CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1 ***Council Member Rob Turner- District 2***

Council Member Jazzmin Cobble – District 3 ***Council Member George Turner- District 4***

Council Member Tammy Grimes – District 5

CITY COUNCIL MEETING AGENDA

VIRTUAL MEETING
March 22, 2021
6:00 p.m.
Citizen Access: Stonecrest YouTube Live Channel

I. CALL TO ORDER: Mayor Jason Lary

II. ROLL CALL: Megan Reid, City Clerk

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. MINUTES:

a. Approval of the November 2, 2020 Special Called Meeting Minutes
b. Approval of the December 14, 2020 City Council Meeting Minutes
c. Approval of the December 28, 2020 City Council Meeting Minutes
d. Approval of the January 29, 2021 City Council Meeting Minutes
e. Approval of the February 7, 2021 Special Called Meeting Minutes

VI. PRESENTATIONS:

a. Certificate of Achievement for Excellence in Financial Reporting
b. Health Update: Dr. Cynthia Elliott

VII. PUBLIC COMMENTS

(this meeting will be conducted virtually, the public comments received via email in advance of the meeting will be read into the minutes by the City Clerk)

VIII. PUBLIC HEARINGS:

a. Chapter 27 Zoning Ordinance Update
b. RZ-21-001 & SLUP-21-002 – 3174 Miller Road - Request to rezone subject property to RSM and approval of Special Land Use Permit for the operation of Daycare.
c. SLUP-20-007 & SLUP-20-008 – 5961 Chupp Way – Request for approval of Special Land Use Permits for convenience store with fuel pump and alcohol outlet

d. SLUP-21-001 – 7300 Stonecrest Concourse – Request for approval of Special Land Use Permit to operate as late-night establishment.

e.

(since this meeting will be conducted virtually, only those public hearing comments received via email in advance of the meeting will be read by the City Clerk)

IX. OLD BUSINESS:

a. **Approval** of Development Authority Restoration
b. **Approval** of Destination Marketing Organization (DMO) for the Stonecrest Visitors & Convention Bureau (SVCB)
c. **Approval** of Chapter 27 Zoning Ordinance Update
d. **Approval** of Moratorium on Gas Stations

X. NEW BUSINESS:

a. **Approval** of Internal Auditor RFP
b. **Discussion** of 2021 Committees
c. **Discussion** of Panola Road Improvement Project

XI. APPOINTMENTS:

a. City Manager/Acting City Manager
b. Update - Mayor

XII. EXECUTIVE SESSION:

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

XIII. ADJOURNMENT

Americans with Disabilities Act

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

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

CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1 ***Council Member Rob Turner- District 2***

Council Member Jazzmin Cobble – District 3 ***Council Member George Turner- District 4***

Council Member Tammy Grimes – District 5

SPECIAL CALLED MEETING

VIRTUAL MEETING MINUTES
November 2, 2020
6:30PM

I. CALL TO ORDER: Mayor Jason Lary

II. COUNCIL AGENDA ITEMS

1. Approve FY21 Budget

Motion 1 – made by Mayor Jason Lary to approve the FY21 Budget. Seconded by Council Member Jimmy Clanton.

Motion failed.

Yea – Mayor Jason Lary, Council Member Jimmy Clanton

Nay – Council Member Rob Turner

Not Ready – Council Member Jazzmin Cobble, Council Member George Turner, Council Member Tammy Grimes

III. ADJOURNMENT

Mayor Jason Lary ended the meeting at 8:00 p.m.

Americans with Disabilities Act

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

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

CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1 ***Council Member Rob Turner- District 2***

Council Member Jazzmin Cobble – District 3 ***Council Member George Turner- District 4***

Council Member Tammy Grimes – District 5

CITY COUNCIL MEETING AGENDA
VIRTUAL MEETING
December 14, 2020
7:00 p.m.
Citizen Access: URL

I. CALL TO ORDER: Mayor Pro Tem George Turner

II. ROLL CALL: Megan Reid, City Clerk

Council Member Jazzmin Cobble was absent, and Mayor Lary was absent and it was excused at a prior meeting.

Motion 1 – was made by Council Member Jimmy Clanton to excuse Council Member Jazzmin Cobble for her absence due to a death in her family and was seconded by Council Member Rob Turner.

Motion passed 4-0.

III. INVOCATION- Council Member Rob Turner led the invocation.

IV. PLEDGE OF ALLEGIANCE

Mayor Pro Tem George Turner asked to add a few items for discussion only under Old Business. The following items are:

- **Dispositions of all committees**
- **Budget Retreat 2021**
- **Resolution for ending Virtual Meetings**

And he also would like to add under Presentations – Program Purpose- Dr. Christopher Griffith and Council Member Tammy Grimes

Motion 2- was made by Council Member Rob Turner to add the above said items to the agenda and was seconded by Council member Tammy Grimes.

Motion passed 4-0.

V. MINUTES:

a. Approval of Council Meeting Minutes October 26, 2020

Motion 3 – made by Council Member Rob Turner to approve the October 26, 2020 Council Meeting Minutes. Seconded by Council Member jimmy.

Motion passed unanimously.

b. Approval of Council Meeting Minutes November 2, 2020

Motion 4- was made by Council Member Rob Turner to defer the decision until the next meeting and was seconded by Council Member Tammy Grimes.

Motion passed 4-0.

c. Approval of Council Meeting Minutes November 23, 2020

Motion 5- was made by Council Member Rob Turner to defer the decision until the next meeting and was seconded by Council Member Tammy Grimes.

VI. PRESENTATIONS:

a. Program Purpose- Presented by Council Member Tammy Grimes and Dr. Christopher Griffith of Kaiser Permanente in corporation with Arabia Mountain High School

VII. APPOINTMENTS OR PERSONNEL:

None.

VIII. PUBLIC COMMENTS

(this meeting will be conducted virtually, the public comments received via email in advance of the meeting will be read into the minutes by the City Clerk)

None.

IX. PUBLIC HEARINGS:

X. OLD BUSINESS:

a. **Disposition of all committees**

b. **Budget Retreat**

Council discussed setting a date for the Budget Retreat in January 2021.

c. Approve **Stonecrest 2020 Paving Project- Phase 2**

Motion 10- was made by Council Member Jazzmin Cobble to deny the Stonecrest 2020 Paving Project- Phase 2 and was seconded by Council Member Tammy Grimes.

Motion passed 4-1 with Council Member Jimmy Clanton voting nay and Mayor Lary was absent.

d. **Decision for December 28, 2020 Council Meeting**

Council will make a decision by December 23, 2020 via email to City Clerk whether to cancel the meeting or not.

XI. NEW BUSINESS:

a.

XII. EXECUTIVE SESSION

None.

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

XIII. CITY MANAGER COMMENTS

Deputy City Manager Plez Joyner- Merry Christmas and Stay Covid Safe!

XIV. CITY ATTORNEY COMMENTS

Merry Christmas and Happy New Year! – City Attorney Winston Denmark

XV. MAYOR AND COUNCIL COMMENTS

Council Member Jimmy Clanton/District 1 – Get out and vote, Merry Christmas and stay safe from Covid!

Council Member Rob Turner/District 2 –Vote like your life depends on it! Enjoy your holiday!

Council Member Jazzmin Cobble/District 3 – Absent- The rest of the Council wished her a happy birthday and sent their condolences to her and her family due to the loss of a family member.

Council Member Tammy Grimes/District 5 – Stay safe and pray for the teachers! Happy Holidays and if anyone would like to donate to Traditions Nursing Home please contact her. They are looking for sweatshirts and sweatpants and things of that nature.

Council Member George Turner/District 4 – Apologized to the citizens for the agenda changes. Wished everyone a Merry Christmas and hopes everyone will be safe and careful over the holidays.

XVI. ADJOURNMENT

Motion 6 – made by Council Member Rob Turner to adjourn the City Council Meeting. Seconded by Council Member Tammy Grimes.

Motion passed unanimously.

CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1 ***Council Member Rob Turner- District 2***

Council Member Jazzmin Cobble – District 3 ***Council Member George Turner- District 4***

Council Member Tammy Grimes – District 5

CITY COUNCIL MEETING AGENDA
VIRTUAL MEETING
December 28, 2020
7:00 p.m.
Citizen Access: YouTube Live

I. CALL TO ORDER: Mayor Pro Tem George Turner

II. ROLL CALL: Megan Reid, City Clerk

Mayor Lary was absent and it was excused at a prior meeting.

Council Member Jimmy Clanton updated the Council on the status of Mayor Lary's condition and that he had surgery today.

Mayor Pro-Tem George Turner wished the Mayor a speedy recovery.

III. INVOCATION- Council Member Rob Turner led the invocation.

IV. PLEDGE OF ALLEGIANCE

Motion 1- was made by Council Member Rob Turner to add agenda item for Mixed Use Development for Highway 124 and Rock Chapel Road at the Lithonia Industrial Boulevard under Presentations and was seconded by Council Member Tammy Grimes.

Motion passed 5-0.

V. MINUTES:

a. Approval of the November 2, 2020 FY 2021 Budget Meeting Minutes

Motion 2 – made by Council Member Rob Turner to defer the decision of the minutes until January 25, 2021 and was seconded by Council Member George Turner.

Motion passed 5-0.

b. Approval of the Council Meeting Minutes November 23, 2020

Motion 3- made by Council Member Rob Turner to approve the Minutes from November 23, 2020 and were seconded by Council Member George Turner

Motion passed 5-0.

c. Approval of Council Meeting Minutes December 14, 2020

Motion 4 – made by Council Member George Turner to defer the decision of the minutes until January 25, 2021 and was seconded by Council Member Jazzmin Cobble.

VI. PRESENTATIONS:

a. Mixed Use Development Discussion Hwy 124 and Rock Chapel at Lithonia Industirial Blvd Discussion

There was discussion about a potential development neighboring Stonecrest in unincorporated DeKalb County that could potentially affect Stonecrest.

VII. APPOINTMENTS OR PERSONNEL:

a. Planning Commission

Motion 5- was made by Council Member Jazzmin Cobble to defer this decision until the Council Meeting on January 25, 2021 and was seconded by Council Member Rob Turner.

Motion passed 5-0.

b. Zoning Board of Appeals

Motion 6- was made by Council Member Jazzmin Cobble to defer this decision until the Council Meeting on January 25, 2021 and was seconded by Council Member Rob Turner.

Motion passed 5-0.

VIII. PUBLIC COMMENTS

(this meeting will be conducted virtually, the public comments received via email in advance of the meeting will be read into the minutes by the City Clerk)

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Re: QuikTrip project @ Covington Highway & Lithonia Industrial Boulevard: Comments for December 28, 2020 Work Session, Item II (b).

Mayor Pro Tem George Turner

City of Stonecrest, GA

Mr. Mayor Pro Tem:

I'm writing regarding Item II (b) on tonight's City Council Work Session Agenda, which is "QuikTrip on Covington Highway at Lithonia Industrial Blvd Discussion".

This new QT is a matter of major concern for industrial stakeholders in Lithonia Industrial Park. The intersection is a dangerous chokepoint which already snarls traffic into and out of the Industrial district, and which impedes access into properties fronting on the Boulevard. Earlier this year industrial stakeholders worked closely with Mr. Clarence Boone and City consultants to ensure that widening the Boulevard and adding turn lanes to the intersection are priority items under our new Master Transportation Plan, which was adopted by City Council just a few months ago.

We were not aware of the QT project until shortly before the bulldozers arrived. After obtaining construction plans for the project we were dismayed to see that the project's design is inconsistent with the Master Transportation Plan's, and would significantly increase the current dangerous snafu at that intersection by allowing a curb cut on the west side of Lithonia Industrial Boulevard, opposite the intersection with Parkway Road. Moreover, review of the construction plans indicates that the project fails to meet at least three of the four criteria of the SLUP6 "cafeteria plan", and should therefore be required to go through the SLUP process. The failure of the project's design to take the MTP into account can be considered as part of that SLUP.

The fact that industrial stakeholders and residents were not notified of this project early in the approval process, and given an opportunity to review it and have our questions addressed, illustrates that there is a major gap in the City's zoning and development codes (Metro Green Recycling is another example of that gap). City Council does not hear public comments during the work session, but we are glad to see that this matter is listed for discussion as part of tonight's agenda. It is my hope that a public ZOOM meeting regarding this project can be scheduled as soon as possible.

-- Bernard Knight

--

Faye Coffield

OPPOSITION TO GAS STATION ON CHUPP WAY AND FARRINGTON

I recognize Stonecrest is a 94% plus black community. Until recently we were ranked among the top five wealthiest black communities in the United States. Since that.period of time we have seen little, if any, economic positive economic Development come, commercial or retail. Since Becoming a city, we have been inundated with gas stations, storage facilities, group homes, apartments, and low end housing.

Now there is an effort to put a gas station in the middle of a residential community where there exists no need. The current location for this gas station is between a condominium development and a very stable apartment complex. There is no commercial buffer between these two residential areas. I say there is no need because directly across Farrington is a gas station connected to a convenience store. Next door to that is a liquor store and strip mall which has several food in a grill. Approximately ¼ of a mile from the proposed gas station is a Walmart Supercenter with a gas station in front. Approximately 1000 ft from the Walmart pumps is a BP gas station on the North east corner, with a another gas station on the Southeast corner and a full-service Shell gas station with a convenience store on the southwest corner. if one turns left on Farrington from Chupp Way and continues approximately 1000 feet to Hillandale and right there is another Shell gas station with a convenience store. When one turns left on Hillandale and travels approximately 1/2 Mile there is a QuikTrip at Panola and Hillandale if one continues on Medical Parkway directions to Covington Highway there are two gas stations, one I believe is a Chevron with a convenience store and the other is a Kroger gas pump with a full-service Kroger in back of it. .That means there are approximately 9 gas stations currently existing within 1 mile of this location. There is not a need for another gas station.

Additionally this gas station is being built at a very dangerous intersection. Although this is a small residential area, it is virtually impossible to approach that intersection without a car trying to Edge forward from Farrington to be able to see what is approaching. One can only imagine what would happen if a gas tanker was hit at this location. Secondly, this is a residential area. It is zoned R100.

It remains troubling to me why Stonecrest cannot attract R100 residential Developers when just across the Rockdale County line they are building solid brick r100 Housing. We do not need any more gas stations. We do not need any more convenience stores in Stonecrest.

As I stated I recognize this is a black and many do not believe that black communities, regardless of their economic status are entitled to a decent quality of development. However I believe this Council should deny this application and place a moratorium on any new gas stations in Stonecrest. Just as its place moratoriums on other things.

--

Cheryl Moore- Mathis

I am writing this letter to request that special consideration be given to zoning for so many unnecessary gas stations within the city of Stonecrest.
Lately, there have been several zoning requests to have these gas stations zoned in the city, mostly in areas where
there are plenty of them located within a 1-2 mile radius of each other. This is NOT considered smart growth for a smart city!

I sincerely ask that NO MORE gas stations be approved for the city at this time and in the very near future. The citizens have carefully contributed to the Comprehensive Plan that is not being adhered too, and I also encourage the developers who plan to develop land to build edifices that will benefit the city & its constituents more than providing for
gas stations, and convenience stores, and their pockets, We currently do NOT want anymore of such, until adherence to the aforementioned organized plan to develop this city is followed.

Your cooperation in this matter is appreciated.

Sincerely,

Cheryl Moore-Mathis. President
Klondike Area Civic Association, Inc.

--

To the Mayor Jason Lary, George Turner, Mayor Pro Tem and the Stonecrest City Council:

I hope all of you are doing well. I am writing this letter in opposition to another gas station for Stonecrest, GA.

The designated location for this gas station will be a magnet for crime and will not assist in keeping the residents safe. Stonecrest has enough gas stations at this time. Wouldn't it be great to develop projects for Stonecrest that would attract consumers and visitors to the area? If we could view businesses that are more environmentally friendly I believe it would be a fantastic place to live.

Please deny this application as we don't need another gas station in Stonecrest. Thank you.

Sincerely,

Renee Cail

CHASE

IX. PUBLIC HEARINGS:

X. OLD BUSINESS:

a. **Protocol and Resolution for ending a virtual and in-person meeting**

Motion 7- was made by Council Member Tammy Grimes to defer this item until January 11, 2021 and was seconded by Council Member Rob Turner.

Motion passed 5-0.

b. **Resolution extending parking lot lease agreement with DeKalb Department of Health**

Motion 8- was made by Council Member Jazzmin Cobble to defer this decision to no later than January 25, 2021 and was seconded by Council Member Rob Turner.

Motion passed 5-0.

XI. NEW BUSINESS:

a. Zoning Board of Appeals 2021 Calendar

Motion 9- was made by Council Member Jazzmin Cobble to approve the 2021 Zoning Board of Appeals 2021 Calendar and was seconded by Council Member Jimmy Clanton.

Motion passed 5-0.

XII. EXECUTIVE SESSION

None.

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

XIII. CITY MANAGER COMMENTS

Deputy City Manager Plez Joyner- Would like the Council to decide on a date for the retreat in the next 60 days.

Internal Auditor Joel Thibodeaux- Announced that he was running for State Representative and if he won, he would resign.

XIV. CITY ATTORNEY COMMENTS

Happy New Year! – City Attorney Winston Denmark

XV. MAYOR AND COUNCIL COMMENTS

Council Member Jimmy Clanton/District 1 – There will be a Drive in New Years Eve Celebration and everyone is invited. Must register online through event brite.

Council Member Rob Turner/District 2 –Remember to Early Vote. Be Safe and mindful of Covid-19 and wear your mask. Hope everyone had a Merry Christmas and wishes everyone a Happy New Year.

Council Member Jazzmin Cobble/District 3- Thanked the City Council, Staff, and constituents who reached out during her family's difficult time. Hoping for great things to come in 2021.

Council Member Tammy Grimes/District 5 – Wanted to thank everyone for making her 1st year as a Council Person a successful one.

Council Member George Turner/District 4 –Be safe and Have a Happy New Year!

XVI. ADJOURNMENT

Motion 10 – made by Council Member Rob Turner to adjourn the City Council Meeting. Seconded by Council Member Tammy Grimes.

Motion passed 4-1 with Council Member Jimmy Clanton voting nay.

CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1 ***Council Member Rob Turner- District 2***

Council Member Jazzmin Cobble – District 3 ***Council Member George Turner- District 4***

Council Member Tammy Grimes – District 5

SPECIAL CALLED CITY COUNCIL MEETING AGENDA

VIRTUAL MEETING

January 29, 2021

6:00 p.m.

Citizen Access: Stonecrest YouTube Live Channel

I. CALL TO ORDER: Mayor Lary

II. ROLL CALL: Megan Reid, City Clerk

All members present.

Mayor Lary made an announcement that the purpose of a special called meeting is to handle emergency situations. The Mayor stated that Council Member Jazzmin Cobble sent out an entire agenda packet consisting of 150 pages. He expressed his concern about the nature of the meeting to handle a full agenda that his staff did not help create nor did he have any say in the creation of the agenda. Mayor Lary then asked Communication Director Adrion Bell to end the meeting.

III. ADJOURNMENT

CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1 ***Council Member Rob Turner- District 2***

Council Member Jazzmin Cobble – District 3 ***Council Member George Turner- District 4***

Council Member Tammy Grimes – District 5

SPECIAL CALLED MEETING AGENDA
VIRTUAL MEETING
February 7, 2021
7:00 p.m.
Citizen Access: URL

I. CALL TO ORDER: Mayor Pro Tem George Turner

At the Beginning of the meeting Mayor Jason Lary stated that he would be attending under protest. He stated that this was an illegal meeting, there was an illegal packet sent, and he will not illegally vote.

II. ROLL CALL: Megan Reid, City Clerk

III. Agenda Items:

1. **2nd read and adoption of the proposed gas station moratorium**

Read aloud by Mayor ProTem George Turner.

Motion 1- was made by Council Member Tammy Grimes to approve the Gas Station Moratorium and was seconded by Council Member Jazzmin Cobble.

Council Member Jimmy Clanton made a statement that that moratoriums are never a good idea. He thinks the process is already working well.

Council Member Tammy Grimes- The decision or desire of a moratorium didn't come from the Council alone. Constituents requested this. This will be used to take a pause and regroup. We will use the 120 days to get the process right.

Motion passed 4-1-1 with Council Member Jimmy Clanton voting nay and Mayor Jason Lary not voting.

2. **Approve the updated Purchasing Policy and designate a Purchasing Agent**

Motion 2- was made by Council Member Jazzmin Cobble to approve the Updated Purchasing Policy and was seconded by Council Member Tammy Grimes.

Mayor Lary stated that the Council is strangling the ability to work. This is immature and irresponsible to put restraints on staff.

Motion passed 4-1-1 with Council Member Jimmy Clanton voting nay and Mayor Jason Lary not voting.

3.. **Investigative inquiry and action related to the program administration of the CARES Act Relief Fund**

Motion 3- was made by Council Member Jazzmin Cobble to authorize City Attorney Winston Denmark to initiate an Investigative inquire into the CARES Act Relief Fund and was seconded by Council Member Tammy Grimes.

Council Member Jimmy Clanton Is not comfortable voting on this matter due. He is still awaiting finalized reports from Clarence Boone, Economic Development Director.

Council Member Rob Turner stated that he was not clear on the information he received.

Mayor Jason Lary stated that using words such as investigate is an insult to the staff.

Mayor Lary stated that the Council is strangling the ability to work. This is immature and irresponsible to put restraints on staff.

Council Member Jazzmin Cobble stated that the committee was a recommending body to the council.

Council Member Tammy Grimes stated that this was solely for integrity.

(At this point City Attorney asked Mayor Pro Tem George Turner to have the Mayor to vote on all the previous items and the Mayor refused to vote)

Motion passed 4-1-1 with Council Member Jimmy Clanton voting nay and Mayor Jason Lary not voting.

4. **Stonecrest Convention and Visitors Bureau**

Motion 4- was made by Council member Jazzmin Cobble to Deny activation of the Stonecrest Convention and Visitors Bureau. Ratify that the city council has not contracted with any entity to provide these services on behalf of our taxpayer and tourism/hotel industry stakeholders. Nullify any pending expenses incurred by the independent CVB and withhold payments for said expenses and was seconded by Council Member Tammy Grimes.

Motion passed 5-0-1 with Mayor Jason Lary not voting.

5. **Stonecrest Development Authority**

Motion 5- was made by Council Member George Turner to Withhold all funding and city resources from the Stonecrest Development Authority including but not limited to payment of attorney fees, administrative services, technology services and physical and virtual locations for public meetings until the proper review of the recent activities have been completed by the city attorney. This includes but is not limited to:
1.Appointment, approval and swearing in of new appointees
2.Any binding agreements and/or financial obligations required of the city such as revenue bonds, IGAs, MOUs, contracts, etc.
3.Review the validity of any official actions taken by any of the expired SDA members and ex-officio non voting members.
Additionally, the following actions are needed before the funded is restored:
1.An executed IGA between the city and the SDA is approved
2.Establish an official reporting requirement for the SDA to keep the city council informed of its action. And was seconded by Council Member Jazzmin Cobble.

There was much discussion among Mayor and Council.

Motion passed 5-0-1 with Mayor Jason Lary not voting.

6. **Contract Management**

Motion 6- was made by Council Member Jazzmin Cobble to Withhold future payments to both Mr. DePalma and Ms. Cornelius. and was seconded by Council Member Rob Turner.

Motion passed 5- 0-1 Mayor Lary left the meeting.

7. Contract Amendment

Motion 7- was made by Council Member Jazzmin Cobble Direct the attorney to amend section 1.2 to read, "The City Representative shall be the City Manager; provided, however, during any period of time the City Manager is a Contractor Employee, the City Council of the City shall be the City Representative. The City Representative shall represent the will of the governing body when decisions and/or requests are referred to the Contractor. The Contractor shall send a summary correspondence to the city council confirming the decision or request by the City Representative and was seconded by Council Member Rob Turner.

Council Member Jimmy Clanton stated that he spoke with City Attorney Winston Denmark and that a single point of contact was favorable over multiple contacts.

City Attorney Winston Denmark stated that Jacob's would find it harder to have multiple contacts.

Council Member Jazzmin Cobble stated that both legal teams to draft the desires and recommendations of the council. Would like for both parties to come to a compromise.

Motion 7 was amended- amended to direct the city attorney to amend section 1.2 that says that the city representative is the mayor and to amend that in such City Council is a city representative when the city manager is a contract employee and to allow the city attorney to negotiate on the practicality of that request with the legal representation from Jacobs so that the desires of the City Council to change the city representative to itself and still adhere to but also given flexibility for them to be some negotiation on how that's practically carried and was seconded by Council Member Jimmy Clanton.

Motion passed 5-0.

8. **Legal Services-Assistant City Attorney and such other assistant and special city attorney**

Motion 8- was made by Mayor Pro Tem George Turner to relieve Coleman/ Talley of their duties as Assistant City Attorney and was seconded by Council Member Jazzmin Cobble.

Motion 9- was made by Council Member Jimmy Clanton to defer this matter.

Motion fails.

Council Member Jimmy Clanton asked for the cause of dismissing Coleman and Talley.

Motion 10- was made by Council Member Jazzmin Cobble to go into executive session for litigation and was seconded by Council Member Tammy Grimes.

Motion passed 4-1 with Mayor Pro Tem George Turner voting Nay.

Motion 11- was made by Council Member Tammy Grimes to go back into special called meeting and was seconded by Council Member Rob Turner.

Motion passed 5-0.

Mayor Pro Tem called for a vote for Motion 8 and it passed 4-1 with Council Member Jimmy Clanton voting Nay.

9. **Request to immediately receive recommendation for award of external audit firm for purchasing card audit**

Motion 12- was made by Council Member Jazzmin Cobble to immediately receive recommendation for award of external audit firm for purchasing card audit and was seconded by Council Member Tammy Grimes.

Motion passed 5-0.

10. **Resolution on Ending Virtual Meetings**

Motion 13- was made by Mayor Pro Tem George Turner to approve the resolution on ending virtual meetings and was seconded by Council Member Rob Turner.

Motion passed 5-0.

11. Hire Independent Legal Representation for City Council Members

Motion 14- was made by Mayor Pro Tem George Turner to Approve the city council members the hire independent legal counsel for litigation matters and was seconded by Council Member Tammy Grimes.

There was discussion as to more details about the parameters of budget and the negotiations of the legal representation for Council Members.

Council Member Rob Turner suggested an amendment to the motion to have the City Attorney to negotiate the legal representation at reasonable rates. Council member Tammy Grimes.

Council Member Jazzmin Cobble objected that amendment because she didn't want a cap on the attorney fees.

Council Member Rob Turner rejected his amendment.

Motion passed 5-0.

IV. ADJOURNMENT

Motion 15– made by Council Member Jazzmin Cobble to adjourn the City Council Meeting. Seconded by Council Member Rob Turner.

Motion passed unanimously.

CITY COUNCIL AGENDA ITEM

SUBJECT: Stonecrest Zoning Ordinance Update – Hearing and Consideration of Adoption of Text Amendment

(X) ORDINANCE ( ) POLICY ( ) STATUS REPORT

(X) DISCUSSION ONLY ( ) RESOLUTION ( ) OTHER

Date Submitted: 03/3/21 Work Section:03/08/21 Council Meeting: 3/22/21

SUBMITTED BY: Christopher Wheeler, Planning and Zoning Director.

PURPOSE: Conduct the 2nd Public Hearing in accordance with Chapter 27 Zoning Ordinance for the purpose of receiving public comment on a text amendment to the Ch 27 Zoning Ordinance, conduct the Read of the ordinance amendment, and consider Adoption of the text amendments as proposed

HISTORY: This item was heard at the February 2nd, 2021 Planning Commission Meeting. The city presented proposed amendments to the Zoning Ordinance Update to Stonecrest Planning Commission, with a recommendation of approval. Planning Commission recommended deferral of the decision to adopt the text amendments.

OPTIONS:

RECOMMENDED ACTION: The Planning Commission recommends deferral of the Zoning Update. Staff recommends approval based on the final report of analysis, public comment, and elected officials' policy direction.

ATTACHMENTS:
1 03/17/21 Zoning Memo

2 03/17/21 Final Report with Attachments
3 03/17/21 Clean First Read
4 03/17/21 Track Changes

Community, Commerce and Culture
Working Together to be a World-Class City.

CLEAN - FIRST READ
CITY OF STONECREST
ZONING ORDINANCE

Approved: _____

Prepared by The Collaborative Firm
Planning, Program Management & Development
;

Table of Contents

1 Article 1. - General Requirements 17

1.1 General Provisions 17

1.1.1 Short title. 17

1.1.2 Effective date. 17

1.1.3 Purpose and intent of Code. 17

1.1.4 Minimum requirements. 18

1.1.5 Authority. 18

1.1.6 General applicability. 18

1.1.7 Applicability to all property. 18

1.1.8 General prohibition. 18

1.1.9 Interpretation and authority to administer. 19

1.1.10 Components of zoning ordinance. 19

1.1.11 Transitional provisions. 19

1.1.12 Relation to and conflict with other provisions. 21

1.1.13 Relation to private agreements. 22

1.1.14 Zoning maps. 22

1.1.15 Interpretation of zoning maps. 23

1.1.16 Rules applicable to parcels split into two or more zoning districts. 23

1.1.17 Severability. 24

1.1.18 Transition Period 24

1.2 Relationship to Comprehensive Plan 24

1.2.1 Establishment of The Comprehensive Plan 24

1.2.2 Character areas (land use categories) 24

1.2.3 Relationship between character areas and zoning districts. 25

1.2.4 Relationship between supplemental plans and zoning districts. 25

2 Article 2. - District Regulations 26

2.1 Establishment of Districts 26

2.1.1 Districts established. 26

2.1.2 Prior district classifications and conversion. 27

2.1.3 Additional regulations. 27

2.1.4 Appropriate zoning districts for character area designations. 27

2.1.5 Permitted uses. 27

2.2 Residential Zoning Districts: Dimensional Requirements 27
2.2.1 Dimensional requirements. 27
2.3 RE - Residential Estate District 29
2.3.1 Statement of purpose and intent. 29
2.3.2 Permitted and special land uses. 29
2.3.3 Dimensional requirements. 29
2.3.4 Site and building design standards. 29
2.4 R-100 - Residential Large Lot District 29
2.4.1 Statement of purpose and intent. 29
2.4.2 Permitted and special land uses. 30
2.4.3 Dimensional requirements. 30
2.4.4 Site and building design standards. 30
2.5 R-85 - Residential Medium Lot District 30
2.5.1 Statement of purpose and intent. 30
2.5.2 Permitted and special land uses. 30
2.5.3 Dimensional requirements. 31
2.5.4 Site and building design standards. 31
2.6 R-75 - Residential Medium Lot District 31
2.6.1 Statement of purpose and intent. 31
2.6.2 Permitted and special land uses. 31
2.6.3 Dimensional requirements. 31
2.6.4 Site and building design standards. 31
2.7 R-60 - Residential Small Lot District 31
2.7.1 Statement of purpose and intent. 31
2.7.2 Permitted and special land uses. 32
2.7.3 Dimensional requirements. 32
2.7.4 Site and building design standards. 32
2.8 RNC - Residential Neighborhood Conservation District 32
2.8.1 Scope of provisions. 32
2.8.2 Statement of purpose and intent. 32
2.8.3 Permitted and special land uses. 33
2.8.4 Scaled site plan. 33
2.8.5 Calculation and design of greenspace. 33

2.8.6 Development standards and permitted uses. 35
2.8.7 Minimum lot width and size, building setbacks, street and private drive width. 35
2.8.8 Maximum height of buildings. 37
2.8.9 Maximum lot coverage. 38
2.8.10 Ownership, control, and maintenance of required greenspace. 38
2.8.11 Off-street parking requirements. 39
2.8.12 Relation of RNC District regulations to subdivision or other regulations. 39
2.9 Residential Medium/High Density Zoning Districts: Dimensional Requirements 39
2.9.1 Medium density ranges. 39
2.9.2 Dimensional requirements. 40
2.10 RSM - Small Lot Residential Mix District 43
2.10.1 Statement of purpose and intent. 43
2.10.2 Permitted and special land uses. 43
2.10.3 Dimensional requirements. 43
2.10.4 Site and building design standards. 44
2.10.5 Density and location criteria. 44
2.10.6 Amenity proximity requirements. 46
2.10.7 Bonus density qualifying standards. 46
2.11 MR-1 - Medium Density Residential District 47
2.11.1 Statement of purpose and intent. 47
2.11.2 Permitted and special land uses. 48
2.11.3 Dimensional requirements. 48
2.11.4 Site and building design standards. 48
2.11.5 Density and location criteria. 48
2.12 MR-2 - Medium Density Residential District 49
2.12.1 Statement of purpose and intent. 49
2.12.2 Permitted and special land uses. 49
2.12.3 Dimensional requirements. 49
2.12.4 Site and building design standards. 49
2.12.5 Density and location criteria. 49
2.12.6 Building heights. 50
2.13 HR-1 - High Density Residential District 51
2.13.1 Statement of purpose and intent. 51

2.13.2 Permitted and special land uses. 51
2.13.3 Dimensional requirements. 51
2.13.4 Site and building design standards. 51
2.13.5 Density and location criteria. 51
2.13.6 Building heights. 52
2.14 HR-2 - High Density Residential District 52
2.14.1 Statement of purpose and intent. 52
2.14.2 Permitted and special land uses. 53
2.14.3 Dimensional requirements. 53
2.14.4 Site and building design standards. 53
2.14.5 Density and location criteria. 53
2.14.6 Building heights. 54
2.15 HR-3 - High Density Residential District 54
2.15.1 Statement of purpose and intent. 54
2.15.2 Permitted and special land uses. 54
2.15.3 Dimensional requirements. 54
2.15.4 Site and building design standards. 54
2.15.5 Density and location criteria. 54
2.15.6 Building heights. 55
2.16 Mixed-Use Zoning Districts 56
2.16.1 Statement of purpose and intent. 56
2.16.2 Mixed-use district densities. 56
2.16.3 Mixed-Use dimensional requirements 57
2.17 MU-1 - Mixed-Use Low-Density District 60
2.17.1 Dimensional requirements. 60
2.17.2 Site and building design standards. 60
2.17.3 Rezoning to the MU-1 (Mixed-Use Low Density) District. 60
2.17.4 MU-1 - Mixed-Use Low-Density District rezoning submittal requirements. 60
2.17.5 Mixed-use building restrictions. 61
2.17.6 Density and location criteria. 61
2.17.7 MU-1 retail size restrictions. 63
2.18 MU-2 Mixed-Use Low-Medium Density District 64
2.18.1 District requirements, standards and criteria. 64

2.19 MU-3 - Mixed-Use Medium Density District 64
2.19.1 District requirements, standards and criteria. 64
2.20 MU-4 - Mixed-Use High-Density District 64
2.20.1 District requirements, standards, and criteria. 64
2.21 MU-5 - Mixed-Use Very High-Density District 65
2.21.1 District requirements, standards and criteria. 65
2.22 Non-Residential Zoning Districts: Dimensional Requirements 65
2.22.1 Dimensional requirements. 65
2.23 NS - Neighborhood Shopping District 68
2.23.1 Statement of purpose and intent. 68
2.23.2 Intensity limitations. 68
2.23.3 Permitted and special land uses. 68
2.23.4 Dimensional requirements. 68
2.23.5 Site and building design standards. 68
2.24 C-1 - Local Commercial District 68
2.24.1 Statement of purpose and intent. 68
2.24.2 Permitted and special land uses. 69
2.24.3 Dimensional requirements. 69
2.24.4 Site and building design standards. 69
2.25 C-2 - General Commercial District 69
2.25.1 Statement of purpose and intent. 69
2.25.2 Permitted and special land uses. 69
2.25.3 Dimensional requirements. 69
2.25.4 Site and building design standards. 69
2.26 OD - Office-Distribution District 70
2.26.1 Statement of purpose and intent. 70
2.26.2 Permitted and special land uses. 70
2.26.3 Dimensional requirements. 70
2.26.4 Site and building design standards. 70
2.27 OI - Office-Institutional District 70
2.27.1 Statement of purpose and intent. 70
2.27.2 Permitted and special land uses. 70
2.27.3 Dimensional requirements. 70

2.27.4 Site and building design standards. 71
2.28 OIT - Office-Institutional-Transitional District 71
2.28.1 Statement of purpose and intent. 71
2.28.2 Permitted and special land uses. 71
2.28.3 Dimensional requirements. 71
2.28.4 Site and building design standards. 71
2.29 M - Light Industrial District 71
2.29.1 Statement of purpose and intent. 71
2.29.2 Permitted and special land uses. 72
2.29.3 Dimensional requirements. 72
2.29.4 Site and building design standards. 72
2.29.5 Multi-family use provisions for industrial conversion. 72
2.30 M-2 - Heavy Industrial District 72
2.30.1 Statement of purpose and intent. 72
2.30.2 Permitted and special land uses. 73
2.30.3 Dimensional requirements. 73
2.30.4 Site and building design standards. 73
2.30.5 Solid waste facility/landfill use provisions. 73
3 Article 3. - Overlay District Regulations 73
3.1 Overlay Districts 73
3.1.1 Overlay districts generally. 73
3.1.2 Purpose and intent. 74
3.1.3 Plan submittal, review, and approval 74
3.1.4 Conceptual plan package review. 75
3.1.5 Final design package. 77
3.2 Arabia Mountain Conservation Overlay District 77
3.2.1 Applicability of regulations. 77
3.2.2 Purpose and intent. 77
3.2.3 District boundaries. 78
3.2.4 Principal uses and principal structures. 78
3.2.5 Accessory uses and accessory structures. 79
3.2.6 General Development Standards 79
3.2.7 Residential Development Standards. 80

