dwelling unit shall contain 400 or less square feet.
2. There shall be one off-street parking space provided for the accessory dwelling unit, which is in addition to any off-street parking spaces required for the primary residence.
3. No accessory dwelling unit shall exceed a height of 15 feet and shall be set back not less than 10 feet from any lot line.
4. Accessory dwellings, whether attached or detached, shall have exterior finishes or architectural treatments (e.g. brick, wood, etc.) or an appearance substantially similar to those on the principal residence.
5. The accessory building unit shall meet all building code standards including building, electrical, fire, and plumbing code requirements, and occupancy restrictions as provided in the city's ordinances.
6. The accessory dwelling shall not contain a home occupation and shall not be used for any commercial occupation. Any property owner seeking to establish an accessory dwelling unit shall apply to register the unit with the administration department (zoning administrator). The property owner shall file a complete registration application form, before building permit issuance, affirming that at least one owner will occupy the primary residence for the full length of time that accessory dwelling use is established in accordance with all applicable zoning regulations. The property owner shall annually affirm the same by registration renewal within thirty (30) days after January 1, of each year.
7. After receipt of a completed application for registration and prior to issuance of a certificate of occupancy or approval of use, the city (building official) shall inspect the property to confirm adherence to the size, height, design, and parking requirements of this code are met.
8. The registration form or other forms as required by the zoning administrator shall be filed as a deed restriction with the DeKalb County Tax Assessor to provide notice of the presence of the accessory dwelling unit, the requirement of owner occupancy, and other standards for maintaining the unit as described, with verification of recording of the filing being provided to the city zoning administrator within 90 days of issuance of certificate of occupancy.
9. The zoning administrator (or his/her designee) shall report annually on accessory dwelling unit registration, number of units and distribution throughout the city, and average size of units.
10. Cancellation of registration of the accessory dwelling unit may be accomplished by the property owner filing a certificate with the zoning administrator (or his/her designee) for recording with the DeKalb County Tax Assessor or may occur as result of an enforcement action.
11. Only one accessory dwelling unit shall be permitted on a lot.
12. Accessory dwelling units and guest houses shall be differentiated from short-term lodging units regulated in Articles XVI and XVII.

(Ord. No. 2016-14, Pt. I, 10-4-16; Ord. No. 2018-02, Pt. I, 3-6-18)

ARTICLE XVI: SHORT-TERM LODGING - VACATION HOME FACILITIES

Section 16-1. Purpose, applicability, definitions, ~~licenses~~.

16-1.1 Purpose.

- A. The purpose of this article is to establish the establishment of land use regulations within the scope of the zoning powers of the municipal authority to govern vacation home facilities in the city. The intent of this article is to promote economic development in the vacation rental industry while minimally impacting existing residential uses. ~~without harming existing residential properties.~~
- B. This article is not intended to regulate hotels, motels, inns, or non-vacation type rental arrangements including, but not limited to, boardinghouses, lodging houses, or rooming houses.

16-1.2 Applicability.

- A. It shall be unlawful for any owner of any property within the City of Stone Mountain to rent or operate a vacation home facility contrary to the procedures and regulations established in this article, other provisions of this Code, or any applicable state law.
- B. The restrictions and obligations contained in this article shall apply to vacation home facilities at all times during which the vacation home facility is marketed and used as such.
- C. The allowance of a vacation home facility pursuant to this article shall not prevent enforcement of additional restrictions that may be contained in restrictive covenants or other private contractual agreements or arrangements. The City of Stone Mountain shall not be responsible for enforcement of such covenants, agreements, or arrangements.
- D. A property that has been advertised or listed via the internet or other media sources (e.g. www.vrbo.com, www.airbnb.com, etc.) for short-term lodging shall be prima facie evidence the property is being used as a short-term lodging.

16-1.~~23~~ Definitions.

- A. A lodging room is defined as a room that is used for temporary occupancy for a fee.
- B. An owner is defined as an individual, partner, or officer of a corporation who is an officer registered with the Corporations Division of the Georgia Secretary of State with title to real property.
- C. A vacation home facility is defined as a residential type establishment, with commercial enterprise, offering whole house rental with no more than four lodging rooms for temporary occupancy for a fee and that does not offer food to guests.
- D. A property manager is a person designated by the owner who has access and authority to assume management of the vacation home facility and take remedial measure while the vacation home facility is occupied.
- E. Temporary occupancy is defined as the short-term use of a unit for a limited duration not exceeding 30 consecutive days and intended for transient guests who do not establish permanent residence.

~~16-1.3 Licenses.~~~~A. A vacation home facility shall obtain a home occupational tax certificate from the city.~~~~B. Fees for lodging in a vacation home facility are subject to local and state taxation ordinances.~~~~(Ord. No. 2017-07, pt. I, 8-1-17)~~**Section 16-2. Occupancy and parking restrictions.***16-2.1 Occupancy restrictions.*

A. A vacation home facility must meet the following occupancy restrictions:

1. Provide no more than four lodging (guest) rooms with a minimum of 70 square feet per room.
2. Occupancy of a lodging room shall require at least 40 square feet per individual.
3. Occupancy by guest(s) shall not exceed 14 consecutive days during any 90 day period.
4. The owner of a vacation home facility shall live within the corporate boundaries of DeKalb County, Georgia or have a designated property manager, as defined and regulated in this Article.
5. Vacation home facilities shall be available for occupancy on a continuous basis except for repairs, renovations, or the absence of the owner.
6. Vacation home facilities shall be required to have a smoke alarm in each lodging room (guest room) and a fire extinguisher visible and accessible to guests. The facilities are subject to at least one annual inspection at the time of initial licensing and during renewal of the same.

16-2.2 Parking restrictions.

- A. Except where permitted by law, no parking shall be allowed on the street or in any unpaved portion of the front yard of any lot occupied by a short-term lodging use. ~~a vacation home facility.~~
- B. Parking regulations relative to the zoning district in which the vacation home facility is located shall apply.

(Ord. No. 2017-07, pt. I, 8-1-17)

Section 16-3. Signage.*16-3.1 Signage.*

A. No business and advertising signs shall be permitted.

(Ord. No. 2017-07, pt. I, 8-1-17)

Section 16-4. Licenses, transferability, enforcement.*16-4.1 Licenses.*

A. The City shall not issue more than 60 permits annually. Once the City has issued 60 permits, no additional permits shall be issued for that year. Applications to renew will be prioritized over new applications. New applications will be issued in the order in which they were received. All permits shall expire on December 31. Permits shall be effective from January 1 through December 31, unless otherwise revoked. No permit will be automatically renewed.

- B. Vacation home facilities shall be limited to those properties zoned Village Center Mixed-Use (VCM) and properties with an approved Special Use Permit from City Council.
- C. A vacation home facility shall obtain a home occupational tax certificate from the city and renew on an annual basis.
- D. Fees for lodging in a vacation home facility are subject to local and state taxation ordinances.
- E. The owner of a vacation home facility shall obtain a short-term lodging license from the city and renew on an annual basis. The application shall be furnished on a form specified by the city, accompanied by a non-refundable license fee as established by the official Fee Schedule of the City of Stone Mountain. Such application shall include:
 - 1. Name, address, phone number, and email address of the property owner(s) of record for which a permit is sought.
 - 2. The property manager contact form including but not limited to their name, address, phone number, and email address. #
 - 3. A floor plan showing all bedrooms and bathrooms with the approximate square footage of each bedroom.
 - 4. A site plan of the overall property identifying parking spaces for lodgers.
 - 5. A short-term lodging property located within a subdivision where a functioning homeowners association exists shall provide a notarized statement from the applicant that short-term lodging is not prohibited under the covenants of the HOA/subdivision.
 - 6. Proof of homeowners insurance.
 - 7. Signed acknowledgement that the owner(s) has read all regulations pertaining to the operation of a vacation home facility and their agreement to abide by all applicable regulations.
- F. Active licenses shall not expire, provided that a property owner shall renew the license on an annual basis. If a property owner fails to renew a license, it shall be considered terminated by the licensee.

16-4.2 Property Manager Required.

- A. A property manager shall be designated for each vacation home facility.
- B. The property manager shall be required to respond to the location of the vacation home facility 24 hours a day, 7 days a week, and within one (1) hour after being notified by the City.
- C. An owner of a vacation home facility may designate themselves as the property manager.

16-4.3 Transferability.

- A. Short-term lodging licensure issued under this ordinance shall not be transferred, assigned, or used by any person other than the owner to whom it is issued, or at any location other than for which it is issued.
- B. Short-term lodging licensure terminates upon transfer of the property to another owner.

16-4.4 Enforcement.

- A. Licenses issued under this ordinance may be suspended or revoked for any of the following reasons:
 - 1. An applicant furnished fraudulent or untruthful information in the application for a license, or omitted information required in the application for a license, or failed to pay all fees, taxes, or other charges imposed under the provisions of the City Code, in which case the city may immediately suspend or revoke the short-term lodging license.

2. Any short-term lodging for which there are three (3) final determinations of violations of the City Code by a property owner, tenant, guest, host, lessee, or individual otherwise related directly to the property within any rolling 365-day period, shall constitute a violation of the terms of licensure and shall terminate the license. For any license that is terminated due to code violations, a property owner shall be ineligible for a license for a period of three (3) years.
3. Any licensee having his or her license suspended or revoked under this section may appeal to the city council in accordance with Section 2-1.10 Procedures for appeal of administrative decision.
4. Failure to renew a short-term lodging license or home occupation tax certificate.
- B. Any violations of this this code, including any violation of the noise control ordinance, shall subject the licensed individual to the following progressive actions:
 1. The first violation within any rolling 365 day period shall result in a fine not to exceed \$250.00 and a written warning notice of violation.
 2. The second violation within any rolling 365 day period shall result in a fine not to exceed \$500.00 and a short-term lodging license suspension for a period of 30 days.
 3. The third violation within any rolling 365 day period shall result in a fine not to exceed \$1,000.00 and the revocation of the short-term lodging license and neither the owner nor local contact person shall be eligible to reapply for a license for a period of three (3) years.
- C. Each day the short-term lodging is marketed or rented for overnight accommodation without the necessary short-term lodging license required under this article shall constitute a separate violation.
- D. Failure of the owner or property manager to respond to calls or complaints regarding the condition, operation, or conduct of occupants and/or guests of the short-term lodging in a timely and appropriate manner shall be grounds for imposition of penalties as set forth in this article. It is not intended that an owner or local contact person act as a peace officer or place himself or herself in an at-risk situation.

ARTICLE XVII: SHORT-TERM LODGING -- HOMESTAY

Section 17-1. Purpose, applicability, definitions.

17-1.1 Purpose.

- A. The purpose of this article is to establish land use regulations within the scope of the zoning powers of the municipal authority to govern vacation home facilities in the city. The intent of this article is to promote economic development in the vacation rental industry while minimally impacting existing residential uses.
- B. This article is not intended to regulate hotels, motels, inns, or non-vacation type rental arrangements including, but not limited to, boarding houses, lodging houses, or rooming houses.

17-1.2 Applicability.

- E. It shall be unlawful for any owner of any property within the City of Stone Mountain to rent or operate a homestay contrary to the procedures and regulations established in this article, other provisions of this Code, or any applicable state law.
- F. The restrictions and obligations contained in this article shall apply to homestays at all times during which the homestay is marketed and used as such.

G. The allowance of a homestay pursuant to this article shall not prevent enforcement of additional restrictions that may be contained in restrictive covenants or other private contractual agreements or arrangements. The City of Stone Mountain shall not be responsible for enforcement of such covenants, agreements, or arrangements.

H. A property that has been advertised or listed via the internet or other media sources (e.g. www.vrbo.com, www.airbnb.com, etc.) for short-term lodging shall be prima facie evidence the property is being used as a short-term lodging.

17-1.3 Definitions.

A. A lodging room is defined as a room that is used for temporary occupancy for a fee.

B. An owner is defined as an individual, partner, or officer of a corporation who is an officer registered with the Corporations Division of the Georgia Secretary of State with title to real property.

C. Homestay lodging is defined as a residential type establishment, with commercial enterprise, offering an individual bedroom within a residential establishment that serves as a host's principal residence, including any single-family or accessory apartment, that provides lodging for pay, for a maximum continuous period not to exceed twenty-nine (29) consecutive days, that does not include serving food.

D. Temporary occupancy is defined as the short-term use of a unit for a limited duration not exceeding 30 consecutive days and intended for transient guests who do not establish permanent residence.

Section 17-2. Occupancy and parking restrictions.

17-2.1 Occupancy restrictions.

A. A short-term lodging room must meet the following occupancy restrictions:

1. Provide no more than one lodging (guest) rooms with a minimum of 70 square feet per room.

2. Occupancy of a lodging room shall require at least 40 square feet per individual.

3. Occupancy by guest(s) shall not exceed 14 consecutive days during any 90 day period.

4. The owner of a short-term lodging room shall be present at the residential home during the entire occupancy of the short-term lodging room.

5. Short-term lodging room shall be available for occupancy on a continuous basis except for repairs, renovations, or the absence of the owner.

6. Short-term lodging rooms shall be required to have a smoke alarm in the lodging room (guest room) and a fire extinguisher visible and accessible to guests. The facilities are subject to at least one annual inspection at the time of initial licensing and during renewal of the same.

17-2.2 Parking restrictions.

A. Except where permitted by law, no parking shall be allowed on the street or in the any unpaved portion of the front yard of any lot occupied by a short-term lodging use.

B. Parking regulations relative to the zoning district shall apply.

Section 17-3. Signage.

16-3.1 Signage.

A. No additional signage shall be permitted.

Section 17-4. Licenses, transferability, enforcement.

17-4.1 Licenses.

- A. Applicants shall be limited to owner-occupied single-family residential lots receiving a current homestead exemption through DeKalb County.
- B. A homestay shall obtain a home occupational tax certificate from the city and renew on an annual basis.
- C. Fees for lodging in a homestay are subject to local and state taxation ordinances.
- D. The owner of a homestay shall obtain a short-term lodging license from the city and renew on an annual basis. The application shall be furnished on a form specified by the City, accompanied by a non-refundable license fee as established by the official Fee Schedule of the City of Stone Mountain. Such application shall include:
 - 1. Name, address, phone number, and email of the property owner(s) of record for which a permit is sought. #
 - 2. A floor plan showing all bedrooms and bathrooms with the approximate square footage of each bedroom.
 - 3. A site plan of the overall property identifying parking spaces for lodgers.
 - 4. A short-term lodging property located within a subdivision where a functioning homeowners association exists must provide a notarized statement from the applicant that short-term lodging is not prohibited under the covenants of the HOA/subdivision.
 - 5. Proof of homeowners insurance.
 - 6. Signed acknowledgement that the owner(s) has read all regulations pertaining to the operation of a homestay and their agreement to abide by all applicable regulations.
- E. Active licenses shall not expire, provided that a property owner shall renew the license on an annual basis. If a property owner fails to renew a license, it shall be considered terminated by the licensee.

17-4.2 Transferability.

- A. Short-term lodging licensure issued under this ordinance shall not be transferred, assigned, or used by any person other than the owner to whom it is issued, or at any location other than for which it is issued.
- B. Short-term lodging licensure terminates upon transfer of the property to another owner.