3.2.8 Non-Residential Development Standards. 81
3.2.9 Height limitation. 83
3.2.10 Conservation Easements. 84
3.2.11 AMCOD Advisory Committee 84
3.3 Stonecrest Area Overlay District 84
3.3.1 Applicability of regulations. 84
3.3.2 Purpose and intent 84
3.3.3 District boundaries. 85
3.3.4 High-Rise Mixed-Use Zone (Tier 1) 86
3.3.5 Mid-Rise Mixed-Use Zone (Tier 2) 87
3.3.6 Low-Rise Mixed-Use Zone (Tier 3) 89
3.3.7 Transitional Mixed-Use Zone (Tier 4) 92
3.3.8 Cluster Village Mixed-Use Zone (Tier 5). 95
3.3.9 Viewshed Zone. 97
3.3.10 Transitional buffer zone requirements. 98
3.3.11 Inter-parcel access. 98
3.3.12 Multi-modal access plans required. 98
3.3.13 Shared parking. 98
3.3.14 Open space 99
3.3.15 Greenspace requirements. 99
3.3.16 Design Guidelines 100
3.4 Interstate 20 Corridor Compatible Use Overlay District 103
3.4.1 Applicability of regulations. 103
3.4.2 Purpose and intent 103
3.4.3 District boundaries. 104
3.4.4 Principal uses and structures. 104
3.4.5 Accessory uses and structures. 107
3.4.6 Special permits. 107
3.4.7 Development standards. 107
3.4.8 Transitional buffer zone and transitional height requirements. 109
3.4.9 Inter-parcel access. 109
3.4.10 Multi-modal access plans required. 109
3.4.11 Shared parking. 109

3.4.12 Open space requirements. 109
3.4.13 Sign regulations. 110
3.4.14 Design Guidelines. 111
4 Article 4. - Use Regulations 113
4.1 Overview of Use Categories and Use Table 113
4.1.1 Overview. 113
4.1.2 Interpretation of unlisted uses. 113
4.1.3 Use table. 113
4.2 Supplemental Use Regulations 115
4.2.1 Accessory buildings, dwellings, structures, and uses. 115
4.2.2 Adult daycare. 117
4.2.3 Adult and Sexually oriented businesses. 117
4.2.4 Agriculture, forestry, and animal related uses 118
4.2.5 Alcohol outlets and liquor stores. 120
4.2.6 Ambulance, taxi, and limousine services, dispatch, and storage. 121
4.2.7 Animal care facilities. 121
4.2.8 Antennas, satellite dishes, television receivers. 122
4.2.9 Automotive sales and service; boat, trailer sales and service. 122
4.2.10 Automobile wash service, principal, accessory, detail or mobile. 125
4.2.11 Bed and breakfast 125
4.2.12 Building and construction office, landscape contractors. 125
4.2.13 Cemetery, columbarium, mausoleum. 125
4.2.14 Check cashing. 126
4.2.15 Childcare homes and centers 126
4.2.16 Coliseum, stadium, amphitheater. 127
4.2.17 Commercial recreation and entertainment. 127
4.2.18 Crematoriums 129
4.2.19 Drive-through facilities, restaurant. 129
4.2.20 Dwellings: cottage, mobile home, townhouse, urban single-family, and condominium. 130
4.2.21 Emission stations. 130
4.2.22 Extended stay hotel/motel 130
4.2.23 Fuel pumps, accessory. 131
4.2.24 Heliport, general aviation airport. 132

4.2.25 Home occupations and private educational uses. 132
4.2.26 Hookah or Cigar Lounge 133
4.2.27 Industrial uses requiring a SLUP or Rezoning. 134
4.2.28 Late-night establishments and nightclubs. 135
4.2.29 Live-work unit. 136
4.2.30 Mines or mining operations, quarries, asphalt plants, gravel pits, soil pits, borrow pits, and sand pits. 136
4.2.31 Mini-warehouses and “self-storage” facilities. 137
4.2.32 Non-Emergency Transportation. 137
4.2.33 Outdoor display and seating, permanent. 137
4.2.34 Outdoor storage of materials, supplies, equipment or vehicles. 138
4.2.35 Parking, commercial lot. 139
4.2.36 Party Houses. 139
4.2.37 Pawn shops or title loan agency 139
4.2.38 Personal care homes/facilities and Community living arrangements 140
4.2.39 Places of worship, convents; monasteries; temporary religious meetings. 141
4.2.40 Private kindergarten, elementary, middle, and high school. 141
4.2.41 Requirements for Moving Buildings. 141
4.2.42 Salvage yard, junkyard. 142
4.2.43 Specialized and vocational schools. 142
4.2.44 Senior housing: independent and assisted living, nursing, and continuing care. 142
4.2.45 Shelters for homeless and transitional housing facilities. 144
4.2.46 Short Term Vacation Rental 144
4.2.47 Solar energy systems. 144
4.2.48 Solid waste facility regulations. 146
4.2.49 Towing service. 146
4.2.50 Transit shelters. 147
4.2.51 Truck stop. 147
4.2.52 Urban or community gardens. 147
4.2.53 Utility structure necessary for transmission or distribution of service. 149
4.3 Temporary Use Regulations 149
4.3.1 Duration, frequency, and hours of operation of temporary outdoor uses. 149
4.3.2 General Requirements for Temporary Outdoor Uses. 150

4.3.3 Farmers markets; temporary, seasonal or long-term. 151
4.3.4 Outdoor seasonal activities and sales. 152
4.3.5 Outdoor events 153
4.3.6 Outdoor retail sales and displays. 153
4.3.7 Yard sales. 154
5 Article 5. – Site Design and Building Form Standards 155
5.1 Block and Lot Requirements 155
5.1.1 Blocks. 155
5.1.2 Lots. 155
5.1.3 Lots, access. 155
5.1.4 Lots, corner. 156
5.1.5 Lots, double frontage. 156
5.1.6 Every use must be upon a lot of record. 157
5.1.7 Buildings on single family and duplex lots. 157
5.1.8 Multiple principal buildings on a lot. 157
5.1.9 Minimum lot size and minimum lot width. 157
5.1.10 Maximum lot coverage. 157
5.1.11 Street frontage for lots. 157
5.1.12 Lots served by wells and septic tanks; sewer and water connections. 157
5.2 General Yard and Measurement Provisions 158
5.2.1 Minimum required yards and building setbacks. 158
5.2.2 Minimum floor area per dwelling unit. 160
5.2.3 Compatibility of new and existing subdivisions. 160
5.2.4 Transitional height plane. 160
5.2.5 Height measurement requirements and thresholds. 161
5.3 Supplemental Street Regulations and Traffic Impact 163
5.3.1 Design standards by street type. 163
5.3.2 Street connectivity. 163
5.3.3 Sight visibility triangles. 163
5.3.4 Traffic impact study. 164
5.3.5 Traffic calming features. 164
5.4 Streetscape and Landscaping Requirements 164
5.4.1 Purpose and intent. 164

5.4.2 Applicability. 165
5.4.3 Streetscape elements and dimensions. 165
5.4.4 Site and parking area landscaping. 171
5.4.5 Transitional buffers. 172
5.4.6 Screening. 175
5.4.7 Walls, fences, and retaining walls. 176
5.5 Open Space Standards 178
5.5.1 Applicability. 178
5.5.2 Maintenance, management and ownership. 179
5.5.3 Standards and design. 180
5.6 Supplemental Site Improvements 186
5.6.1 Outdoor lighting. 186
5.6.2 Stormwater detention facilities. 187
6 Article 6. – Building Materials, Form and Configuration Standards 187
6.1 Application of standards. 187
6.2 Exemptions and variances. 188
6.3 Conflict with other standards and review 188
6.4 Detached houses. 188
6.5 Single-family attached buildings. 191
6.6 Multi-family, non-residential, live/work and mixed-use buildings. 196
6.7 Large-scale retail—Additional standards. 201
7 Article 7. - Parking 203
7.1 Introduction. 203
7.1.1 Interpretation. 203
7.2 Parking regulations, off-street parking. 204
7.2.1 Off-street parking ratios. 206
7.2.2 Off-street parking reduction for shared parking. 212
7.3 Shared driveways and inter-parcel access. 213
7.4 Number of handicapped parking spaces required. 214
7.5 On-street parking. 214
7.6 Parking structures. 214
7.7 Paving surfaces. 214
7.8 Stacking spaces. 215

7.9 Valet parking requirements. 215
7.10 Off-street loading requirements. 215
7.10.1 Design and arrangement of off-street loading areas. 216
7.11 Parking of trailers in residential districts. 216
7.12 Alternative fuel vehicles parking. 217
7.13 Bicycle/moped parking requirements. 217
8 Article 8. - Administration 218
8.1 Governing Bodies and Authority 218
8.1.1 Purpose and intent; compliance with law. 218
8.1.2 Governing bodies. 218
8.2 General Procedures 222
8.2.1 Applications and public hearing. 222
8.2.2 Applications. 223
8.2.3 Public hearings. 224
8.2.4 Community Impact Notification. 225
8.3 Zoning and Comprehensive Plan Amendments and Procedures 226
8.3.1 Initiation of proposals for text and map amendments. 226
8.3.2 Consistency with comprehensive plan. 226
8.3.3 Staff analysis, findings of fact, and recommendations. 226
8.3.4 Proposed amendments to the comprehensive plan map. 227
8.3.5 Proposed amendments to the official zoning map. 227
8.3.6 Action by the planning commission. 227
8.3.7 Action by the city council. 228
8.3.8 Conditions of zoning. 228
8.3.9 Modifications and changes to approved conditions of zoning. 229
8.4 Special Land Use Permits 230
8.4.1 Special land use permits generally. 230
8.4.2 Initiation of applications and public hearing requirements. 230
8.4.3 Initiation of ordinance for application for special land use permit. 230
8.4.4 Staff analysis, findings of fact, and recommendation on each application. 230
8.4.5 Special land use permit; criteria to be considered. 231
8.4.6 Additional criteria for specified uses. 232
8.4.7 Action by the planning commission. 233

8.4.8 Action by the city council. 233
8.4.9 Appeals of decisions of the city council. 234
8.4.10 Limitations of special land use permits. 234
8.4.11 Transfer of special land use permits. 234
8.5 Variances and Appeals to The Zoning Board of Appeals 235
8.5.1 Testimony and burden of proof. 235
8.5.2 Appeals of decisions of administrative officials. 235
8.5.3 Applications for variances; and criteria for deciding applications for variances. 236
8.5.4 Applications for variances to reduce or waive off-street parking or loading space requirements. 237
8.5.5 Limitations of authority of the zoning board of appeals. 238
8.5.6 Decision by the zoning board of appeals. 238
8.5.7 Compliance with standards upon denial. 239
8.5.8 Appeals of decisions of the zoning board of appeals. 239
8.5.9 Fair Housing Act accommodation variance. 239
8.6 Special Administrative Permits; Waivers and Variances 239
8.6.1 Special administrative permits generally. 239
8.6.2 Standards for special administrative permits, criteria to be applied. 239
8.6.3 Time limitations. 239
8.6.4 Administrative variances, administrative waivers: authority. 240
8.6.5 Procedures for applications for administrative variances and administrative waivers 240
8.6.6 Criteria for deciding administrative variances and administrative waivers. 241
8.6.7 Persons entitled to appeal to the zoning board of appeals. 241
8.7 Enforcement, Violations, and Penalties 242
8.7.1 Administration and enforcement; granting of permits. 242
8.7.2 Permit requirements. 242
8.7.3 Issuance of development permits. 243
8.7.4 Duration of validity of development permits. 243
8.7.5 Building inspection. 243
8.7.6 Certificates of occupancy. 244
8.7.7 Records 245
8.7.8 Fees. 245
8.7.9 Violations of this chapter. 245

8.7.10 Notice to stop work; revocation of permits. 245
8.7.11 Penalties. 246
8.7.12 Repeal of conflicting ordinances; validity of prior approvals and actions. 246
9 Article 9. - Nonconformities 246
9.1 Applicability, purpose, intent. 246
9.1.1 Applicability. 246
9.1.2 Purpose and intent 248
9.2 Nonconforming regulations. 248
9.2.1 Legal nonconforming lot. 248
9.2.2 Legal nonconforming single-family lots; lot merger requirements. 248
9.2.3 Nonconforming use 249
9.2.4 Nonconforming structures. 249
9.2.5 Nonconforming parking. 250
9.2.6 Prior nonconformities. 250
9.2.7 Nonconforming signs. 250
9.2.8 Nonconformities caused by government action 250
9.2.9 Rezoning that results in nonconforming structures. 250
9.2.10 Nonconforming uses requiring a special administrative or special land use permit. 250
9.2.11 Buildings and structures where construction has begun 250
9.2.12 Reconstruction of damaged or destroyed nonconforming structures. 251
9.2.13 Expansion, redevelopment or improvement of legal nonconforming buildings, structures and/or sites. 251
9.2.14 Prior variances, special exceptions, and special permits authorized. 251
10 Article 10. - Definitions 252
10.1 Statement of intent and purpose. 252
10.2 Interpretation 252
10.3 Defined terms. 252
11 Article 11. - Wireless telecommunications (cell tower). 307
11.1 Purpose and goals. 307
11.2 Definitions. 308
11.3 Approvals required for telecommunications facilities, stealth, and new support structures. 312
11.3.1 Exemptions 312
11.4 Telecommunications facilities, and modifications permitted by administrative review (building permit). 313

11.4.1 Telecommunications facilities located on existing structures. 313
11.5 Erection of new Small Cell Installations and support structures and certain other Telecommunication Support Structures permitted by special administrative permit. 314
11.5.1 New support structures. 314
11.5.2 Cell on wheels/carrier on wheels (COW) facilities. 314
11.5.3 General standards, design requirements, and miscellaneous provisions. 314
11.6 Special administrative permit review process. 314
11.6.1 New support structure on private property: 315
11.6.2 Procedure for private property applications. 315
11.6.3 Additional Requirements for Right-of-Way Applications. 316
11.6.4 Procedure for Right of Way Applications. 317
11.6.5 Standards of review for Right of Way Applications 317
11.7 Special land use permit review process. 318
11.7.1 Submission requirements for special land use permit applications. 318
11.7.2 Procedure for special land use permit 319
11.7.3 General standards and design requirements. 320
11.8 Pre-existing Facilities. 322
11.9 Annual Registration of Telecommunication Facilities. 322
11.10 Principal or Accessory Use. 323
11.11 Inventory of Existing Sites for New Telecommunication Support Structure or Alternative Telecommunication Support Structure Applications. 323
11.12 Documentation from Applicable Regulatory Agencies and Review for Aviation Purposes. . 324
11.13 Building Codes; Safety Standards. 324
11.14 Change of Ownership or Control Notification. 324
11.15 Revocation or Termination of Permit. 324
11.16 Access to the Public Right-of-Way. 325
11.17 Limitations on Municipal Authority. 325
11.18 Fees. 325
11.19 Bond Requirement for new Telecommunication Support Structures. 326
11.20 Non-Discrimination. 326
11.21 Inspections. 326
11.22 Penalties for Violation. 327
11.23 Appeals of Decisions of the Mayor and Council. 327
11.24 Miscellaneous provisions. 327

11.25 Telecommunications facilities and support structures in existence on the date of adoption of this section. 328
11.26 Contents of Application for Right of Way Installations. 328
11.27 Procedure after submission of right of way application. 329
11.28 Time for Review of Right of Way Application. 329
11.29 Standards of Review. 330
11.30 Expiration of Permit 330
11.31 Relocation, Recondition, and Replacement. 330
11.32 Public Safety. 331
11.33 Alternate Locations. 332
11.34 First Come First Served Requests. 332

1 Article 1. - General Requirements

1.1 General Provisions

1.1.1 Short title.

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

1.1.2 Effective date.

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

1.1.3 Purpose and intent of Code.

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

A. To guide and regulate the orderly growth, development, redevelopment and preservation of the City of Stonecrest in accordance with a well-considered comprehensive plan and with long-term objectives, principles and standards deemed beneficial to the interest and welfare of the people;
B. To protect the established character of both private and public property;
C. To promote, in the public interest, the wise utilization of land;
D. To provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers;
E. To reduce or prevent congestion in the public streets;
F. To facilitate the creation of a convenient, attractive, and harmonious community;
G. To encourage an aesthetically attractive environment, both built and natural, and to provide for regulations that protect and enhance these aesthetic considerations;
H. To expedite the provision of adequate police and fire protection, safety from crime, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements;
I. To protect against destruction of, or encroachment upon, historic areas;
J. To protect against overcrowding of land, overcrowding of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, and loss of life or health or property from fire, flood, or other danger;
K. To encourage economic development activities that provide desirable employment and enlarge the tax base;
L. To promote the preservation of the unique natural and physical resources of the City including forested areas, riverbeds, stream beds, and archaeological sites;
M. To achieve compliance with all applicable state and federal regulations;
N. To protect the public welfare by protecting approach slopes and other safety areas of licensed airports;
O. To provide for and promote housing for all income groups and all citizens within the city;
P. To implement the authority, powers and duties of the planning commission and the zoning board of appeals pursuant to state and local law, including but not limited to Ga. Const. art. IX, section II, ¶ IV;

Q. To reduce or eliminate the secondary effects of sexually oriented businesses and other establishments that create such secondary effects while protecting legitimate constitutional rights of said establishments; and
R. To provide for protection of the constitutional rights and obligations of all citizens within the city.

1.1.4 Minimum requirements.

In their interpretation and application, the provisions of this chapter shall be considered minimum requirements for the promotion of the public health, safety, morals and general welfare, as set forth in section 1.1.3 hereof establishing the intent and purpose of this chapter. Within each zoning district, the regulations set forth shall be minimum requirements and shall apply uniformly to each class or kind of building, structure or land, except as may be altered through conditions of zoning applied to specific properties or variances or waivers, as provided for in article 8.

1.1.5 Authority.

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

1.1.6 General applicability.

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

1.1.7 Applicability to all property.

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

1.1.8 General prohibition.

No building or structure, and no use of any building, structure, land, or property, and no lot of record, now or hereafter existing, shall hereafter be established, constructed, expanded, altered, moved, diminished, divided, eliminated or maintained in any manner except in conformity with the provisions of this chapter. No use of any land, building, structure, or property shall be permitted unless expressly and specifically authorized in the district or districts within which said use is located or by the supplemental regulations contained in article 4 of this chapter. When a use is not explicitly mentioned, the director of planning may determine that the proposed use is functionally similar to an allowed land use, as listed in Table 4.1, Use Regulations. The city council subsequently amends the applicable definition(s) in article 10, pursuant to the amendment procedures in article 8.

1.1.9 Interpretation and authority to administer.

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

1.1.10 Components of zoning ordinance.

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

1.1.11 Transitional provisions.

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

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

C. **Transition to new zoning districts**. The zoning district names in effect under DeKalb County's prior version of its zoning ordinance are converted as shown in Table 1.1. To the extent other sections of the Code of City of Stonecrest refer to such previous district names, unless and until such other sections are amended to reflect a new intent, any reference to such previous district names shall be deemed to refer to both the previous district name and the new district name to which it is converted in this zoning ordinance.

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

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

    1. Any proper and complete application (as defined in article 10) for a permit, license, rezoning, variance, or other approval that was submitted to and accepted by the planning department prior to the effective date of this zoning ordinance shall be evaluated based on the applicable law, rules, regulations and development standards in place at the time the application was submitted.
    2. Applicants who submitted an application prior to the effective date of this zoning ordinance but who wish to proceed under the standards of this zoning ordinance may withdraw their application and submit a new application in accordance with the standards in this zoning ordinance and pay any fee required under this zoning ordinance.

F. **Prior approvals.**

    1. **Zoning conditions.**
        a. Any project that was approved prior to the effective date of this chapter by DeKalb County may be developed according to the provisions of the previously

approved development, program, or plan. Where conditions were attached to such prior approval and such conditions conflict with a standard or requirement of this zoning ordinance, the previously approved zoning condition shall apply. If a previously approved development, program, plan, or condition does not address a particular development standard or requirement of this zoning ordinance, the new standard or requirement of this zoning ordinance shall apply.

b. If an owner or applicant desires to have the standards and requirements of this chapter to apply instead of standards and requirements established by previously approved zoning conditions, the owner or applicant must apply for a zoning condition amendment, as provided in article 8.

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

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

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

Table 1.1 Previous Zoning Districts Comparison to New Established Districts

Previous Zoning Districts	New Established Zoning Districts
Residential Single-Family Districts RE - Residential Estate RLG - Residential Large Lot R-100 - Residential Large Lot R-85 - Residential Medium Lot R-75 - Residential Medium Lot R-60 - Residential Small Lot MHP - Mobile Home Park RNC - Neighborhood Conservation	**Residential Single-Family Districts** RE - Residential Estate R-100 - Residential Large Lot R-85 - Residential Medium Lot R-75 - Residential Medium Lot R-60 - Residential Small Lot RNC - Neighborhood Conservation

Medium/High-Density Residential Districts	**Medium/High-Density Residential Districts**
RSM - Small Lot Residential Mix	RSM - Small Lot Residential Mix
MR-1 - Medium Density Residential	MR-1 - Medium Density Residential
MR-2 - Medium Density Residential	MR-2 - Medium Density Residential
HR-1 - High Density Residential	HR-1 - High Density Residential
HR-2 - High Density Residential-2	HR-2 - High Density Residential-2
HR-3 - High Density Residential-3	HR-3 - High Density Residential-3
Mixed Use Districts	**Mixed Use Districts**
MU-1 - Mixed-Use Low Density	MU-1 - Mixed-Use Low Density
MU-2 - Mixed-Use Low-Medium Density	MU-2 - Mixed-Use Medium Density
MU-3 - Mixed-Use Medium Density	MU-3 - Mixed-Use High Density
MU-4 - Mixed-Use High Density	MU-4 - Mixed-Use High Density
MU-5 - Mixed-Use Very High Density	MU-5 - Mixed-Use Very High Density
Non-Residential Districts	**Non-Residential Districts**
NS - Neighborhood Shopping	NS - Neighborhood Shopping
C-1 - Local Commercial	C-1 - Local Commercial
C-2 - General Commercial	C-2 - General Commercial
OD - Office-Distribution	OD - Office-Distribution
OI - Office-Institutional	OI - Office-Institutional
OIT - Office-Institutional-Transitional	OIT - Office-Institutional-Transitional
M - Light Industrial	M - Light Industrial
M-2 - Heavy Industrial	M-2 - Heavy Industrial

1.1.12 Relation to and conflict with other provisions.

The provisions of this chapter shall be interpreted and applied to constitute the minimum requirements for the promotion of the public health, safety, morals, and general welfare. Whenever any provision of this chapter imposes a greater requirement or a higher standard than is required by any federal or state law or other city ordinance, resolution or regulation, the provision of this chapter shall govern unless preempted by said federal or state law. Whenever any provision of any federal or state law or other city ordinance, resolution or regulation imposes a greater requirement or a higher standard than is required by this chapter, the provision of such state or federal statute or other city ordinance or regulation shall apply. Whenever any conflict arises between this chapter and Chapter 14 of the Code of City of Stonecrest, the provisions of this zoning ordinance shall prevail, except for *Chapter 14, article 2, Environmental Control*. Compliance with the provisions of this chapter shall not be interpreted to obviate the

requirements for compliance with any and all other provisions of federal or state law, or the Code, including but not limited to the requirements for licenses or permits of any kind.

1.1.13 Relation to private agreements.

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

1.1.14 Zoning maps.

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

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

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

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

E. Verifications of the current zoning status of property shall be the responsibility of the director of planning. To verify the current zoning status of a particular parcel, an individual may obtain a certified copy of the official zoning maps, or a portion thereof, from the director of planning. Certified copies of the official zoning maps, or portions thereof, shall be certified by the director of planning with his signature and the date on which the portions were certified. The director of

planning shall be the final authority as to the current zoning status of all land, buildings and structures located in the city, except for: (1) amendments enacted by the city council but not yet depicted on the official zoning maps, and (2) uncertainties to be clarified by the city council as described in section 1.1.15. Any inaccuracy on the official zoning maps that is reasonably determined to be a scrivener's error may be corrected by the planning director.

1.1.15 Interpretation of zoning maps.

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

A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow centerlines of rights-of-way or prescriptive easements. In case of closure of a street or alley, or vacation of any easement, the boundary shall be construed as remaining at its prior location unless ownership of the closure or vacated area is divided other than at the center, in which case the boundary shall be construed as moving to correspond with the ownership, but not beyond any previous right-of-way or easement line.
B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
C. Boundaries indicated as approximately following city limit lines shall be construed as following such city limits.
D. Boundaries indicated as approximately following railroad lines shall be construed to be midway in the right-of-way.
E. Boundaries indicated as approximately following shorelines of bodies of water shall be construed to follow such shorelines. Boundaries indicated as approximately following the centerlines of creeks, streams, rivers, or other predominantly linear bodies of water shall be construed to follow such centerlines.
F. Boundaries indicated as parallel to or concentric with, or extensions of features indicated in paragraphs A. through E. above, shall be so construed. Distances and dimensions not specifically indicated on the official zoning map shall be determined from the official zoning map by the director of planning.
G. Where areas appear to be unclassified on the official zoning map, and classification cannot be established by the above rules, such areas shall be considered to be classified Residential Estate (RE) until action is taken by the city council to amend the official zoning map.
H. Where territory is added to the jurisdictional area, it shall be considered to be classified Residential Estate (RE) until action is taken by the city council to amend the official zoning map.
I. Where uncertainties continue to exist or further interpretation is required beyond that provided for in the above paragraphs, the question shall be presented by the director of planning to the city council to enact a clarifying resolution and said action shall be recorded on the official zoning map as is provided herein.

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

Where a parcel of land is split into two (2) or more zoning districts, each such portion of said parcel may only be used for purposes allowed within the zoning district to which each respective portion is classified. No principal or accessory use of land, buildings or structures, and no use or building or structure authorized by special administrative permit, special land use permit, or special exception, shall be

authorized unless said use or building or structure is authorized or permitted within the applicable zoning district.

1.1.17 Severability.

The several provisions of this chapter shall be separable in accordance with the following rules:

A. Should any court of competent jurisdiction adjudge any section or provision of this chapter to be invalid, such judgment shall not affect the validity or continued application of this chapter as a whole or any section or provision thereof other than the section(s) or provision(s) specifically adjudged invalid.
B. Should any court of competent jurisdiction adjudge invalid the application of any section or provision of this chapter to a particular property, building or structure, such judgment shall not affect the application of said section or provision to any other property, building or structure.

1.1.18 Transition Period

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

1.2 Relationship to Comprehensive Plan

1.2.1 Establishment of The Comprehensive Plan

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

A. Rural Residential.
B. Suburban.
C. Urban Neighborhood.
D. Neighborhood Center.
E. City Center.
F. Regional Center.
G. Industrial.
H. Light Industrial.
I. Institutional.
J. Office Professional
K. Conservation/Open space

The comprehensive plan shall refer to City of Stonecrest Comprehensive Plan 2038 dated July 8, 2019.

1.2.2 Character areas (land use categories).

The boundaries of the various character areas (land use categories), as shown on the future development map and described within the policy narrative of the comprehensive plan, are made a part of this chapter. The official description of these character area boundaries shall be maintained by the director of planning. Where uncertainty regarding character area boundaries exists, the rules set forth in section 1.1.15 shall

apply. All such maps and all notations, references and information shown thereon shall be as much a part of this chapter as if all the matter and information set forth by the maps were fully described herein. All other writings concerning the comprehensive plan, including technical documents and appendices adopted simultaneously with the comprehensive plan, are for guidance and information purposes only, and are not made a part of this chapter.

1.2.3 Relationship between character areas and zoning districts.

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

1.2.4 Relationship between supplemental plans and zoning districts.

Section 1.4 Local Plans of the comprehensive plan references all other plans that focus on areas, situations, or issues of importance to City of Stonecrest. These plans include, but not limited to, redevelopment plans, neighborhood plans, city wide plans, corridor plans, or plans for conservation management. Where the city council has adopted a plan's policies and development standards, these policies and development standards will serve as guidelines to support the existing future development plan and character area policies.

Table 1.2 Character Areas and Permitted Zoning Districts

Zoning District	Conservation/Open Space (COS)	Institutional/Public (IP)	Rural Residential (RR)	Suburban Neighborhood (SN)	Urban Neighborhood (UN)	Neighborhood Center (NC)	City Center (CC)	Regional Center (RC)	Office Professional (OP)	Light Industrial (M-LI)	Heavy Industrial (M-HI)
	ALL	ALL	RNC RE R-100	RNC R-100 R-85 R-75 R-60 RSM OI NS	RNC R-100 R-85 R-75 R-60 RSM MR-1 MR-2 MU-1 NS C-1	RSM MR-1 MR-2 MU-1 OI NS C-1	RSM MR-1 MR-2 MU-1 MU-2 OI C-1 C-2	MU-1 MU-2 MU-3 OI C-1 C-2	MU-1 MU-2 OI NS C-1	MU-3 C-2 M OD	M M-2 OD

2 Article 2. - District Regulations

2.1 Establishment of Districts

2.1.1 Districts established.

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

Table 2.1: Zoning Districts Established

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

2.1.2 Prior district classifications and conversion.

The zoning district classifications established prior to the effective date of this zoning ordinance that are no longer active shall be treated as follows. There are no parcels in the city limits zoned RLG - Residential Large Lot or MHP - Mobile Home Park.

2.1.3 Additional regulations.

Additional regulations for a variety of development and building types can be found in article 4 (use regulations), article 5 (site development regulations), and article 7 (parking). Street type classifications for front setback requirements are set forth in Chapter 14.

2.1.4 Appropriate zoning districts for character area designations.

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

2.1.5 Permitted uses.

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

2.2 Residential Zoning Districts: Dimensional Requirements

2.2.1 Dimensional requirements.

Dimensional requirements, such as overall site requirements, individual lot dimensions, and setbacks for residential zoning districts are established in Table 2.2, "Residential Zoning Districts Dimensional Requirements." Residential infill development may also be subject to compatibility regulations as specified in sections 5.2.3 and 5.2.4. RNC District Requirements are outlined in Section 2.9 of this Article.

Table 2.2 Residential Zoning Districts Dimensional Requirements

Element	RE	R-100	R-85	R-75	R-60	RNC
Lot area (square feet)	43,560	15,000	12,000	10,000	6,000 Cottage: 3,500	*
Lot width, street frontage (feet)	(1 acre)	100	85	75	60	*
Lot width at building line (feet)	150	100	85	75	60	*
Lot width fronting cul-de-sac (feet)	150	35	35	35	35	*

Lot coverage (maximum %)	35	35	35	35	35	*
Front thoroughfares (feet)	60	50	50	45	30	*
Front arterials (feet)	50	40	40	35	20	*
Front collector and all other streets (feet)	45	35	35	30	RC/CC/NC: 15 SUB: 20	*
Front with alley access (feet)	N/A	25	25	25	10	*
Side - interior building setback (feet)	20	10	8.5	7.5	7.5	*
Side - corner lot on public street (feet)**	Same as district indicates front setback, following street type along the corner side property line					
Rear (feet)	40	40	40	40	30	*
Minimum Unit Size (square feet)	2,000	2,000	1,800	1,600	1,200 Cottage: 800	*
Max Height Main Building (feet)	35	35	35	35	35	*
Max Height Accessory (feet)	24	24	24	24	24	*
Open Space Minimum Percent***	20%	20%	20%	20%	20%	*

*See Section 2.8 – RNC – Residential Neighborhood Conservation

**See article 5, corner lots section for reduction eligibility

***Open space requirement applies to new subdivisions if project is > 5 acres or > 36 units (chapter 14)

2.3 RE - Residential Estate District

2.3.1 Statement of purpose and intent.

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

A. To preserve rural and estate residential character and to provide for very low density rural residential uses.
B. To provide for the protection of neighborhoods within the city where lots have a minimum area of one (1) acre.
C. To provide protections for existing development as new subdivisions are created.
D. To assure that the uses and structures authorized in the RE (Residential Estate) District are those uses, and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood.
E. To provide for appropriately sized accessible and useable open space in new developments for the health, recreational and social opportunities for city citizens.
F. To provide areas for agricultural uses as appropriate.
G. To implement the future development map of the city's comprehensive plan.

2.3.2 Permitted and special land uses.

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

2.3.3 Dimensional requirements.

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

2.3.4 Site and building design standards.

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

2.4 R-100 - Residential Large Lot District

2.4.1 Statement of purpose and intent.

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

A. To provide for the protection of neighborhoods within the city where lots have a minimum area of fifteen thousand (15,000) square feet.
B. To provide for compatible infill development in neighborhoods.
C. To provide protections for existing development as new subdivisions are created.

D. To provide flexibility in design on the interior of new development while protecting surrounding development.
E. To assure that the uses and structures authorized in the R-100 Residential Large Lot District are those uses, and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood;
F. To provide for appropriately sized accessible and useable open space in new developments for health, recreational and social opportunities for city residents; and
G. To implement the future development map of the city's comprehensive plan.

2.4.2 Permitted and special land uses.

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

2.4.3 Dimensional requirements.

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

2.4.4 Site and building design standards.

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

2.5 R-85 - Residential Medium Lot District

2.5.1 Statement of purpose and intent.

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

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

2.5.2 Permitted and special land uses.

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

2.5.3 Dimensional requirements.

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

2.5.4 Site and building design standards.

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

2.6 R-75 - Residential Medium Lot District

2.6.1 Statement of purpose and intent.

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

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

2.6.2 Permitted and special land uses.

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

2.6.3 Dimensional requirements.

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

2.6.4 Site and building design standards.

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

2.7 R-60 - Residential Small Lot District

2.7.1 Statement of purpose and intent.

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

A. To provide for the protection of neighborhoods within the city where lots have a minimum area of six thousand (6,000) square feet or three thousand five hundred (3,500) square feet if developed for cottage houses.
B. To provide for compatible infill development in neighborhoods.
C. To provide protections for existing development as new subdivisions are created.
D. To provide flexibility in design within new development while protecting surrounding development.
E. To assure that the uses and structures authorized in the R-60 District are designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood.
F. To provide for appropriately sized accessible and useable open space in new developments for the health, recreational and social opportunities for city residents.
G. To implement the future development map of the city's comprehensive plan.

2.7.2 Permitted and special land uses.

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

2.7.3 Dimensional requirements.

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

2.7.4 Site and building design standards.

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

2.8 RNC - Residential Neighborhood Conservation District

2.8.1 Scope of provisions.

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

2.8.2 Statement of purpose and intent.

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

A. To encourage creative residential planning and development within the city that will preserve unique environmental features and be consistent with the comprehensive land use plan and preserves existing natural trees and vegetation;
B. To conserve significant areas of useable greenspace within single-family neighborhoods in the Rural and Suburban character areas of the comprehensive plan;
C. To provide a residential development that permits flexibility of design in order to promote environmentally sensitive and efficient use of land in compliance with the Code;

D. To promote construction of accessible landscaped walking trails and bike paths both within subdivisions and, where possible, connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles;
E. To preserve natural features, specimen trees, historic buildings, archaeological sites and establish a sense of community;
F. To improve water quality and reduce runoff and soil erosion by reducing the total amount of clearing, grading, and paving, within the total area of a development;
G. To encourage efficient community design that reduces infrastructure maintenance and public service costs borne by the city; and
H. To implement the future development map of the city's comprehensive plan.

2.8.3 Permitted and special land uses.

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

2.8.4 Scaled site plan.

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

A. Size of each lot proposed to be developed within the district;
B. Housing types (e.g., single-family detached, single-family detached condominium);
C. Amount of land in greenspace areas to be held in joint ownership, common ownership, or control in perpetuity;
D. Connections between greenspaces within the project and to greenspace areas on adjacent properties where possible;
E. Building envelopes for fee simple lots;
F. Building and driveway footprint for each single-family detached condominium;
G. Maximum lot coverage;
H. All streams and water bodies, including state and city stream buffer limits;
I. Vehicular and pedestrian circulation and connections within the project and to amenities and features on adjacent property;
J. Any above-ground detention areas serving as an amenity feature;
K. Underground detention facilities;
L. Flood hazard areas, wetlands, springheads, and all environmentally sensitive areas, if any;
M. Access to public sewer;
N. All easements;
O. Right-of-way intended to be dedicated;
P. Amount of land area and non-buildable areas as identified in subsection B.; and
Q. Tree survey in compliance with Chapter 14 of this Code.

2.8.5 Calculation and design of greenspace.

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

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

B. Land containing any of the following features shall not be included for the purposes of calculating whether a site plan and any subsequent development meets the greenspace requirement:
    1. Streams and stream buffers;
    2. Wetlands;
    3. Rock outcroppings;
    4. Slopes steeper than 1:2 slope;
    5. Sites of archaeological significance;
    6. Floodplains; or
    7. Areas intended to be dedicated for right-of-way as shown on the scaled site plan submitted in compliance with section 2.8.4.