17-4.3 Enforcement.

- A. Licenses issued under this ordinance may be suspended or revoked for any of the following reasons:
 - 1. An applicant furnished fraudulent or untruthful information in the application for a license, or omitted information required in the application for a license, or failed to pay all fees, taxes, or other charges imposed under the provisions of the City Code, in which case the city may immediately suspend or revoke the short-term lodging license.
 - 2. Any short-term lodging for which there are three (3) final determinations of violations of the City Code by a property owner, tenant, guest, host, lessee, or individual otherwise related directly to the property within any rolling 365 day period, shall constitute a violation of the terms of licensure and shall terminate the license. For any license that is terminated due to code violations, a property owner shall be ineligible for a license for a period of three (3) years.

3. Any licensee having his or her license suspended or revoked under this section may appeal to the city council in accordance with Section 2-1.10 Procedures for appeal of administrative decision.
- B. Any violations of this this code, including any violation of the noise control ordinance, shall subject the licensed individual to the following progressive actions:
1. The first violation within any rolling 365 day period shall result in a fine not to exceed \$250.00 and a written warning notice of violation.
 2. The second violation within any rolling 365 day period shall result in a fine not to exceed \$500.00 and a short-term lodging license suspension for a period of 30 days.
 3. The third violation within any rolling 365 day period shall result in a fine not to exceed \$1,000.00 and the revocation of the short-term lodging license and neither the owner nor local contact person shall be eligible to reapply for a license for a period of three (3) years.
- C. Each day the short-term lodging is marketed or rented for overnight accommodation without the necessary short-term lodging license required under this article shall constitute a separate violation.
- D. Failure of the owner or local contact person to respond to calls or complaints regarding the condition, operation, or conduct of occupants and/or guests of the short-term lodging in a timely and appropriate manner shall be grounds for imposition of penalties as set forth in this article. It is not intended that an owner or local contact person act as a peace officer or place himself or herself in an at-risk situation.

Sec. 12-72. Tax rate; applicability; maximum rate.

Pursuant to O.C.G.A. § 48-13-51, there is hereby levied an excise tax upon the furnishing for value to the public of any room, lodging or accommodations furnished by any person licensed by or required to pay business or occupation taxes to the city for operating a hotel, motel, inn, lodge, tourist camp, tourist cabin, or any other place in which rooms, lodgings or accommodations are regularly furnished for value. No tax shall be levied as provided in this section upon the fees or charges for any rooms, lodgings or accommodations furnished for a period of more than ten (10) consecutive days or for use as meeting rooms. No tax shall be levied as provided in this section upon the fees or charges for any rooms, lodgings or accommodations furnished for a period of one (1) or more consecutive days for use by state or local government officials or employees when traveling on official business. No tax levied pursuant to this section shall be levied or collected at a rate exceeding ~~eightfive (85)~~ percent of the charge to the public for the furnishings. The proceeds of this tax shall be used in accordance with the provisions of O.C.G.A. § 48-13-51(a)(D)(3). Any action by the city to increase the tax imposed under this section above ~~eightfive (58)~~ percent shall become effective no sooner than the first day of the second month following its adoption.

(Ord. No. 95-5, 4-4-95; Ord. No. 05-13, pt. I, 6-7-05)

Sec. 12-73. Collection of tax by operator.

Every operator renting guest rooms in this city shall collect a tax of ~~eightfive (85)~~ percent on the amount of rent from the occupant, unless an exemption is provided under section 12-74. The operator shall provide a receipt to each occupant, which receipt shall reflect both the amount of rent and the amounts of this and other tax(es) applicable. This tax shall be due from the occupant, and shall be collected by the operator at the same time that the rent is collected.

(Ord. No. 95-5, 4-4-95)



City of Stone Mountain
875 Main Street
Stone Mountain, GA 30083

STAFF ANALYSIS AND REPORT

To: City of Stone Mountain Mayor & City Council

From: Richard Edwards, AICP

Subject: Proposed Text Amendments to Article 3 and 5 of Appendix A – Zoning to create definitions and commercial uses for convenience stores, alcohol outlets, package stores, and smoke shops.

Date: August 6, 2024

Purpose:

The purpose of this staff report and analysis is to present the proposed text amendments to Article III and V of Appendix A – Zoning to create definitions and commercial uses for convenience stores, alcohol outlets, package stores, and smoke shops.

Background:

The city has seen an increase in the number of new businesses and business request for commercial businesses that include convenience stores, alcohol outlets, package stores, and smoke shops. The current code does not provide for a definition nor specific zoning regulations for these use types, as they are all regulated general retail uses. These text amendments define all of those uses and provides specific use allowances for each.

The following definitions are being proposed:

Alcohol outlet: 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 ten thousand (10,000) square feet that may sell beer, malt beverages, hard cider and/or wine for off-site consumption, as well as other products.

Convenience store: Any retail establishment offering for sale items such as household items, newspapers and magazines, prepackaged food products, beverages, 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. A convenience store may also include accessory fuel pumps. Excluded from this definition is any establishment providing automotive maintenance services or repairs.

Package store: A retail establishment that sells distilled spirits for off-site consumption.

Retail: The sale of goods, wares, or merchandise directly to the end-consumer. Other uses defined and regulated by this code shall not fall under “retail.”

Smoke shop: Any business establishment dedicated to the display, sale, distribution, delivery, offering, furnishing, marketing or use of tobacco, tobacco products, or alternative nicotine products/instruments, or any combination thereof, including but not limited to cigarettes, cigars, e-cigarettes, hookahs, and vapes. This definition shall not include any grocery stores, gas stations or similar retail use that only sells conventional cigars, or alternatively sells cigarettes only as an accessory sale (ten percent or less of total sales).

SUP = Special Use permit

P = Permitted

Zoning	Alcohol Outlet	Convenience Store	Package Store	Smoke Shop
Village Center Mixed-Use (VCM)	SUP	SUP	SUP	SUP
General Commercial (GC)	SUP	P*	SUP	P*
Industrial (I)	P*	P*	P	P*

*Supplemental Use regulations apply

Staff is recommending the following supplemental use regulations for **convenience stores**:

- a. Storefronts along a public street shall allow views into the building interior for a depth of at least five feet.
- b. No convenience store shall be located within 3,960 feet (i.e., three-fourth of a mile) of any other convenience store. The measurement of distance for the purposes of this subsection shall be from the front door of the structure to the closest point on a boundary of any parcels containing another convenience store.
- c. No less than ten (10) percent of the sales floor area shall be dedicated to fresh or pre-packaged meats, fruits, vegetables, and dairy products. Prior to the commencement of business for any convenience store, a floor plan showing the designated sales floor area shall be submitted to the city for approval.
- d. All convenience stores are required to have a functioning, 24/7 video surveillance system (VSS).

Staff is recommending the following supplemental use regulations for **smoke shops**:

- a. No smoke shop shall be allowed within 200 yards of any church, temple, or place of worship, daycare, school, college, university, or government owned facilities or properties.

- b. No smoke shop shall be allowed within 3,960 feet (i.e., three-fourth of a mile) of another smoke shop.
- c. The measurement of distance for the purposes of this subsection shall be measured by a straight line without regard to intervening structures or objects, from the front door of the smoke shop to the closest point on a boundary of any parcels containing a Church, Temple or Place of Worship, School, College, University, Government Facility, or another Smoke Shop.
- d. No use or establishment can exceed 2,000 square feet and drive-through/drive-up service is not permitted.
- e. Hours of operations can begin no earlier than 6 AM and end no later than 10 PM, including all deliveries.
- f. All smoke shops are required to have a functioning, 24/7 video surveillance system (VSS).

Staff is recommending the following supplemental use regulations for **alcohol outlets**, as recommended by the Planning Commission:

- a. All alcohol outlets are required to have a functioning, 24/7 video surveillance system (VSS).

Staff is recommending the following supplemental use regulations for **package stores**, as recommended by the Planning Commission:

- a. All package stores are required to have a functioning, 24/7 video surveillance system (VSS).

On July 15, 2024, the Planning Commission voted to recommend approval of this text amendment with the following additional changes highlighted in red:

Staff is recommending the following supplemental use regulations for **smoke shops**:

- a. No smoke shop shall be allowed within 200 yards of any church, temple, or place of worship, ~~daycare, school,~~ college, university, or government owned facilities or properties.
- b. No smoke shop call be allowed within 500 yards of any daycare or school.
- c. No smoke shop shall be allowed within 3,960 feet (i.e., three-fourth of a mile) of another smoke shop.
- d. The measurement of distance for the purposes of this subsection shall be measured by a straight line without regard to intervening structures or objects, from the front door of the smoke shop to the closest point on a boundary of any

parcels containing a Church, Temple or Place of Worship, School, College, University, Government Facility, or another Smoke Shop.

- e. No use or establishment can exceed 2,000 square feet and drive-through/drive-up service is not permitted.
- f. Hours of operations can begin no earlier than 6 AM and end no later than 10 PM, including all deliveries.
- g. All smoke shops are required to have a functioning, 24/7 video surveillance system (VSS).

Attachments:

1. Redlines of Article III and V of Appendix A – Zoning

PART II - CODE OF ORDINANCES
APPENDIX A - ZONING
ARTICLE III: DEFINITION OF TERMS USED IN THE ORDINANCE

ARTICLE III: DEFINITION OF TERMS USED IN THE ORDINANCE

Except as specifically defined herein, all words used in this ordinance have their customary dictionary definitions. For the purpose of this ordinance, certain words or terms used herein are defined as follows:

Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

The word "shall" is always mandatory.

The word "person" includes a firm, association, organization, partnership, trust company or corporation as well as an individual.

The word "lot" includes the words "plot" or "parcel".

The word "building" includes the word "structure".

The word "used" or "occupied" as applied to any land or building, shall be construed to include the words "intended, arranged or designated to be used or occupied".

The word "map" or "zoning map" means the "Zoning Map of the City of Stone Mountain, Georgia."

Accessory use: A use customarily incidental and subordinate to the principal use of building and located on the same lot with such principal use of building.

Aggrieved person: An applicant or owner of property within 300 feet of the property in question or city-sanctioned groups including the historic preservation committee, planning commission, downtown development authority or citizen groups such as the Women's Club, Veterans of Foreign Wars or Rotary Club.

Alcohol outlet: 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 ten thousand (10,000) square feet that may sell beer, malt beverages, hard cider and/or wine for off-site consumption, as well as other products.

Alteration; building and structural: Any change in the supporting members of a building (such as any type of supporting structural member) except such change as may be required for its safety; any addition to a building; any change in use from that of one district classification to another or of a building from one location to another.

Alley: A private or public thoroughfare which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Buffer strip: A strip of land planted with evergreen shrubbery so as to form a solid barrier to vision from the ground to a height of six feet.

Building: Any structure permanently attached to the ground and intended for shelter, housing or enclosure of persons, animals or chattels.

Building, accessory: A subordinate building, the use of which is incidental to that of a principal building on the same lot.

Building, height of: The vertical distance from the mean finished ground level at the front of the building to the highest point of a roof.

Building line: A line establishing the minimum allowable distance between the nearest portion of any building (excluding the outermost three feet of any uncovered porches, steps, gutters and similar fixtures) and the centerline of the street.

PART II - CODE OF ORDINANCES
APPENDIX A - ZONING
ARTICLE III: DEFINITION OF TERMS USED IN THE ORDINANCE

Building, principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Commercial vehicle: Any vehicle designed, used or maintained for the transportation of persons, goods, or things used in trade, services, or commerce in general. For the purposes of this ordinance, buses, vans and other vehicles seating more than nine persons used for transportation of people shall be considered a commercial vehicle.

Convenience store: Any retail establishment offering for sale items such as household items, newspapers and magazines, prepackaged food products, beverages, 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. A convenience store may also include accessory fuel pumps. Excluded from this definition is any establishment providing automotive maintenance services or repairs.

Cultural exhibit: An exhibition of cultural or historical property where collected objects are put on display to the public.

Dwelling unit: A dwelling or portion thereof providing facilities for one or more persons living as a nonprofit single housekeeping unit.

Dwelling, multi-family: A dwelling unit contained within a building or set of buildings on a common lot containing separate living units for four or more families, having separate or joint entrances, and including apartments and condominiums. These are specifically distinguished from units defined as single-family attached dwellings.

Dwelling, single-family, attached (townhouse): A residential structure designed to house a single-family dwelling from the lowest level to the roof, with a private outside entrance, but not necessarily occupying an individual lot, and sharing a common wall with adjoining dwelling units.

Dwelling, single-family, detached: A residential structure designed to house a single-family dwelling unit located on an individual lot, which is not attached to any other dwelling unit by any means.

Family day care home is operated in a private residential home to provide child care for children less than 18 years of age for less than 24 hours per day. Family day care home providers care for three, but no more than six children for a fee.

Group Day Care Home is operated by a person, corporation, or institution, to provide child care for children less than 18 years of age for less than 24 hours per day. Group Day Care Homes are licensed for 7-18 children.

Lot: A portion of land devoted to a common use or occupied by a building or group of buildings devoted to a common use by a legal subdivision process based on an approved plat of record, together with the customary accessories and open spaces belonging to the same.

Lot width: The shortest distance between the side lot lines, measured at the midpoint of the building line.

Manufactured home means a building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term includes any structure commonly referred to as a "mobile home" regardless of the date of manufacture. The term also includes parked trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Nonconforming use: Any building or land lawfully occupied by a use at the time of passage of the ordinance or amendment thereto which does not conform after the passage of this ordinance or amendment thereto with the use regulations of the district in which it is situated. Existing improvements which do not meet required parking and

PART II - CODE OF ORDINANCES
APPENDIX A - ZONING
ARTICLE III: DEFINITION OF TERMS USED IN THE ORDINANCE

loading regulations, height regulations, area regulations, and residential floor area regulations for the district in which they are located are not nonconforming uses as defined above.

Package store: A retail establishment that sells distilled spirits for off-site consumption.

Retail: The sale of goods, wares, or merchandise directly to the end-consumer. Other uses defined and regulated by this code shall not fall under "retail."

Sign: Shall mean 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 purposes of this ordinance, the term "sign" shall include the structure upon which a sign face is located. Any device, structure or representation for visual communications which is used for the purpose of bringing the subject thereof to the attention of others that is wholly located within a completely enclosed building and is located a minimum of three feet away from any opening or exterior window or and seasonal holiday decorations shall not be included within the definition of "sign" and regulated as such.

Sign, area of: Shall mean the total area upon which a message is displayed on any sign consisting of the smallest square, rectangle, triangle, circle, or combination thereof, which encompasses the entire sign, inclusive of any border and trim, but excluding the base, apron, supports, and other structural members.

Sign, free-standing: Any sign which is not supported by a wall or roof of a building, or which extends more than three feet horizontally from the wall of a building.

Smoke shop: Any business establishment dedicated to the display, sale, distribution, delivery, offering, furnishing, marketing or use of tobacco, tobacco products, or alternative nicotine products/instruments, or any combination thereof, including but not limited to cigarettes, cigars, e-cigarettes, hookahs, and vapes. This definition shall not include any grocery stores, gas stations or similar retail use that only sells conventional cigars, or alternatively sells cigarettes only as an accessory sale (ten percent or less of total sales).