C. For properties ten (10) acres or less, at least fifty (50) percent of the allotted greenspace shall be in an area or areas that each measure a minimum two hundred (200) square feet. For properties greater than ten (10) acres, at least fifty (50) percent of the allotted greenspace shall be contiguous and shall be a minimum width of fifty (50) feet. Paths, bike paths and trails do not have to comply with the minimum width requirements set forth in this subsection.

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

E. No impervious surface, except (1) areas used for active recreation, (2) historic building(s) or historic site(s), and (3) asphalt or concrete bike paths and paths with a maximum width of eight (8) feet, may be considered in the greenspace calculation. Paths that require grading must not damage critical root zones of specimen trees.

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

G. All dwelling units shall be provided with safe, convenient access to all greenspaces throughout the development in the form of a pedestrian circulation system consisting of structurally improved pedestrian path(s) and/or sidewalk(s), which shall be a minimum width of five (5) feet and shall be connected so that there are no breaks in the walkable surface of the pedestrian circulation system, except where the path or sidewalk connects to a greenspace. All greenspaces shall have a minimum of two points of pedestrian access.

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

I. Active recreation areas may be included in greenspace and shall be required in any RNC (Residential Neighborhood Conservation) District that contains one hundred (100) or more units. A conservation subdivision located in an RNC (Residential Neighborhood Conservation) District that contains between one hundred (100) and two hundred (200) units, inclusive, shall include an active recreation area of at least one (1) acre in size. A conservation subdivision located in an RNC (Residential Neighborhood Conservation) District that contains more than two hundred (200) units, shall include a minimum of either a single active recreation area of at least two (2) acres in size or two (2) active recreation areas that are each at least one (1) acre in size. No active recreation area may be located within any wetland, stream buffer, or rock outcropping.

2.8.6 Development standards and permitted uses.

A. Property within a RNC (Residential Neighborhood Conservation) District shall have a minimum of seven (7) acres.

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

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

D. There shall be no impervious surfaces within the seventy-five-foot stream buffer, except as provided for above in sections 2.8.5.D. 4., 5., and 6. Such encroachments into the stream buffer shall only be permissible in accordance with variances as allowed by chapter 14 of this Code.

2.8.7 Minimum lot width and size, building setbacks, street and private drive width.

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

1. Maximum density: Eight (8) dwelling units per acre of total land area, excluding undevelopable areas as identified in section 2.8.5.B.
2. Minimum lot width: At least sixty (60) feet as measured at the required front building setback line; except for a lot on a cul-de-sac, which lot shall have a minimum width of thirty-five (35) feet.
3. Minimum lot area: Six thousand (6,000) square feet, except that each lot on the periphery of a development within property zoned RNC (Residential Neighborhood Conservation) District that abuts adjacent property zoned and used for single-family residential purposes shall contain a lot area that is at least eighty (80) percent of the minimum lot area required by the adjoining residential zoning.
4. Minimum building setback adjacent to public or private street(s):
    a. From thoroughfares: Thirty (30) feet.
    b. From arterials: Thirty (30) feet.
    c. From collector streets: Thirty (30) feet.
    d. From local streets: Twenty (20) feet.
5. Minimum interior lot side building setback: Seven and one-half (7.5) feet.

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

B. The following standards shall apply to single-family detached condominiums and fee simple condominiums located in RNC (Residential Neighborhood Conservation) District:
1. Maximum density: Eight (8) dwelling units per acre on total land area, excluding undevelopable areas as identified in section 2.8.5.B.
2. Minimum building setback from all peripheral property lines: Twenty (20) feet, except that when a peripheral property line adjoins public or private streets, the building setback shall be as required in section 2.8.7.A.4.
3. Minimum distance between building structures: Fifteen (15) feet.
4. Minimum building setback from a private drive or private street: Ten (10) feet, except that where a garage door or carport entrance faces the street, in which case the minimum setback shall be twenty (20) feet. The building setback shall be measured from back of curb, or, where a sidewalk is provided, from back of sidewalk.
5. Minimum travel lane width, private drive or private streets internal to the development: Twenty-four (24) feet. Where on-street parking is provided, it shall be provided in the form of a parking lane located between the travel lane and the curb, which lane shall be no less than ten (10) feet wide, measured from the edge of the travel lane to front of curb.
6. Sidewalks shall be provided on both sides of private drive(s) or private street(s) that are internal to the development, as provided for in Chapter 14 of this Code.
7. Street tree species shall cause minimal interference with underground utilities, subject to approval by the city arborist.
8. Driveways shall be a minimum of twenty (20) feet long, measured from back of curb or, where sidewalks are provided, from the back of sidewalk, in order to prevent vehicular encroachment on areas intended for vehicular or pedestrian circulation.
9. A public access and utility easement for electric, gas, telephone, and cable television utilities, in the form of a joint utility trench, shall be located on each side of the internal private street(s) or internal private drive(s), and shall be a minimum width of six (6) feet, five (5) inches.

C. The following standards shall apply to all single-family detached dwellings, other than condominiums and fee simple condominiums, located in RNC (Residential Neighborhood Conservation) District:
1. Maximum density: Four (4) dwelling units per acre on total land area excluding undevelopable areas as identified in section 2.8.5.B.
2. Minimum lot width: At least sixty (60) feet as measured at the required front building setback line, except for a lot on a cul-de-sac, which lot shall have a minimum width of thirty-five (35) feet.
3. Minimum lot area: Eight thousand (8,000) square feet, except that each lot on the periphery of a development within property zoned RNC (Residential Neighborhood Conservation) District that abuts adjacent property zoned and used for single-family

residential purposes shall contain a lot area that is at least eighty (80) percent of the minimum lot area required by the adjoining residential zoning.

4. Minimum building setback adjacent to public or private street(s):
    a. From thoroughfares: Thirty (30) feet.
    b. From arterials: Thirty (30) feet.
    c. From collector streets: Thirty (30) feet.
    d. From local streets: Twenty (20) feet.
5. Minimum interior lot side building setback: Seven and one-half (7.5) feet.
6. Minimum periphery lot side building setback: Lots on the periphery of any RNC (Residential Neighborhood Conservation) District development shall maintain a minimum twenty-foot side yard setback from any adjacent parcel located outside of the boundary of such development.
7. Minimum rear building setback: Forty (40) feet.

D. The following standards shall apply to single-family detached condominiums and fee simple condominiums located in RNC (Residential Neighborhood Conservation) District:
    1. Maximum density: Four (4) dwelling units per acre on total land area excluding undevelopable areas as identified in section 2.8.5.B.
    2. Minimum building setback from all peripheral property lines: Twenty (20) feet, except that when a peripheral property line adjoins public or private streets, the building setback shall be as required in section 2.8.7.A.4.
    3. Minimum distance between building structures: Fifteen (15) feet.
    4. Minimum building setback from a private drive or private street: Ten (10) feet, except that where a garage door or carport entrance faces the street, in which case the minimum setback shall be twenty (20) feet. The building setback shall be measured from back of curb, or, where a sidewalk is provided, from back of sidewalk.
    5. Minimum travel lane width, private drive or private streets internal to the development: Twenty-four (24) feet. Where on-street parking is provided, it shall be provided in the form of a parking lane located between the travel lane and the curb, which lane shall be no less than ten (10) feet wide, measured from the edge of the travel lane to front of curb.
    6. Sidewalks shall be provided on both sides of private drive(s) or private street(s) that are internal to the development, as provided for in Chapter 14 of this Code.
    7. Street tree species shall cause minimal interference with underground utilities, subject to approval by the city arborist.
    8. Driveways shall be a minimum of twenty (20) feet long, measured from back of curb or, where sidewalks are provided, from the back of sidewalk, in order to prevent vehicular encroachment on areas intended for vehicular or pedestrian circulation.
    9. A public access and utility easement for electric, gas, telephone, and cable television utilities, in the form of a joint utility trench, shall be located on each side of the internal private street(s) or internal private drive(s), and shall be a minimum width of six (6) feet, five (5) inches.

2.8.8 Maximum height of buildings.

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

2.8.9 Maximum lot coverage.

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

2.8.10 Ownership, control, and maintenance of required greenspace.

A. **Unified control of parcel.** Any applicant for rezoning or for issuance of a land disturbance permit for property within an RNC (Residential Neighborhood Conservation) District shall be required to provide evidence of a legal mechanism for unified control of the entire parcel to be developed for review and approval by the city attorney prior to the issuance of any land disturbance or building permit. During the development process, more than one (1) builder may participate in the development of the approved plan so long as each parcel of land remains subject to:
    1. Any zoning conditions imposed on the property; and
    2. Terms and conditions associated with any special land use permit or any special administrative permit.

B. **Maintenance and protection of land held in common.** Prior to the issuance of any land disturbance permit, every applicant for development within an RNC (Residential Neighborhood Conservation) District must provide evidence of a legal mechanism under which all land to be held in common and used for greenspace purposes within the development shall be protected in perpetuity. Such legal mechanism may include deed restrictions, a homeowner association, common areas held in common ownership or control, or conservation easements held by a land trust meeting the requirements of state law, which assure in perpetuity each of the following mandatory requirements:
    1. That all land held in open space will remain undivided and shall not be subdivided or removed from joint access or benefit in perpetuity;
    2. That all subsequent property owners in the development will be placed on notice of this development restriction through the deed records filed with the Superior Court of DeKalb County;
    3. That all land held as greenspace will be properly maintained and that no liability or maintenance responsibilities for the land held as greenspace shall accrue to the city;
    4. That a legal entity exists for notice of deficiencies in maintenance of the land held as greenspace, correction of these deficiencies, and assessment of liens against the properties for the cost of the correction of these deficiencies by a third party or the city;
    5. That the legal mechanism will become effective and enforceable prior to or at the time of recording the final plat and the sale of any individual properties within the conservation district;
    6. That all requirements of the legal mechanism used to comply with the regulations of this section will be specified on the final plat to be recorded with the Clerk of Superior Court of DeKalb County.

C. **Homeowners' associations.** When a homeowners' association is used as the legal mechanism to comply with the requirements of this section, the applicant for any land disturbance permit, in addition to meeting all of said requirements, shall provide for all of the following:
    1. Equal access and right of use to all greenspace by all homeowners;
    2. Mandatory and automatic membership in the homeowners' association for all homeowners and their successors;
    3. A fair and uniform method of assessment and collection/payment for dues, maintenance and related costs;

4. Homeowners' association lien authority to ensure the collection of dues from all members;
5. Perpetual and continued maintenance and liability by the homeowners' association of land held as greenspace; and
6. Filing of all required covenants, declarations, and restrictions with the Clerk of the Superior Court of DeKalb County.

2.8.11 Off-street parking requirements.

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

A. Detached single-family dwelling: Three (3) spaces.
B. Personal care home, group: Four (4) spaces.
C. Child caring institution, group: Four (4) spaces.
D. Child day care facility: Three (3) spaces.
E. Convent or monastery: One (1) space for each two hundred (200) square feet of floor area within the principal structure.
F. Neighborhood recreation club: One (1) space for each five (5) club members but in no case less than ten (10) spaces.
G. Place of worship: Where fixed seats are used, one (1) space for each three (3) seats in the largest assembly room used for public worship, or, where fixed seats are not utilized, one (1) space for each twenty-five (25) square feet of floor space in the largest assembly room used for public worship.
H. Private elementary, middle and high school:
    1. Elementary and middle school: Two (2) spaces for each classroom.
    2. High school: Five (5) spaces for each classroom.
I. Other uses: One (1) space for each two hundred (200) square feet of floor area within the principal structure.

2.8.12 Relation of RNC District regulations to subdivision or other regulations.

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

2.9 Residential Medium/High Density Zoning Districts: Dimensional Requirements

2.9.1 Medium density ranges.

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

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

Zoning District Name	Density (units/acre)	Eligible Character Areas

Small Lot Residential Mix	RSM	4—8	Suburban Neighborhood Urban Neighborhood Neighborhood Center City Center Institutional/Public
Medium Density Residential-1	MR-1	8—12	Urban Neighborhood Neighborhood Center City Center Regional Center Institutional/Public
Medium Density Residential-2	MR-2	12—24	Neighborhood Center City Center Regional Center Institutional/Public
High Density Residential-1	HR-1	24—40	City Center Regional Center Office Professional
High Density Residential-2	HR-2	40—60	City Center Regional Center Office Professional
High Density Residential-3	HR-3	60—120	Regional Center

2.9.2 Dimensional requirements.

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

Table 2.4 Medium/High Density Residential Zoning District Dimensional Requirements

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

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

Single-Family Detached (SFD) Except Res Infill Overlays = 28 feet	35 feet	35 feet	35 feet	Not permitted	Not permitted
Single-Family Attached (SFA) and Urban Single-Family (U-SF)	3 stories or 45 feet	3 stories or 45 feet	3 stories or 45 feet	Not permitted	Tables 2.13 and 2.15
Two/Three-Family (TTF)	35 feet	35 feet	3 stories or 45 feet	Not permitted	Not permitted
Multi-Family (MF)* **	N/A	4 stories or 60 feet	Table 2.9	Tables 2.13 and 2.15	Tables 2.13 and 2.15
Mixed-Use (MU)	N/A	4 stories or 60 feet	Table 2.9	Table 2.11	Tables 2.13 and 2.15

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

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

***See article 5 for building separation and minimum multi-family unit size details; Urban-SF with 0' side setback must meet fire walls, sprinklers and any other fire code applicable to attached townhouse dwellings.

2.10 RSM - Small Lot Residential Mix District

2.10.1 Statement of purpose and intent.

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

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

2.10.2 Permitted and special land uses.

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

2.10.3 Dimensional requirements.

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

2.10.4 Site and building design standards.

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

2.10.5 Density and location criteria.

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

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

Character Area	RSM Dwelling Units per Acre	
	Base Max	Bonus Max
Suburban	4	8
Urban Neighborhood	4	8
Neighborhood Center	4	8
City Center	4	8

B. Density determination of each RSM (Small Lot Residential Mix) property:
   1. Existing RSM properties: For existing properties converted to RSM (Small Lot Residential Mix) District classification at the effective date of this chapter:
      a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established in such conditions.
      b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the "Base Max" described in Table 2.5 unless administratively reviewed and approved for bonus increases, according to the criteria set forth in subsection C. below.
   2. New RSM properties: For property rezoned to the RSM (Small Lot Residential Mix) District classification after the effective date of this chapter, density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. below.

C. Density bonus eligibility and calculations. Density bonuses are allowed only for subdivisions as defined in this chapter and are expressly not allowed for individual infill lots. The maximum allowed density on RSM (Small Lot Residential Mix) District zoned property may be increased above the "Base Max" by application of density bonuses as indicated by Table 2.6 and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.6. In no case shall density exceed the bonus maximum established by Table 2.5.

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

Density bonus % increase by amenity, location, or other provision

20% greater than base	
Public Improvements	Applicant provides any of the following improvements: transit facilities (bus shelter, ride-share), public art, structured parking, trail with public access, sidewalks and/or road improvements beyond project.
Transit Proximity	Existing park-n-ride or ride-share facility is located within ¼ mile of the property boundary.
Amenity Proximity	Existing amenities, such as healthcare facilities, senior and/or civic centers, public schools, public libraries, recreational facilities, personal service establishments, grocery stores, or shopping centers. (See section 2.11.7.)
50% greater than base	
Sustainability Elements	Certification that proposed buildings, if built as designed, would be accredited by LEED, Earth Craft, or other similar national accreditation organization, for energy- and water-efficient site and building design.
Mixed Income or Mixed Age	30-year enforceable commitment approved by the city attorney and recorded on the deed records that total number of units will be reserved to be occupied as follows: 10% by very low income households, or 20% by low income households, or 25% for senior citizens. Household income level shall be as established by the Atlanta Regional Commission.
Additional Enhanced Open Space	Additional enhanced open space (with standards established by article 5) comprise 20% of the overall development site.
100% greater than base	
Additional Enhanced Open Space	Enhanced open space comprises 35% or more of the overall development site.
MARTA Rapid Transit Station	Existing MARTA rapid transit station is located within ¼ mile of the property boundary.
Reinvestment Areas	Property is located within an Enterprise Zone or Opportunity Zone.

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

Character Area (example):	*Neighborhood Center Character Area*
Bonus types in example project:	*Sustainability Elements and Amenity Proximity*
Method:	*Multiply the Base x % = additional units eligible*

Step 1: Calculate density gained by bonus type:

Sustainability Element Bonus:	*Amenity Proximity Bonus:*
Base density: 4	*Base density: 4*
% Bonus = 50%	*% Bonus = 20%*
Base x 50% = 4 x 50% = 2	*Base x 20% = 4 x 20% = 0.8*
+ 2 bonus du/acre	*+ 0.8 bonus du/acre*

Step 2: Add bonus density to Base density

4 Base + *(2 + .8)* Cumulative **Bonus** = *6.8 du/acre max density* Total project density allowed

2.10.6 Amenity proximity requirements.

For proposed development within one-quarter (0.25) mile of an existing public school, park, library, trail or greenway network, a pedestrian facility linking to the amenity shall be provided, or a stub-out for linking to a future amenity shall be provided. Measurement of distance to a qualifying amenity shall be taken from center point of the proposed drive of the principal entrance and follow the shortest street route to the center point of the closest existing drive to access the existing amenity.

2.10.7 Bonus density qualifying standards.

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

A. Qualifying public improvements.
   1. Bus shelter. To qualify as eligible for bonus density, proposed bus shelter facilities shall include at a minimum a shelter structure, bench and paved access and be designed according to MARTA or GRTA standards, based upon ridership thresholds and as documented as acceptable by either agency.
   2. Park-n-ride and/or ride-share. To qualify as eligible for bonus density, proposed ride-share facilities shall provide for a minimum of one hundred (100) parking spaces, and park-n-ride amenities shall provide a minimum of three hundred (300) parking spaces, unless the station warrants fewer, as documented by MARTA or other transit service provider.
   3. Public art. To qualify for bonus density, a proposed work of art shall be subject to approval by the planning commission, be located on the development site or in a public place off site, and have a value of at least one-half of one percent (.005) of the total construction valuation of the building permit. The maximum required value shall not exceed two hundred fifty thousand dollars ($250,000.00).
      a. Options for providing public art are: Purchase an existing piece of artwork or have a specific piece of artwork commissioned.

b. For commissioned work, a deposit with the planning department of one hundred fifteen (115) percent of the value of the public art is required prior to the issuance of a building permit.
c. Public art or public works of art is defined as the creative application of skill and taste by artists to production of permanent tangible objects according to the aesthetic principles, including but not limited to:
    i. Paintings; Sculptures; Site specific installations; Engravings; Carvings; Frescos; Mobiles; Murals; Collages; Mosaics; Statutes; and Base-reliefs.
d. Public art or public works of art shall also include the creative application of skill and taste by artists according to the aesthetic principals to the architectural embellishment of a building or structure. Architects and landscape architects are not considered artists under this definition.
e. The following shall not be considered public art or public works of art:
    i. Reproductions or unlimited copies of original artwork;
    ii. Art objects which are mass produced;
    iii. Works that are decorative, ornamental or functional elements of the architecture or landscape design, except when commissioned from an artist as an integral aspect of a structure or site; and
    iv. Architectural rehabilitation or historical preservation.

4. Structured parking. Developments that provide vertical, structured parking shall be eligible for the residential density bonus, provided:
    a. Parking decks not integrated into other buildings shall be located internal to the site.
    b. Structures are either at least two (2) stories above ground or greater; and/or
    c. Alternatively, at least one (1) story is underground.
    d. Parking decks visible from a public right-of-way shall incorporate similar architectural materials as the primary building(s).
    e. Trail with public access. Minimum length of new trail or multi-use path shall be one-quarter (0.25) mile and shall connect to a greenway/trail or sidewalk network external to the site.

B. Qualifying amenity clarifications.
    1. Health or medical services: include clinics and offices for health, dental and/or medical services, as defined in article 10, including pharmacies with diagnostic services.
    2. Recreational facilities: include private or public exercise gymnasiums, fitness centers, sports fields, parks, and swim centers.

2.11 MR-1 - Medium Density Residential District

2.11.1 Statement of purpose and intent.

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

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

B. To provide for residential neighborhoods with a mix of single-family and multi-family housing types that maintain harmony of scale, intensity, and design with surrounding development;
C. To provide for connectivity of streets and communities and reduce the dependence on automobile use by increasing the ease of and opportunity for alternative modes of travel;
D. To implement the future development map of the city's comprehensive plan.

2.11.2 Permitted and special land uses.

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

2.11.3 Dimensional requirements.

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

2.11.4 Site and building design standards.

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

2.11.5 Density and location criteria.

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

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

Character Area	MR-1 Dwelling Units per Acre	
	Base Max	Bonus Max
Urban Neighborhood	8	12
Neighborhood Center	8	12
City Center	8	12
Institutional	8	12
Regional Center	8	12

B. Density determination of each MR-1 property:
    1. Existing MR-1 properties: For existing properties converted to MR-1 District classification at the effective date of this chapter:
        a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established.
        b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the "Base Max" described in Table 2.7, unless

administratively reviewed and approved for bonus increases, according to the criteria set forth in subsection C. below.

2. New MR-1 properties: For property rezoned to the MR-1 District classification after the effective date of this chapter, density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. below.

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

2.12 MR-2 - Medium Density Residential District

2.12.1 Statement of purpose and intent.

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

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

2.12.2 Permitted and special land uses.

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

2.12.3 Dimensional requirements.

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

2.12.4 Site and building design standards.

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

2.12.5 Density and location criteria.

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

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

Character Area	MR-2 Dwelling Units per Acre	
	Base Max	Bonus Max
City Center	12	24
Neighborhood Center	12	24
Institutional	12	24

B. Density determination of each MR-2 property:
   1. Existing MR-2 properties: For existing properties converted to MR-2 District classification at the effective date of this chapter:
      a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established.
      b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the "Base Max" described in Table 2.8, unless administratively reviewed and approved for bonus increases according to the criteria set forth in subsection C. below.
   2. New MR-2 properties: For property rezoned to the MR-2 District classification after the effective date of this chapter density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. below.

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

2.12.6 Building heights.

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

Table 2.9 MR-2 Building Height

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

* Whichever is less

2.13 HR-1 - High Density Residential District

2.13.1 Statement of purpose and intent.

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

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

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

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

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

2.13.2 Permitted and special land uses.

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

2.13.3 Dimensional requirements.

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

2.13.4 Site and building design standards.

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

2.13.5 Density and location criteria.

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

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

Character Area	HR-1 Dwelling Units per Acre	
	Base Max	Bonus Max
City Center	24	40
Regional Center	24	40
Office Professional	24	30

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

1. Existing HR-1 properties: For existing properties converted to the HR-1 (High Density Residential-1) District classification at the effective date of this chapter:
    a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established.

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

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

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

2.13.6 Building heights.

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

Table 2.11 HR-1 Building Height

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

* Whichever is less

2.14 HR-2 - High Density Residential District

2.14.1 Statement of purpose and intent.

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

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

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

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

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

2.14.2 Permitted and special land uses.

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

2.14.3 Dimensional requirements.

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

2.14.4 Site and building design standards.

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

2.14.5 Density and location criteria.

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

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

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

B. Density determination of each HR-2 (High Density Residential-2) property:
   1. Existing HR-2 properties: For properties converted to the HR-2 (High Density Residential-2) District classification at the effective date of this chapter:
      a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established.
      b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the "base max" described in Table 2.12, unless administratively reviewed and approved for bonus increases according to the criteria set forth in subsection C. below.
   2. New HR-2 properties: For property rezoned to the HR-2 (High Density Residential-2) District classification after the effective date of this chapter, density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. below.

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

2.14.6 Building heights.

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

Table 2.13 HR-2 Building Height

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

* Whichever is less

2.15 HR-3 - High Density Residential District

2.15.1 Statement of purpose and intent.

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

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

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

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

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

2.15.2 Permitted and special land uses.

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

2.15.3 Dimensional requirements.

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

2.15.4 Site and building design standards.

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

2.15.5 Density and location criteria.

A. Use of bonuses shall permit a development to exceed the maximum base density established for the district in which the development property is located, provided that in no case shall a

development exceed the maximum density allowed by the character area in which the property is located, according to the future development map adopted at the time of land disturbance permit application. Table 2.14 describes the maximum allowed dwelling unit density after application of any bonuses.

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

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

B. Density determination of each HR-3 (High Density Residential-3) property:
   1. Existing HR-3 properties: For existing properties converted to HR-3 (High Density Residential-3) District classification at the effective date of this chapter:
      a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established.
      b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the "Base Max" described in Table 2.14, unless administratively reviewed and approved for bonus increases according to the criteria set forth in subsection C. below.
   2. New HR-3 properties: For property rezoned to the HR-3 (High Density Residential-3) District classification after the effective date of this chapter, density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. below.

C. Density bonus eligibility and calculations. Density bonuses are intended for subdivisions as defined in this chapter, not for individual infill lots. The maximum allowed density on HR-3 (High Density Residential-3) District zoned property may be increased above the "base max" by application of density bonuses as indicated by Table 2.6, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.6. In no case shall density exceed the bonus maximum established by Table 2.14.

2.15.6 Building heights.

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

Table 2.15 HR-3 Building Height for Density

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

* Whichever is less

2.16 Mixed-Use Zoning Districts

2.16.1 Statement of purpose and intent.

The purpose and intent of the City Council in establishing all districts designated as Mixed-Use (MU-1, MU-2, MU-3, MU-4 and MU-5) Zoning Districts are as follows:

A. To encourage the development of master or comprehensively planned, mixed-use developments;
B. To permit flexible and compatible arrangements of residential, commercial, office, institutional, and civic uses;
C. To offer a variety of housing options, including multi-family residential and single-family attached housing of various densities, upper-floor residential units over non-residential space, or active adult and/or senior housing;
D. To implement the future development map of the city's most current comprehensive plan;
E. To maintain harmony of scale, intensity, and design of character areas with varying housing options;
F. To accommodate and promote mixed-use buildings with amenities and services provided by a variety of non-residential uses; as appropriate in the activity centers established by the comprehensive plan;
G. To promote the health and well-being of residents through the development of living environments that accommodate pedestrians and bicyclists;
H. To encourage a sense of community through design that promotes social interaction; and
I. To reduce automobile traffic and congestion and promote the use of transit by encouraging appropriate development densities.

2.16.2 Mixed-use district densities.

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

Table 2.16 Summary of Mixed-Use Zoning District Densities

Zoning District Name		Density (units/acre)	Eligible Character Areas
Mixed-Use Low Density	MU-1	4—8	Suburban Neighborhood Urban Neighborhood Neighborhood Center City Center Institutional/Public
Mixed-Use Low-Medium Density	MU-2	8—12	Urban Neighborhood Neighborhood Center City Center Regional Center Institutional/Public
Mixed-Use Medium Density	MU-3	12—24	Neighborhood Center City Center Regional Center Institutional/Public

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

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

2.16.3 Mixed-Use dimensional requirements.

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

Table 2.17 Mixed-Use Zoning Districts Dimensional Requirements

Mixed-Use Districts				
KEY: **Development Types: SFD: Single-Family Detached, SFA: Single-Family Attached, TTF: Two/Three-Family, MF: Multi-Family, U-SF: Urban Single-Family, MU: Mixed-Use, CM: Commercial, OF: Office** **Character Areas: SUB: Suburban, TN: Traditional Neighborhood, NC: Neighborhood Center, TC: Town Center, RC: Regional Center**				
Element	**MU-1**	**MU-2**	**MU-3**	**MU-4 and MU-5**
Overall Site Requirements (minimum, unless otherwise specified)				
Dwelling units per acre (with bonus)	4—8	8—12	12—24	MU-4=24—40; MU-5=40—60
Minimum street frontage for site (feet)	75	75	50	50
Minimum site size	0	0	0	0
Overall site setback rear (feet)	20	20	20	10
Overall site setback side (feet)	15	15	15	N/A (Art. V buffers apply)
Open space required (minimum %)*	10% of total parcel acreage	10% of total parcel acreage	10% of total parcel acreage	10% of total parcel acreage
Transitional buffers (feet)	See article 5			
Required minimum mix of uses				
Non-residential (percentage square footage of building)	10%	15%	20%	20%

Residential (percentage square footage of building)	15%	10%	0	0
Individual Lot Dimensions by Residential Type (minimum, unless specified)				
Single-Family Detached (SFD) **				
Lot area (square feet)	3,500	3,500/2,000 cottage	3,500	Not permitted
Lot width (feet)	35	35/20	35	Not permitted
Lot coverage (maximum percentage)	55	55	55	Not permitted
Single-Family Attached (SFA) and Urban Single-Family				
Lot area (square feet)	1,000	1,000	1,000	1,000
Lot width (feet)	20	16	16	20
Lot coverage (maximum % per lot or total parcel acreage)	50%	75%	80%	90%
Two/Three-Family (TTF)				
Lot area (square feet)	4,000	4,000	4,000	4,000
Lot width (feet)	55	55	55	55
Lot coverage (maximum % per lot or total parcel acreage)	55	55	75	75
Multi-Family (MF) - See Building Type Standards in article 5				
Lot area (square feet)	12,500	12,500	12,500	12,500
Lot width (feet)	1 bldg: 50 2 or more bldgs: 100	1 bldg: 50 2 or more bldgs: 100	1 bldg: 50 2 or more bldgs: 100	1 bldg: 50 2 or more bldgs: 100
Lot coverage (maximum percentage)	N/A	N/A	N/A	N/A
Building Setbacks (minimum, unless specified)				
Single-Family Detached and Two-Family				
Front (feet)	Min. 10/Max. 25	Min. 5/Max. 20	Min. 5/Max. 20	Not permitted
Side - interior lot (feet)	7.5	7.5	7.5	Not permitted
Side - corner lot on public street (feet)	15	15	15	Not permitted
Rear (feet)	10	10	10	Not permitted
Rear - w/alley (feet)	15	10	10	Not permitted
Single-Family Attached and Urban Single-Family				

Front (feet)	Min. 10/Max. 20, Min. 5/Max. 10 with alley garage	Min. 10/Max. 20, Min. 5 with alley garage	No Min./Max	No Min./Max.
Side - interior lot (feet)	N/A	N/A	No Min./Max.	No Min./Max.
Side - corner lot on public street (feet)	Min. 10/Max. 20	Min. 10/Max. 20	10	5
Rear (feet)	20	15	10	10
Rear - w/alley (feet)	15	10	5	5
Mixed-Use/Commercial/Multi-Family* **				
Front (feet)	Min. 10/Max. 50	Min. 10/Max. 50	No Min./Max.	No Min./Max.
Side - interior lot (feet)	Min. 10./Max. 20	Min. 10./Max. 20	No Min./Max.	No Min./Max.
Side - corner lot on public street (feet)	20	15	No Min./Max.	No Min./Max.
Rear (feet)	15, 0 if parking deck, liner building or party wall present	10, 0 if parking deck, liner building or party wall present	10, 0 if parking deck, liner building or party wall present	10, 0 if parking deck, liner building or party wall present
Rear - w/alley (feet)	10	10	5	5
Unit Size, heated living area (minimum, unless specified)				
Single-Family Detached (square feet)	1,200	1,200/800 cottage	1,200/800 cottage	Not permitted
Single-Family Detached, Urban (square feet)	1,000	1,000	1,000	1,000
Two- and Three-Family (square feet)	1,000	1,000	1,000	Not permitted
Single-Family Attached (square feet)	850	850	850	850
Multi-Family - one bedroom (square feet)	550	500	500	500
Multi-Family - two bedroom (square feet)	700	650	650	650
Multi-Family - three bedroom (square feet)	850	800	800	800
Accessory Unit (square feet)	650	650	Not permitted	Not permitted

Live/Work (residential portion square feet)	400	400	400	400

* See article 5 for enhanced open space requirements
** SFD Cottage type exempt; see article 5 for standards
*** See article 5 for building separation and minimum multi-family unit size details.

2.17 MU-1 - Mixed-Use Low-Density District

2.17.1 Dimensional requirements.

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

2.17.2 Site and building design standards.

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

2.17.3 Rezoning to the MU-1 (Mixed-Use Low Density) District.

A. Properties within the Suburban, Urban Neighborhood, Neighborhood Center, City Center, Regional Center, Office Professional , and Institutional/Public character areas of the City of Stonecrest Comprehensive Plan Future Development Map are eligible to be rezoned to the MU-1 District.

2.17.4 MU-1 - Mixed-Use Low-Density District rezoning submittal requirements.

A. The following standards only apply to rezoning applications initiated by the owner(s) of the subject property or the authorized agent of the owner(s). In the interest of economic development and to spur redevelopment, applications initiated by the city are not required to comply with the standards in this section.
B. Prior to the submittal of an application for a land disturbance permit or building permit, an applicant for development of a city-initiated MU-zoned property, shall comply with the following standards. The application will be reviewed administratively by the director.
C. **Pre-application meeting.** Before submitting an application for rezoning to the MU-1 (Mixed-Use Low Density) District, the applicant shall confer with the director of planning to discuss the feasibility of the proposed plan and its relationship to the comprehensive plan and city ordinances.
D. **Submittal of master development plan.** The submittal package for rezoning to the MU-1 (Mixed-Use Low Density) District shall include all items indicated by the application and

instruction form established by the planning department. The master development plan shall include:

1. *Pre-application meeting minutes.* Applicants shall provide documentation showing that the required pre-application meeting occurred.
2. *Master development plan.* A master development plan shall illustrate the project showing the location of proposed uses identified by type, site functions, and internal vehicular and pedestrian circulation, along with proposed access points (note: prefer multi-modal access plan as specified in the overlays).
3. *Master development standards.* An applicant for rezoning to the MU-1 (Mixed-Use Low Density) District shall submit the following with the rezoning application:
    a. A set of tables, matrices, and/or diagrams shall document the proposed standards that will regulate the permitted use, density, lot dimensions, setbacks, site and building form for each area identified in the master concept plan, and indicate all instances where proposed standards vary from this ordinance.
    b. Documentation regarding eligibility for density bonus(es) sought by the applicant (see section 2.16.6).
    c. A summary of the anticipated maintenance and ownership of streets and open spaces.
    d. Proposed gross and net non-residential floor area, maximum number of residential dwelling units by type and minimum lot size, and amount of enhanced open space.
4. *Master development plan architectural standards.* An applicant for rezoning to the MU-1 (Mixed-Use Low Density) District shall include with the master development plan a set of binding and enforceable architectural standards that will be utilized by the developer to ensure aesthetic continuity throughout the life of the project.
    a. At a minimum, the architectural standards shall address lighting, signage, fences, landscaping, building materials, and other architectural features proposed to be included by the applicant.
    b. A master sign plan may be proposed for approval at the time of rezoning with dimensions that vary from the sign ordinance, provided that the proposed plan demonstrates pedestrian-oriented scale.

2.17.5 Mixed-use building restrictions.

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

2.17.6 Density and location criteria.

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

permit application. Table 2.18 describes the maximum allowed dwelling unit density after application of any bonuses.

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

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

B. Density determination of each MU-1 (Mixed-Use Low Density) property:
   1. Existing MU-1 properties: For properties converted to the MU-1 (Mixed-Use Low Density) District classification at the effective date of this chapter:
      a. Where conditions of zoning regulate density on the property, the maximum density shall remain as established in any conditions of zoning attached to the property.
      b. Where no conditions of zoning regulating density have been attached to the property, the maximum density shall be the "Base Max" described in Table 2.18 unless administratively reviewed and approved for bonus increases, according to the criteria set forth in subsection C. below.
   2. New MU-1 districts: For property rezoned to the MU-1 (Mixed-Use Low Density) District classification after the effective date of this chapter, density shall be established by the City Council at the time of approval of the MU-1 District, based upon the criteria set forth in subsection C. below.

C. Density bonus eligibility and calculations. Density bonuses are intended for subdivisions as defined in this chapter, not for individual infill lots. The maximum allowed density on MU-1 (Mixed-Use Low Density) zoned property may be increased above the "base max" by application of density bonuses as indicated by Table 2.19, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.19. In no case shall density exceed the bonus maximum established by Table 2.18.

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

Density bonus % increase by amenity, location, or other provision	
20% greater than base	
Public Improvements	Applicant provides any of the following improvements: transit facilities (bus shelter, ride-share), public art, structured parking, trail with public access, sidewalks and/or road improvements beyond project.
Transit Proximity	Existing park-n-ride or ride-share facility is located within ¼ mile of property boundary.
Non-residential and Residential Mix of Uses	Total gross square footage of all buildings occupied by non-residential uses is between 10—25%.
Amenity Proximity	Existing amenities such as health care facilities, senior and/or civic centers, public schools, public libraries, recreational facilities, personal service establishments, grocery stores, or shopping centers.