Street: A public or private thoroughfare, not less than 40 feet wide, which is open to the general public and which affords the principal means of access to abutting property.

Yard: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard (front): A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies or uncovered porches. On multi-frontage lots all yards fronting on a public street shall be considered front yards.

Yard (side): A yard between the main building and the side line of the lot; extending from the front lot line to the rear yard; being the minimum horizontal distance between a side lot line and the side of the main building or any projections thereto.

Yard (rear): A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof, other than the projections of uncovered steps, unenclosed balconies or unenclosed porches, provided that said projections be at least 20 feet from the rear lot lines. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.

(Ord. No. 2020-06, Pt. I, 7-7-20)

ARTICLE V: DISTRICT REGULATIONS

Section 5-5. Village center mixed-use (VCM) district.

5-5.1 Intent and where permitted. This district (hereafter referred to as (VCM) is created to establish a plan implementation zone that:

- Accommodates moderate- to high-density residential development and ground-floor commercial uses with residential units above. This district also accommodates low-intensity office development compatible with the residential character of the VCM district.
- Allows for a diverse variety of uses, structures, densities and open spaces when not in conflict with existed and permitted land uses on abutting properties;
- Promotes a more efficient use of land and a smaller network of utilities and natural resources than conventional land development;
- Encourages the preservation of functional open space in and around the village center;
- Provides the opportunity for the application of innovative site planning concepts through the creation of aesthetically pleasing environments for living, shopping and working on properties of adequate shape, size and location that conventional land development may not allow for;
- Encourages high pedestrian use and accessibility and transportation alternatives.

Uses are limited to multi-family dwellings, two-family dwellings, mixed-use residential and commercial developments to commercial and professional complimentary uses intended primarily to provide service to the entire city.

5-5.3 Permitted by special use.

- A. The following uses may be permitted provided the applicant for such a development is granted a special use permit by the mayor and council after receiving recommendations from the planning commission and after a public hearing:
1. Cultural exhibits and libraries.
 2. Bed and breakfast.
 3. Laundry services (drycleaners).
 4. Consumer repair services provided:
 - a. Services are non-automotive;
 - b. No outside storage.
 5. Animal sales and services (household pets no outside kennels or runs).
 6. Eating and drinking establishments (with walk-through service).
 7. Recreational equipment rental provided there is no outside storage.
 8. Day nurseries and kindergartens.
 - a. The following provisions apply to day nurseries and kindergartens:
 - i. There shall be not less than thirty-five (35) square feet of indoor play area for each child at maximum licensed enrollment and not less than one hundred (100) square feet per child of outdoor play area at maximum licensed enrollment.

- ii. The outdoor play area shall be enclosed by a fence not less than four (4) feet in height but not over eight (8) feet in height
 - iii. A circular drive shall be provided for off-street loading and unloading.
- 10. Business or vocational school.
- 11. Private or parochial elementary, middle or high school, or college.
 - a. Day nurseries and kindergartens may be established as an accessory use to private or parochial schools subject to the requirements listed in 5-5.3A-9.
- 12. Religious Institutions.
- 13. Microbrewery, provided that:
 - a. Shall adhere to a maximum floor area of four thousand (4,000) square feet.
 - b. No outdoor speaker systems shall be permitted.
 - c. Productions shall be in wholly enclosed buildings.
 - d. Outdoor equipment shall be permitted, with adequate screening from public view.
 - e. No outdoor storage is permitted.
- 14. Microdistillery (craft distillery), provided that:
 - a. Shall adhere to a maximum floor area of four thousand (4,000) square feet.
 - b. No outdoor speaker systems shall be permitted.
 - c. Productions shall be in wholly enclosed buildings.
 - d. Outdoor equipment shall be permitted, with adequate screening from public view.
 - e. No outdoor storage is permitted.
- 15. Alcohol outlets, provided that:
 - a. All alcohol outlets are required to have a functioning, 24/7 video surveillance system (VSS).
- 16. Package store, provided that:
 - a. All package stores are required to have a functioning, 24/7 video surveillance system (VSS).
- 17. Convenience store without accessory fuel pumps, provided that:
 - a. Storefronts along a public street shall allow views into the building interior for a depth of at least five feet.
 - b. No convenience store shall be located within 3,960 feet (i.e., three-fourth of a mile) of any other convenience store. The measurement of distance for the purposes of this subsection shall be from the front door of the structure to the front door of the structure along the shortest possible course, regardless of any common route, path, or travel.
 - c. At least ten (10) percent of the sales floor area shall be dedicated to fresh or pre-packaged meats, fruits, vegetables, and dairy products. Prior to the commencement of business for any convenience store, a floor plan showing the designated sales floor area shall be submitted to the city for approval.
 - d. All convenience stores are required to have a functioning, 24/7 video surveillance system (VSS).

18. Smoke shops, provided that:

- a. No smoke shop shall be allowed within 200 yards of any church, temple, or place of worship, daycare, school, college, university, or government owned facilities or properties.
- b. No smoke shop shall be allowed within 500 yards of another smoke shop.
- c. The measurement of distance for the purposes of this subsection shall be measured by a straight line without regard to intervening structures or objects, from the front door of the smoke shop to the closest point on a boundary of any parcels containing a Church, Temple or Place of Worship, School, College, University, Government Facility, or another Smoke Shop.
- d. No use or establishment can exceed 2,000 square feet and drive-through/drive-up service is not permitted.
- e. Hours of operations can begin no earlier than 6 AM and end no later than 10 PM, including all deliveries.
- f. All smoke shops are required to have a functioning, 24/7 video surveillance system (VSS).

Section 5-7. General commercial (GC) district.

5-7.1 Intent and where permitted. This district (hereafter referred to as (GC) is created to establish a plan implementation zone that:

- Encourages the organized concentration of a wide variety of retail goods and services for the community;
- Promotes high-quality design and aesthetic features including lighting, landscaping and pedestrian-oriented amenities;
- Encourage inter-parcel accessibility and promotes the use of transportation alternatives;
- Creates and enhances commercial areas where complete retail sales and services are available and desirable for public service and convenience; and
- Require a location accessible to large numbers of people and that serve substantial portions of the community.

This district is intended primarily for developments that contain commercial, financial, governmental or professional complementary uses intended primarily to provide service to the entire community. Typically this district would be applied where central area commercial facilities are desired or along major roadways.

5-7.2 Permitted uses by right.

- A. The following uses shall be permitted subject to requirements and limitations of this ordinance:
 - 1. Administrative and business offices.
 - 2. Animal sales and services (household pets, no outside runs or kennels).
 - 3. Animal sales and services (veterinary — small animals, no outside runs or kennels).
 - 4. Business equipment sales.
 - 5. Commercial recreation.
 - 6. Communication services.
 - 7. Community parks and recreation (publicly owned).

8. Conservation and passive recreation areas.
9. Fire and police protection services.
10. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility.
11. Temporary construction uses.
12. Building or lands used for governmental purposes by a branch of a local, state or federal government such as schools, parks, post offices or fire stations provided.
13. Public utilities including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses or structures except warehouse, repair, storage, vehicle maintenance, truck or road equipment storage and radio and television studios.
14. Public utility facilities, if essential to service this zoning district, are permitted provided:
 - a. All structures, except for driveways, are placed 50 feet from any property line.
 - b. All structures, except for driveways, are enclosed by a wall or opaque fence at least but not greater than eight feet in height.
 - c. A ten-foot buffer is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet in height and provide an effective visual screen.
 - d. The lot is suitably landscaped.
 - e. No vehicles or equipment are stored on the premises.
15. Stormwater management facilities shown on an approved final site plan or subdivision plat.
16. Consumer services (non-automotive).
17. Recreation sales and services.
18. Automatic teller machines that are not an accessory use to a financial center.
19. Professional medical clinic services.
20. Financial services.
21. Eating and drinking establishments.
22. Food and beverage retail sales.
23. Professional offices.
24. Retail sales (general excluding automotive).
25. Funeral and interment services.
26. Business or vocational school.
27. Private or parochial elementary, middle or high school, or college.
 - a. Day nurseries and kindergartens may be established as an accessory use to private or parochial schools subject to the requirements listed in 5-7.3A-9.
28. Religious institutions.

29.. Convenience store, provided that:

- a. Storefronts along a public street shall allow views into the building interior for a depth of at least five feet.
- b. No convenience store shall be located within 3,960 feet (i.e., three-fourth of a mile) of any other convenience store. The measurement of distance for the purposes of this subsection shall be from the front door of the structure to the closest point on a boundary of any parcels containing another convenience store.
- c. No less than ten (10) percent of the sales floor area shall be dedicated to fresh or pre-packaged meats, fruits, vegetables, and dairy products. Prior to the commencement of business for any convenience store, a floor plan showing the designated sales floor area shall be submitted to the city for approval.
- d. All convenience stores are required to have a functioning, 24/7 video surveillance system (VSS).

30. Smoke shops, provided that:

- a. No smoke shop shall be allowed within 200 yards of any church, temple, or place of worship, daycare, school, college, university, or government owned facilities or properties.
- b. No smoke shop shall be allowed within 500 yards of another smoke shop.
- c. The measurement of distance for the purposes of this subsection shall be measured by a straight line without regard to intervening structures or objects, from the front door of the smoke shop to the closest point on a boundary of any parcels containing a Church, Temple or Place of Worship, School, College, University, Government Facility, or another Smoke Shop.
- d. No use or establishment can exceed 2,000 square feet and drive-through/drive-up service is not permitted.
- e. Hours of operations can begin no earlier than 6 AM and end no later than 10 PM, including all deliveries.
- f. All smoke shops are required to have a functioning, 24/7 video surveillance system (VSS).

5-7.3 Permitted by special use.

- A. The following uses may be permitted provided the applicant for such a development is granted a special use permit by the mayor and council after receiving recommendations from the planning commission and after a public hearing:
 - 1. Cultural exhibits and libraries.
 - 2. Hotel and lodging services.
 - 3. Laundry services (drycleaners)
 - 4. Consumer repair services provided:
 - a. Services are non-automotive;
 - b. No outside storage.
 - 5. Eating and drinking establishments (with drive-thru service).
 - 6. Retail sales and services (with drive-thru service).
 - 7. Recreational equipment rental provided there is no outside storage.

8. Day nurseries and kindergartens.
 - a. The following provisions apply to day nurseries and kindergartens:
 - i. There shall be not less than thirty-five (35) square feet of indoor play area for each child at maximum licensed enrollment and not less than one hundred (100) square feet per child of outdoor play area at maximum licensed enrollment.
 - ii. The outdoor play area shall be enclosed by a fence not less than four (4) feet in height but not over eight (8) feet in height.
 - iii. A circular drive shall be provided for off-street loading and unloading.
10. Microbrewery, provided that:
 - a. Shall adhere to a maximum floor area of eight thousand (8,000) square feet.
 - b. No outdoor speaker systems shall be permitted.
 - c. Productions shall be in wholly enclosed buildings.
 - d. Outdoor equipment shall be permitted, with adequate screening from public view.
 - e. No outdoor storage is permitted.
11. Microdistillery (craft distillery), provided that:
 - a. Shall adhere to a maximum floor area of eight thousand (8,000) square feet.
 - b. No outdoor speaker systems shall be permitted.
 - c. Productions shall be in wholly enclosed buildings.
 - d. Outdoor equipment shall be permitted, with adequate screening from public view.
 - e. No outdoor storage is permitted.
13. Alcohol outlet, provided that:
 - a. All alcohol outlets are required to have a functioning, 24/7 video surveillance system (VSS).
3. Package store, provided that:
 - a. All package stores are required to have a functioning, 24/7 video surveillance system (VSS).

Section 5-9. Industrial (I) district.

5-9.1 Intent and where permitted. This district (hereafter referred to as (I) is created to establish a plan implementation zone that:

- Accommodates development for heavy commercial uses associated with manufacturing and assembly;
- Provides for a district where such uses can operate in a manner that does not cause harm to the health, safety and welfare of the surrounding districts;
- Encourages similar uses to operate in designated, concentrated areas within the city;
- Provides for appropriate operating hours that do not cause hardship upon the landowner in this district nor upon the surrounding districts.

Uses are limited to developments associated with heavy commercial and industrial operations. Operating hours for all uses within this district are from 6 a.m. to 7 p.m.

5-9.2 Permitted uses by right.

- A. The following uses shall be permitted subject to requirements and limitations of this ordinance:
1. Agricultural uses when located on a tract of not less than five acres.
 2. Manufacturing, processing, fabrication, assembly, packaging, repair or servicing of any consumer or commercial-grade product.
 3. Warehousing, wholesaling, storage or transport of consumer or commercial-grade product.
 4. Retail sale of any commodity manufactured, processes, fabricated, assembled or repaired by the occupant on the premises.
 5. Offices which are in conjunction with other permitted uses.
 6. Laboratories.
 7. Building material yards.
 8. Automobile, truck or equipment repair garages, provided that a minimum of two off street spaces are available for service.
 9. Automobile wrecking or junk yards, when completely enclosed by an opiate fence having a minimum height of six feet, but no less than what effectively screens from plain view of all sides of the property.
 10. Trucking, railroad terminals and stations.
 11. Fire and police protection services.
 12. Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard; any accessory building exceeding 200 square feet shall have an exterior finish consistent with the primary residence. Accessory buildings shall be limited to two structures and not exceed 400 square feet of gross floor area.
 13. Lodges and buildings of fraternal and civic assembly, provided that:
 - a. Such use is currently underserved by existing use.
 - b. The lot abuts upon an arterial or collector street or state highway.
 - c. The lot is at least three acres in size.
 - d. All buildings are located at least 50 feet from all property lines.
 - e. A buffer at least ten feet wide is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet tall and provide an effective visual screen;
 - f. Adequate off-street parking, provided:
 - i. Parking area is located to the side or rear of the principal building.
 - g. A circular drive for off-street loading is provided.
 14. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility.

15. Temporary construction uses.
16. Building or lands used for governmental purposes by a branch of a local, state or federal government such as schools, parks, post offices or fire stations provided:
 - a. A use does not exceed 12,000 square feet of gross floor area per parcel.
17. Public utilities including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses or structures except warehouse, repair, storage, vehicle maintenance, truck or road equipment storage and radio and television studios.
18. Public utility facilities, if essential to service this zoning district, are permitted provided:
 - a. All structures, except for driveways, are placed 50 feet from any property line.
 - b. All structures, except for driveways, are enclosed by a wall or opaque fence at least but not greater than eight feet in height.
 - c. A ten-foot buffer is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet in height and provide an effective visual screen.
 - i. The lot is suitably landscaped.
 - ii. No vehicles or equipment are stored on the premises.
 - d. Stormwater management facilities shown on an approved final site plan or subdivision plat.
19. Alcohol outlet, provided that:
 - a. All alcohol outlets are required to have a functioning, 24/7 video surveillance system (VSS).
20. Package store, provided that:
 - a. All package stores are required to have a functioning, 24/7 video surveillance system (VSS).
21. Convenience store, provided that:
 - a. Storefronts along a public street shall allow views into the building interior for a depth of at least five feet.
 - b. No convenience store shall be located within 3,960 feet (i.e., three-fourth of a mile) of any other convenience store. The measurement of distance for the purposes of this subsection shall be from the front door of the structure to the front door of the structure along the shortest possible course, regardless of any common route, path, or travel.
 - c. At least ten (10) percent of the sales floor area shall be dedicated to fresh or pre-packaged meats, fruits, vegetables, and dairy products. Prior to the commencement of business for any convenience store, a floor plan showing the designated sales floor area shall be submitted to the city for approval.
 - d. All convenience stores that include commercial fuel pumps are required to have a functioning, 24/7 video surveillance system (VSS).
22. Smoke shops, provided that:
 - a. No smoke shop shall be allowed within 200 yards of any church, temple, or place of worship, daycare, school, college, university, or government owned facilities or properties.
 - b. No smoke shop shall be allowed within 500 yards of another smoke shop.
 - c. The measurement of distance for the purposes of this subsection shall be measured by a straight line without regard to intervening structures or objects, from the front door of

the smoke shop to the closest point on a boundary of any parcels containing a Church, Temple or Place of Worship, School, College, University, Government Facility, or another Smoke Shop.