50% greater than base	
Sustainability Elements	Certification that proposed buildings, if built as designed, would be accredited by LEED ®, EarthCraft, or other similar national accreditation organization, for energy- and water-efficient site and building design.
Mixed Income or Mixed Age	30-year enforceable commitment approved by the city attorney and recorded on the deed records that total number of units will be reserved to be occupied as follows: 10% by very low income households, or 20% by low-income households, or 25% by senior citizens. Household income level shall be as established by the Atlanta Regional Commission.
Non-residential and Residential Mix of Uses	Non-residential uses occupy more than 25% of total gross square footage of all buildings.
Additional Enhanced Open Space	Additional enhanced open space (with standards established by article 5) comprise 20% of the overall development site.
100% greater than base	
Additional Enhanced Open Space	Additional enhanced open space comprises 35% or more of the overall site development.
MARTA Rapid Transit Station	Existing MARTA rapid transit station is located within ¼ mile of property boundary.
Reinvestment Areas	Property is located within an Enterprise Zone or Opportunity Zone.

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

Character Area (example): *Neighborhood Center Character Area*

Bonus types in example project: *Sustainability Elements and Amenity Proximity*

Method: *Multiply the Base x % = additional units eligible*

Step 1: Calculate density gained by bonus type:

Sustainability Element Bonus:

Base density: 4
% Bonus = 50%

Base x 50% = 4 x 50% = 2
+ 2 bonus du/acre

Amenity Proximity Bonus:

Base density: 4
% Bonus = 20%

Base x 20% = 4 x 20%
+ .8 bonus du/acre

Step 2: Add bonus density to Base density

4 Base + *(2 + .8)* Cumulative **Bonus** = *6.8 du/acre max density* **Total project density allowed**

2.17.7 MU-1 retail size restrictions.

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

2.18 MU-2 Mixed-Use Low-Medium Density District

2.18.1 District requirements, standards and criteria.

A. All provisions found in the MU-1 (Mixed Use Low Density) District shall apply to the MU-2 (Mixed-Use Low-Medium Density) District, except that the reference to Table 2.19 for MU-1 density shall be to Table 2.20 for MU-2 density.

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

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

2.19 MU-3 - Mixed-Use Medium Density District

2.19.1 District requirements, standards and criteria.

A. All provisions found in the MU-2 (Mixed-Use Medium Density) District shall apply to the MU-3 (Mixed-Use Medium Density) District, except that:
   1. The reference to Table 2.20 for MU-2 density shall be to Table 2.21 for MU-2 density.

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

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

B. Section 2.16.8 regarding retail size restrictions shall not apply.
C. Height restrictions apply to the MU-3 (Mixed-Use Low-Medium Density) District based on a relationship of density, as achieved through bonuses, in accordance with Tables 2.9 or 2.11, as applicable.

2.20 MU-4 - Mixed-Use High-Density District

2.20.1 District requirements, standards, and criteria.

A. All provisions found in the MU-3 (Mixed-Use Medium Density) District shall also apply to the MU-4 (Mixed-Use High Density) District, except that:
   1. The reference to Table 2.21 for MU-3 density shall be to Table 2.22 for MU-4 density.

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

Character Area	MU-4 Dwelling Units per Acre	
	Base Max	**Bonus Max**
City Center	24	40
Regional Center	24	40
Office Park	24	30

B. Height restrictions apply to the MU-4 (Mixed-Use High Density) District in accordance with Table 2.9, 2.11, or 2.13, as applicable.

2.21 MU-5 - Mixed-Use Very High-Density District

2.21.1 District requirements, standards and criteria.

A. All provisions found in the MU-3 (Mixed-Use Medium Density) District shall also apply to the MU-5 (Mixed-Use Very High Density) District, except as identified below:
   1. The reference to Table 2.21 for MU-3 density shall be to Table 2.23 for MU-5 density.

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

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

B. Height restrictions apply to MU-5 in accordance with Table 2.13 and 2.15, as applicable.

2.22 Non-Residential Zoning Districts: Dimensional Requirements

2.22.1 Dimensional requirements.

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

Table 2.24 Non-Residential Zoning Districts Dimensional Requirements

Non-Residential Districts							
Element	**OI**	**NS**	**C-1**	**C-2**	**OD**	**M**	**M2**
Overall Site Requirements (minimum, unless otherwise specified)							
Dimensional Requirements							
Lot area (min. square feet)	20,000	20,000	20,000	30,000	30,000	30,000	2 acres for heavy ind. & uses req SLUP, 1 acre for all other uses
Lot width, street frontage (feet)	100	100	100	100	100	100	150
Lot coverage (maximum percentage)	80	80	CC/RC: 90 All other: 80	CC/RC: 90 All other: 80	80	80	80
Open Space Requirements							
Sites with 5,000—39,999 sq. ft. gross floor area (minimum %)	15	15	10	10	15	15	15
Sites with 40,000 [sq. ft.] gross floor area (minimum %)	20	20	20	20	20	20	20
Transitional buffer (feet)	Article 5, division 4						
Building Setback Requirements (minimum, unless otherwise specified)							
Urban Character Areas (City Center, Regional Center)							
Front thoroughfares and arterials (min./max. feet)	20/50*	10/60	20/60	20/60	Not permitted	Not permitted	Not permitted
Front - all other streets (min./max. feet)	10/60*	5/60	10/60	10/60	Not permitted	Not permitted	Not permitted
Side - interior lot (feet)	20*	20	15	15	Not permitted	Not permitted	Not permitted
Side - corner lot on public streets (feet)	15*	15	30	30	Not permitted	Not permitted	Not permitted
Rear (feet)	20*	20	20	20	Not permitted	Not permitted	Not permitted

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

* If located next to single-family residential and the building will exceed 35 feet, the building setback from SF residential shall be increased 50%.
** Fire department and rescue services must approve over 3 stories to assure adequacy of fire protection facilities.
*** 5 story/70 feet if in an activity node, 2 story/35 feet outside an activity node, unless obtaining a SLUP for up to 5 story/70 feet.

2.23 NS - Neighborhood Shopping District

2.23.1 Statement of purpose and intent.

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

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

2.23.2 Intensity limitations.

A. In a building that contains more than one (1) business establishment, no single business establishment shall occupy more than fifteen thousand (15,000) square feet, whether owned or leased.
B. No building occupied by a single business establishment shall exceed fifty thousand (50,000) square feet.

2.23.3 Permitted and special land uses.

A. Permitted uses and uses requiring special land use permits shall be as provided in Table 4.1. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4, such regulations shall also apply and must be complied with.

2.23.4 Dimensional requirements.

A. Dimensional requirements for the NS (Neighborhood Shopping) District shall be as provided in Table 2.24, "Non-Residential Zoning Districts Dimensional Requirements."

2.23.5 Site and building design standards.

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

2.24 C-1 - Local Commercial District

2.24.1 Statement of purpose and intent.

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

A. To provide convenient local retail shopping and service areas within the city for all residents;
B. To provide for auto-oriented needs outside of the Neighborhood Center, Town Center and Regional Center character areas, but to focus on the pedestrian oriented development within these districts;
C. To provide for quality control in development through materials and building placement;
D. To assure that the uses authorized within the C-1 (Local Commercial) District are those uses which are designed to serve the convenience shopping and service needs of groups of neighborhoods;
E. To implement the future development map of the city's comprehensive plan.

2.24.2 Permitted and special land uses.

A. Permitted uses and uses requiring special land use permits shall be as provided in Table 4.1. In cases where a use is permitted, but there are supplemental use regulations for that use specified in article 4, such regulations shall also apply and must be complied with.

2.24.3 Dimensional requirements.

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

2.24.4 Site and building design standards.

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

2.25 C-2 - General Commercial District

2.25.1 Statement of purpose and intent.

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

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

2.25.2 Permitted and special land uses.

A. Permitted uses and uses requiring special land use permits shall be as provided in Table 4.1. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4, such regulations shall also apply and must be complied with.

2.25.3 Dimensional requirements.

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

2.25.4 Site and building design standards.

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

2.26 OD - Office-Distribution District

2.26.1 Statement of purpose and intent.

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

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

2.26.2 Permitted and special land uses.

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

2.26.3 Dimensional requirements.

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

2.26.4 Site and building design standards.

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

2.27 OI - Office-Institutional District

2.27.1 Statement of purpose and intent.

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

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

2.27.2 Permitted and special land uses.

A. Permitted uses and uses requiring special land use permits shall be as provided in Table 4.1. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4, such regulations shall also apply and must be complied with.

2.27.3 Dimensional requirements.

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

2.27.4 Site and building design standards.

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

2.28 OIT - Office-Institutional-Transitional District

2.28.1 Statement of purpose and intent.

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

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

2.28.2 Permitted and special land uses.

A. Permitted uses and uses requiring special land use permits shall be as provided in Table 4.1. In cases where a use is permitted, but there are supplemental use regulations for that use specified in article 4, such regulations shall also apply and must be complied with.

2.28.3 Dimensional requirements.

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

2.28.4 Site and building design standards.

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

2.29 M - Light Industrial District

2.29.1 Statement of purpose and intent.

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

A. To provide areas for the establishment of businesses engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment and the sale and distribution of such goods, merchandise or equipment in locations so designated in the comprehensive plan;
B. To provide an environment for light industrial uses that produces no appreciable impact on adjacent properties and preserve the appeal and appearance of residential and commercial areas;

C. To assure that all establishments located within the M (Light Industrial) District operate in compliance with the noise standards contained in this chapter and that any negative noise impact resulting from the use of land within the M (Light Industrial) District is contained within the boundaries of said district and does not create noise problems for adjoining residential, office or commercial districts;
D. To provide an area within City of Stonecrest for recycling and green businesses to locate;
E. To generate employment opportunities and economic development;
F. To assure that M (Light Industrial) districts are so located that transportation access to thoroughfares and freeways is available;
G. To allow for the conversion of industrial buildings which are fifty (50) years of age or older to multi-family dwellings so as to promote living and working space as well as historic preservation;
H. To implement the future development map of the city's most current comprehensive plan.

2.29.2 Permitted and special land uses.

A. Permitted uses and uses requiring special land use permits shall be as provided in Table 4.1. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4, such regulations shall also apply and must be complied with.
B. In cases where a permitted use in the M District is adjacent to a residential zoning, the use may have to obtain a SLUP from City Council. See Article 4 Use Table and Supplemental Regulations.

2.29.3 Dimensional requirements.

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

2.29.4 Site and building design standards.

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

2.29.5 Multi-family use provisions for industrial conversion.

A. The conversion of industrial buildings to residential use shall be permitted by a special land use permit. The following shall be considered:
    1. Whether the building is located on the interior or periphery of an established industrial park or area;
    2. Whether the building or area should no longer be used for industrial uses;
    3. Adequate parking is provided in accordance with article 7, for multi-family or live- work.

2.30 M-2 - Heavy Industrial District

2.30.1 Statement of purpose and intent.

The purpose and intent of the City Council in establishing the M-2 (Heavy Industrial) District is as follows:
A. To provide areas for manufacturing, warehousing and distribution facilities at locations so designated in the comprehensive plan;
B. To provide for a location for intense industrial uses that do not require and may not be appropriate for a nuisance free environment;
C. To provide for a location that allows nuisances such as noise, vibration and other impacts which cannot be contained on-site;

D. To assure that all businesses located within the M-2 (Heavy Industrial) District operate in compliance with the noise standards contained in this chapter and that any negative noise impact resulting from the use of land within the M-2 (Heavy Industrial) District is contained within the boundaries of said district and does not create noise problems for adjoining residential, office or commercial districts;
E. To assure that industrial districts are so located that transportation access to thoroughfares and freeways is available;
F. To implement the future development map of the city's most current comprehensive plan.

2.30.2 Permitted and special land uses.

A. Permitted uses and uses requiring special land use permits shall be as provided in Table 4.1. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4, such regulations shall also apply and must be complied with.

2.30.3 Dimensional requirements.

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

2.30.4 Site and building design standards.

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

2.30.5 Solid waste facility/landfill use provisions.

Any solid waste facility, solid waste handling facility, or landfill must obtain a special land use permit from the City Council and a modification or addition of zoning conditions that specifically authorizes and identifies all necessary zoning requirements for each such facility. If granted, the zoning district classification for such property shall be identified as M-2 (Conditional Landfill).

3 Article 3. - Overlay District Regulations

3.1 Overlay Districts

3.1.1 Overlay districts generally.

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

A. All development and building permits for lots located, in whole or in part, within any overlay district shall meet all of the regulations of the underlying zoning district in which they are located as well as all of the regulations of the applicable overlay district.
B. For new development after the effective date of this chapter, when no complete application for a land disturbance or building permit has been filed with respect to a property located within an overlay district and the property has conditions of zoning that were approved prior to, and in conflict with the overlay district regulations contained in this article, the overlay district regulations shall prevail. If a condition of zoning does not conflict with the overlay district regulations, the condition of zoning shall remain applicable to the property.

C. For existing development, if overlay district regulations conflict with the conditions of zoning applicable to property within in an overlay district, the existing zoning conditions remain applicable to the property.
D. If a use is permitted in the overlay district, but the underlying zoning requires a special land use permit for the same use, the overlay shall govern, and no special land use permit is required.
E. If overlay district regulations conflict with other regulations contained in this chapter, the overlay district regulations shall prevail.
F. The use of property may be permitted without rezoning if listed as allowed by the overlay. Uses allowed by the underlying zoning in article 4, shall also be permitted in the overlay district, unless they are listed as prohibited within the overlay district.
G. Each application for a business license, land disturbance permit, building permit or sign permit, which involves the development, use, exterior alteration, exterior modification or addition of any structure, must demonstrate compliance with all overlay district regulations, subject to article 8, nonconforming uses, structures and buildings.
H. The zoning district designations contained in article 3, titled Overlay District Regulations, were not revised to reflect the new zoning district designations utilized in the updated zoning ordinance. Any discontinued zoning district references contained in this article 3 shall therefore be construed using the conversion chart contained in Table 1.1 of article 1 of the zoning ordinance and applied as appropriate to the updated provision of the zoning ordinance.

3.1.2 Purpose and intent.

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

3.1.3 Plan submittal, review, and approval

A. **Pre-submittal conference.** Prior to the submittal for review of a land disturbance or building permit application for property located within an overlay district, the applicant and the staff shall have a preliminary meeting to discuss the submittal requirements.
B. **Conceptual plan submittal requirements.** As part of any land-disturbance permit, building permit, or sign permit application, the applicant shall submit to the director of planning a conceptual plan package and a final design package. Each package must include full architectural and landscape plans and specifications. The submitted plans must include a site plan, architectural elevations and sections; renderings depicting the building design including elevations and architectural details of proposed buildings, exterior materials and colors, and plans and elevations of all hardscape, landscape and signs, all of which shall demonstrate that the proposed design is in compliance with all the requirements of the applicable overlay district and the underlying zoning classification. If the proposed development is also located in an historic district as designated in the Code, the development shall also comply with the regulations established for the historic district in chapter 13.5 of the Code.
C. **Review by staff.** Staff will review the conceptual plans for compliance with specifications and design guidelines contained in this zoning ordinance. If the application fails to comply with any section in this zoning ordinance, the application shall be marked "failed compliance," shall be returned to the applicant with any comments and/or redlines for revisions, and may be re-submitted with corrections addressing the staff's comments and/or redlines for further consideration. Once the application is found to comply, the final design shall be forwarded to the director of planning for approval.

1. Where the director of planning determines that said plans comply with the requirements of the overlay district, the director of planning shall approve the plans for compliance as part of the application for land disturbance, building or signs permits.
2. Where the director of planning determines that submitted conceptual plans do not comply with the requirements of this chapter, then the director of planning shall notify the applicant in writing of the manner in which the conceptual plans fail to comply with such requirements. All applications shall be considered and decided by the director of planning within thirty (30) days of receipt of a complete application.
3. Any appeal to vary overlay district development standards shall be to the zoning board of appeals pursuant to article 8.

D. **Fees.** Plans shall be accompanied by an application and payment of a fee in an amount determined by the city council.

3.1.4 Conceptual plan package review.

A. The conceptual plan package shall include the following:
1. A narrative addressing the proposed development explaining how it meets the purpose, intent, and standards of this article. The narrative shall include a tabulation of the approximate number of acres for each different land use type within the project, the approximate number of dwelling units by type, the approximate gross residential density, the approximate commercial density as well as square feet, the common open space acreage, the approximate open space acreage, the anticipated number, type and size of recreational facilities and other public amenities, and the legal mechanism for protecting and maintaining common/public open, as required in article 5;
2. A site location map showing the proposed development, abutting properties, the access connections of the proposed development to surrounding and existing development, and transitional buffer zones, if required;
3. A multimodal access plan, prepared at a scale not greater than one inch equals one hundred feet (1"=100'), to demonstrate a unified plan of continuous access to and between all structures in the proposed development and adjacent properties where connections are appropriate.
    a. The multimodal access plan shall cover the entire proposed development along with public right-of-way of adjoining streets and any other property lying between the subject property and any primary or secondary streets. Safe and convenient pathways shall be provided from sidewalks along streets to each structure entrance, including pedestrian access routes across parking lots and between adjacent buildings within the same development. Connections to available transportation nodes, such as driveways, sidewalks, and bike paths shall be shown along adjacent streets and those entering adjoining properties.
    b. Where an existing or planned public transportation station or stop is within one thousand two hundred fifty (1,250) feet from the nearest boundary of the subject property, the access plan shall show how pedestrians may safely travel from such station or stop to the subject property.
    c. Where an existing or planned bike path is located within one thousand five hundred feet (1,500) feet from the nearest boundary of the subject property, the

access plan shall show how safe, continuous and convenient bicycle access shall be provided to the subject property.

4. Two (2) copies of a plan drawn to a designated scale of not less than one inch equals one hundred feet (1"=100'), certified by a professional engineer or land surveyor licensed by the state, presented on a sheet having a maximum size of twenty-four (24) inches by thirty-six (36) inches, and one (1) eight and-one-half (8.5) inches by eleven (11) inches reduction of the plan. A ".jpg" copy of the plan shall be e-mailed to the director of planning. If presented on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. Such plan shall contain the following information:
    a. Boundaries of the entire property proposed to be included in the development, with bearings and distances of the perimeter property lines;
    b. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics;
    c. Location and approximate dimensions in length and width, for landscape strips and required transitional buffers, if any;
    d. Existing topography with a maximum contour interval of five (5) feet and a statement indicating whether it is an air survey or field run;
    e. Delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or City of Stonecrest;
    f. Delineation of any jurisdictional wetlands as defined by Section 404 of the Federal Clean Water Act;
    g. Approximate delineation of any significant historic or archaeological feature, grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact it;
    h. Delineation of all existing structures and whether they will be retained or demolished;
    i. General location, in conceptual form, of proposed uses, lots, buildings, building types and building entrances;
    j. Height and setback of all existing and proposed buildings and structures;
    k. Location, size and number of all on-street and off-street parking spaces, including a shared parking analysis, if shared parking is proposed;
    l. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets;
    m. Conceptual plans for drainage with approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed;
    n. Development density and lot sizes for each type of use;
    o. Areas to be held in joint ownership, common ownership or control;
    p. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets;
    q. Location of proposed sidewalks and bicycle facilities, trails, recreation areas, parks, and other public or community uses, facilities, or structures on the site;
    r. Conceptual layout of utilities and location of all existing and proposed utility easements having a width of ten (10) feet or more;

s. Standard details of signs, sidewalks, streetlights, driveways, medians, curbs and gutters, landscaped areas, fencing, street furniture, bicycle lanes, streets, alleys, and other public improvements demonstrating compliance with the design guidelines for the overlay district; and
t. Seal and signature of the professional preparing the plan.

5. Two (2) copies of the conceptual building designs including elevation drawings drawn to a scale of not less than one-sixteenth-inch equals one (1) foot showing architectural details of proposed building, exterior materials, all of which demonstrate that the proposed design is in compliance with the Subarea Overlay District in which it is located. Drawings shall be presented on a sheet having a maximum size of twenty-four (24) inches by thirty-six (36) inches, along with one (1) eight and-one-half (8½) inches by eleven (11) inches reduction of each sheet. A ".pdf" copy of the drawings shall be e-mailed to the director of planning. If the drawings are presented on more than one (1) sheet, match lines shall clearly indicate where the several sheets join.
6. Lighting plan. See article 5.
7. Traffic study. See article 5.

3.1.5 Final design package.

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

3.2 Arabia Mountain Conservation Overlay District

3.2.1 Applicability of regulations.

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

3.2.2 Purpose and intent.

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

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

B. To provide reasonable and creative planning and development within the AMCOD while preserving the natural landform and features, trees and tree canopy, and the views to and from Arabia Mountain as indicated on the adopted map;
C. To assure that all activities and authorized uses of land allowed within the AMCOD, whether allowed uses or permitted uses, are activities or uses which are designed so as not to detract from or damage the protected natural resources and scenic beauty of this district;
D. To encourage and promote the dedication of conservation easements to appropriate public and not-for-profit entities established and authorized to hold easements in perpetuity pursuant to the Georgia Uniform Conservation Easement Act (O.C.G.A. 44-10 and 12-6A) , for the purposes of protecting historical and arch logical areas, the habitat of endangered or threatened animal and plant species (as defined in the federal Endangered Species Act U.S.C. 1531 and the Endangered Wildlife Act of 1973), providing passive recreational and educational opportunities, preserving the cultural history of the area, protecting open space within the city, and protecting scenic views to and from Arabia Mountain; and
E. To provide consistent development standards that will adhere to common design characteristics that include but are not limited to: deep setbacks from the main road; strategic buffer zones; home “clustering”; shorter streets within a development and shared open spaces connected by trails, walkways and paths.

3.2.3 District boundaries.

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

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

3.2.4 Principal uses and principal structures.

A. The principal uses of land and structures which are allowed in the AMCOD are as is provided by the applicable underlying zoning district, except for those listed in B below, subject to the limitations and standards contained within this district. Additional permitted uses are as follows:
    1. Recreation, passive and Nature preserve
    2. Dog Parks
    3. Bed and Breakfast homes
    4. Outdoor Concert halls
    5. Urban Gardens
B. Prohibited uses. The following principal uses of land and structures shall be prohibited within the AMCOD:
    1. Adult and Sexually oriented businesses
    2. Ambulance service facility, Private ambulance service, Dispatch office
    3. Automobile and truck rental and leasing, Automobile brokerage, Automobile mall, Automobile recovery and storage, Automobile rental and leasing, Automobile repair and

maintenance, major, Automobile repair and maintenance, minor, Automobile sales, Automobile service station, Automobile upholstery shop, Automobile wash/wax service, Recreational vehicle/boat sales and service, Freight service, Transportation equipment and storage or maintenance (vehicle), and Vehicle storage yard

4. Bus station or terminal
5. Check cashing facility
6. Coliseum or stadium, except for outdoor Concert Halls
7. Commercial parking garage/structure; Commercial parking lots
8. Convenience store
9. Drive-in Theater
10. Drive-through facilities
11. Fairground or Amusement Park
12. Fuel Dealers, Fuel Pumps and Accessory Fuel Pumps (Gas Stations)
13. Heavy equipment storage
14. Liquor Store
15. Mortuary or Crematorium
16. Motel or Extended Stay Motel
17. Nightclub or late-night establishment
18. Outdoor storage, mini-warehouses, and storage buildings
19. Pawn shops
20. Salvage yards and junk yards
21. Shelter for homeless persons
22. Solid waste disposal, Private industry solid waste disposal facility
23. Small box discount stores
24. Transitional housing facility
25. Truck stops
26. Warehouses

3.2.5 Accessory uses and accessory structures.

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

3.2.6 General Development Standards

The following apply to all development in the AMCOD.

A. **Lot coverage** within the AMCOD shall not exceed twenty-five (25) percent of net lot area. This does not apply to any lot in the R-100, R-85, R-75, or R-60 zoning district if a certificate of occupancy for the house thereon was issued prior to August 7, 2017, and if the lot is less than one-half (1/2) acre.

B. **Clearing and grading of lots**. No lot shall be cleared and graded to an extent exceeding thirty-five (35) percent of the net lot area. Said limitation is intended to permit twenty-five (25) percent lot coverage as allowed in section 3.4.7 above, and to permit appropriate slopes from the remaining natural land contours to the finished site grades. This does not apply to any lot in the R-100, R-85, R-75, or R-60 zoning district if a certificate of occupancy for the house thereon was issued prior to August 7, 2017, and if the lot is less than one-half (1/2) acre.

C. **Protection of steep slopes**. No lot or portion of a lot having a grade more than fifteen (15) percent shall be altered.

D. **Driveways.** The director of planning is authorized to approve shared driveways for two (2) or more dwellings within the Arabia Mountain Natural Resource Protection Overlay District to minimize lot coverage and tree removal within the district.
E. **Lighting.** No light standard shall be installed that extends above the height of the tree canopy. No lighting element of any kind shall be placed upon any structure so as to extend above the height of the tree canopy. No light spillage of any kind is permitted above said tree canopy except as may be otherwise required by any applicable requirement of federal, state or local law.
F. **Tree removal and replacement.** No trees other than dead, dangerous or diseased trees shall be removed from any lot except within areas of permissible grading as provided in subsection B above. Removal of trees should be certified by an arborist and/or by city permit.

3.2.7 Residential Development Standards.

A. Residential Infill. Single homes should be built to the underlying zoning district standards.
B. Conservation Communities (residential/subdivisions)
    1. **Maximum density.** Eight (8) dwelling units to the acre of total land area excluding undevelopable areas listed below:
        a. Streams and stream buffers
        b. Wetlands
        c. Rock outcroppings
        d. Slopes steeper than 1:2 slope
        e. Sites of archaeological significance
        f. Floodplains
        g. Areas intended to be dedication for right of way
    2. **Density Bonus**. The director of planning is authorized to approve an increase of up to twenty-five (25) percent in housing density within the district for any parcel of land having a single-family residential zoning classification.
        a. In making application to the director of planning the applicant shall present a site plan in which required lot coverage limitations are met. The site plan shall further demonstrate that the tree canopy will be preserved and protected. In approving any such plan, the director of planning is authorized to approve gravel or other permeable surface for driveways and parking areas where it is demonstrated that such permeable surface will aid in minimizing damage to the root system of trees and will prevent the impaction of soil under the canopies of trees. It is the intent of these regulations that houses be spread out rather than clustered in the effort to protect and preserve the tree canopy which is essential to the maintenance of the character of the district.
    3. **District Standards.**
        a. Minimum lot width: Seventy (70) feet as measured from the front building setback line; except for a lot on a cul-de-sac, which shall have a measurement of thirty-five (35) feet
        b. Minimum lot area: Seven thousand five hundred (7,500) square feet, except that each lot on the periphery of the development is at least ten thousand (10,000) square feet.
        c. Minimum side-yard setback: 10 ft.
        d. Maximum single-family dwelling lot coverage: 50%

4. **Greenspace:** Thirty (30) percent of the total land area must be designated greenspace. Sixty (65) percent of the greenspace should be in a contiguous tract.
    a. Green Space may consist of:
        i. Natural undisturbed areas
        ii. Passive recreational areas
        iii. Trails and Green ways
        iv. Bikeways and paths
        v. Mature wooded areas
    b. Greenspaces shall be preserved and maintained by one of the following:
        i. Establishment of a mandatory homeowner's association (HOA) to own and maintain the common green space.
        ii. Dedication of legally described and platted "greenspace" to a land trust.
5. Minimum building setback adjacent to public or private street(s):
    a. From thoroughfares, arterials, and collectors: 30 ft.
    b. Local streets: 20 ft.

C. **Road Specifications**. All roads shall be built in accordance with Chapter 14. In the event of a conflict, the provisions of this section shall control. The design of the streets must be designed as noted below with the approval of the City Engineer:
1. Minimal amount of cul-de-sac streets by providing more than one entrance to the to the development and interconnect streets as much as possible.
2. Cul-de-sac streets must minimize the amount of impervious surface by limiting the internal radius to thirty (35) feet and the width of the paved lane to sixteen (16) feet. Use grass and vegetation for the inner circle of turnarounds, rather than paving the whole area. Declare the HOA responsible for the maintenance of the grassy area in the neighborhood bylaws.
3. Omit curbs where possible.
4. As an alternative to curbs and gutters, allow run off from roofs and pavements to pass immediately through grass swales or infiltration basins. Use plant materials that will absorb rainwater and act as a natural filter to oil and pollution.
5. Provide marked, paved paths for non-vehicular traffic within the development and connecting neighboring residential and commercial areas.

D. **Buffer Requirements.** An exterior boundary buffer is required (per community/subdivision). The land area designated to the exterior buffer may be used as part of the required greenspace. The buffer area shall not be included as part of any platted residential lot within the community/subdivision.
1. Lots less than 10,000 sq. ft. = 25 ft.
2. Lots between 10,000-15,000 sq. ft. = 30 ft.
3. Lots greater than 15,000 sq. ft.= 50 ft.

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

3.2.8 Non-Residential Development Standards.

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

B. **Design Standards.** New commercial buildings and renovations in the AMCOD shall conform to the guidelines noted below.

1. **Pedestrian Amenities.** All buildings shall be configured to allow safe, convenient, direct and continuous access for pedestrians to all primary building entrances. Principle building entry shall open directly on to the public right-of-way**.**
2. **"Build-to" line (i.e. "Building façade line").** The building shall be setback five (5) feet from the buildable areas as indicated with in their approved site plan. Awnings and canopies are not counted in building façade line determination. Permanent structures other than buildings, such as ATMs and similar elements, shall not be located closer to the street than the building façade lines.
3. **Building height.** All new buildings shall be no more than two (2) stories, maximum height thirty (35) feet.
4. **Façade articulation**. Street-facing building facades shall be horizontally divided by floors using architectural means such as string courses, recesses, reveals or the like. They shall also be vertically divided utilizing Major and Minor Articulations to create visual interest and avoid monotony.
    a. Major Articulations shall occur at least every sixty (60) feet of horizontal façade length and may be accomplished through: a change of façade materials extending from grade through the cornice; change in storefront systems; physical off-sets; and/or similar means intended to convey the impression of separate buildings.
    b. Minor Articulations shall occur approximately every thirty (30) feet of horizontal façade length and may be accomplished by: the use of pilasters; the use of off-sets; or similar means intended to create the appearance of structural bays.
5. **Entrances.** All first story uses adjacent to a sidewalk shall have a primary pedestrian entrance, which faces, is visible from, and is directly accessible from said sidewalk. All first story businesses with more than sixty (60) feet of frontage along sidewalks shall provide one (1) pedestrian entrance for every sixty (60) linear feet of frontage or fraction thereof.
6. **Parking.** Parking areas should be located to the side or rear of the building. When parking areas are in front of the building, a buffer of 10 feet of shrubbery or landscape trees is required. All vegetation should be native to the region.
7. **Cross Access.** In order reduce traffic conflicts, cross access drives with adjacent properties must be considered. This may include the interconnection of parking areas or a shared drive between properties.
8. **Storefront canopies.** Canopies of at least five (5) feet in depth extending over the sidewalk are recommended at all retail frontage for relief from inclement weather and for shade. These should be roofed with glass, metal, or fabric wholly supported by brackets or cables attached to the building façade. Columns to support canopies are not permitted in the public right of way (hereafter called "R.O.W."). Awnings and canopies shall not include signage on them, except when such signage is located within an apron that is less than twelve inches in height and is subject to all other applicable sign requirements of this document.
9. **Awnings**. Awnings shall be of canvas and similar fabrics, fixed metal, or similar materials. Internally lit awnings and canopies that emit light through the awning or canopy material are prohibited.

10. **Building Finish Materials**. Each street-facing building facade shall have an exterior finish skin primarily of Lithonia tidal grey granite. Material that may be combined with the granite is limited to wood, exterior brick, cementitious stucco, rustic or cut stone, architectural cast concrete, and glass panels. No more than two additional materials may be used. Concrete masonry units or artificial materials having the appearance of wood, and/or stone are not permitted as a finish material.
    a. Decorative embellishments shall be permanent in nature and shall be of the following materials: copper, brass, bronze, cast concrete, formed exterior plaster, porcelain tile, terracotta, formed metals, glass, wood. No artificial materials having the appearance of wood, and/or stone should be used.
    b. Primary building façade materials shall be combined only horizontally, with the heavier appearing one(s) below the lighter appearing (ones). This shall not apply to embellishments, storefronts systems, or windows frames.
11. **Lighting.** Building facades facing a public R.O.W. shall be illuminated for safety and aesthetics. Lighting shall be designed to avoid producing glare in the public R.O.W. Lighting should be downcast with a zero-degree tilt. Fixtures should not exceed 15 feet in height. Light spillage onto adjacent residential properties shall be minimized by cutoff luminaires.
12. **Utility service lines.** Must be provided via underground conduit or pipes. Overhead utility service is not permissible in the Overlay. New construction on existing sites within Overlay must include replacement of all above-ground utility service lines with underground service or otherwise fully concealed utility service to buildings and sites.
13. **Building Numbering.** Building numbering shall be located above or beside primary entrances of building. Numbering shall be clearly visible from sidewalks. All numbering shall be 6 inches in height.
14. **Dumpsters, Loading Areas and Mechanical Electrical and Plumbing Features** shall be screened so as not to be visible from any public plaza, outdoor dining area, public R.O.W., or residential area. All dumpsters shall be located behind buildings and shall be enclosed by opaque fences or walls made of stone, brick, wood, or stucco; and these enclosures shall have opaque gates made of wood or metal. Chain-link gates are not permitted.
15. **Rooftop Mechanical** features shall be set at least ten (10) feet from the edges of roofs and screened vertically from view through use of parapet walls or similar features. Additionally, all such features greater than five (5) feet in height shall be set at least twenty (20) feet behind front building façades.

3.2.9 Height limitation.

A. Except as provided in section 5.2.5, and in subsection B., no building or structure within the Arabia Mountain Natural Resource Protection Overlay District shall exceed a height of thirty-five (35) feet, all other requirements of this chapter notwithstanding.

B. If the placement of a telecommunications tower or antenna within this overlay district in excess of thirty-five (35) feet in height is mandated by federal law, said tower or antenna, in addition to meeting all other standards and criteria applicable thereto, shall meet the following design requirements:
    1. No portion of any such tower or antenna shall extend a distance of more than ten (10) feet above the top of the tree canopy existing on the lot upon which the tower or antenna

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

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

3.2.10 Conservation Easements.

A. The director of planning shall record, after approval by the city attorney and the city council, conservation easements within the Arabia Mountain Natural Resource Protection Overlay District which are made in favor of City of Stonecrest, Georgia.
B. The director of planning shall cause to be noted on the official zoning maps any conservation easements granted within the district to any public or private entity authorized to hold such easements.

3.2.11 AMCOD Advisory Committee

The Mayor and City Council may create an AMCOD advisory committee pursuant to Chapter 2. The AMCOD advisory committee may meet with applicants for variances, rezoning and special land use permit applications prior to the submission of the application to the Planning Commission or Board of Zoning Appeals. The AMCOD advisory committee shall act in an advisory capacity only and may present its recommendations on each application in writing to the Planning Commission or Board of Zoning Appeals, applying the standards or criteria contained in Article 8. The failure of the AMCOD to make a recommendation on an application shall not invalidate any zoning decision or decision on a variance and shall not be a condition precedent to final action on the application.

3.3 Stonecrest Area Overlay District

3.3.1 Applicability of regulations.

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

3.3.2 Purpose and intent.

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

A. To preserve, protect and enhance existing and proposed open space networks that are adjacent to or within the Stonecrest Area;
B. To enhance the long-term economic viability of this portion of City of Stonecrest by encouraging new commercial and residential developments that increase the tax base and provide jobs to the citizens of City of Stonecrest;
C. To implement the policies and objectives of the comprehensive plan and the policies and objectives of the design guidelines for the Stonecrest Overlay District;

D. To establish and maintain a balanced relationship between industrial, commercial, and residential growth to ensure a stable and healthy tax base in City of Stonecrest;
E. To provide a balanced distribution of regional and community commercial and mixed- use office centers;
F. To support high density housing in office and mixed-use centers which have the appropriate location, access, and infrastructure to accommodate it;
G. To encourage mixed-use developments that meet the goals and objectives of the Atlanta regional commission's smart growth and livable centers initiatives;
H. To allow flexibility in development standards in order to encourage the design of innovative development projects that set high standards for landscaping, greenspace, urban design, and public amenities;
I. To encourage an efficient land use and development plan by forming a live-work-play environment that offers employees and residents the opportunity to fulfill their daily activities with minimal use of single-occupant automobiles;
J. To allow and encourage development densities and land use intensities that are capable of making productive use of alternative transportation modes such as bus transit, rail transit, ridesharing, bicycling and walking;
K. To focus and encourage formation of a well-designed, pedestrian-friendly activity centers with high-density commercial and residential development that increases vitality and choices in living environments for the citizens of the City of Stonecrest;
L. To protect established residential areas from encroachment of uses which are either incompatible or unduly cause adverse impacts on such communities;
M. To protect the health, safety and welfare of the citizens of the City of Stonecrest;
N. To promote uniform and visually aesthetic architectural features which serve to unify the distinctive visual quality of the Stonecrest Area Overlay District.