- d. No use or establishment can exceed 2,000 square feet and drive-through/drive-up service is not permitted.
- e. Hours of operations can begin no earlier than 6 AM and end no later than 10 PM, including all deliveries.
- f. All smoke shops are required to have a functioning, 24/7 video surveillance system (VSS).

From: Kennedy Shannon <Kennedy.Shannon@iparametrics.com>
Sent: Tuesday, July 09, 2024 10:20 AM
To: Darnetta Tyus <dtys@stonemountaincity.org>
Cc: Evelina Burnett <Evelina.Burnett@iparametrics.com>; Shawn Edmondson <sedmondson@stonemountaincity.org>; Danny Lamonte <dlamonte@stonemountaincity.org>
Subject: 'EXTERNAL'Re: 'EXTERNAL'Re: 'EXTERNAL'Re: 'EXTERNAL'Re: ARPA Regulations
Importance: High

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Date: July 9, 2024

Subject: Acquisition of Land Using Revenue Replacement Funding under the American Rescue Plan Act (ARPA)

Dear Ms. Tyus,

I hope this memorandum finds you well. I am writing to provide guidance on the use of American Rescue Plan Act (ARPA) funds for the acquisition of land, specifically under the revenue replacement funding category.

Overview of ARPA Revenue Replacement Funding:

The ARPA provides substantial funding to local governments to address the economic impact of the COVID-19 pandemic. Among the various categories of funding, the revenue replacement category offers the most flexibility. Funds in this category are intended to replace lost public sector revenue and can be used for a broad range of government services.

Allowable Uses for Revenue Replacement Funding:

The following are allowable uses for revenue replacement funding under ARPA:

1. Government Services:

- **Public Safety:** Hiring additional police officers, purchasing emergency response equipment, and funding public safety programs.
- **Public Health:** Supporting COVID-19 mitigation and prevention efforts, mental health services, and public health infrastructure.
- **Education:** Enhancing educational services, providing support for students and educators, and improving school facilities.
- **Infrastructure:** Building or maintaining roads, bridges, and other essential infrastructure.
- **Parks and Recreation:** Developing and maintaining public parks, recreation centers, and other community facilities.

2. Economic Development:

- **Business Support:** Providing grants or loans to small businesses affected by the pandemic, supporting workforce development programs, and promoting local economic growth.
- **Land Acquisition:** Acquiring land to develop commercial or industrial zones that can boost local economic activity and job creation.

3. **Public Use:**

- **Community Facilities:** Purchasing land for parks, community centers, public buildings, or other amenities that benefit the public.
- **Public Housing:** Developing affordable housing projects to address housing insecurity and homelessness.

4. **Infrastructure Projects:**

- **Transportation:** Improving public transportation systems, roads, and pedestrian pathways.
- **Utilities:** Upgrading water, sewer, and broadband infrastructure to enhance community services.

Examples:

- **Public Safety:** Allocating funds to hire additional firefighters and purchasing new fire trucks to improve emergency response times.
- **Public Health:** Investing in mobile vaccination units and mental health support services to address the ongoing impacts of the pandemic.
- **Education:** Renovating school buildings to improve air quality and expand classroom spaces for social distancing.
- **Infrastructure:** Rebuilding a deteriorating bridge to ensure safe and efficient transportation for residents.
- **Economic Development:** Providing grants to small businesses to help them recover from pandemic-related losses and support local job creation.
- **Public Use:** Developing a new community park with playgrounds, sports facilities, and green spaces for residents to enjoy.

Compliance and Reporting:

It is crucial to ensure that all expenditures meet the compliance and reporting requirements set forth by the U.S. Treasury. This includes:

- **Documenting Need and Use:** Clearly documenting the necessity for land acquisition and its intended use. This includes demonstrating how the project aligns with community needs and ARPA goals.
- **Reporting:** Adhering to the quarterly reporting requirements, detailing the use of funds, project status, and any measurable outcomes.

Steps Forward:

1. **Identify Potential Land:** Conduct an assessment to identify potential land that aligns with community needs and strategic priorities.
2. **Engage Stakeholders:** Involve community stakeholders in the planning process to ensure the acquisition meets local needs and garners public support.

3. **Develop a Plan:** Create a detailed plan outlining the acquisition, development, and expected outcomes of the land use.
4. **Ensure Compliance:** Work with legal and financial advisors to ensure all actions comply with ARPA guidelines and local regulations.

I am available to assist with further details or any questions you may have regarding this process. We at iParametrics LLC are committed to supporting the City of Stone Mountain in effectively utilizing ARPA funds to foster community growth and resilience.

Best regards,

Kennedy M. Shannon, Esq.

Vice President, Community Programs &

Corporate Diversity, Equity, and Inclusion Officer

Direct: 770.209.7713 Ext. 11115

Cell: 313.587.0861



www.iparametrics.com

Please utilize the link below to schedule a meeting with me if needed:

[Calendly - Kennedy Shannon](#)

From: Kennedy Shannon <Kennedy.Shannon@iparametrics.com>
Sent: Tuesday, November 21, 2023 1:31 PM
To: Darnetta Tyus <dyus@stonemountaincity.org>; Evelina Burnett <Evelina.Burnett@iparametrics.com>
Cc: Shawn Edmondson <sedmondson@stonemountaincity.org>; Kayla Johnson <kjohnson@stonemountaincity.org>; Danny Lamonte <dlamonte@stonemountaincity.org>; Heidi Meraz <hmeraz@stonemountaincity.org>
Subject: 'EXTERNAL'Re: 'EXTERNAL'Re: ARPA Regulations

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Yes, your allocation is considered revenue recovery dollars. You can use it just like you would your general fund with the following exceptions:

Local governments may not use ARPA funds for:

1. Deposit into any pension fund;
2. Debt service, even if the expenses would otherwise be eligible (such as broadband infrastructure);
3. Replenishing financial reserves such as rainy day funds;
4. Satisfaction of settlements or judgments, unless the settlement requires the recipient to provide services or incur other costs that are an eligible use of ARPA funds;
5. Programs, services, or capital expenditures that undermine efforts to stop the spread of COVID-19; or
6. Expenses that violate the award terms and conditions or other laws and regulations (such as laws regarding procurement, contracting, conflicts of interest, environmental standards, or civil rights).

ARPA also prohibits states and territories from using ARPA revenues to offset, directly or indirectly, a reduction in net tax revenue resulting from a change in law, regulation, or administrative interpretation. However, this provision does not apply to local governments.

Kennedy M. Shannon, Esq.