3.3.3 District boundaries.

A. The boundaries of the Stonecrest Area Overlay District composed of Tiers 1, 2, 3, 4, 5 and a Viewshed Zone as described in the subparagraph B below, shall be depicted on the official zoning maps entitled "Official Zoning Map, Stonecrest, Georgia, Stonecrest Area Overlay District" (the "Stonecrest Overlay Maps"). The Stonecrest Overlay Maps are to be adopted contemporaneously with this chapter, together with all explanatory information contained or referenced thereon, is hereby adopted by reference, and declared to be a part of this chapter.
B. The boundaries of the Stonecrest Area Overlay District shall be divided into three (3) development tiers as follows:
    1. Tier 1: High-Rise Mixed-Use Zone;
    2. Tier 2: Mid-Rise Mixed-Use Zone;
    3. Tier 3: Low-Rise Mixed-Use Zone;
    4. Tier 4: Transitional Mixed-Use Zone;
    5. Tier 5: Cluster/Village Mixed-Use Zone
    6. Viewshed Zone
C. The Stonecrest Overlay Maps shall be adopted contemporaneously with this chapter in digital format to be maintained in its original, unedited, and unaltered form by the clerk to the city council. A printed copy of the Stonecrest Area Overlay maps on the date of its initial adoption shall also be maintained in its original, unedited, and unaltered form by the clerk to the city council.

3.3.4 High-Rise Mixed-Use Zone (Tier 1).

A. **Permitted principal uses and structures.** The principal uses of land and structures allowed in the Tier 1: High Density Mixed-Use Zone of the Stonecrest Area Overlay District are as provided below:

1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, O-D (Office-Distribution) District, and MU-1,2,3,4,5 (Mixed Use Districts) except those listed in B., below.

B. **Prohibited uses**. The following principal uses of land and structures are prohibited within Tier 1:

1. Adult and Sexually oriented businesses.
2. Automobile emission testing facilities
3. Automobile sales.
4. Automobile title loan establishments.
5. Automobile repair and maintenance, major.
6. Automobile and truck rental and leasing.
7. Automobile wash/wax service.
8. Commercial parking lots.
9. Check cashing facility.
10. Drive-through facilities.
11. Extended Stay Motel.
12. Farm equipment and supplies sales establishment
13. Flea Markets
14. Gasoline stations/Fuel Pumps
15. Kennels.
16. Outdoor amusement services facilities.
17. Outdoor storage.
18. Pawn shops.
19. Repair, small household appliance.
20. Salvage yards.
21. Small Box Discount Stores
22. Tire retreading and recapping

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

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

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

E. **Height of buildings and structures**.

1. A building or structure in Tier 1 may exceed the five-story height limit without the necessity of obtaining a special land use permit.
2. A parking deck may exceed five (5) stories in height; however, a parking deck cannot exceed ten (10) stories in height either as a separate deck structure or as part of an office building.

F. **Density.** No development in Tier I may exceed a FAR of three and one-half (3.5), unless it also provides additional public space or other amenities singly, or in combination as provided in subsection G below.
    1. Bonus density: In exchange for providing one (1) or more of the amenities shown in Table 3.1 an applicant may receive a density bonus as provided in Table 3.1, not to exceed a total FAR of six (6.00).

Table 3.1. Bonus FAR: Tier 1

Additional Amenity	Increased FAR
Increase public space to 25 percent while providing connectivity	0.75
Increase public space to 30 percent while providing connectivity	1.50
Mixed-use building that combines office-institutional with commercial retail uses. Each mixed-use building shall include one principal use and at least one secondary use. No primary or secondary use shall constitute less than ten percent (10%) of the gross floor area of the building.	0.25
Mixed-use building that includes multifamily residential units constituting at least 8 units per acre of land, and constructed in the same building with office, institutional, commercial or retail uses.	0.5

G. **Required parking**. Required parking may be provided through a combination of off-street, on-street, or shared parking provided that all required parking is located within seven hundred (700) feet of the principal entrance of buildings which it is intended to serve. The minimum number of required parking spaces shall be as provided in article 7, except as follows:
    1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four (4) spaces per one thousand (1,000) square feet of gross floor area.
    2. Office and clinic uses: Minimum of three (3) spaces per one thousand (1,000) square feet of gross floor area.
    3. Hotel and motel uses: Minimum of one (1) space per unit.
    4. Multifamily residential uses: Minimum of one and one-quarter (1.25) spaces per dwelling unit.
H. **Sidewalks.** Sidewalks must be provided on all public streets. Sidewalks must be at least five (5) feet in width except for sidewalks along streets and in front of proposed high-rise buildings which must be at least ten (10) feet in width

3.3.5 Mid-Rise Mixed-Use Zone (Tier 2).

A. **Permitted principal uses and structures.** The principal uses of land and structures allowed in the Tier 2: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay District are as provided below:
    1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, O-D (Office-Distribution) District, and MU-1,2,3,4, (Mixed Use Districts) except those listed in B., below.

B. **Prohibited uses**. The following principal uses of land and structures are prohibited within Tier 2:

1. Adult and Sexually oriented businesses.
2. Automobile emission testing facilities
3. Automobile sales.
4. Automobile title loan establishments.
5. Automobile repair and maintenance, major.
6. Automobile and truck rental and leasing.
7. Automobile wash/wax service.
8. Commercial parking lots.
9. Check cashing facility.
10. Drive-through facilities,
11. Extended Stay Motel.
12. Farm equipment and supplies sales establishment
13. Flea Markets
14. Gasoline stations/Fuel Pumps
15. Kennels.
16. Late-night establishments
17. Liquor stores
18. Nightclubs
19. Outdoor amusement services facilities.
20. Outdoor storage.
21. Pawn shops.
22. Repair, small household appliance.
23. Salvage yards.
24. Self-storage facilities
25. Small Box Discount Stores
26. Tire retreading and recapping

C. **Accessory uses and structures**. The following accessory uses of land and structures are permitted in the Tier 2: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:

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

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

E. **Height of buildings and structures.** A building or structure in Tier II can have a maximum height of ten (10) stories. A parking deck may exceed five (5) stories in height; however, a parking deck may not exceed ten (10) stories either as a separate deck structure or as part of an office building.

F. **Density:** No development in Tier II may exceed a FAR of two and one half (2.5), unless it also provides additional public space or other amenities singly, or in combination as provided in subsection G, below.

G. **Bonus density**: In exchange for providing one (1) or more of the amenities shown in Table 3.2 an applicant may receive a density bonus as provided in Table 3.2, not to exceed a total FAR of four (4.00).

Table 3.2. Bonus FAR: Tier 2

Additional Amenity	Increased FAR
Increase public space to 25 percent while providing connectivity	0.75
Increase public space to 30 percent while providing connectivity	1.50
Mixed-use building that combines office-institutional with commercial retail uses. Each mixed-use building shall include one principal use and at least one secondary use. No primary or secondary use shall constitute less than ten percent (10%) of the gross floor area of the building.	0.25
Mixed-use building that includes multifamily residential units constituting at least 8 units per acre of land, and constructed in the same building with office, institutional, commercial or retail uses.	0.5

H. **Required parking**. Required parking may be provided through a combination of off-street, on-street, or shared parking provided that all required parking is located within seven hundred (700) feet of the principal entrance of buildings which it is intended to serve. The minimum number of required parking spaces shall be as provided in article 7, except as follows:

1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four (4) spaces per one thousand (1,000) square feet of gross floor area.
2. Office and clinic uses: Minimum of three (3) spaces per one thousand (1,000) square feet of gross floor area.
3. Hotel and motel uses: Minimum of one (1) space per unit.
4. Multifamily residential uses: Minimum of one and one-quarter (1.25) spaces per dwelling unit.

I. **Sidewalks.** Sidewalks must be provided on all public streets. Sidewalks must be at least five (5) feet in width.

3.3.6 Low-Rise Mixed-Use Zone (Tier 3)

A. **Permitted principal uses and structures.** The principal uses of land and structures allowed in the Tier 2: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay District are as provided below:

1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, O-D (Office Distribution) District, M (Light Industrial) District, MR-2 (Medium Density Residential) District and MU-1,2,3 (Mixed Use Districts) except those listed in B., below.

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

B. **Prohibited uses**. The following principal uses of land and structures are prohibited within Tier 3:

1. Adult and Sexually oriented businesses.
2. Automobile emission testing facilities
3. Automobile sales.
4. Automobile title loan establishments.
5. Automobile repair and maintenance, major.
6. Automobile and truck rental and leasing.
7. Automobile wash/wax service.
8. Commercial parking lots.
9. Check cashing facility.
10. Extended Stay Motel.
11. Farm equipment and supplies sales establishment
12. Flea Markets
13. Gasoline stations/Fuel Pumps
14. Kennels.
15. Late-night establishments
16. Liquor stores
17. Nightclubs
18. Outdoor amusement services facilities.
19. Outdoor storage.
20. Pawn shops.
21. Repair, small household appliance.
22. Salvage yards.
23. Self-storage facilities
24. Small Box Discount Stores
25. Tire retreading and recapping

C. **Accessory uses and structures**. The following accessory uses of land and structures are permitted in the Tier 3: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:
    1. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
    2. Parking lots and parking garages.
    3. Clubhouses, including meeting rooms or recreation rooms.
    4. Swimming pools, tennis courts, and other recreation areas and similar amenities.

D. **Building setbacks**. The following building setback requirements shall apply to all commercial structures in the Tier 2: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:
    1. Minimum front yard setback: Fifteen (15) feet from right-of-way of public street, except that front-facing garages of residential units shall be set back a minimum of twenty-five (25) feet from rights-of-way.
    2. Minimum interior side yard: Ten (10) feet. There shall be a minimum of fifteen (15) feet between buildings and structures less than two (2) stories in height and a minimum of twenty (20) feet between any two (2) buildings and structures when one (1) of them is greater than two (2) stories in height.
    3. Minimum rear yard: Ten (10) feet.

E. **Height of buildings and structures**. Maximum height, three (3) stories.

F. **Density:** No development in Tier III may exceed thirty (30) dwelling units per acre and a combined FAR of one and a half (1.5), unless it also provides additional public space or other amenities singly, or in combination as provided in subsection G, below.

G. **Bonus density**: In exchange for providing one (1) or more of the amenities shown in Table 3.3 an applicant may receive a density bonus as provided in Table 3.3, not to exceed a total FAR of three (3.00).

Table 3.3. Bonus FAR: Tier 3

Additional Amenity	Increased FAR
Increase public space to 25 percent while providing connectivity	0.75
Increase public space to 30 percent while providing connectivity	1.50
Mixed-use building that combines office-institutional with commercial retail uses. Each mixed-use building shall include one principal use and at least one secondary use. No primary or secondary use shall constitute less than ten percent (10%) of the gross floor area of the building.	0.25
Mixed-use building that includes multifamily residential units constituting at least 8 units per acre of land, and constructed in the same building with office, institutional, commercial or retail uses.	0.5

H. **Required parking**. Required parking may be provided through a combination of off-street, on-street, or shared parking provided that all required parking is located within seven hundred (700) feet of the principal entrance of buildings which it is intended to serve. The minimum number of required parking spaces shall be as provided in article 7, except as follows:

1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four (4) spaces per one thousand (1,000) square feet of gross floor area.
2. Office and clinic uses: Minimum of three (3) spaces per one thousand (1,000) square feet of gross floor area.
3. Hotel and motel uses: Minimum of one (1) space per unit.
4. Multifamily residential uses: Minimum of one and one-half (1.5) spaces per dwelling unit.

I. **Parking space area requirements**. Parking space area requirements shall comply with the provisions of section 7.1.3.

J. **Sidewalks.** Sidewalks must be provided on all public streets. Sidewalks must be at least five (5) feet in width.

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

1. New or used motor vehicle dealers must be located on a parcel with a lot area of no less than three (3) acres, and must contain at least six thousand (6,000) square feet of building floor space.
2. New or used motor vehicle dealers must provide vegetative screening along any automobile display areas that abut a public right-of-way. Said vegetative screening shall

be located outside any guard rails or security fencing abutting such public right-of-way. Within three (3) years of planting, the vegetative screening must be of sufficient height to screen all guard rails or security fencing abutting the public right-of-way. Planting materials shall be subject to the approval of the City of Stonecrest Arborist.

3. New or used motor vehicle dealers must provide screening of all maintenance areas and storage yards for automobiles stored for service. Such screening shall be sufficient to shield the maintenance areas and storage yards from visibility from any adjacent properties or public rights-of-way. Should vegetative screening be used, planting material shall be subject to the approval of the City of Stonecrest Arborist.
4. No overhead bay doors opening into vehicle service areas shall be visible from a public right-of-way.

3.3.7 Transitional Mixed-Use Zone (Tier 4)

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

B. **Mixed use requirements.** All properties in Tier 4 which are proposed for new development shall comply with the minimum requirements of this mixed-use development category. Permits for repairs, interior alterations or tenant buildout improvements that do not alter the exterior appearance or the building footprint of the structure shall be exempt from the requirements of this division. Properties in Tier 4 shall contain a minimum of two (2) principal uses and any residential use shall not exceed seventy (70) percent of the total floor area. The mixed-use development may be combined vertically or horizontally in one (1) or more buildings or may be provided in separate buildings or areas within a mixed-use development. A minimum of one residential and one non-residential use must be selected.

C. **Permitted principal uses of land and structures**. The principal uses of land and structures which are allowed in the Tier 4: Transitional Mixed-Use Zone are as is provided below:
    1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, , RM-HD (High Density Residential)Districts and MU-1,2,3 except those listed in B., below.
    2. Single-family detached units that are part of a master planned community so long as such single-family detached units are part of a mixed-use development and so long as the development provides opportunities for lifelong and aging-in-place communities as defined by the Atlanta Regional Commission.

D. **Prohibited uses.** The following principal uses of land and structures are prohibited within Tier 2:
    1. Adult and Sexually oriented businesses.
    2. Automobile emission testing facilities
    3. Automobile sales.
    4. Automobile title loan establishments.
    5. Automobile repair and maintenance, major.
    6. Automobile and truck rental and leasing.
    7. Automobile wash/wax service.

8. Commercial parking lots.
9. Check cashing facility.
10. Extended Stay Motel.
11. Farm equipment and supplies sales establishment
12. Flea Markets
13. Gasoline stations/Fuel Pumps
14. Kennels.
15. Late-night establishments
16. Liquor stores
17. Nightclubs
18. Outdoor amusement services facilities.
19. Outdoor storage.
20. Pawn shops.
21. Repair, small household appliance.
22. Salvage yards.
23. Self-storage facilities
24. Small Box Discount Stores
25. Tire retreading and recapping

E. **Accessory uses and structures**. The following accessory uses of land and structures are permitted in Tier 4: Transitional Mixed-Use Zone:
    1. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
    2. Open space, clubhouse or pool amenity area.
    3. Parking lots and decks.
    4. Signs, in accordance with the provisions of chapter 21 and this chapter.

F. **Mixed-use developments**: Lot width, lot area and setbacks.
    1. Lot width and area. All lots shall have at least one hundred (100) feet of frontage as measured along the public street frontage. Minimum lot area: One (1) acre.
    2. Setback requirements.
        a. Front yard. Minimum of zero (0) feet and a maximum of twenty (20) feet to allow for architectural features, outdoor seating, and other project site amenities.
        b. Side yard. Minimum of zero (0) feet and a maximum of twenty (20) feet to allow for architectural features, outdoor seating, plazas and other project site amenities.
        c. Rear yard. Minimum of twenty (20) feet.
        d. Interior side yard. Minimum of zero (0) feet. However, where an interior side yard is facing a structure with windows on an adjoining lot the distance between the existing structure and the proposed structure shall be a minimum of twenty (20) feet.

G. **Single-family detached units:** Lot width, lot area and setbacks.
    1. Lot width and area. All lots shall have at least fifty (50) feet of frontage as measured along the public street frontage. Minimum lot area. Five thousand (5,000) square feet.
    2. Setback requirements.
        a. Front yard. Minimum of ten (10) feet and a maximum of twenty (20) feet.
        b. Side yard. Minimum of ten (10) feet.
        c. Interior side yard. Minimum of five (5) feet.

d. Rear yard. Minimum of thirty (30) feet.

H. **Single-family attached units:** Lot width, lot area and setbacks.
   1. Lot width and area. All lots shall have at least thirty (30) feet of frontage as measured along the public street frontage.
      a. Minimum lot area. Three thousand (3,000) square feet. Maximum of eight (8) units or two hundred forty (240) feet.
   2. Setback requirements:
      a. Front yard. Minimum of five (5) feet and a maximum of twenty (20) feet.
      b. Side yard. Minimum of fifteen (15) feet between buildings.
      c. Rear yard. Minimum of ten (10) feet.
      d. Structures which are front face to front face, back face to back face, or front face to back face shall be not less than sixty (60) feet apart. Structures which are side face to side face shall not be less than twenty (20) feet apart. Structures which are side face to front face or back face shall be not less than forty (40) feet apart.

I. **Height of buildings and structures**. The maximum height of any mixed-use building or structure shall not exceed five (5) stories or seventy-five (75) feet. Buildings in excess of three (3) stories must be approved by the director of planning to assure adequacy of fire protection facilities and services. The maximum height of any residential single-family detached building or structure shall not exceed a height of thirty-five (35) feet and shall not exceed two stories.

J. **Density and floor area ratios**. Multifamily dwellings may be developed at a density not exceeding thirty (30) dwelling units per acre and the combined floor area ratio for any development shall not exceed one and one-half (1.50).

K. **Density bonus**. The maximum allowable FAR of a building or development in Tier IV shall be increased to a FAR not to exceed a total of three (3.0) if one (1) or more of the additional amenities is provided as described in the table below.

Table 3.4 Maximum Bonus FAR: Tier 4

Additional Amenity	Increased FAR
Increase public space to 25 percent while providing connectivity	0.75
Increase public space to 30 percent while providing connectivity	1.50
Mixed-use building that combines office-institutional with commercial retail uses. Each mixed-use building shall include one principal use and at least one secondary use. No primary or secondary use shall constitute less than ten percent (10%) of the gross floor area of the building.	0.25
Mixed-use building that includes multifamily residential units constituting at least 8 units per acre of land, and constructed in the same building with office, institutional, commercial or retail uses.	0.5

L. **Required parking.** Required parking may be provided through a combination of off-street, on-street, or shared parking provided that all required parking is located within seven hundred (700) feet of the principal entrance of buildings which it is intended to serve. The minimum

number of required parking spaces shall be as provided in the underlying zoning district regulations for the lot except as follows:

1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four (4) spaces per one thousand (1,000) square feet of gross floor area.
2. Office and clinic uses: Minimum of three (3) spaces per one thousand (1,000) square feet of gross floor area.
3. Hotel and motel uses: Minimum of one (1) space per unit.
4. Multifamily residential uses: Minimum of one and one-half (1.5) spaces per dwelling unit.
5. Parking space area requirements shall comply with the provisions of section 6.1.3.
6. Single-family detached residential dwelling units shall have two (2) spaces per unit. Garages and any surface parking areas are to be accessed by shared driveways located at the rear of the residential structure. Garages that face the public right-of-way shall be setback a minimum of twenty (20) feet.

M. **Sidewalks**. Sidewalks at least five (5) feet in width shall be provided on both sides along the right-of-way of all public streets.

3.3.8 Cluster Village Mixed-Use Zone (Tier 5).

A. **Statement of purpose and intent.** The primary intent of Tier 5 is to encourage single-family detached residential developments with associated neighborhood commercial and office uses to serve the convenience needs of the local community in a village or cluster concept. This tier provides for the preservation of open space while allowing compatible development that complements the other Stonecrest Overlay District development categories. Tier V also seeks to preserve the rural and scenic beauty of Arabia Mountain Preserve while providing flexibility to allow for creativity in site design and development. The goal of Tier 5 is to minimize the environmental and visual impacts of new development on natural resources and historically and culturally significant sites and structures while encouraging residential and neighborhood commercial development in a well-planned community.

B. **Principal uses and structures.** All properties in Tier 5 shall be governed by all of the underlying zoning district regulations and the requirements of this section. In addition, all properties in Tier 5 may be used for the following principal uses of land and structures:

1. Adult day care facility.
2. Bed and breakfast inn.
3. Child day care facility.
4. Community facility.
5. Cultural facility.
6. Detached single-family dwelling.
7. Office uses.
8. Personal care facility.
9. Place of worship.
10. Retail, excluding drive-through facilities, automobile service stations, commercial amusements, convenience store, liquor stores, package store, and recreation, indoor.

11. Office/medical
12. Personal Services Establishment

C. **Accessory uses and structures**. The following accessory uses of land and structures shall be authorized in Tier 5:
    1. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
    2. Open space, clubhouse or pool amenity area.

D. **Prohibited uses.** The following principal uses of land and structures are prohibited in Tier 5: Cluster Village Mixed-Use Zone:
    1. Adult and Sexually oriented businesses.
    2. Automobile repair, major.
    3. Automobile sales.
    4. Car wash, self service.
    5. Crematorium.
    6. Farm equipment and supplies sales establishment.
    7. Funeral home.
    8. Go-cart concession.
    9. Hotel/motel
    10. Kennels.
    11. Junkyard.
    12. Late-night establishments.
    13. Liquor stores.
    14. Mortuary.
    15. Multifamily dwelling unit.
    16. Nightclubs
    17. Outdoor storage.
    18. Pawn shops.
    19. Self-storage.
    20. Small Box Discount Stores
    21. Temporary outdoor sales.
    22. Tire retreading and recapping.

E. **Lot width, lot area and setbacks.**
    1. **All single-family detached** residential lots which are located on Klondike Road, Plunkett Road or Rockland Road shall have a minimum of one hundred (100) feet of frontage as measured along the public street frontage.
        a. *Minimum lot area.* Fifteen thousand (15,000) square feet.
        b. *Minimum setback requirements.*
            i. *Front yard.* Thirty-five (35) feet.
            ii. *Side yard.* Thirty-five (35) feet.
            iii. *Rear yard.* Forty (40) feet.
            iv. *Interior side yard.* Ten (10) feet.
    2. **All single-family detached** residential lots which are located on new roadways must have a minimum of fifty (50) feet of frontage as measured along the public street frontage.
        a. *Minimum lot area.* Five thousand (5,000) square feet.
        b. *Minimum setback requirements.*

i. *Front yard.* Minimum of ten (10) feet and a maximum of twenty-five (25) feet.
ii. *Side yard.* Fifteen (15) feet.
iii. *Rear yard.* Twenty (20) feet.
iv. *Interior side yard.* Five (5) feet.

3. **Office and commercial** uses shall not be located along Klondike or Rockland Road. Any uses otherwise authorized in Tier 5 shall be clustered together in a "village" or "hamlet" setting and shall include convenient access to neighboring residential communities in a manner that preserves the open space on the lot. Such uses shall be developed in a manner that also preserves the rural and scenic nature of Tier V and is compatible with the natural design and forestation of the Arabia Mountain Preserve. Such uses shall be developed in a manner that minimizes the environmental and visual impact of new development on the existing natural landscape and the historically and culturally significant sites and structures. To the extent possible, developments shall be constructed in a manner that preserves the bucolic nature and farming community appearance of Tier 5.
    a. Office and commercial uses shall be a maximum of two thousand five hundred (2,500) square feet per tenant space.
    b. Single-use structures shall be a maximum of ten thousand (10,000) square feet.
    c. Lot width and lot area. Office and commercial lots shall be a minimum of twenty thousand (20,000) square feet.

F. **Height of buildings and structures.** No building or structure may exceed thirty-five (35) feet in height or two (2) stories whichever is less.

G. **Required parking**. The minimum number of required parking spaces must be as provided in the underlying zoning district regulations except as follows:
1. Residential, single-family detached: Two (2) spaces.
2. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four (4) spaces per one thousand (1,000) square feet of gross floor area.
3. Office and clinic uses: Minimum of three (3) spaces per one thousand (1,000) square feet of gross floor area.
4. Parking space area requirements shall comply with the provisions of section 7.1.3.

H. **Sidewalks.** A landscape strip must be provided between the curb and the pedestrian travel lane in compliance with land development standards. Sidewalks must be provided along the right-of-way of all public streets.

3.3.9 Viewshed Zone.

A. **Statement of purpose and intent.** The intent of the Viewshed Zone is to promote uniform and visually aesthetic development which serves to unify the distinctive visual quality of the Stonecrest Area Overlay District.

B. **Permitted principal uses and structures.** The permitted principal uses of land and structures for

property in the Viewshed Zone shall be governed by the underlying zoning district regulations.

C. **Accessory uses and structures**. The permitted accessory uses and structures for property in the Viewshed Zone shall be governed by the underlying zoning district.

D. **Prohibited uses.** The following principal uses of land and structures are prohibited in the Viewshed Zone:
   1. Adult and Sexually oriented businesses.
   2. Pawn shops.
   3. Liquor Stores
   4. Check cashing facility.

E. **Lot width, lot area and setbacks.** Lot width, lot area and setbacks of property in the Viewshed Zone shall be governed by the underlying zoning district.

F. **Height of buildings and structures.** The height of buildings and structures on property within the Viewshed Zone shall be governed by the underlying zoning district.

G. **Sidewalks**. A landscape strip must be provided between the curb and the pedestrian travel lane in compliance with land development standards. Sidewalks must be provided along the right-of-way of all public streets.

3.3.10 Transitional buffer zone requirements.

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

3.3.11 Inter-parcel access.

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

3.3.12 Multi-modal access plans required.

A. Each new application for a development permit within the Stonecrest Area Overlay District must be accompanied by a multi-modal access plan as described in Section 3.1.4 Conceptual plan package review.

3.3.13 Shared parking.

A. Shared parking is encouraged and may be authorized by the director of planning. Applicants may make application to the director of planning for authorization for a special exception for

shared parking. Said applications shall be considered and decided by the director of planning pursuant to the standards and procedures set forth in section 7.6.5.

3.3.14 Open space.

A. **Open space***:* Each lot may provide open space. Open space must be a minimum of twenty percent (20%) of the lot. To the extent possible, lands containing streams, lakes, one hundred-year floodplains, wetlands, slopes over fifteen percent (15%) shall remain undisturbed and included in open space. Natural open space areas shall form an interconnected and continuous network of paths, greenways, and trails throughout the development within the Stonecrest Area Overlay District. Credit for open space areas may be transferred from one (1) parcel to another within overall developments that remain under unified control of a single property owner or group of owners, but must demonstrate interconnectedness of public areas.

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

1. That all subsequent property owners within said Stonecrest Area Overlay District be placed on notice of this development restriction through the deed records of DeKalb County Superior Court;
2. That all public space held in common will be properly maintained and insured with no liability or maintenance responsibilities accruing to the city;
3. That a legal mechanism exists for notice of deficiencies in maintenance of the public space held in common, correction of these deficiencies, and assessment and liens against the properties for the cost of the correction of these deficiencies by a third- party or the city;
4. When an applicant for a Stonecrest Area Overlay District chooses to utilize a property owners association in order to comply with the requirements of subsection A above, the applicant, in addition to meeting all of said requirements, shall provide for all of the following:
    a. Mandatory and automatic membership in the property owners association as a requirement of property ownership;
    b. A fair and uniform method of assessment for dues, maintenance and related costs;
    c. Where appropriate, party wall maintenance and restoration in the event of damage or destruction; and
    d. Continued maintenance of public space held in common and liability through the use of liens or other means in the case of default.

3.3.15 Greenspace requirements.

A. **Landscape strips.** Landscape strips not less than five (5) feet in width shall be provided along all side and rear property lines and on both sides of all public streets. The landscape strip in the front yard shall be a minimum of ten (10) feet in width and shall be planted with a row of street trees of at least three and one-half (3½) inches in caliper selected from the list of street trees

species identified in the design guidelines for the Stonecrest Area Overlay District and planted not less than seventy-five (75) feet on center. Continuous landscaped strips shall be constructed along public rights-of-way where surface parking lots are adjacent to such sidewalks or public right-of-way except at points of ingress or egress into the facility.

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

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

3.3.16 Design Guidelines

A. **Streets**. Streets within the Stonecrest Area Overlay District may be either public or private streets. Private streets shall comply with requirements of public streets found in chapter 14 and all other applicable sections of the City of Stonecrest Code, with the following exceptions:
    1. Streets in the Stonecrest Area Overlay District may be constructed with travel lanes at eleven (11) feet in width, measured inside curb and gutter.
    2. Private or public alleys shall be permitted, providing secondary or service access within developments consisting of at least four (4) occupied structures. An alley shall provide a continuous connection between two (2) streets. Alleys shall be paved and constructed to the same standards as the connecting streets except that:
        a. No alley shall be longer than four hundred (400) feet;
        b. No alley shall have a slope greater than seven (7) percent;
        c. The paved width of an alley shall be not less than twelve (12) feet;
        d. Alleys shall be constructed with flush curbs;
        e. Alleys shall be bordered on both sides by unobstructed seven-foot-wide shoulders constructed of grass sod or gravel; and
        f. Buildings shall be set back at least ten (10) feet from the back of curb of an alley.

B. **Mediums**. Raised medians with curb and gutter shall be required. Raised medians shall be designed to provide for safe and convenient crossings for persons with disabilities and shall provide refuge for pedestrians at crosswalks. Raised medians shall be landscaped with trees,

shrubbery, landscaping, and other approved groundcover materials to be approved by the Planning Director. Shrubbery and groundcover planted in medians within 30 feet of the nose of the median shall not exceed 18 inches in height.

C. **On-street Parking**. On street parking stalls shall be demarcated with painted boundaries not less than 3 inches in width and shall be a minimum of 9 feet in width and 20 feet in length.

D. **Outdoor Lighting.** Streetlights are required along all new streets. In addition, all streets and parking lots shall have lighting designed to provide adequate lighting levels for pedestrians and bicyclists as well as for automobiles. Street lighting fixtures must be approved by the director of planning. Pedestrian lighting within right of ways shall be mounted no higher than 15 feet above the grade of the adjacent sidewalk.
    1. Light levels of 1.5-foot candles are recommended for parking areas and 4-foot candles at vehicular drives, entrances, and pedestrian and bicycle ways.
    2. All exterior lighting shall be located and designed with cut-offs to minimize glare on adjacent occupied properties.
    3. Ground mounted floodlights shall be screened with planting or other means so that the light source is not visible.
    4. The use of flashing, rotating, or oscillating lighting is prohibited in any manner that may be visible from the exterior of buildings.
    5. After hours security lighting shall equal at least 25% of the normal parking lot lighting level for security.

E. **Street furniture**. Sidewalks, plazas, parks, trails, and other public spaces may contain outdoor furniture such as benches, tables, trash receptacles, or other similar appurtenances. Street furniture shall be designed to be comfortable, resist damage and vandalism and be easy to maintain. Examples of acceptable street furniture are provided below.
    1. Victor Stanley bench Steelsites Series Model #RB-28 in 6' length, black
    2. DuMor, Inc. bike rack Leisure Lines 125-130 Series
    3. Victor Stanley trash receptacle Bethesda Series Model #S-424, black
    4. Other options to be approved by director of planning.

F. **Transit Stops**. MARTA bus service is provided on certain streets within the Overlay District.
    1. These bus stops shall be located within public rights of way as determined by MARTA. Subject to agreement of MARTA, bus stops may also be located on private property.
    2. Transit stops shall provide adequate, lighted, and landscaped hard surface areas for waiting patrons.
    3. All transit stops shall include at least 40 square feet of surface paved in concrete and be accessed by concrete sidewalks along streets and connected to building entrances.
    4. Transit stops anticipated to serve more than an average of ten passengers per weekday

G. **Bicycle Lanes and Bicycle Racks.**
    1. Where possible paved bicycle lanes shall be provided adjacent to both sides of streets, adjacent to their paved travel lanes.
    2. Bicycle lanes shall be not less than 5 feet in width with signs and pavement markings as required by the latest version of the Manual for Uniform Traffic Control Devices.
    3. Off-street bicycle paths shall be paved not less than 8 feet in width and shall be designed with profile not to exceed a 4.9 percent grade or else provide approved handrails for sue by handicapped persons. Trail cross-slopes shall not exceed 2 percent.
    4. Buildings that require more than 100 parking spaces shall provide bike racks with at least one bicycle parking stall per 100 vehicular parking spaces.
    5. Bicycle racks shall be securely anchored to the ground or a permanent structure and provide outdoor lighting.

H. **Crosswalks.**

1. All crosswalks and other intersecting points between the pedestrian and vehicular traffic systems shall be clearly marked.
2. The use of approved brick, concrete, or stone paving materials to identify crosswalk areas is encouraged.
3. Crosswalks shall be designed to meet ADA standards of use.
4. Crosswalks for median-divided streets shall provide for refuge areas.
5. Crosswalks shall be accompanied by pedestrian signals where required by DeKalb County and in conformity with the Manual for Uniform Traffic Control Devices.

I. **Landscaping.**

1. Planting design should reflect and enhance the natural surroundings of each site as well as the design objectives of the building. Existing trees and native groundcover should be preserved wherever possible and integrated into the overall landscape design. Existing plant materials that are to be retained shall be clearly designated on the landscape plans and their root zones and tree canopies shall be adequately protected from damage or destruction during construction using suitable barricades or fencing. Newly planted trees, shrubs and groundcover materials used in landscaped areas shall be approved by the Planning Director.
2. Plant materials shall be of a size, species and variety approved by the Planning Director.
    a. Street trees must be a minimum of 3-1/2-inch caliper d.b.h. and help to articulate the pedestrian and vehicular circulation systems.
    b. Except for perpendicular crossings of driveways and utility easements, Street trees shall be planted with a spacing not to exceed 70 feet.
    c. Street trees shall not be placed closer than eight feet from a building, driveway, light standard, sign standard, post, fire hydrant, or other permanent structure.
3. Evergreen groundcover planting shall be used on all slopes steeper than 2-1/2 to 1 to aid in erosion control.
4. Landscape planting and irrigation plans must be prepared by a Landscape Architect registered in the State of Georgia for each application for a land disturbance permit.
5. No tree shall be planted closer than two (2) feet from the street or sidewalk, and no closer than five (5) feet from a fire hydrant, sign post, streetlight standard, utility pole, or similar structure.

J. **Signage and Street Graphics.**

1. These regulations apply only to the time, place and manner of sign display by limiting the size, number and height of signs in the Stonecrest Area Overlay District.
2. Prohibited Signs - The following types of signs are prohibited:
    a. Motorist Distractions - Signs that incorporate flashing lights or beacons, highly reflective materials, rotating graphics, motion, smoke or visible matter, noise or changeable copy (copy that changes at intervals of more than once every six seconds) are prohibited.
    b. Roof signs - Signs that are placed on or above roofs, penthouses, mechanical equipment screens, and other like structures and any signs that extend above the building parapet or roof fascia line.
    c. Signs that are visible from the street and placed on vehicles or trailers that are not in regular use.
    d. Pole signs and other signs with exposed structural supports that are more than

three feet in height and have post supports larger than 2 inches in diameter or a total of 4 square inches in cross-section area.

e. Vacuum molded or pre-manufactured signs.

3.4 Interstate 20 Corridor Compatible Use Overlay District

3.4.1 Applicability of regulations.

This division applies to each application for a business license, land disturbance permit, building permit or a sign permit which involves the development, use, alteration, or modification of any structure where the subject property is in whole or in part contained within the boundaries of any of the I-20 Corridor Compatible Use Overlay District. The procedures, standards, and criteria herein apply only to that portion of the subject property within the boundaries of the I-20 Corridor Compatible Use Overlay District.

3.4.2 Purpose and intent.

The purpose and intent of the City of Stonecrest in establishing the I-20 Corridor Compatible Use Overlay District is as follows:

A. To encourage development and redevelopment of properties within the district in order to achieve a variety of mixed-use communities;

B. To provide for the development of sidewalks and walkways in order to promote safe and convenient pedestrian access and to reduce dependence on automobiles and other motorized means of transportation;

C. To promote physically attractive, environmentally safe and economically sound mixed-use communities;

D. To permit and to encourage mixed-use developments containing both commercial and residential uses so as to create a pedestrian oriented communities in which people can live, work and play; and

E. To improve the visual appearance and increase property values within the I-20 corridor and to implement the objectives of the comprehensive plan;

F. To enhance the long-term economic viability of the portion of the City of Stonecrest within the overlay by encouraging new commercial and residential developments that increase the tax base and provide employment opportunities to the citizens of the City of Stonecrest;

G. To implement the policies and objectives of the comprehensive plan and the policies and objectives of the design standards for the I-20 Corridor Compatible Use Overlay District;

H. To establish and maintain a balanced relationship between industrial, commercial, and residential growth to ensure a stable and healthy tax base;

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

J. To support high-density housing in office and mixed-use centers which have the appropriate location, access, and infrastructure to support such development;

K. To encourage mixed-use developments that meet the goals and objectives of the Atlanta Regional Commission's Smart Growth and Livable Centers Initiatives;

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

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

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

bicycling and walking;

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

P. To protect established residential areas from encroachment of uses which are either incompatible or unduly cause adverse impacts on such communities, and to protect the health, safety and welfare of the citizens;

Q. To promote uniform and visually aesthetic architectural features which serve to unify the distinctive visual quality of the I-20 corridor area.

3.4.3 District boundaries.

A. The I-20 Corridor Overlay District shall be comprised of the following two (2) areas that are centered along the roadways that intersect with Interstate 20: the Panola Road area; the Snapfinger Woods area; the Wesley Chapel Road area; the I-20/I-285 interchange area; the Candler Road corridor and the Gresham Road area.

B. The boundaries and tiers of the Interstate 20 Corridor Compatible Use Overlay District shall be depicted on the official zoning maps entitled "Official Zoning Map, City of Stonecrest, Georgia, I-20 Corridor Overlay District")(the "I-20 Corridor overlay maps"). The Official Zoning Map, City of Stonecrest, Georgia, I-20 Corridor Overlay District, to be adopted contemporaneously with this chapter, together with all explanatory information contained or referenced thereon, is hereby adopted by reference and declared to be a part of this chapter. The I-20 Corridor overlay maps shall be adopted contemporaneously with this chapter in digital format and maintained in its original, unedited and unaltered form by the clerk to the city council. A printed copy depicting the I-20 Corridor overlay maps on the date of its initial adoption shall also be maintained in its original, unedited, and unaltered form by the clerk to the city council.

C. The I-20 Corridor Overlay District shall be divided into two (2) tiers to guide future development and redevelopment. The tiers are based on the future land use recommendations.

1. Tier 1 —High-intensity area focused around the four (4) activity centers of Panola, Wesley Chapel, Candler Road and the Gresham Road area. The purpose of this tier is to allow the most intense mixed-use development. The goal is to allow for redevelopment of the oversized parking areas with new buildings including retail, office, and residential on one (1) parcel to decrease the need for vehicular trips. The maximum height shall be up to twenty (20) stories and sixty (60) dwelling units/acre.
2. Tier 2 —Medium-intensity area wraps around the high-intensity area or at the locations of Snapfinger Woods and I-20/I-285 intersections. The purpose of this tier is to allow medium-density development in a mixed-use development. The maximum height shall be up to eight (8) stories and allows for up to forty (40) dwelling units per acre.

3.4.4 Principal uses and structures.

A. **Permitted Uses.** The principal uses of land and structures which are allowed in the I-20 Corridor Overlay District are as provided by the applicable zoning district, subject to the limitations and standards contained within this division. All properties zoned C-1 (Local Commercial) District, C-2 (General Commercial) District, O-I (Office-Institutional) District, O-D (Office-Distribution) District, M (Industrial), any RM (Multi-Family Residential) District, and MU-1,2 shall be used in accordance with the underlying zoning district and/or for the following principal uses of land and structures in mixed use developments subject to the standards and limitations contained within this division.

1. Animal hospital, veterinary clinic, pet supply store, animal grooming shop, and boarding

and breeding kennel as an interior accessory use.

2. Art gallery and art supply store.
3. Automobile services as follows:
    a. Minor automobile repair and maintenance, subject to the requirements of section 4.2.14.
    b. Retail automobile parts and tire stores.
4. Bank, credit union and other similar financial institution.
5. Business service establishment.
6. Child day care center and kindergarten.
7. Communications uses as follows:
    a. Radio and television broadcasting station.
    b. Telephone business office.
8. Community facilities as follows:
    a. Cultural facilities.
    b. Noncommercial club or lodge.
    c. Tennis center, club and facilities.
9. Utility structure necessary for the transmission or distribution of service.
10. Dwellings including apartments, condominiums, and multifamily units. Mixed-use developments may include any combination above plus retail or office uses, subject to the requirements of the I-20 Overlay District regulations.
11. Educational uses as follows:
    a. Vocational schools.
    b. Private elementary, middle or high school.
    c. Specialized nondegree schools to include ballet, music, martial arts, etc.
12. Film Industry Uses
    a. Studios, stages, and sets associated with filming
    b. Temporary housing associated with film making (trailers, short term rentals, etc.)
13. Fitness center and health center.
14. Hotel.
15. Movie theater, bowling alley, and other recreational facilities where such activities are wholly enclosed within a building.
16. Nightclubs are permitted only in Tier 1 (maximum ten thousand (10,000) square feet in floor area), subject to approval of the planning and development director and business license requirements.
17. Office uses, including the following and similar service, business and professional office uses as follows:
    a. Accounting, auditing and bookkeeping office.
    b. Engineering and architectural office.
    c. Building and construction contractor.
    d. Financial services office.
    e. Insurance office.
    f. Legal office.
    g. Medical office.
    h. Real estate office.
    i. Wholesale sales office.
18. Place of worship.

19. Restaurants.
20. Retail sales as follows:
    a. Apparel and accessories store.
    b. Book, greeting card, and stationery store.
    c. Camera and photographic supply store.
    d. Computer and computer software store.
    e. Convenience store.
    f. Farm and garden supply store.
    g. Florist.
    h. Food stores including bakeries.
    i. Furniture, home furnishings and equipment store.
    j. General merchandise store.
    k. Gift, novelty, and souvenir store.
    l. Hardware store.
    m. Hobby, toy and game store.
    n. Jewelry store.
    o. Music and musical equipment store.
    p. News dealers and newsstand.
    q. Office supplies and equipment store.
    r. Quick copy printing store.
    s. Radio, television and consumer electronics store.
    t. Specialty store.
    u. Sporting goods and bicycle store.
    v. Variety store.
    w. Videotape sales and rental store.
21. Retail building supplies as follows:
    a. Electrical supply store.
    b. Hardware and other building materials establishments.
    c. Paint, glass and wallpaper store.
22. Services, medical and health as follows:
    a. Health service clinic.
    b. Medical and dental laboratories.
    c. Offices of health service practitioners.
    d. Pharmacy and drugstore.
    e. Private ambulance and emergency medical services.
23. Services, personal, as follows:
    a. Barber shop, beauty shop, and similar personal service establishments.
    b. Laundry and dry-cleaning store.
    c. Funeral home.
    d. Linen and diaper service, garment pressing, alteration and repair.
    e. Photographic studios.
24. Services, repair, as follows:
    a. Home appliance repair and service.
    b. Jewelry repair service.
    c. Radio, television and similar home appliance repair service.
    d. Furniture upholstery and repair shop.
    e. Shoe repair store.
25. Shopping center.

B. **Prohibited uses.** The following principal uses of land and structures shall be prohibited within the I-20 Corridor Compatible Use Overlay District:

1. Adult and Sexually oriented businesses.
2. Auto uses as follows:
    a. Heavy repair shop
    b. Trade shop.
    c. Used cars sales as a primary use.
    d. Self-service car wash and detailing.
3. Boarding and breeding kennels as a primary use.
4. Extended stay motels.
5. Go-cart concession.
6. Liquor stores.
7. Night clubs excluded in Tiers 2 and 3.
8. Outdoor equipment and materials storage.
9. Salvage yards/junk yards.
10. Small box discount stores
11. Storage yard for damaged automobiles or confiscated automobiles.
12. Self-storage facilities.
13. Tire retreading and recapping.
14. Title and pawn shops.

3.4.5 Accessory uses and structures.

A. The following accessory uses of land and structures shall be authorized in the I-20 Corridor Compatible Use Overlay District:

1. Accessory uses and structures incidental to any authorized use.
2. Parking lots and parking garages.
3. Club house, including meeting room or recreation room.
4. Swimming pools, tennis courts, and other recreation areas and similar amenities.
5. Signs, in accordance with the provisions of chapter 21 and this chapter.

3.4.6 Special permits.

A. The following uses and structures shall be authorized only by permits of the type indicated:

1. Special administrative permit from the director of planning.
    a. Art shows, carnival rides, festivals and special events of community interest.
    b. Temporary outdoor social, religious, entertainment or recreation activity where the time period does not exceed fourteen (14) days duration, adequate parking is provided on the site.
    c. Telecommunications antennas that are incorporated in architectural features such as steeples, clock towers, water towers and attached to the top of high-rise buildings subject to requirements of section 4.2.50.
    d. Outdoor recreation/entertainment facilities.
2. Special land use permit from the city council.
    a. Heliport.

3.4.7 Development standards.

The following requirements shall apply to all structures in the I-20 Corridor Overlay District:

A. **Building setbacks**. The following requirements apply:

1. Minimum front yard setback. Zero (0) feet from right-of-way of public street where the

distance between the back of curb and property line is fifteen (15) feet in width or greater.

2. Minimum interior side yard. Ten (10) feet. In mixed-use developments there shall be a minimum of fifteen (15) feet between buildings and structures less than two (2) stories in height and a minimum of twenty (20) feet between buildings and structures when one (1) of them is greater than two (2) stories in height, and a minimum of twenty-five (25) feet between buildings when one (1) of them is greater than five (5) stories in height.
3. Minimum rear yard. Ten (10) feet.

B. **Height of building and structures**. All buildings and structures within the I-20 Corridor Overlay District shall comply with the height restrictions for the development category in which the subject parcels are located. The I-20 Corridor Overlay District shall be comprised of three (3) development categories. The height restrictions are as follows:

1. Tier 1 —Buildings and structures shall not exceed twenty (20) stories.
2. Tier 2 —Buildings and structures shall not exceed eight (8) stories.
3. A building in the I-20 Corridor Compatible Use Overlay District may exceed any of the limitations specified by an application to the city council for a special land use permit.
4. A parking deck may exceed five (5) stories in height; however, a parking deck shall not exceed ten (10) stories either as a separate deck structure or as part of an office building.

C. **Density.** No development shall exceed a floor-area ratio (FAR) of three and one-half (3.5), unless it also provides additional public space or other amenities singly, or in combination as provided in paragraph D. below.

D. **Density bonus.** The maximum allowable FAR of a building or development in a Tier 1 Zone shall be increased to a FAR not to exceed a total of five and one-half (5.5) in exchange for one (1) or more of the additional amenities provided in the table below:

Table 3.9 Maximum Bonus Floor Area Ratio in Interstate 20 Corridor Compatible Use Overlay

Additional Amenity	Increased FAR
Increase public space to 25 percent while providing connectivity	0.75
Increase public space to 30 percent while providing connectivity	1.50
The nonresidential component of mixed-use developments shall constitute not less than 30 percent of the gross floor area of the development.	0.25
Mixed-use building that includes multifamily residential units constituting at least 40 units per acre of land and constructed in the same building with office-institutional, commercial and retail uses.	0.5

E. **Required parking**. Required parking may be provided through a combination of off-street, on-street, or shared parking provided that all required parking is located with seven hundred (700) feet of the principal entrance of buildings which it is intended to serve. The minimum number of required parking spaces shall be as provided in article 7, except as follows:

1. Retail uses, personal service uses, and other commercial and general business uses, including food stores—Minimum of four (4) spaces per one thousand (1,000) square feet of gross floor area.

2. Office and clinic uses—Minimum of three (3) spaces per one thousand (1,000) square feet of gross floor area.
3. Hotel and motel uses—Minimum of one (1) space per unit.
4. Multifamily residential uses—Minimum of one and one-quarter (1.25) spaces per dwelling unit.

3.4.8 Transitional buffer zone and transitional height requirements.

A. Where a lot on the external boundary of the I-20 Corridor Overlay District adjoins the boundary of any property outside the district that is zoned for any R, RSM, or MR zoning classification, a transitional buffer of not less than thirty (30) feet in width shall be provided and maintained in a natural state or so as to maintain an effective visual screen.
    1. Said transitional buffer zone shall not be paved or otherwise covered with impervious surfaces and shall not be used for parking, loading, storage or any other use, except that portions of the transitional buffer zone may be utilized for installation of utilities when necessitated by the development, and when the applicant shows that the utilities cannot be located outside of the transitional buffer zone.
    2. Water detention ponds shall not be located within the transitional buffer zones.
    3. No trees, other than dead or diseased trees, shall be removed from said transitional buffer zone, but additional trees and plant material may be added to the transitional buffer zone.
B. Where a lot on the external boundary of the I-20 Corridor Overlay District adjoins the boundary of any property outside the district that is zoned for any R zoning classification or MR classification, a transitional height plane of forty-five (45) degrees shall apply. Sensitivity shall be exercised for developments adjacent to residentially zoned properties using staggered heights, greater setbacks, and enhanced buffers. Building heights more than thirty-five (35) feet shall increase setbacks from the buffer line at a ratio of one (1) to one (1).

3.4.9 Inter-parcel access.

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

3.4.10 Multi-modal access plans required.

A. Each new application for a development permit within the I-20 Overlay District must be accompanied by a multi-modal access plan as described in Section 3.1.4 Conceptual plan package review.

3.4.11 Shared parking.

A. Shared parking is encouraged and may be authorized by the director of planning. Applicants may make application to the director of planning for authorization for a special exception for shared parking. Said applications shall be considered and decided by the director of planning pursuant to the standards and procedures set forth in section 7.6.5.

3.4.12 Open space requirements.

A. A minimum of twenty (20) percent open space shall be provided for each new development. Open space areas may be transferred from one parcel to another within overall developments that remain under unified control of a single property owner or group of owners, but must demonstrate interconnectedness of public areas.
B. Open spaces shall be at grade, and surrounded by a mix of uses directly accessible from a public

sidewalk and building entrances.

C. Open spaces may include any combination of the following: yards, planted areas, fountains, parks, plazas, trails and paths, hardscape elements related to sidewalks and plazas, and similar features which are located on private property and accessible to the general public; on-street parking; and natural stream buffers shall be permitted to be counted toward the twenty (20) percent open space requirement.
D. Private courtyards and other private outdoor amenities may be located at the interior of the block, behind buildings or on rooftops. Private courtyards and outdoor amenities shall not be counted toward the twenty (20) percent requirement.
E. All open space including buffers, setbacks, sidewalk clear zones, sidewalk zones and open spaces shall be fully implemented prior to issuance of a certificate of occupancy for the primary development.
F. Each applicant shall present as a part of the application for a building permit within the I-20 Corridor Overlay District a legal mechanism under which all land to be used for public space purposes shall be maintained and protected. Such legal mechanism may include deed restrictions, property owner associations, common areas held in common ownership or control, maintenance easements, or other legal mechanisms, provided that said legal mechanism shall be approved by the city attorney as assuring each of the following mandatory requirements:
    1. That all subsequent property owners within said I-20 Corridor Overlay District be placed on notice of this development restriction through the deed records of DeKalb County Superior Court;
    2. That all public space held in common will be properly maintained and insured with no liability or maintenance responsibilities accruing to the city;
    3. That a legal mechanism exists for notice of deficiencies in maintenance of the public space held in common, correction of these deficiencies, and assessment and liens against the properties for the cost of the correction of these deficiencies by a third-party or the city;
    4. When an applicant for an I-20 Corridor Overlay District chooses to utilize a property owners association in order to comply with the requirements of subsection A. above, the applicant, in addition to meeting all of said requirements, shall provide for all of the following:
        a. Mandatory and automatic membership in the property owners association as a requirement of property ownership;
        b. A fair and uniform method of assessment for dues, maintenance and related costs;
        c. Where appropriate, party wall maintenance and restoration in the event of damage or destruction; and
        d. Continued maintenance of public space held in common and liability through the use of liens or other means in the case of default.

3.4.13 Sign regulations.

All lots in the I-20 Corridor Overlay District shall comply with all requirements of chapter 21 subject to the following additional regulations:

A. Signs shall be designed so as to be compatible with the I-20 Corridor Design Standards;
B. All ground signs shall be monument style signs with a base and framework made of brick; the design of ground signs must comply with the I-20 Overlay District Design Guidelines;
C. Each lot shall have no more than one (1) ground sign;

D. The sign area of ground signs shall not exceed thirty-two (32) square feet, unless the lot contains a shopping center, in which case ground signs are limited to sixty-four (64) square feet;
E. Ground signs shall not exceed a height of six (6) feet, unless the lot contains a shopping center, in which case ground signs shall not exceed a height of fifteen (15) feet;
F. Each separate store front may have a maximum of two (2) wall signs, each of which shall not exceed an area of ten (10) percent of the area of the façade of the ground floor of the building or seventy-five (75) square feet, whichever is less;
G. Wall signs shall be located on the primary building façade and within fifteen (15) feet of the public right-of-way;
H. Window signs are prohibited;
I. Banners are prohibited;
J. Wall-mounted signs shall be channel cut letters applied directly to the building façade. Flashing, animated, marquee, sound emitting, fluorescent, rotating or otherwise moving signs are prohibited;
K. Sign shape and lettering shall be limited as follows:

    1. Signs with more than two (2) faces are prohibited;
    2. Sign facing shall be flat in profile and shall not exceed a thickness of eight (8) inches;
    3. Sign faces shall be parallel;
    4. Sign lettering shall consist of block lettering in which individual letters are proportional in size to the overall size of the sign, but in no event shall individual letters exceed eighteen (18) inches in height; and
    5. Sign lettering shall be of an opaque material.

L. Any violation of this section shall be punishable by fine not exceeding five hundred dollars ($500.00) or imprisoned for a term not to exceed six (6) months, or both.

3.4.14 Design Guidelines.

A. **Architectural regulations.**

    1. All building façades visible from the public street shall consist of concrete, stone, brick or stucco.
    2. Architectural accents, where utilized, shall consist of non-reflective glass, glass block, natural stone, pre-cast concrete, brick, terra cotta, stucco or wood.
    3. Seventy-five (75) percent of the width of the front façade of the building at the ground level shall consist of fenestration.
    4. Roof materials shall not consist of any reflective surface.
    5. All exterior painted surfaces, where visible from the public street, shall be painted in earth tones. Colors shall be nonprimary colors including darker and cooler shades of green, red such as brick, yellow including beige, and lighter shades of brown including tan.
    6. Burglar bars and steel roll-down doors or curtains shall not be visible from the public street.
    7. Service bays for automobile service and repair uses shall be designed so that the openings of service bays are not visible from a public street.
    8. Chain-link fences shall not be visible from the public right-of-way and metal or temporary awnings are not permitted within the district.

9. Dumpsters shall not be visible from the public street and shall be fenced or screened so as not to be visible from any adjoining residential district.
10. Fabric and canvas awnings and all other building materials must be of durable quality and shall be compatible with materials used in adjoining buildings.

B. **Landscape strips.** Any landscape strip shown as part of final design package shall not be less than five (5) feet in width and shall be provided along all side and rear property lines. The landscape strip in the front yard shall be a minimum of ten (10) feet in width and shall be planted with a row of street trees of at least three and one-half (3½) inches in caliper selected from the list of street trees species identified in the design standards for the I-20 Corridor Overlay District and planted not less than seventy-five (75) feet on center. Continuous landscaped strips shall be constructed along public rights-of-way except at points of ingress or egress into the facility.

C. **Ground cover.** Ground cover shall also be provided in accordance with the design guidelines for the I-20 Corridor Overlay District in order to protect tree roots and to prevent erosion. Ground cover shall consist of evergreen shrubs or groundcover plant material mulched with pine bark mulch, or other similar landscaping material.

D. **New trees**. Newly planted trees shall conform to the design guidelines for the I-20 Corridor Overlay District.

E. **Tree spacing**. No tree shall be planted closer than two (2) feet from the street or sidewalk, and no closer than five (5) feet from a fire hydrant, sign post, streetlight standard, utility pole, or similar structure.

F. **Parking lot landscaping requirements**. All parking lots within the I-20 Corridor Overlay District shall be landscaped pursuant to the requirements of section 5.4.4.

G. **Sidewalk requirement.** There shall be a public sidewalk constructed along all public street frontages contiguous to all properties within the I-20 Corridor Overlay Districts. The sidewalk shall be located five (5) feet from the curb and shall be ten (10) feet in width. The five-foot zone adjacent to the curb shall be the street tree-planting zone. In blocks where there are overhead utility lines, the director of planning and development may authorize a two-foot planting zone from the curb with the five-foot tree-planting zone to be located at the sidewalk.

H. **Street tree planting.** Street trees of a caliper that is not less than three (3) inches shall be planted no less than thirty (30) feet between centerlines along properties within the district having street frontage. Trees of the following type shall be used:
    1. Crape myrtle, standard trunk.
    2. October glory red maple.
    3. Sunset maple.
    4. Nuttal oak (Quercus nattalli).
    5. Shumard oak (Quercus shumardii).
    6. Willow oak.
    7. Zelkova serrata.
    8. Ginkgo (Ginkgo biloba).
    9. Trident maple (Acer buergeranum).
    10. Allee lacebark elm (Ulmus parvifolia emer (II).

I. **Maintenance of trees and ground cover**. All street trees and other trees and all ground cover required by this chapter or by chapter 14 of the Code shall be maintained in a healthy condition,

and any trees or ground cover which die shall be replaced within the earliest possible planting season.

J. **Curb cuts.** There shall be a minimum distance of twenty-five (25) feet between curb cuts. Curb cuts shall not be permitted within one hundred (100) feet of the intersection of any two (2) public streets and shall not be more than twenty-four (24) feet wide.

4 Article 4. - Use Regulations

4.1 Overview of Use Categories and Use Table

4.1.1 Overview.

A. **General Overview**. The regulations contained within this article 4 shall apply to all zoning districts within City of Stonecrest except as otherwise specified herein. Dimensions, site location and architectural requirements shall be indicated on required site development plans.

B. **General Findings and Purpose.** Certain land uses require the imposition of additional regulations to mitigate a range of negative impacts on the public health, safety, welfare as well as environmental, aesthetic, and infrastructure impacts.

C. **Findings and Purpose for Certain Land Uses.** National studies show that a concentration of certain land uses- including alcohol outlets, automobile gas stations, check cashing establishments, convenience stores, drive-through restaurants, and pawn shops- negatively impact the public health, safety, welfare, property values, economic development and social vitality of communities and neighborhoods. Local governments across the country recognize the negative impacts of such uses and impose additional regulations and distance requirements to mitigate such impacts, such as indicated in the studies presented to DeKalb County, including the report "The Relationship Between SLUP6 Businesses and Negative Outcomes in DeKalb County" by Dean Dabney, Ph.D., presented on May 9, 2017. Said study indicates these land uses in DeKalb County are associated with increased crime, automobile accidents, lower property values, and other negative impacts to the public health and welfare.

4.1.2 Interpretation of unlisted uses.

A. Where a particular use is not specifically listed in Table 4.1 Use Table, the director of planning shall have the authority to permit the use if the use is similar to uses permitted by this article. The director of planning shall give due consideration to the purpose and intent statements contained in this zoning chapter concerning the base zoning districts involved, the character of the uses specifically identified and the character of the uses in question.

4.1.3 Use table.

A. Table 4.1 indicates the permitted uses within the base zoning districts. Even though a use is listed as an allowable use within a base zoning district, additional use restrictions may apply based on the applicable overlay zoning district requirements specified in article 3, overlay districts.

B. The uses listed in Table 4.1 shall be permitted only within the zoning districts identified, and no use shall be established and no structure associated with such use shall be erected, structurally altered or enlarged unless the use is permitted as:

1. A permitted use (P);
2. A special use (SP) subject to the special land use permit application procedures specified in article 8;
3. An administratively approved use (SA) subject to the special administrative permit procedures specified in article 8;
4. An accessory use (Pa) as regulated by this article 4. Table 4.1 does not list all accessory uses but clarifies uses acceptable as accessory, though not typically considered principal uses for the zoning classification.
5. Uses lawfully established prior to the effective date of this zoning ordinance.

C. Any use not listed in Table 4.1 below or interpreted to be allowed by the director of planning pursuant to section 4.1.2 is prohibited. Any applicant denied a permit to allow a use of property in a zoning district other than as provided in this section may file an appeal before the zoning board of appeals as provided in article 8.

D. If there is a conflict between Table 4.1 and the text of this chapter, the text shall prevail.

KEY:	P - Permitted use									SA - Special administrative permit from Community Development Director													
	Pa - Permitted as an accessory use									SP - Special land use permit (SLUP)													
Use	**RE**	**R-100**	**R-85**	**R-75**	**R-60**	**RSM**	**MR-1**	**MR-2**	**HR-1,2,3**	**RNC**	**OI**	**OIT**	**NS**	**C-1**	**C-2**	**OD**	**M**	**M-2**	**MU-1**	**MU-2**	**MU-3**	**MU-4,5**	**See Section**
AGRICULTURAL																							
Agriculture, Forestry and Animal Related Uses																							
Agricultural produce stands	SA									SA							P						4.2.4
Beekeeping	SA	SA								SA							P						4.2.4
Greenhouses and plant nurseries, commercial	P									SA			P	P	P		P	P	P				4.2.4
Dairy	P																P	P					4.2.4
Keeping of livestock	P	P	P	P						P							P						4.2.4
Keeping of poultry/pigeons	P	P	P	P						P							P						4.2.4
Livestock sales pavilion or abattoirs	P																	P					4.2.4
Riding academies or stables	P	P	P	P													P	P					4.2.4
Sawmill, temporary or portable	P																P	P					4.2.4
Structures used in production and processing of fruits, tree nuts and vegetables	P																P	P					4.2.4
Urban or community gardens, up to 5 ac.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	4.2.52
Urban or community gardens, over 5 ac.	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	4.2.52
RESIDENTIAL																							
Dwellings																							
Accessory buildings, uses or structures	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	4.2.1
Dwelling, cottage home					P	P	P	P		P													4.2.20
Dwelling, mobile home																	Pa	Pa					4.2.20
Dwelling, multi-family, condominium							P	P			P						SP	SP	P	P	P	P	4.2.20
Dwelling, single-family (detached)	P	P	P	P	P	P	P	P		P									P	P	P	P	
Dwelling, single-family accessory (guesthouse, in-law suite, apartment over garage)	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa											Pa	Pa	Pa	Pa	4.2.1
Dwelling, two-family or three-family						P	P	P		P									P	P	P	P	
Dwelling, townhouse, urban single-family, single-family (attached)						P	P	P		P									P	P	P	P	4.2.20
High Rise Apartment									P		SP										P	P	

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Use	**RE**	**R-100**	**R-85**	**R-75**	**R-60**	**RSM**	**MR-1**	**MR-2**	**HR-1,2,3**	**RNC**	**OI**	**OIT**	**NS**	**C-1**	**C-2**	**OD**	**M**	**M-2**	**MU-1**	**MU-2**	**MU-3**	**MU-4,5**	**See Section**
Home occupation, Type 1, no customer contact	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA								SA	SA	SA	SA	4.2.25
Home occupation, Type 2, with customer contact	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SA			SA	SA		SA	SA	SP	SP	SP	SP	4.2.25
Live-work unit									P		P			P	P		P	P	P	P	P	P	4.2.29
Housing and Lodging																							
Bed and breakfast (owner on-site)	P	P	P	P	SP	SP	SP	SP	SP	SP	P	P	P	P	P				P	P	P	P	4.2.11
Child care home, up to ~~5~~ 6	SP	SP	SP	SP	SP	SP	SP	SP		SP		P	P						SP	SP	SP	SP	4.2.15
Child care center, ~~6~~ 7 or more							~~SP~~	~~SP~~			P	P	SP	P	P	P			P	P	P	P	4.2.15
Convents or monasteries	SP	SP	SP	SP	SP	SP	SP	SP			P									P	P		4.2.39
Dormitory											Pa			Pa	Pa	Pa	Pa		Pa	Pa	Pa	Pa	
Extended stay hotel/motel											SP			SP	SP					SP	SP	SP	
Fraternity house or sorority house aflitated with a insitution higher education											Pa			Pa	Pa	Pa	Pa		Pa	Pa	Pa	Pa	
Hotel/Motel											P			P	P	P				P	P	P	
Nursing care facility or hospice							P	P			P			P	P				P	P	P	P	4.2.44
Party Houses	SA																						4.2.36
Senior housing	SP	SP	SP	SP	SP	SP	P	P		SP	SP								SP	SP	SP	SP	4.2.44
Short Term Vacation Rental (owner <u>not</u> on-site)	SP	SP					SP			SP	P	P	P	P	P				SP	SP	SP	SP	4.2.46
Specialized Housing Facilities																							
Boarding/Rooming house							SP	SP															
Community living arrangment	SP	SP	SP	SP	SP	SP	SP	P		SP	P		SP	P	P				P	P	P	P	4.2.38
Homeless shelter, up to 20 persons								SP			SP			P	P		P						4.2.45
Personal care facility, 7 or more						SP	SP	P			P	P	SP	P	P	P			P	P	P	P	4.2.38
Personal care home, up to 6	SP	SP	SP	SP	SP	SP	SP	P		SP	P	P	SP	P	P				P	P	P	P	4.2.38
Supportive living facilites								P		P									P	P	P	P	
Transitional housing facilities, 6 or less persons	SP					SP	SP	SP			SP			P	P		P						4.2.45
Transitional housing facilities, 7-20 persons							SP	SP			SP			P	P		P						4.2.45

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Use	**RE**	**R-100**	**R-85**	**R-75**	**R-60**	**RSM**	**MR-1**	**MR-2**	**HR-1,2,3**	**RNC**	**OI**	**OIT**	**NS**	**C-1**	**C-2**	**OD**	**M**	**M-2**	**MU-1**	**MU-2**	**MU-3**	**MU-4,5**	**See Section**
INSTITUTIONAL/PUBLIC																								
Community Facilities																								
Cemetery, columbarium, mausoleum	SP	SP	SP	SP	SP	SP	SP	SP			P					P	P						4.2.13
Club, order or lodge, fraternal, non-commercial											P			P	P	P	P		P	P	P	P	
Coliseum, stadium, amphitheater not associated with church or school														P	P	P					SP	SP	4.2.17
Cultural facilities							SP	SP			SP			SP	SP	SP	SP		SP	SP	SP	SP	
Funeral home, mortuary											P			P	P				P	P	P	P	
Golf courses, public or private	P	P	P	P	P	P					P				P	P	P						
Government facilities	P	P	P	P	P	P	P	P		P	P		P	P	P	P	P	P	P	P	P	P	
Hospital or accessory ambulance service											P						P				P	P	
Library or museum							P	P			P		P	P	P	P			P	P	P	P	
Neighborhood or subdivision clubhouse or amenities	P	P	P	P	P	P	P	P	P	P	P								P	P	P	P	
Places of worship	SP	SP	SP	SP	SP	SP	SP	SP		SP	P		P	P	P	P	P	P	P	P	P	P	4.2.39
Commercial indoor or outdoor recreation and entertainment	SP	SP	SP	SP	SP	SP	SP	SP		SP				P	P	P	P						4.2.17
Tennis courts, swimming pools, play or recreation areas, community, open to public	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa		Pa	P			P	P	P	P			Pa	Pa	Pa	4.2.17
Education																								
Colleges, universities, research and training facilities											P			P	P	P	P		P	P	P	P	
Private educational uses (can be home occupation in residenital districts with 3 or less students)	SA	SA	SA	SA	SA	SA	SA	SA		SA	P		P	P	P	P			Pa	Pa			4.2.25
Private kindergarten, elementary, middle and high schools	SP	SP	SP	SP	SP	SP	SP	SP		SP	P			P	P	P				SP	SP	SP	4.2.40
Specialized schools							SP	SP			P		P	P	P	P	SP	SP	P	P	P	P	4.2.43
Vocational schools											P			P	P	P	SP	SP	P	P	P	P	4.2.43
COMMERCIAL																								
Automobile, boat and trailer sales and service																								

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Use	**RE**	**R-100**	**R-85**	**R-75**	**R-60**	**RSM**	**MR-1**	**MR-2**	**HR-1,2,3**	**RNC**	**OI**	**OIT**	**NS**	**C-1**	**C-2**	**OD**	**M**	**M-2**	**MU-1**	**MU-2**	**MU-3**	**MU-4,5**	**See Section**
Automobile brokerage (no vehicle storage)											P			P	P		P	P		P	P	P	4.2.9
Automobile, truck and trailer leasing and rental														P	P		P	P					4.2.9
Automobile recovery, storage yards for damaged or confiscated automobiles.																	P	P					4.2.9
Automobile sales and truck sales														P	P		P	P					4.2.9
Automobile upholstery shop															P		P	P					4.2.9
Automobile wash service														P	P		P						4.2.10
Boat and boat trailer sale														P	P		P						4.2.9
Major automobile repair and paint shops															P		P	P					4.2.9
Minor automobile repair and maintenance														P	P		P	P					4.2.9
Retail automobile parts and tire store														P	P		P						4.2.9
Trailer and RV salesrooms and lots														P	P		P						4.2.9
Office																							
Building and construction office, landscape contractors. (material, equipment, storage)															P	P	P	P					4.2.12
Temporary trailer, as home sales office or construction trailer	SA	SA	SA	SA	SA	SA	SA	SA		SA	SA		SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	
General business office including aacounting, finance, banking, insurace, legal, medical, real estate, engineering, architecutre, construction (without storage), etc.							Pa	Pa			P		P	P	P	P	P		P	P	P	P	
Recreation and Entertainment																							
Adult and Sexually Oriented Business																		P					4.2.3
Drive-in theaters															P		P	P					4.2.17
Fairgrounds or amusement parks															P		P	P					4.2.17
Free-standing Bar (not late-night)													P	P	P	P	P	P	P	P	P	P	4.2.28
Hookah Lounge/Cigar Shop as accessory to freestanding bar or tabacco retail (vape shop)													Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	4.2.26

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Indoor recreation (bowling alleys, movie theatres and other activities conducted wholly indoors)													P	P	P	P	P	P	P	P	P	P	
Late-night establishments and night clubs											Pa		SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	4.2.28
Outdoor recreation (miniature golf, batting cages, tennis, Go-cart and other outdoor activities)	SP														P	P	SP						4.2.17
Special events facility	SP										P			P	P	P	P		P	P	P	P	
Temporary outdoor events	SA	SA	SA	SA	SA	SA					SA		SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	4.3.5
Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building											P			P	P		P				P	P	
Retail																							
Alcohol outlet (retail with alcohol sales as accessory)													SP	SP	P	P	P		SP	SP	P	P	4.2.5
Apparel or accessories store													P	P	P				P	P	P	P	
Art gallery							Pa	Pa					P	P	P	P	P		P	P	P	P	
Book, greeting card, or stationery store													P	P	P	P			P	P	P	P	
Camera or photography													P	P	P	P			P	P	P	P	
Computer or computer software store													P	P	P	P			P	P	P	P	
Convenience store (see alcohol outlet or fuel pumps accessory)													P	P	P	P	P	P	P	P	P	P	
Drive-through facilities (other than restaurants)											SP		SP	P	P	P	P		SP				
Farm or garden supply store	P												P	P	P	P	P		P	P			
Farmer's market, permanent											P		P	P	P	P	P	P	P	P	P	P	
Farmer's market, temporary or seasonal	SA	SA	SA	SA	SA	SA	SA	SA		SA	SA		SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	4.3.3
Florist											Pa		P	P	P	P			P	P	P	P	
Specialty food stores (e.g., coffee, ice cream) (see alcohol outlet if alcohol sales)											Pa		P	P	P	P			P	P	P	P	
Fuel dealers, manufacturers or wholesalers																		P					

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Fuel pumps													SP	SP	SP	SP	SP	SP					4.2.23
Gift, novelty, or souvenir store											Pa		P	P	P	P			P	P	P	P	
Gold buying, precious metals														Pa	P	P							
Grocery stores (see alcohol outlet)							Pa	Pa					P	P	P	P			P	P	P	P	
Hardware or other building materials store													P	P	P	P	P	P	P	P	P	P	
Hobby, toy or game store													P	P	P	P			P	P	P	P	
Jewelry store													P	P	P	P			P	P	P	P	
Music or music equipment store (retail)													P	P	P	P			P	P	P	P	
Liquor store (see alcohol outlet)													SP	SP	SP	P	P		SP	SP	SP	SP	4.2.5
News dealer or news store											P		P	P	P	P	P	P	P	P	P	P	
Office supplies and equipment store													P	P	P	P	P		P	P	P	P	
Pawn shop or title loan agency															P	P	P						4.2.37
Pet supply store													P	P	P	P	P		P	P			4.2.7
Pharmacy or drug store (see alcohol outlet if alcohol sales)							Pa	Pa		Pa	Pa		P	P	P	P			P	P	P	P	
Radio, television or consumer electronics store														P	P	P			P	P	P	P	
Retail, 5,000 sf or less (with the exception of Small Box Discount Stores)							Pa	Pa			Pa		P	P	P	P	P	P	P	P	P	P	
Retail, over 5,000 sf (see also shopping center) (with the exception of Small Box Discount Stores)													P	P	P	P			P	P	P	P	
Retail warehouses/wholesales providing sales of merchandise with no outdoor storage														P	P	P	P		P	P	P	P	
Shopping center													P	P	P	P			P	P	P	P	
Specialty store													P	P	P	P			P	P	P	P	
Sporting goods or bicycle sale													P	P	P	P	P		P	P	P	P	
Thrift, secondhand, antique store														P	P		P						
Trade shops: electrical, plumbing, heating/cooling, roofing/siding, with no outside storage											P			P	P	P	P	P					