Director, Long-Term Community Recovery

Corporate Diversity, Equity, and Inclusion Officer

Direct: 770.209.7713 Ext. 11115

Cell: 313.587.0861



www.iparametrics.com

Please utilize the link below to schedule a meeting with me if needed:

[Calendly - Kennedy Shannon](#)

Project Title	Project Description	Next Steps for Project Development	Estimated Cost	Status	Grant Source Details
Connecting and Creating Walkability for City Parks and Trails	Connecting and creating walkability among the city's 4 parks, PATH trails and Stone Mountain Park: a. DFW Park b. Medlock Park c. Leila Mason Park d. McCurdy Park	Study looking at ways to connect the parks and trails and examining the needed changes to enhance walkability	\$200,000 for study and development of plan Estimated cost for a 2nd Street Sidepath from James B. Rivers Memorial to Stone Mountain Park Trailhead was \$1 million in 2020	LCI Grant Received - \$160,000 grant awarded from ARC - Local match of \$40,000 (total project cost of \$200,000)	** GA Outdoor Stewardship Program (Conserve GA) - next funding cycle opens Aug. 1, 2024 ; project approval in summer 2025 ** Land & Water Conservation Fund (LWCF) via GA DNR - next funding cycle opens Sept. 1, 2024 ; project approval in fall 2025 ** Recreational Trails Program (RTP) - expected to open in 2025
VFW Park Improvements - CDBG via DeKalb County	Park improvements including adding a 30'x80' pavilion with a lawn, a natural play area, a walking path, shaded seating and general aesthetic, environmental and infrastructure improvements, such as new shrubs, perennials and trees; a concrete apron for a secondary entrance; a new parking area; and a fieldstone entryway and split-rail fence for the community garden. The project will also include much-needed drainage, stormwater and irrigation improvements.		Conceptual drawings and cost estimates from DCA in July 2020 - due to increase in construction prices, estimated cost now \$866,790	Approved by DeKalb County for \$300,000 in funding; will hear back from HUD for final determination in August/September	Applied for CDBG funding through DeKalb County on April 8, 2024
Medlock Park Improvements - Congressional Project Funding (CPF) via Rep. Johnson's office	* Parking, Erosion Control and Drainage Improvements * Removal of existing gravel, rocks, trees and vegetation as required * Installation of erosion control measures * Rough grading * Construction of detention pond and outlet structures * Installation of below ground storm drainage piping as may be required * Fine grading * Installation of concrete curb and gutter * Installation of gravel aggregate base at parking area * Installation of medium duty asphalt paving * Striping * Landscaping		Improvements estimated at \$970,000 Engineering Services (Design, specifications and RFP) \$30,000 Total request: \$1,000,000	Chosen for funding by Rep. Johnson's office; waiting to hear back on final determination on funding levels from Congressional committee	Applied for Congressional Project Funding through Rep. Hank Johnson's office on March 29, 2024
Mimosa and Main	Improvements at the intersection of Mimosa Drive/Poole Street and Main Street.	Construction-ready	\$2.0 million	Applied for \$600,000 SEID Grant - has not yet been decided. Should announce by 7/19/24 Applied for \$1.6 million from TAP (Transportation Alternatives Program) funding - have not yet heard back. SPLOST 2 Funds for match	State Economic and Infrastructure Development (SEID) Grant: - from the Southeast Crescent Regional Commission (SCRC) - Up to \$600,000 - Requires 50% match - Waiting to hear results Transportation Alternatives Program (TAP) - Applied for funding in February
Stone Mountain Caboose	Needs some repair and infrastructure work. Could be leased to a private business (ice cream stand)	Need estimate of cost to repair and refurbish caboose in order to make it attractive to lease to a local business.		Working on cost estimates.	Possible funding sources: GA Dept of Community Affairs' Downtown Development Revolving Loan Fund (DDRFLF): The maximum loan is \$250,000 per project. Applications will be accepted throughout the year and as loan funds are available to the Department of Community Affairs.
Amphitheater	Construction of a new outdoor amphitheater with Stone Mountain as the backdrop, creating a new destination to attract visitors from across the metro Atlanta region.	Cost analysis and design.	Amphitheater estimated construction costs: No fixed seating - \$250,000 Seating for 300 people - \$1.5 million	LWCF Grant applications open Sept. 1 GA Council for the Arts - Cultural Facilities Grant applications will be available in mid-July 2024.	Once design/estimate is developed, possibilities for construction include SPLOST and the DDRLF. Land & Water Conservation Fund (LWCF) via GA DNR - next funding cycle opens Sept. 1, 2024; project approval in fall 2025 GA Council for the Arts - Cultural Facilities Grants between \$10,000 and \$75,000; 50% match required
Five Points Roundabout	Redesign of the Five Points intersection with a roundabout and entrance sign to create a formal gateway to Stone Mountain Village, enhance safety for motorists and pedestrians, and allow for the addition of sidewalks and greenspace.	Detailed estimate of costs of creating a roundabout	\$3 million	Currently researching and pursuing grant sources as available. Should be working on LAP certification in order to be ready for federal transportation programs.	Transportation Improvement Program (TIP) through the Atlanta Regional Commission - Stone Mountain will need to be LAP-certified with the Department of Transportation in order to apply for any federal transportation money Transportation Alternatives Program (TAP) - Could apply next round (applied for Main & Mimosa this year) Georgia Transportation Infrastructure Bank (GTIB) - Could apply once we have a project cost estimate
MARTA Lot for Parking	Acquire 4th Street MARTA Parking Lot for additional parking in Village Center and near amphitheater	Estimated cost and design study Check on status if it can be purchased	TBD	Currently researching and pursuing grant sources as available.	GA Dept of Community Affairs' Downtown Development Revolving Loan Fund (DDRFLF): The maximum loan is \$250,000 per project. Applications will be accepted throughout the year and as loan funds are available to the Department of Community Affairs.
Rock Gym	Utilize the Rock Gym building as a community center for the community.	Study to look at the feasibility of using this building as a community center, and the costs associated with this change of use.	TBD	Researching possible grant sources as available.	

Patrick Leahy Bulletproof Vest Partnership (BVP) Program	Bulletproof vest program	Application submitted	50% match	Application submitted for 10 new vests; 50% match	The Patrick Leahy Bulletproof Vest Partnership (BVP) reimburses states, units of local government, and federally recognized Indian tribes, for up to 50 percent of the cost of body armor vests purchased for law enforcement officers. https://www.ojp.gov/program/bulletproof-vest-partnership/overview
Law Enforcement Mental Health & Wellness Act (LEMHWA) Grant Program	Peer support, training and other programs for police department	Application submitted	\$185,455	Application submitted April 30; announcement expected in July	Applied for \$185,455 for mental health and wellness program; no match required
COPS Hiring Grant	Funding for new PD hires	Application submitted		Applied for \$250,000 for two new officers	Application submitted June 6
Body-Worn Camera Grant Program	4 new body-worn cameras for police department	Completing 2nd round documents		Received notice of approval for 2nd round (noncompetitive) - \$8,000 grant	Grant proposal submitted on March 4
JBR Bridge	Bridge replacement	Determining cost and other details	\$1 million (est.)	Determining project status	Reviewing Railroad Crossing grant program for possible fit
Energy Efficiency Grant	Assess energy usage in City Hall and Train Depot and implement recommended improvements (lighting, automation systems, HVAC)	Waiting to hear back on final grant determination	\$150,000	Waitlisted	Grant proposal for \$150,000 submitted on March 15
Economic Development	Murals and other public art projects and programs (creative placemaking/beautification)	Application submitted		T-Mobile grant request for \$49,970 submitted on 6/28/2024	Additional Possible Funding: - National Endowment for the Arts - Our Town Creative Placemaking grants could provide match for murals and other arts projects (due in August)
					Total Grants Applied For (as of 7-11-2023): \$4,153,425