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Variety store (with the exception of Small Box Discount Stores)											Pa		P	P	P	P	P		P	P	P	P	
Temporary Commercial Sales																							
Temporary outdoor sales, seasonal	SA	SA	SA	SA	SA	SA	SA	SA		SA	SA		SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	4.3.4
Temporary outdoor retail sales	SA	SA	SA	SA	SA	SA	SA	SA		SA	SA		SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	4.3.6
Restaurant/Food establishments																							
Brewpub, Beer Growler, Brewery, Winery, Distillery													P	P	P		P		P	P	P	P	
Catering establishments											P			P	P		P		P	P	P	P	
Freestanding Bar													SP	P	P							P	
Restaurants (acc. to hotel/motel)											P			P	P	P				P	P	P	
Restaurants (non-drive-thru)							Pa	Pa		Pa	Pa		P	P	P		P		P	P	P	P	
Restaurants with a drive-thru configuration														SP	SP				SP	SP	SP	SP	
Transportation and Storage																							
Ambulance, taxi or limousine service, dispatch, and storage.															P	P	P	P					4.2.6
Ambulance, taxi or limousine dispatch office only (no vehicle parking)											P		P	P	P		P	P	P	P	P	P	4.2.6
Bus or rail stations or terminals for passengers														SP	SP		SP	SP	SP	SP	SP	SP	
Heliport											SP			SP	SP	SP	P	P			SP	SP	4.2.24
Parking, commercial lot											Pa			P	P	P	P		P	P	P	P	4.2.35
Parking, commercial garage											Pa			P	P	P	P		P	P	P	P	4.2.35
Taxi stand											P		P	P	P	P	P	P	P	P	P	P	
Services																							
Adult day care	SP	SP	SP	SP							P		P	P	P	P	P			P	P	P	4.2.2
Animal hospitals and veterinary clinics													P	P	P	P	P	P	P	P			4.2.7
Animal shelter and rescue center	SP														P	P	P	P					4.2.7
Banks, credit unions or other similar financial institutions							Pa	Pa			P		P	P	P		P		P	P	P	P	
Barber shop/ beauty salon or similar establishments							Pa	Pa			Pa		P	P	P	P	P		P	P	P	P	

KEY:	P - Permitted use									SA - Special administrative permit from Community Development Director													
	Pa - Permitted as an accessory use									SP - Special land use permit (SLUP)													
Use	**RE**	**R-100**	**R-85**	**R-75**	**R-60**	**RSM**	**MR-1**	**MR-2**	**HR-1,2,3**	**RNC**	**OI**	**OIT**	**NS**	**C-1**	**C-2**	**OD**	**M**	**M-2**	**MU-1**	**MU-2**	**MU-3**	**MU-4,5**	**See Section**
Check cashing establishment, primary															P		P						4.2.14
Check cashing establishment, accessory														P	P		P	P	P	P	P	P	4.2.14
Coin laundry							Pa	Pa		Pa			P	P	P					P	P	P	
Dry cleaning agencies, pressing establishments, or laundry pick-up stations							Pa	Pa			P		P	P	P		P	P	P	P	P	P	
Fitness center	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa			P		P	P	P		P	P	P	P	P	P	
Kennels, breeding	SP														P		P	P					4.2.7
Landscape business														P	P		P	P					4.2.12
Mini-warehouses, self storage facility															P	P	P	P					4.2.31
Pet day care							SP	SP						P	P		P	P	P	SP	SP	SP	4.2.7
Pet boarding														SP	P		P	P	SP	SP	SP	SP	4.2.7
Pet grooming shops							Pa	Pa						P	P		P	P	P	P	P	P	4.2.7
Personal services establishment							Pa	Pa		Pa	Pa		P	P	P		P		P	P	P	P	
Photoengraving, typesetting, electrotyping															P		P	P	P	P			
Photographic studios											P		P	P	P		P		P	P	P	P	
Plumbing, HV/AC equipment establishments with no outdoor storage														P	P		P	P					
Publishing or printing establishments											P				P		P	P					
Quick copy printing store											P		P	P	P		P	P	P	P	P	P	
Services, Medical and Health																							
Health services clinic											P		P	P	P	P	P		P	P	P	P	
Home healthcare service											P			P	P		P		P	P	P	P	
Hospital or medical facility											P			P	P								
Kidney dialysis center											P			P	P		P		P	P	P	P	
Medical or dental laboratories											P			P	P		P	P			SA	SA	
Services, Repair																							
Furniture upholstery or repair; home appliance repair or service														P	P		P	P					
Personal service, repair (watch, shoes, jewelry)							Pa	Pa			P		P	P	P		P		P	P	P	P	
Service areas, outdoor																		P					

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Use	**RE**	**R-100**	**R-85**	**R-75**	**R-60**	**RSM**	**MR-1**	**MR-2**	**HR-1,2,3**	**RNC**	**OI**	**OIT**	**NS**	**C-1**	**C-2**	**OD**	**M**	**M-2**	**MU-1**	**MU-2**	**MU-3**	**MU-4,5**	**See Section**
INDUSTRIAL																								
Alcohol or alcoholic beverage manufacturing																	P	P					
Alternative energy production (other than solar energy systems)																SP	P/SP*	P					4.2.27
Automobile/truck manufacturing																		P					
Brick, clay, tile, or concrete products terra cotta manufacturing																		P					
Building materials or lumber supply establishment															P		P	P					4.2.12
Cement, lime, gypsum, or plaster of Paris manufacturing																		P					
Compressed gas fuel station															SP		P/SP*	P					4.2.27
Chemical manufacture, organic or inorganic																		P					
Contractor, general (See also Building or Construction Office)															P		P	P		P	P	P	4.2.12
Contractors, heavy construction, outside storage																	P/SP*	P					4.2.12
Contractors, special trade															P		P	P					4.2.12
Crematoriums											SP			SP	SP		P	P					4.2.18
Distillation of bones or glue manufacture																		P					
Dry cleaning plant																	P/SP*	P					4.2.27
Dye works																		P					
Explosive manufacture or storage or sale, including fireworks																		P					
Fabricated metal manufacture																		P					
Fat rendering or fertilizer manufacture																		P					
Fuel dealers, manufactures or wholesalers																	P/SP*	P					4.2.27
General aviation airport																	P	P					

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Use	**RE**	**R-100**	**R-85**	**R-75**	**R-60**	**RSM**	**MR-1**	**MR-2**	**HR-1,2,3**	**RNC**	**OI**	**OIT**	**NS**	**C-1**	**C-2**	**OD**	**M**	**M-2**	**MU-1**	**MU-2**	**MU-3**	**MU-4,5**	**See Section**
Heavy equipment repair service or trade																	P/SP*	P					4.2.27
Ice manufacturing plant																	P	P					
Incidental retail sales of goods produced or processed on the premises																	Pa	Pa					
Incineration of garbage or refuse when conducted within an enclosed plant																		P					
Intermodal freight terminal, bus or rail freight or passenger terminal, or truck terminal																		P					
Leather manufacturing or processing																		P					
Manufacturing operations not housed within a building																		P					
Mines or mining operations, quarries, asphalt plants, gravel pits, soil pits, borrow pits and sand pits																		P					4.2.30
Outdoor storage, accessory															Pa	Pa	Pa	Pa					
Outdoor storage, stand alone																	P/SP*	P					4.2.27
Paper or pulp manufacture																		P					
Petroleum or inflammable liquids production, refining																		P					
Radioactive materials: utilization, manufacture, processing or emission																		P					
Railroad car classification yards																	P/SP*	P					4.2.27
Recovered materials facility wholly within a building																	P/SP*	P					4.2.27
Recovered materials processing wholly within a building																	P/SP*	P					4.2.27
Recovered materials processing with solid waste by-product																	P/SP*	SP					4.2.27
Recovered materials processing with solid waste by-product											Pa		Pa	Pa	Pa		P/SP*	P					4.2.27

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Use	**RE**	**R-100**	**R-85**	**R-75**	**R-60**	**RSM**	**MR-1**	**MR-2**	**HR-1,2,3**	**RNC**	**OI**	**OIT**	**NS**	**C-1**	**C-2**	**OD**	**M**	**M-2**	**MU-1**	**MU-2**	**MU-3**	**MU-4,5**	**See Section**
Repair/manufacture of clocks and watches, toys, small household appliances and electronics, or metal and machinery products, equipment, and tools																	P	P					
Research, experimental or testing laboratories																	P	P					
Rubber or plastics manufacture																	P/SP*	P					4.2.27
Salvage yard, junkyard																		P					4.2.41
Solid waste: general disposal, landfill, private industry disposal, handling facility, thermal treatment technology or hazardous/toxic materials including radioactive materials																		SP					4.2.47
Smelting: copper, iron, zinc, or ore																		P					
Storage yard for damaged or confiscated vehicles																		P					4.2.42
Sugar refineries																		P					
Tire retreading or recapping																	P/SP*	P					4.2.27
Towing or wreckage service																	P/SP*	P					4.2.49
Transportation equipment manufacture																		P					
Transportation equipment storage or maintenance (vehicle)																	P/SP*	P					
Truck stop or terminal																	P/SP*	P					4.2.51
Vehicle storage yard																	P/SP*	P					
Warehousing or Storage																P	P	P					
SOLAR ENERGY SYTEMS																							

KEY:	P - Permitted use									SA - Special administrative permit from Community Development Director													
	Pa - Permitted as an accessory use									SP - Special land use permit (SLUP)													
Use	**RE**	**R-100**	**R-85**	**R-75**	**R-60**	**RSM**	**MR-1**	**MR-2**	**HR-1,2,3**	**RNC**	**OI**	**OIT**	**NS**	**C-1**	**C-2**	**OD**	**M**	**M-2**	**MU-1**	**MU-2**	**MU-3**	**MU-4,5**	**See Section**
Integrated SES	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	4.2.47
Rooftop SES	Pa	SA	SA	SA	SA	SA	SA	SA	SA	Pa	SA	SA	Sa	SA	SA	SA	Pa	Pa	SA	SA	SA	SA	4.2.47
Ground Mounted SES, Small Scale	Pa	SP	SP	SP	SP	SP	SP	SP	SP	SP	Pa	Pa	Pa	Pa	Pa	Pa	P	P	SA	SA	SA	SA	4.2.47
Ground Mounted SES, Intermediate Scale	SP	SP	SP							SP							P	P					4.2.47
Ground Mounted SES, Large Scale	SP	SP								SP							SP	SP					4.2.47
COMMUNICATION – UTILITY																							
Amateur radio service antenna structure	SP	SP	SP	SP	SP	SP											P	P					4.2.8
Antennas, satellite dishes, television receivers	P	P	P	P	P	P	P	P		P	P		P	P	P		P	P	P	P	P	P	4.2.8
Electric transformer station, gas regulator station or telephone exchange																		P					
Radio or television broadcasting studio											P				P		P	P	P	P	P	P	
Radio or television broadcasting transmission facility											Pa				P		P	P					
WIRELESS TELECOMMUNICATION (cell tower)																							
New support structure from 51 feet to 150 feet	SP	SP	SP	SP	SP	SP							SP										
New support structure from 50 feet up to 199 feet											SA			SA	SA	SA	SA	SA					
COW's (non-emergency or event, no more than 120 days)	SA	SA	SA	SA	SA	SA	SA	SA		SA	SA		SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	
COW's (declared emergency)	P	P	P	P	P	P	P	P		P	P		P	P	P	P	P	P	P	P	P	P	
Attached wireless telecommunication facility, used for non-residential purposes (prohibited if used as residentia)	SA	SA	SA	SA	SA	SA																	
Attached wireless telecommunication facility							P	P		P	P		P	P	P	P	P	P	P	P	P	P	
Small cell installations (new support structures or collocation) on private property or ROW	SA	SA	SA	SA	SA	SA	SA	SA		SA	SA		SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	

*SLUP required if the use is adjacent to residential zoning district

4.2 Supplemental Use Regulations

4.2.1 Accessory buildings, dwellings, structures, and uses.

A. **General.** The follow appl to all accessory buildings, structures and uses determined by the director to be accessory to one (1) or more permitted principal uses.
   1. Accessory structures allowed in all residential districts may include, but are not limited to: garages, storage sheds, accessory dwelling units, and personal recreational facilities such as swimming pools and tennis courts.
   2. Accessory structures must be constructed in conjunction with or after the principal building is constructed.

B. **Location, yard, and building restrictions.** All accessory buildings, accessory structures, and accessory uses of land, including off-street parking, shall be located on the same lot as the principal building(s) to which they are accessory.
   1. All accessory structures in which effluent is produced shall be connected to water and sewer if the primary structure is connected to water and sewer.
   2. All accessory buildings or structures shall be located in the rear yard of the lot, with the exception of ATM bank machines which are also allowed in the front or side yard.
   3. Accessory buildings or structures shall meet the minimum side yard setback for the district or ten (10) feet, whichever is less, and shall not be located closer than ten (10) feet to a rear lot line in any district.

C. **Corner lot, rear yards**. Where the rear yard of a corner lot adjoins the side yard of a lot in a residential district, no accessory building or structure shall be located closer than fifteen (15) feet to the rear property line and no closer to the side street right-of-way line than the principal building.

D. **Materials**. Accessory structures that are buildings, dwelling units, or sheds shall be constructed out of a material similar to the principal structure.

E. **Use.** No accessory building or structure in a nonresidential district shall be used by anyone other than employees of the owner, lessee or tenant of the premises, unless otherwise allowed by provisions of this chapter.

F. **Accessory attached to principal building.** Where an accessory building or structure is attached to the principal building by a breezeway, passageway or similar means, the accessory building or structure shall comply with the yard setback requirements of the principal building to which it is accessory.

G. **Height**. Except as expressly provided elsewhere in this chapter, an accessory structure shall be limited to the lesser of twenty-four (24) feet in height or the height of the principal structure, whichever is less.

H. **Size, not including accessory dwelling unit.** The floor area of an accessory building(s) that is accessory to a single-family, two-family, or three-family residential structure shall not exceed the maximum floor areas set forth in Table 4.2 below.

Table 4.2 Maximum Accessory Building Floor Area - Select Residential Structures

Maximum Accessory Building Floor Area	
Property Size	**Maximum Floor Area**
0 to 0.999 acres	900 square feet
1 to 4.999 acres	1,200 square feet
5 to 9.999 acres	2,000 square feet

10 or more acres	No size limit

I. **Accessory Dwellings Units.** Guest house or in-law suite.

1. On parcels zoned for residential single-family dwellings as a principal use, an accessory dwelling unit may be allowed as one (1) of the following:
    a. Attached (addition to existing building)
    b. Detached
    c. Within existing house (renovations to basements, wings or attics converted into separate living unit)
    d. Above a detached garage. The heated floor area of a dwelling unit shall not include the square footage of the garage.
2. Accessory dwelling units are permitted subject to the following:
    a. The minimum lot size shall be ten thousand (10,000) square feet (except within an existing house).
    b. The accessory dwelling unit shall conform to applicable standards of the state, city and city building codes for residential units as principal uses.
    c. The property owner, who shall include titleholders and contract purchasers, must occupy either the principal dwelling unit or the accessory dwelling unit as their residence, and possess a homestead exemption.
    d. The appearance of the accessory dwelling unit shall be similar to that of the principal residence.
    e. Only one (1) accessory dwelling unit of any type shall be permitted on a lot.
    f. Prior to issuance of a building permit for an accessory dwelling unit, an applicant must provide evidence to the director of planning showing that existing or proposed septic tank facilities, as applicable, are adequate to serve both the principal dwelling and the accessory dwelling unit.
    g. Any detached accessory dwelling unit shall be located in the rear yard.
    h. A second kitchen facility may be constructed and used within a single-family residence.
    i. Paved off-street parking shall be provided for one (1) additional vehicle.
    j. Accessory dwelling units shall not exceed nine hundred (900) square feet of heated floor area.
    k. The main entrance shall not face the closest property line. Windows, doors, balconies, porches and decks shall be sited to ensure the privacy of neighbors.
    l. For parcels located in a designated historic district and individually designated historic structures, the placement of an accessory dwelling unit and its architectural design shall require a certificate of appropriateness from the historic preservation commission.

J. **Other Residential Accessory Uses.**

1. *Swimming pools,* as accessory structures in a residential district. Setbacks shall be measured from the edge of the decking to the applicable property line. No part of the decking for an accessory swimming pool shall be within five (5) feet of a side or rear property line. (See section 13-181 et seq. of the City of Stonecrest Code.)
2. *Tennis courts* on individual residential lots shall be located in rear yards and shall be set back at least fifteen (15) feet from all side and rear property lines and be enclosed by a fence or freestanding wall at least eight (8) feet high. Lighting for the private tennis court shall not be permitted, except by a special administrative permit.

3. *Basketball goals* attached to the principal residential structure or erected adjacent to and abutting the driveway of the principal residential structure shall be allowed in the front yard but not within the right-of-way of a public street. No basketball goal shall be erected in such a manner that the play area for the basketball goal is located within any portion of a public right-of-way.

4.2.2 Adult daycare.

A. All outdoor recreation areas shall be enclosed by a fence or wall not less than four (4) feet in height.
B. Each adult day care center (7 or more persons) shall provide off-street parking spaces as required by the applicable zoning district and an adequate turnaround on the site.
C. No adult day care facility shall be located within one thousand (1,000) feet of another adult day care facility.
D. No adult day care facility (6 or less persons) may be established and operated until a permit to do so has been obtained in accordance with the procedures set forth below.
    1. Permit application. Persons seeking to operate an adult day care facility in the city must file a permit application with the planning department. Each application shall also be accompanied by the applicant's affidavit certifying the maximum number of adults that will be served simultaneously and that the proposed adult day care will meet and be operated in compliance with all applicable state laws and regulations and with all ordinances and regulations of the city. The planning department may require clarification or additional information from the applicant that is deemed necessary by the city to determine whether the proposed service will meet applicable laws, ordinances and regulations.
    2. Notwithstanding the above provisions, if a proposed adult day care facility is subject to the requirement that the applicant obtain a certificate of registration from the state department of human resources, and even though the application may have been approved under the provisions of this section, a permit for the operation of such facility shall not be issued until proof has been submitted by the applicant that the certificate of registration has first been obtained from the state.

4.2.3 Adult and Sexually oriented businesses.

A. **Purpose**. It is a purpose of this chapter to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the city. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material.

B. **Findings and rationale**. Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the city council, and on findings, interpretations, and narrowing constructions incorporated in the cases referenced in Ordinance ____ the city council finds:

1. Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
2. Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.
3. Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the city's rationale for this section, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the city's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the city. The city finds that the cases and documentation relied on in this section are reasonably believed to be relevant to said secondary effects.

C. The city hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of sexually oriented businesses, including the judicial opinions and reports related to such secondary effects.
    1. *Unlawful to operate within 500 feet of a similar business.* It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in the city within 500 feet of another sexually oriented business. Measurements for this subsection shall be made in a straight line without regard to intervening structures or objects, between the closest points on the property lines of the two sexually oriented businesses.
    2. *Unlawful to operate within 500 feet of certain public places.* It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in the city within 500 feet of a residential district, place of worship, park, or public library. Measurements for this subsection shall be made in a straight line without regard to intervening structures or objects, from the closest part of the structure containing the sexually oriented business to the closest point on the boundary line of the residential district or the closest point on the property line of the place of worship, park, or public library.

4.2.4 Agriculture, forestry, and animal related uses

A. **Agricultural produce stands.** Agricultural produce stands shall comply with the front yard setback requirement for the district in which they are located and shall provide a minimum of four (4) off-street parking spaces. If temporary, mobile, or farmers market, see temporary uses, [section] 4.3.1.

B. **Beekeeping.**
    1. No more than two (2) apiary colonies are allowed per one-quarter (0.25) acre.

2. Apiary colonies must be setback from all property lines a minimum of ten (10) feet.
3. Apiary colonies must be located in the side or rear yard if a principal building exists.
4. Apiary colonies must be maintained responsibly with adequate space and management techniques to prevent overcrowding and swarming.
5. In any instance in which a colony becomes a nuisance, the beekeeper must re-queen the hive.

C. **Greenhouses and plant nurseries, commercial.** Any structure used as a commercial greenhouse or plant nursery shall be set back no less than one hundred (100) feet from any adjoining property that is zoned for residential use.

D. **Dairy.** Notwithstanding subsection (e), any structure used for housing or processing of dairy cows shall be set back not less than two hundred (200) feet from property lines, and all dairy cows shall be kept at least one hundred (100) feet from property lines.

E. **Keeping of Livestock.**
1. Livestock regulations apply to animals over twelve (12) months of age.
2. Livestock shall only be permitted on a lot containing two (2) or more acres, and there shall be no more than two (2) animals, per fenced acre for horses, llamas, mules, asses, cows or large aviary such as emus; and no more than three (3) animals per fenced acre for sheep or goats.
3. Except as otherwise provided herein, any structure used for housing or processing of livestock shall be set back not less than one hundred (100) feet from any property line.
4. Dwarf livestock may be kept at up to two (2) per fifty (50) square feet of fenced area, with no minimum lot size, except lots less than ten thousand (10,000) square feet shall be limited to a total of three (3) dwarf livestock animals.
5. Structures for housing dwarf livestock shall be setback not less than ten (10) feet from any property line.
6. Fenced areas for livestock may not include lot area covered by the principal structure or driveway.
7. A structure providing at least one hundred (100) square feet of floor space per animal for housing horses, llamas, mules, ass, cow or large aviary such as emus is required, and at least twenty-five (25) square feet of floor space per animal is required for housing sheep or goats. A structure housing dwarf livestock shall provide three (3) square feet per animal.
8. Pigs and hogs are prohibited, except pot-bellied pigs. Pot-bellied pigs shall be treated as livestock, and subject to the standards for sheep and goats.
9. Livestock is not permitted to run at-large beyond the confines of its owner's property.
10. Parking of livestock trailers and recreation vehicles related to the livestock shall comply with the parking standards in article 7.
11. Composted animal waste can be used as fertilizer for the purpose of enriching the property owner's soil.
12. Animals must be kept under sanitary conditions and shall not be a public nuisance.
13. Disposal of dead livestock shall be subject to the DeKalb County Sanitation rules and regulations or requirements.

F. **Keeping of poultry/pigeons.**
1. The minimum fenced yard area for chickens shall be twenty-five (25) square feet per hen.
2. Chickens and pigeons must be housed at least twenty (20) feet from any property line, and fifty (50) feet from any residence other than the owners.
3. Any structure housing chickens and pigeons must be located in the rear yard if a principal building exists.

4. The minimum lot size for the keeping of chickens or pigeons is ten thousand (10,000) square feet. Fenced area for chickens shall comply with the setback requirements for accessory structures. Chickens and pigeons and associated structures and fencing shall comply with relevant articles of chapters 16 and 18, relating to noise and property maintenance.
5. No roosters are allowed.
6. The maximum number of hens shall be one (1) hen per two thousand (2,000) square feet of lot size.
7. Each coop shall have at least four (4) square feet of floor space per chicken over four (4) months old. For Bantams, a variety defined as miniature, each coop shall have one (1) square foot of floor area per chicken over four (4) months old.
8. Chickens must be kept securely in an enclosed yard or pen at all times.
9. Chickens are only permitted as pets or for egg production; the chickens cannot be kept for slaughter.
10. Composted animal waste can be used as fertilizer for the purpose of enriching the soil of the owner's property.
11. Animals must be kept under sanitary conditions and shall not be a public nuisance.

G. **Livestock sales pavilion or abattoirs.** Livestock sales pavilions and/or abattoirs shall be operated in accordance with state and county health regulations. All buildings shall be located at least one hundred (100) feet from any property line. All animals to be processed shall be fenced at least one hundred (100) feet from any property zoned or used for residential purposes.

H. **Riding academies or stables**. Riding stables shall be established on a lot having an area of not less than ten (10) acres. Any structure that houses animals used as part of the riding stable shall be located at least one hundred (100) feet from any property line. All animals shall be fenced at least twenty (20) feet from any property line.

I. **Structures used in production and processing of fruits, tree nuts and vegetables**. Any structure used in the processing or production of fruits, tree nuts, and vegetables that uses mechanized equipment or is not fully enclosed in a building, that emits noise, dust or vibration, shall be setback no less than fifty (50) feet from property zoned or used for residential purposes.

J. **Sawmill, temporary or portable.** The time limit for any permit for a temporary or portable sawmill shall not exceed six (6) months. A temporary or portable sawmill may only process timber removed from the property on which the sawmill is located. Operation of a temporary or portable sawmill shall be set back not less than five hundred (500) feet from any residential structure other than the owners.

4.2.5 Alcohol outlets and liquor stores.

A. **Alcohol outlets** are any retail establishment that also sells alcohol including convenience stores, gas stations, grocery stores, etc.
    1. The area devoted to the sale and storage of alcohol shall not exceed twenty (20) percent of gross floor area.
    2. Alcohol outlets shall not be located, except for grocery stores over 12,000 square feet:
        a. Within three hundred (300) feet of any school building, school grounds, educational facility, college campus, or sexually oriented business; or
        b. Within six hundred (600) feet of a substance abuse treatment center owned, operated, or approved by the state or any county or municipal government.

3. *Exceptions.* Grocery stores over 12,000 square feet are permitted by right to also be alcohol outlets. This section does not apply, and these establishments do not need SLUPs for alcohol sales where they are permitted by Table 4.1.

B. **Liquor stores** are establishments where more than 50% of revenue is from alcohol sales. They shall not be located:
   1. Within one thousand (1,000) feet of any existing liquor store
   2. Within six hundred (600) feet of any residence, church, school, school building or grounds, educational facility, college campus, or sexually oriented business.
   3. Within six hundred (600) feet of a substance abuse treatment center owned, operated or approved by the state or any county or municipal government.
   4. *Exception.* This section does not apply to liquor stores that are a part of a mixed-use development, but these establishments must still receive a SLUP where required by Table 4.1.

C. For the purpose of this section, distance shall be measured according to Chapter 4.

D. The sale or distribution of individual cups and individual servings of ice at package stores is prohibited.

4.2.6 Ambulance, taxi, and limousine services, dispatch, and storage.

A. If not within an enclosed structure, automobiles for ambulance dispatch, taxi, and limousine services shall be parked at least fifty (50) feet from any residential district boundary and setback at least ten (10) feet from any property line.

B. Automobiles for ambulance dispatch, taxi, and limousine services may be parked within fifty (50) feet of a residential district boundary if such vehicles are parked within an enclosed structure or, if the parking area is screened by a fence, wall or evergreen buffer at least six (6) feet in height.

4.2.7 Animal care facilities.

A. **Animal hospitals and veterinary clinics.**
   1. Any building or enclosed structure used as an animal hospital or veterinary clinic shall be located and the activities associated with the use shall be conducted at least one hundred (100) feet from any property zoned or used for residential purposes.
   2. When located within a shopping center, the use shall be adequately soundproofed, and odor proofed so as not to create a nuisance.
   3. No boarding shall be allowed unless required in connection with medical treatment;
   4. Outside runs or kennels are prohibited.

B. **Animal shelter or rescue center, four (4) or more.**
   1. Any building or enclosed structure for the housing of animals shall have a minimum setback of at least one hundred (100) feet from all property lines and at least two hundred (200) from property zoned for residential use.
   2. All areas housing animals shall be completely enclosed by walls or fences at least five (5) feet in height.
   3. No animal shelter shall be located within five hundred (500) feet of a residential district.
   4. Outside pens must be located a minimum of seventy-five (75) feet from any stream.

C. **Pet grooming shops**. Any building or enclosed structure used as a pet grooming shop shall be located and activities shall be conducted at least one hundred (100) feet from any property zoned or used for residential purposes.

D. **Pet day care and/or boarding**. Any building or enclosed structure for the housing of animals associated with a pet day care use shall have a minimum setback of at least one hundred (100) feet from all property lines and at least two hundred (200) feet from property zoned or used for residential use. All areas housing animals shall be completely enclosed by walls or fences at least eight (8) feet in height.

E. **Kennels, breeding**. All kennels shall comply with the following:
   1. Any building or enclosed structure used for kennels shall be located and related activities shall be conducted at least one hundred (100) feet from any property line and at least two hundred (200) feet from property zoned for residential use.
   2. Kennels shall be located on a site of not less than two (2) acres.
   3. Any building or enclosed structure used for kennels shall be constructed and related activities shall be conducted in accordance with applicable law.
   4. All outdoor areas used as a dog kennel or outdoor confinement must be surrounded by an opaque fence or wall no less than eight (8) feet in height.
   5. The floor of all buildings or structures used as a kennel to which animals have access shall be surfaced with concrete or other impervious material.
   6. The portion of the building or structure in which animals are housed shall be adequately soundproofed to meet the minimum requirements of the city's noise ordinance.

F. **Household pets**. Except as is otherwise herein provided, in any residential district within the city a person may keep not more than three (3) household pets on each lot which is two (2) acres or less in size. On any lot exceeding two (2) acres in size, a person may keep one (1) additional household pet for each additional acre above two (2) acres up to a maximum of ten (10) household pets. Litters of animals of not more than six (6) months of age shall not be counted for the purpose of calculating the total number of household pets on a lot.

4.2.8 Antennas, satellite dishes, television receivers.

A. Antennas, satellite dishes, or other television transmission receivers located in residential zoning districts may only be located on the roof or in the rear yard of properties.

B. Antennas, satellite dishes, or other television transmission receivers located in a non-residential zoned district are prohibited in any yard which adjoins a residential zoned district.

C. Any ground mounted antennas, satellite dishes, or other television transmission receivers shall be screened from view from surrounding properties at ground level, and from public streets.

4.2.9 Automotive sales and service; boat, trailer sales and service.

A. **Automobile brokerage** (no vehicle storage). Auto Brokers are office only uses. Sales are preformed over the phone or online. Auto Brokers cannot be located on the same parcel as other car sales. No vehicle storage is permitted associated with an Auto Broker.

B. **Automobile and truck sales.** Where a lot is used for automobile or truck and trailer sales, all inventory vehicles parked outdoors shall be set back at least ten (10) feet from the street right-of-way. The ten-foot setback from the street right-of-way shall comply with section 5.4.4.D.3. of this chapter. No other unrelated retail use shall be on the same property or in the same building with automobile and truck sales. The automobile and truck sales lot shall be on a lot no less than one (1) acre in area.

C. **Automobile upholstery shop**. These facilities must follow the same requirements as major automobile repair and paint shops.

D. **Major automobile repair and paint shops.** Major automobile repair and paint shops shall meet the following:

1. Upon the minor redevelopment of existing buildings or structures, as defined in Section 27-8.1.16, that also requires a land development permit or building permit, the director or his/her designee may require additional improvements to landscaping, signage, parking lots, sidewalks, or building facades. Any minor redevelopment of existing structures, buildings, and physical appurtenances is permitted by right if such changes result in greater conformity with the specifications of this section.
2. Shops shall not be permitted on property located within three hundred (300) feet of any property used for a school, park, playground, or hospital.
3. All automobile repair activities must be contained entirely within an enclosed building, unless located in M (Light Industrial) District. For purposes of determining whether a building is enclosed, the use of open overhead bay doors that can be closed after business hours shall be permitted.
4. Vehicles awaiting service shall be parked on-site. If stored overnight, they shall be stored inside an enclosed building or in the side or rear yard enclosed with an opaque fence made of masonry or wood and at least six (6) feet in height.
5. Outdoor displays of merchandise (such as tires) shall be prohibited beyond ten (10) feet from the primary building and shall only be displayed during business hours.
6. Overnight outdoor storage of any materials, equipment, tires, or rims is prohibited.
7. New facilities must be designed with automobile bays facing away from the primary street frontage.
8. Junk vehicles shall not be stored on the property.
9. All parking located in front of the primary building shall be limited to customers seeking services only and not for storing vehicles overnight waiting to be repaired.
10. No automobile sales or curb stoning, which is the sale of used vehicles by unlicensed dealers, shall be permitted on the property.
11. For the purpose of this section, distance shall be measured by the most direct route of travel on the ground.

E. **Minor automobile repair and maintenance establishments**. Minor automobile repair and maintenance establishments shall meet the following:
1. Upon the minor redevelopment of existing structures or buildings, as defined by Section 27-8.1.16, that also requires a land development permit or building permit, the director or his/her designee may require additional improvements to landscaping, signage, parking lots, sidewalks, or building facades. Any minor redevelopment of existing structures, buildings, and physical appurtenances is permitted by right if such changes result in greater conformity with this section.
2. Operations, including the servicing of vehicles, storage of materials and similar activities connected with the use, must be contained entirely within an enclosed building. For the purpose of determining whether a building is enclosed, the use of open overhead bay doors that can be closed after business hours shall be permitted.
3. Vehicles awaiting service shall be parked on-site. If stored overnight, they shall be stored inside an enclosed building or in the side or rear yard enclosed with an opaque fence at least six (6) feet in height).
4. Outdoor displays of merchandise (such as tires) shall be prohibited beyond ten (10) feet from the building and shall only be displayed during business hours.
5. Overnight outdoor storage of any materials, equipment, tires, or rims is prohibited.
6. New facilities must be designed with automobile bays facing away from the primary street frontage.
7. Junk cars shall not be stored on the property.

8. No automobile sales or curb storing, which is the sale of used vehicles by unlicensed dealers, shall be permitted on the property.
9. All parking located in front of the primary building shall be limited to customers seeking service only.

F. **Automobile service stations, including gas sales.** Unless otherwise permitted within the applicable zoning district, major automobile repair in association with an automobile service station shall not be permitted. Gasoline pumps and other service facilities shall comply with the requirements of section 4.2.23.

G. **Automobile, truck and trailer lease and rental**. Where a lot is used for automobile, truck and trailer lease and rental, all inventory vehicles parked outdoors shall be set back at least ten (10) feet from the street right-of-way. The ten-foot setback from the street right-of-way shall comply with chapter 5. All parking areas shall be clearly marked, and no automobile, truck or trailer shall be parked outdoors other than within these marked parking areas, except when being serviced. The lot shall be no less than one (1) acre in area.

H. **Automobile, truck and trailer lease and rental where accessory to an automobile service station or shopping center**. Where the lease and rental of automobiles, trucks and trailers is an accessory use, the following requirements shall apply:
1. The lot on which the inventory vehicles are parked shall be no less than one (1) acre in area.
2. Parking areas for inventory vehicles which are available for lease or rental shall be located only in the side or rear yard.
3. Any work on vehicles conducted outdoors shall only be permitted in the rear yard but shall be prohibited if the rear yard is adjacent to property zoned or used for a residential purpose.

I. **Boat and boat trailer sales**. All boats and boat trailers located on property used for boat and boat trailer sales shall be set back at least ten (10) feet from the street right-of-way. The ten-foot setback from the street right-of-way shall comply with section 5.4.4.D.3. of this chapter.

J. **Retail automobile parts and tire stores**. Unless otherwise authorized or permitted within the applicable zoning district, the following limitations apply to the conduct of retail sale of automobile parts and tire stores:
1. There shall be no dismantling of vehicles on the premises to obtain automobile parts.
2. There shall be no automobile parts installation other than the installation of tires and the installation of minor accessory parts.
3. Major automobile repair shall not be permitted in connection with these uses.
4. Outside display of merchandise shall not extend into the parking lot.

K. **Trailer and RV salesrooms and sales lots.** All inventory vehicles located on property used for trailer and RV salesrooms or sales lots shall be set back at least ten (10) feet from the street right-of-way. The ten-foot setback from the street right-of-way shall comply with section 5.4.4.D.3. of this chapter.

L. **Automobile recovery, temporary storage for damaged or confiscated automobiles.** The following provisions shall apply to automobile recovery as defined in Article 10:
1. The use shall be enclosed by a fence or wall which is not less than eight (8) feet in height which provides visual screening.
2. No dismantling, repair or other similar activity shall be conducted on the premises.
3. The use shall be located at least one thousand (1,000) feet from any residential district.
4. Automobiles shall not be stored longer than provided by state and city law.

4.2.10 Automobile wash service, principal, accessory, detail or mobile.

A. Automobile wash services shall provide a paved area with capacity to store five (5) vehicles waiting to use automatic carwash facilities, and two (2) vehicles per bay for self-service car washes.
B. Wastewater from all automobile wash services shall be pretreated in accordance with watershed management standards prior to being drained into the public sanitary sewer or into any stormwater structure, as may be approved by the director of planning.
C. No storage or repair of vehicles shall be allowed on property on which the car washing facility is located.
D. An accessory single-bay automatic (not self-service) car wash completely enclosed except for openings necessary to allow entry and exit of vehicles shall be permitted subject to the following:
    1. The car wash structure shall be constructed of building materials consistent with that of the principal building, including the roof.
    2. The doors of the car wash building shall be fully closed when the facility is not available for operation.
    3. The car wash structure shall be located behind the rear building line of the principal building,

4.2.11 Bed and breakfast

A. The operator of the establishment shall reside on site.
B. The use shall require a building permit and approval of the fire department.
C. Rooms to be let may not be equipped with cooking facilities.
D. No restaurant use is permitted. Breakfast may be served on the premises only for guests and employees of the bed and breakfast.
E. The bed and breakfast shall not be operated in such a way as to change the residential character of the neighborhood in which it is located and shall comply with the noise ordinance.
F. The structure shall be compatible with the character of the neighborhood in terms of height, setbacks and bulk, subject to the approval of the director of planning.
G. In addition to providing the off-street parking required for the dwelling unit, there shall also be provided at least one (1) off-street parking space for each bedroom used as a part of the breakfast residence.
H. No signs or advertising are permitted to identify or advertise the existence of the bed and breakfast residence beyond those otherwise allowed for residential property.
I. No individual other than the owner or an employee shall stay for longer than seven (7) consecutive days.
J. In mixed use districts, bed and breakfasts shall not be permitted within units of multifamily residences.

4.2.12 Building and construction office, landscape contractors.

A. Storage of equipment and/or materials shall be located in the rear yard and screened from view from adjoining properties and the public street with a fence a minimum of six (6) feet in height.
B. Parking of vehicles shall be located in the side or rear yard only.

4.2.13 Cemetery, columbarium, mausoleum.

A. **Accessory Use.** Cemeteries that are allowed as an accessory use to a church or other place of worship must comply with provisions in section 4.2.39, places of worship.
B. **Principal Use.**

1. A cemetery, columbarium or mausoleum shall be located on property with a minimum lot size of ten (10) acres.
2. The lot on which a cemetery, columbarium or mausoleum is located shall have a minimum public road frontage of one hundred (100) feet.
3. Permanent public ingress/egress shall be provided for the lot on which a cemetery, columbarium or mausoleum is located.
4. Compliance must be maintained with all requirements of the State of Georgia and the county tax commissioner.

4.2.14 Check cashing.

A. Check cashing facilities, either as a primary use or on its own lot or as part of a retail shopping center, shall not be permitted within one thousand (1,000) feet of an existing check cashing facility or pawn shop. For the purpose of this section, distance shall be measured by the most direct route of travel on the ground.
B. The window and door area of any existing first floor façade that faces public street or sidewalk shall not be reduced, covered, or otherwise obscured nor shall changes be made to such windows or doors that block views into the building at eye level from the street or sidewalk.
C. For new construction, at least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be window or doors of clear or lightly tinted glass that allow views into the building at eye level from the street or sidewalk.
D. The use of bars, chains, roll down doors, or similar security devices placed on the outside of the building is prohibited.
E. The use of light emitting diodes, neon lights, and illuminated panels placed around the windows or on the outside of the building are prohibited.

4.2.15 Childcare homes and centers

A. **Childcare homes and childcare centers , general requirements.**
    1. Childcare for 2 or less children is not regulated by the State of Georgia and therefore these requirements do not apply.
    2. Each child caring home and facility institution must obtain all license(s) and/or permit(s) required by the State of Georgia in order to operate. Each child caring home and facility must display its state-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.
    3. Childcare homes and childcare centers are not permitted in multi-family dwellings except as a commercial space in a mixed-use development. A special land use permit is required to have a childcare home in a stand-alone residence in a mixed-use development.
    4. No child caring institution may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.
    5. Each child care home and child care center serving 3 or more children over the age of three (3) and under the age of fifteen (15) must provide a fenced outdoor play area equivalent of 100 square feet per child in the rear of the property. Evidence of compliance must be shown upon application for or renewal of a business license.
B. **Childcare home (up to six (6) children).**
    1. Each childcare home must provide at least four (4) parking spaces within a driveway, garage or carport, and must comply with any applicable requirements in article 7.

2. Childcare homes in private residences are required to comply with all home occupation standards in section 4.2.26.
3. In order to prevent institutionalizing residential neighborhoods, child care home located in the RE, R-LG, R-100, R-85, R-75, R-50, R-SM, or MR-1 zoning district may be operated within one thousand five hundred 1,500 feet of any other personal care home or child care home. The distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two (2) tracts of land on which the group personal care homes or child caring homes are located.
4. The home or building must be at least 1600 sq. ft in size and must be a detached, stand-alone building in all residential districts (RE, R-100, R-85, R-75, R-60, RSM, MR-1, MR-2, or RNC).
5. Floor and site plans to be submitted to Director of Planning.

C. **Childcare Center (seven (7) or more children).**
1. Two (2) copies of the complete architectural plans of the subject community childcare facility, signed and sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
2. Each community childcare facility must provide at least one-half (0.50) parking spaces for each employee and resident and must comply with any applicable requirements in article 8.
3. In mixed use district, a childcare center must be in commercial designated space.
4. All necessary building and fire permits with Fire Marshall is required to sign off on all approved plans.

4.2.16 Coliseum, stadium, amphitheater.

A. Prior to the issuance of a land disturbance permit, a traffic study shall be submitted to the planning department.
B. All structures shall be located, and all activities shall take place no less than one hundred (100) feet from any property line adjacent to a residential district or use.

4.2.17 Commercial recreation and entertainment.

A. **Drive-in theaters.**
1. The theater screen, projection booth and any other structures associated with the drive-in theater use shall be set back not less than fifty (50) feet from any property line.
2. Driving and parking areas shall be paved.
3. Ingress and egress from a public street shall be designed and constructed so as to provide for safe traffic movement.
4. Central loudspeakers shall be prohibited.
5. The theater screen shall not be visible from any freeway or thoroughfare.
6. The portion of the property used for drive-in theater purposes shall be enclosed by a six-foot high screening fence.
7. The property shall have a minimum buffer area ten (10) feet in width surrounding the portion of the property used for drive-in theater purposes.

B. **Fairgrounds and amusement parks**.
    1. All buildings and structures associated with such uses shall be set back not less than two hundred (200) feet from any property line.
    2. Such uses shall not be permitted within five hundred (500) feet of a residential district.
    3. Such facilities shall be enclosed by a six-foot screening fence.

C. **Golf driving ranges and batting cage facilities**.
    1. Such uses shall be enclosed by a six-foot high screening fence or a twenty-five-foot wide buffer to screen adjacent property.
    2. Central loudspeakers shall be prohibited.
    3. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.

D. **Miniature golf courses.**
    1. Such uses shall be enclosed by a six-foot high screening fence and a buffer ten (10) feet in width to screen adjacent property.
    2. Central loudspeakers shall be prohibited.
    3. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.

E. **Golf courses.**
    1. Except for emergency purposes, loudspeakers shall be prohibited.
    2. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.

F. **Recreation grounds, fishing lakes and other related facilities.**
    1. Such uses shall be enclosed by a screening fence six (6) feet in height or a twenty-five-foot wide buffer to screen adjacent property.
    2. Central loudspeakers shall be prohibited.
    3. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.

G. **Swimming pools**.
    1. Community swimming pools and their customary accessory buildings and structures shall be set back at least fifteen (15) feet from all side and rear lot lines and be enclosed by a wall or fence, not less than four (4) feet nor more than six (6) feet in height.
    2. Setback is measured from the pool decking except where established elsewhere.

H. **Tennis centers, clubs and facilities.**
    1. Such uses shall be enclosed by a screening fence six (6) feet in height or a twenty-five-foot wide planted buffer to screen adjacent property.
    2. Central loudspeakers shall be prohibited.
    3. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.

I. **Go-cart concessions.**

1. All buildings and structures associated with such use shall be set back not less than two hundred (200) feet from any property line.
2. Such use shall not be permitted within five hundred (500) feet of the boundary of a residential district.
3. Such use shall be enclosed by a six-foot high masonry wall.
4. The motor size of any cart used shall not exceed five (5) horsepower.
5. The maximum area occupied by the facility, excluding areas used solely for parking, shall not exceed forty thousand (40,000) square feet.
6. Central loudspeakers shall be prohibited.

J. **Other outdoor recreation** shall meet the standards provided in subsection G. of this section.

4.2.18 Crematoriums

A. Crematorium use shall be located at least one hundred (100) feet from the property line of any property zoned or used for residential purposes.

4.2.19 Drive-through facilities, restaurant.

A. Drive-through facilities shall not be located within sixty (60) feet of a residentially zoned property, as measured from any menu or speaker box to the property line of adjacent residential property, unless part of a mixed-use development.
B. No drive-through facility shall be located on a property less than ten thousand (10,000) square feet in area, unless part of a mixed-use development. Stacking spaces for queuing of cars shall be provided for the drive-through area as required in article 7.
C. Drive-through lanes and service window serving drive-through lanes shall only be located to the side or rear of buildings.
D. Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.
E. Speaker boxes shall be directed away from any adjacent residential properties and shall require masonry sound attenuation walls with landscaping or other speaker volume mitigation measures. Speaker boxes shall not play music but shall only be used for communication for placing orders.
F. All lighting from drive-through facilities shall be shaded and screened so as to be directed away from any adjacent residential properties.
G. Stacking spaces shall be provided for any use having a drive-through facility or areas having drop-off and pick-up areas in accordance with the following requirements. Stacking spaces shall be a minimum of ten (10) feet wide and twenty-five (25) feet long. Stacking spaces shall begin at the last service window for the drive-through lane (typically the "pick-up" window).
H. All drive-through facilities with the exception of drive-through restaurants shall provide at least three stacking spaces for each window or drive-through service facility.
I. The following general standards shall apply to all stacking spaces and drive-through facilities:
    1. Drive-through lanes shall not impede on and off-site traffic movements, shall not cross or pass through off-street parking areas, and shall not create a potentially unsafe condition where crossed by pedestrian access to a public entrance of a building.
    2. Drive-through lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked or otherwise distinctly delineated.

3. All drive-through facilities shall include a bypass lane with a minimum width of ten (10) feet, by which traffic may navigate around the drive-through facility without traveling in the drive-through lane. The bypass lane may share space with a parking access aisle.
4. Drive-through lanes must be set back five (5) feet from all lot lines and roadway right-of-way lines.
5. Owner and operator are responsible for daily litter clean-up to ensure the property remains free of trash, litter, and debris.
6. Drive-through restaurants shall not be located within five hundred (500) feet of an elementary, middle, or high school.
7. Distance shall be measured from the right-of-way of the exit or entrance ramp, or street corner (middle of the radius), along the intersecting street right-of-way, to the nearest property line.

4.2.20 Dwellings: cottage, mobile home, townhouse, urban single-family, and condominium.

A. **Cottage.** Notwithstanding any other provision to the contrary, a cottage development may be subdivided into individual lots that do not meet the minimum street frontage requirements and may be treated as fee-simple or condominium lots.
B. **Mobile home or manufactured home**. When permitted outside of a mobile home zoning district, mobile homes or manufactured homes may be used to house caretakers or security personnel only and may not be used for commercial purposes.
C. **Townhouse, urban single-family (U-SF), single-family attached**. Notwithstanding any other provision to the contrary, a townhouse or U-SF development may be subdivided into individual lots that do not meet the minimum street frontage requirements and may be treated as fee simple or condominium lots.
D. **Condominium standards**. If a condominium form of ownership is proposed for a development, the development shall meet all applicable state laws, including the Georgia Condominium Act (O.C.G.A. § 44-3-70 et seq.). Proposed bylaws and the articles of incorporation for the condominium association shall be submitted to the director of planning with the application for development approval.

4.2.21 Emission stations.

A. Emission stations shall be setback no less than thirty-five (35) feet from the public right-of-way.
B. A metal building may be used if it has a brick base at least three (3) feet high. No fabric or tarp structures may be used.
C. Large planters for landscaping must be installed around any building to provide screening.

4.2.22 Extended stay hotel/motel

A. Extended-stay motels/hotels shall have no more than twenty-five (25) guest rooms per acre.
B. Each guest room must have a minimum of three hundred (300) square feet and access with a magnetic keycard entry/locking device.
C. Extended-stay hotels/motels shall not be more than four (4) stories in height.
D. Extended-stay hotels/motels must be constructed on a tract of land containing at least two (2) acres.

E. Extended-stay hotels/motels must contain an enclosed, heated and air-conditioned laundry space containing a minimum of three (3) clothes washers and three (3) clothes dryers for the use of guests.
F. Extended-stay hotels/motels must provide a minimum of one thousand (1,000) square feet for recreational use by guests. In computing the one thousand (1,000) square feet requirement, swimming pools, fitness or recreation centers and other recreational facilities may be used in determining the square footage required by this subsection.
G. Management must be on the property twenty-four (24) hours a day, seven (7) days a week.
H. Daily maid service must be included in the standard room rate.
I. Parking areas must have security fencing and lighting with a minimum luminescence of one (1) foot-candle at pavement level.
J. No extended stay motel/hotel may be located within one thousand (1,000) feet of another extended stay motel/hotel.
K. Change of location or name.
    1. No applicant shall operate, conduct, manage, engage in, or carry on an extended-stay motel/hotel under any name other than his name and the name of the business as specified on the occupation tax certificate.
    2. Any application for an extension or expansion of a building or other place of business where an extended-stay motel/hotel is located shall require inspection and shall comply with the provisions and regulations of this article.
    3. The applicant shall pay an administrative fee to be set by the city council to apply for a change of name for an extended-stay motel.

4.2.23 Fuel pumps, accessory.

A. Upon the minor redevelopment of existing structures or buildings, as defined in Section 28-8-1.16, that also requires a land disturbance permit or building permit, the director may require additional improvements to landscaping, signage, parking lots, sidewalks, or building facades. Any minor redevelopment of existing structures, buildings, and physical appurtenances is permitted by right if such changes result in greater conformity with the specifications of this section.
B. Gas station and convenience store design shall comply with the design standards set forth in article 5 of this chapter.
C. The following standards apply to all gas pumps:
    1. The primary building (i.e., convenience store or automobile service station) shall be exempt from primary building setbacks if located in activity centers.
    2. Canopies covering gasoline dispensers shall be set back not less than fifteen (15) feet from all street rights-of-way.
    3. Canopy height shall not exceed the greater of twenty (20) feet or the height of the principal building.
    4. Canopies and their columns shall be complementary to the overall color scheme and building materials scheme of the building façade to which the canopy is necessary.
    5. Canopy lighting shall not extend beyond the area immediately beneath the canopy and all fixtures shall be recessed, including any fixture or lens. Lighting shall project inward and downward, shall not have any spillover to adjacent properties, and shall cut off no later than thirty (30) minutes after closure of the facility.

6. Automobile service stations with gas sales shall have a capacity to store one (1) car per bay (car area in front of a pump), so as not to interfere with driveway ingress and egress traffic flow.
7. A minimum of thirty (30) feet is required between a property line and the nearest gasoline pump.
8. Owner and operator are responsible for daily litter clean-up to ensure that property remains free of litter, trash, and debris.
9. When a separate retail or restaurant use is located on the same property as fuel pumps, there shall be separate and distinct parking spaces for each use.
10. The use of light emitting diodes, neon lights, and illuminated panels placed around the windows or on the outside of the building is not prohibited.

D. Fuel pumps associated with convenience stores, gas stations, and service stations require a special land use permit
E. If a reverse frontage design is proposed the primary building shall be located close to the street to define street edge. Pump islands shall not be located between the building and the street but shall be placed behind or to the side of the primary building. The façade of the primary building located closest to the street shall include architectural features and shall have an active entrance either on the side or rear, with clear unobstructed pedestrian access from the public sidewalk. The street façade shall have at least 25% fenestration or faux fenestration.
F. Service areas, storage areas, and trash enclosure shall be oriented away from public view and screened from adjacent properties.
G. Facilities must be providing a two (2) foot high masonry wall with landscaping and/or an evergreen hedge to help screen the pumps from view from a public right of way.

4.2.24 Heliport, general aviation airport.

A. Heliports and general aviation airports must comply with FAA regulations AC No. 150/5390 for design standards for general aviation, hospital heliports, and rooftop emergency facilities.

4.2.25 Home occupations and private educational uses.

A. **Type I home occupation.** A home occupation where no customer contact occurs shall be considered a Type I home occupation and may be conducted with administrative approval by the director of planning.
    1. The owner/operator must reside on the premises. (Amended xx.xx.2019)
    2. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
B. **Type II home occupation**. All home occupations other than Type I home occupations shall be considered a Type II home occupation and shall require a special land use permit (SLUP).
    1. Additional conditions may be placed on the approval of a Type II home occupation in order to ensure the home occupation will not be a detriment to the character of the residential neighborhood.
    2. Customer contact is allowed for Type II home occupations.

3. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.

C. **All home occupations**.
   1. There shall be no exterior evidence of the home occupation.
   2. No use shall create noise, dust, vibration, odor, smoke, glare or electrical interference that would be detectable beyond the dwelling unit.
   3. The use shall be conducted entirely within the dwelling unit, and only persons living in the dwelling unit shall be employed at the location of the home occupation.
   4. No more than twenty-five (25) percent of the dwelling unit and or five hundred (500) square feet, whichever is less, may be used for the operation of the home occupation.
   5. No more than one (1) business vehicle per home occupation is allowed.
   6. No home occupation shall be operated so as to create or cause a nuisance.
   7. Home occupation shall not include the use of a dwelling unit for the purpose of operating any automobile repair establishment, or car wash.
   8. Occupations that are mobile or dispatch-only may be allowed, provided that any business vehicle used for the home occupation complies with the below requirements and is limited to one (1) business vehicle per occupation.
      a. The parking of business vehicles on private property located within residential zoning districts is prohibited. This section shall not prohibit: (1) typical passenger vehicles, with or without logos, including automobiles, pickup trucks, passenger vans, and dually trucks, (2) vehicles engaged in active farming, construction activities or contractor services on the private property, or the temporary parking (twelve (12) hours or less) of vehicles for the purpose of loading/unloading within residential zoning districts; nor (3) the parking of vehicles on property located in residential zoning districts, where such property is used for an authorized non-residential use such as a church. Vehicles used in law enforcement are exempt from the restrictions of this subsection.

D. **Private educational services** shall comply with home occupation standards and no more than three (3) students shall be served at a time. Family members residing in the home are not counted towards the three (3) students allowed.

E. **Childcare homes and personal care homes** are considered Home Occupations and must adhere to these provisions in addition to Section 4.2.15 and section 4.2.38 .

4.2.26 Hookah or Cigar Lounge

A. Hookah or Smoke Lounges are permitted in the City of Stonecrest only as an accessory use to either a “retail tobacco store” or a “freestanding bar”.
   1. Retail Tobacco Store
      a. Allows the sale and smoking of tobacco products
      b. Cannot sell food or alcohol
      c. Cannot sell tobacco products to anyone under the age of 21
      d. Cannot be a “late night establishment”
   2. Freestanding Bar

a. Allows the smoking of tobacco products
b. Cannot be a “restaurant” as defined by the City Zoning Ordinance
c. Cannot employ or admit anyone under the age of 18
d. Can be a “late-night establishment” with permission of the City

4.2.27 Industrial uses requiring a SLUP or Rezoning

A. In addition to the submission requirements of article 8, any application for a special land use permit (SLUP) or a rezoning related to an industrial use shall provide the following information as applicable:
    1. Submit within the letter of application the following details:
        a. Specific operations to be performed.
        b. Hours of operation.
        c. Whether operations will be indoors or outdoors.
        d. How long materials will be stored on the property.
        e. Whether any hazardous wastes will be involved in the operation, including an explanation of how safety measures will ensure that there is no air or water contamination and how the operators will safely dispose of such hazardous materials.
        f. A description of any solid wastes handled, produced, or disposed of, including whether the operations will require a solid waste handling permit.
        g. How many employees there will be.
        h. Whether the operation will be open to the public.
        i. What types of vehicles will be delivering materials to the property; and, how many and how often, what thoroughfares or major route plan the trucks will take to get to and from the site to minimize any impact on residential area, and whether trucks will be covered to minimize dust/odor impacts on adjacent roadways used to get to the site.
        j. Whether the proposed use requires the submittal of a development of regional impact (DRI).
        k. Documentation of EPD compliance for the proposed use.
    2. Copies of any required state and/or federal agency applications, requirements, environmental assessment reports, or related data; or, if none have been submitted, an indication as to whether such documentation is required.
    3. Data from reputable industry sources on current industry standards regarding the proposed land use and how the proposed operation will comply with industry standards to ensure that surrounding properties are not adversely impacted.
    4. For any of the following uses, certification by an environmental professional that the proposed operation will not have any adverse air or water quality impacts on surrounding properties:
        a. Any use requiring a solid waste handling permit.
        b. Any use which utilizes burning, melting, or degasification.
        c. Any use which involves the emissions of particulate matter.
        d. Any use which processes or stores hazardous materials.
        e. Any landfill.

5. Detailed information on proposed methods to minimize any adverse air/water quality impacts based on current industry standards.
6. Detailed information on proposed methods to minimize any noise, odor, dust, and vibration on surrounding properties in light of current industry standards.
7. Detailed information regarding how traffic impacts will be accommodated on the surrounding road network.
8. Any data regarding any monthly, quarterly, or yearly required inspections by any state or federal agency to ensure compliance with any state or federal permits once use has been approved by City of Stonecrest.

4.2.28 Late-night establishments and nightclubs.

A. The regulations that follow regarding late-night establishments and nightclubs are intended to afford protection to residential uses and other uses so as to protect the public health, safety, and welfare while respecting and providing adequate opportunities for nightlife in the city.
B. Late-night establishments and nightclubs shall be subject to all of the following standards:
    1. Parking facilities within a lot may be shared in accordance with article 7, parking.
    2. Valet parking shall not be used to satisfy the requirement to meet applicable parking standards.
    3. Methods of traffic circulation, ingress and egress shall be consistent with best management practices as approved by the planning department.
    4. Noise from the proposed use shall be contained within the subject retail center units or standalone structures. The facility shall comply with chapter 16.
    5. No late-night establishment or nightclub boundary line shall be located within one thousand five hundred (1,500) feet from the boundary line of property zoned for residential use without the issuance of a special land use permit (SLUP). A late-night establishment or night club is not required to obtain a special land use permit when their closest residential neighbor is on the opposite side of an interstate highway.
C. Every special land use permit application for a late-night establishment or nightclub shall include a scaled drawing of the location of the proposed premises, showing the distance measured in feet from the boundary line of the property proposed to be used as a late-night establishment or nightclub to the boundary line of property zoned for residential use. Such drawing shall be certified by a land surveyor or professional engineer registered in the State of Georgia. For the purposes of this section, distance shall be measured in feet as follows:
    1. From the property line of the land upon which the late-night establishment or nightclub is located to the property line of the land which is zoned for a residential use. Along a straight line which describes the shortest distance between the two (2) property lines (i.e., "as the crow flies").
D. Any late-night establishment or nightclub operating pursuant to a validly issued business and liquor license issued prior to the effective date of November 18, 2008, shall be a legal nonconforming use as defined in article 10. No late-night establishment or nightclub currently operating under a valid license issued prior to the effective date set forth in this section shall be required to secure a special land use permit from the city council in order to continue operation. Such establishments shall be required to comply with the applicable provisions of article 4, division 5 [sic] of this chapter regarding cessation, expansion, movement, enlargement or other

alteration of the late-night establishment or nightclub. If a licensee is operating a legal nonconforming late-night establishment or nightclub at a particular location pursuant to this zoning ordinance, and such license is revoked, upon revocation, the legal nonconforming status of the licensee at that particular location shall be terminated

4.2.29 Live-work unit.

A. A live-work unit is a residential unit used as both living accommodations, which includes cooking space and sanitary facility in conformance with applicable building standards and board of health standards, and adequate working space accessible from the living area. If a live-work unit is not constructed to commercial fire safety standards, the commercial portion of the live-work unit may only be operated by one (1) or more persons who reside in the unit. If a live-work unit is constructed to commercial fire safety standards, a resident of the live-work unit may allow the commercial portion of the live-work unit to be operated by a third-party.

B. Live-work units shall meet all of the following standards:
    1. Uses shall be compatible with residential uses and shall not produce or create noise, smoke, vibrations, glare, fumes, odors, electrical interference, or fire hazards that would unreasonably interfere with residential uses.
    2. If a live-work unit is in a residential district, permitted uses shall be limited to those uses allowed in the Neighborhood Shopping (NS) District. For a live-work unit located in a non-residential district, permitted uses shall be limited to those uses allowed in that district.
    3. Restroom facilities shall be provided to serve the commercial portion of the unit. Individual public restrooms facilities are not required within each live-work unit when disabled accessible public restroom facilities are provided elsewhere on an accessible route within the building or building site.
    4. A live-work unit will be subject to all applicable licenses and business taxes.
    5. See also article 5 for additional design requirements.

4.2.30 Mines or mining operations, quarries, asphalt plants, gravel pits, soil pits, borrow pits, and sand pits.

A. The following regulations apply to the use of land as a mine, mining operation, quarry, gravel pit, borrow pit, and sand pit. See also article 8, administration for additional approval criteria.

B. **Removal or extraction of dirt, sand and soil**.
    1. Drainage plans and a plan for the redevelopment of the site when the removal is completed shall be submitted with the application for a development permit.
    2. The use shall not be established within one thousand (1,000) feet of a residential zoning district or use nor within three hundred (300) feet of any other use.
    3. This subsection shall not prohibit the removal of earth and rock and filling and grading in any district done for land development purposes, upon issuance of a development permit in accordance with the provisions of this chapter.

C. **Quarry and mining**.
    1. All improved and maintained entrances shall be fenced and locked during non-business hours. The property shall be adequately posted as is required by state law, and evidence of such posting shall be filed with the director of planning.
    2. Operators shall comply with state department of natural resources, surface mining land reclamation program rules and regulations, and the mining permit number issued by the state shall be filed with the director of planning.

3. A blasting limit of two (2) inches per second peak particle velocity, as measured from any of three (3) mutually perpendicular directions in the ground at off-site buildings, shall not be exceeded.
4. An air blast limit of one hundred twenty-eight (128) decibels (linear peak), measured at off-site residential buildings, shall not be exceeded.
5. Seismographic and noise instrumentation shall be required for a minimum of one (1) blast per three-month period. The records of such instrumentation and records of all blasts, including total charge weight, charge weight per delay, charge depth, date and time, location and meteorological conditions, shall be retained by the operator for a period of not less than two (2) years. All non-instrumented blasts shall be in compliance with the recommended scaled distance, as defined by the United States Department of the Interior, Bureau of Mines Bulletin 656, entitled "Blasting Vibrations and Their Effects on Structures."

D. Prior to the issuance of any development permit for any mine, quarry, gravel pit, or sand pit, the applicant shall provide to the director a reuse or reclamation plan which meets all requirements of chapter 14 of the Code.

4.2.31 Mini-warehouses and “self-storage” facilities.

A. Outside storage for mini-warehouses shall be limited to vehicles such as boats, RV's etc. and shall only be allowed in side and rear yards.
B. Storage units may not be used for the following uses: the operation of a business or service enterprise; personal activities such as hobbies, arts and crafts, woodworking, repair, restoration or maintenance of machinery or equipment; hazardous or toxic material storage; and/or living or sleeping quarters.
C. Wares, goods and/or personal property stored therein shall not include explosives, paint, flammable chemicals or other materials which might be corrosive or hazardous.
D. Buffer standards in article 5 shall apply.
E. Exterior lighting for a mini-warehouse facility shall project inward and downward and shall not spillover to adjacent properties.

4.2.32 Non-Emergency Transportation

A. Storage of vehicles used for transportation of clients must be screen from view of the public right of way by landscaping or fencing.
B. As a home occupation, these operations must meet all requirements of section 4.2.26 including no parking of a commercial vehicle in a residential district.

4.2.33 Outdoor display and seating, permanent.

A. This section applies to the placement of merchandise and/or merchandise vending machines outside the walls of any enclosed building with the intent being to entice potential customers onto the premises through the public display of such merchandise and/or merchandise vending machines. The term "outdoor display" shall not apply to merchandise which is placed outside temporarily for the purpose of sales. See division 3, temporary use regulations. Outdoor display shall be permitted in conjunction with permitted uses in the NS, C-1, C-2, MU districts, M, and M-2 zoning districts, provided the following requirements are met:
    1. Areas devoted to outdoor display, as referred to in this section, shall be allowed on public and private sidewalks, provided that all ADA requirements are fulfilled.

2. All outdoor display areas shall be located contiguous to the principal building, subject to all fire safety requirements.
3. No outdoor display shall be permitted to occupy or interfere with traffic circulation, required parking areas or pedestrian access.
4. The type of merchandise permitted in outdoor displays shall be limited to automobiles, boats, recreational vehicles, farm equipment, yard and garden accessories, prefabricated storage sheds, nursery and agricultural products, gas pump island beverage shelving, and vending machines. This section shall not be interpreted to include supply yards, salvage yards, or other items or materials considered outdoor storage.
5. Outdoor displays of tires shall be within ten (10) feet of the building.
6. Outdoor displays shall be permitted in any yard but shall not encroach into any public rights-of-way.
7. Outdoor displays shall present a neat and orderly appearance.
8. Outdoor displays shall be permitted only where such display is incidental to and supportive of the principal use of the structure located on the same parcel.
9. Each outdoor display location must be shown on the site plan at time of initial permitting of land development permits and building permits and shall not encroach on any required landscaping and parking areas.
10. These standards shall apply to outdoor seating areas at restaurants, coffee shops, etc.

4.2.34 Outdoor storage of materials, supplies, equipment or vehicles.

A. The following regulations shall apply to outdoor storage of materials, supplies, equipment, or vehicles. The term outdoor storage does not include outside display of merchandise; outdoor temporary sales or events; auto-dealerships; salvage yards; junk yards; automobile wrecking yards; or storage yards for non-operable, confiscated, or dilapidated vehicles, equipment, or materials.

B. In the O-I, NS, and C-1 districts, accessory outdoor storage associated with the operation of a business is allowed subject to the following requirements:
   1. The outdoor storage area shall be at least fifty (50) feet from the street right-of-way.
   2. The outdoor storage area shall be screened so as not to be visible at ground level from any adjoining property or public street.
   3. The materials stored must be for use by the owner and not displayed for sale to third parties.
   4. Fleet vehicles associated with the operation of the business are exempt from these requirements.

C. In the C-2, M, and M-2 districts, any outdoor storage areas (primary or accessory) are allowed subject to the following requirements:
   1. The outdoor storage area shall be at least fifty (50) feet from the street right-of-way.
   2. The outdoor storage area shall be screened so as not to be visible at ground level from any adjoining property or public street.
   3. A ten-foot wide evergreen landscape buffer around the outside perimeter of the screened area shall be provided when adjacent to any property not zoned C-2, M, or M-2.
   4. Fleet vehicles associated with the operation of a business are exempt from these requirements.

D. In residential districts, outdoor storage is allowed for items such as barbecue grills, lawn furniture, hoses, garden tools, lawn equipment and outdoor play equipment. Outdoor storage of the following is expressly prohibited:

1. Indoor appliances, whether or not in use;
2. Indoor furniture, whether or not used for "outdoor leisure" furniture; and
3. Items that are no longer used for their intended purpose; for example, a bike missing a tire, broken machinery, old appliances and scrap metal or other scrap materials.

4.2.35 Parking, commercial lot.

A. Commercial parking lots shall meet all the streetscape, landscaping, buffering and screening requirements provided in article 5 and 6 of this chapter.

4.2.36 Party Houses.

A. Single Family Residential Property may only be utilized as a “Party House” by Special Administrative Permit in the “RE” zoning district and only on lots with at least 300 feet of frontage on a public street and a primary structure no less than 4,000 square feet in area.
B. An event defined as a “Party House” may only be conducted inside the primary structure and/or in a completely fenced back yard.
C. With exception of traditional internal lighting and porch lights, no other illumination may be utilized during a “Party House” event, including, but not limited to, strobe lighting, disco-ball light, spotlight or any other light used to draw attention to the structure.
D. Any music utilized for the “Party House” event must be contained solely inside the primary structure and shall be subject to the applicable provisions of the City’s Noise Ordinance contained in Chapter 18, Article VII of the City Code.
E. In addition to a Special Administrative Permit, the owner of each “Party House” cannot have such an event at the residence without acquiring an occupation tax certificate from the City. A Special Administrative Permit and Occupation Tax Certificate for a “Party House” may only be granted to the owner of the property.
F. Event guests at a “Party House” must park only on the designated driveway or on the public street directly in front of the residential lot on which the event is taking place, on the same side of the street, and only for the length of the street frontage directly abutting the property.
G. A qualifying event at a “Party House” may not continue past 11p.m. on Sunday – Thursday, or midnight on Friday-Saturday or any Federal Holiday.
H. Neither a Special Administrative Permit nor an Occupation Tax Certificate may be granted to any property for a “Party House” that is located within 2000 feet of any City or County park facility, senior housing or public or private school, or be within 1,000 feet of more than 2 other residential lots.
I. No alcohol may be sold during a qualifying event of a “Party House” and no more than one (1) drink may be included as part of a cover charge for said event. For purposes of this provision, one drink shall be either a 12 oz. malt beverage, 12 oz. glass of wine or an alcoholic drink featuring no more than 1.5 oz. of any distilled spirit.
J. A Special Administrative Permit and Occupation Tax Certificate for a “Party House” shall authorize the owner of the property no more than ten (10) such qualifying events in any calendar year.

4.2.37 Pawn shops or title loan agency

A. Pawn shops or title loan agencies shall not be permitted within one thousand (1,000) feet of an existing pawn shop, title loan agency, or check cashing facility. For the purpose of this section, distance shall be measured by the most direct route of travel on the ground.

B. The window and door area of any existing first floor façade that faces a public street or sidewalk shall not be reduced, covered, nor otherwise obscured, nor shall changes be made to such windows or doors that block one's view into the building at eye level from the street or sidewalk.
C. For new construction, at least thirty percent (30%) of the first floor façade that faces a public street or sidewalk shall be window or doors of clear or lightly tinted glass that allows a person to see into the building at eye level form the street or sidewalk.
D. The use of bars, chains, roll down doors or similar security devices placed on the outside of the building is prohibited.
E. The use of light emitting diodes, neon lights, and illuminated panels placed around the windows or the outside of the building is prohibited.

4.2.38 Personal care homes/facilities and Community living arrangements

A. General requirements.
    1. Each personal care home or facility must obtain all license(s) and/or permit(s) required by the State of Georgia in order to operate. Each personal care home or facility licensed and/or permitted by the State of Georgia must display its state-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility. In addition, all personal care facilities and homes must obtain a business license from the City of Stonecrest.
    2. No personal care home may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.
    3. Personal care homes, facilities, or community living arrangements are not permitted in multi-family dwellings, townhomes, or any other attached single-family home.
B. Personal care homes or community living arrangements
    1. Two (2) copies of a site plan for the proposed personal care home are required to be submitted to the director of planning.
    2. Each group personal care home must provide at least four (4) parking spaces within a driveway, garage or carport and must comply with any applicable requirements in article 7.
    3. In order to prevent institutionalizing residential neighborhoods, no personal care home located in the RE, R-LG, R-100, R-85, R-75, R-50, R-SM, or MR-1 zoning district may be operated within one thousand five hundred (1,500) feet of any other personal care home or child care home. The one-thousand five hundred-foot distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two (2) tracts of land on which the group personal care homes or child caring homes are located.
    4. The home or building must be at least 2000 sq. ft in size and must be a detached, stand-alone building in all residential districts (RE, R-100, R-85, R-75, R-60, RSM, MR-1, MR-2, or RNC).
    5. Personal care homes in residential zonings must be occupied by the business owner.
C. Personal care facility.
    1. Two (2) copies of complete architectural plans for the subject community personal care facility, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.

2. Each community personal care facility must provide at least one-half (0.50) parking spaces for each employee and resident and must comply with any applicable requirements in article 7.

4.2.39 Places of worship, convents; monasteries; temporary religious meetings.

A. The following subsections shall apply to places of worship, convents and monasteries and their related uses, buildings and structures located in a residential district:
    1. Any building or structure established in connection with places of worship, monasteries or convents shall be located at least fifty (50) feet from any residentially zoned property. Where the adjoining property is zoned for nonresidential use, the setback for any building or structure shall be no less than twenty (20) feet for a side-yard and no less than thirty (30) feet for a rear-yard.
    2. The required setback from any street right-of-way shall be the front-yard setback for the applicable residential district.
    3. The parking areas and driveways for any such uses shall be located at least twenty (20) feet from any property line, with a visual screen, provided by a six-foot-high fence or sufficient vegetation established within that area.
    4. Places of worship, convents and monasteries shall be located on a minimum lot area of three (3) acres and shall have frontage of at least one hundred (100) feet along a public street.
    5. Places of worship, convents and monasteries shall be located only on a thoroughfare or arterial.
    6. Any uses, buildings or structures operated by a place of worship that are not specifically included within the definition of place of worship must fully comply with the applicable zoning district regulations, including, but not limited to, any requirement for a special land use permit.

4.2.40 Private kindergarten, elementary, middle, and high school.

A. The minimum lot size for private elementary, middle, and high school, for which an application for a special land use permit is filed, shall be as follows:
    1. Elementary school: Two (2) acres plus one (1) additional acre for each one hundred (100) students based on the designed capacity of the school.
    2. Middle school: Three (3) acres plus two (2) acres for each one hundred (100) students based on the designed capacity of the school.
    3. High school: Five (5) acres plus two (2) acres for each one hundred (100) students based on the designed capacity of the school.
B. The minimum public road frontage for a private school is two hundred (200) feet.
C. Accessory ball fields shall be located at least fifty (50) feet from a residential district or property used for a residential purpose.
D. A fifty-foot undisturbed buffer is required if adjacent to a residential district or property used for a residential purpose.

4.2.41 Requirements for Moving Buildings

A. No dwelling unit or other permanent structure shall be moved within or into the city unless, when relocated, it meets all requirements of chapter 23, article 3, and chapter 27 of the Code and is first approved by the director of planning.

4.2.42 Salvage yard, junkyard.

A. The following provisions shall be required for automobile salvage, wrecking yards and junkyards, primary or accessory:
    1. The site shall be enclosed by a wall or opaque fence not less than eight (8) feet in height.
    2. No activity and no vehicle storage associated with such uses shall be conducted within one hundred (100) feet of any property zoned or used for residential purposes.
    3. No activity and no vehicle storage associated with such uses, except for deliveries, pickups, and signs, shall be conducted within fifty (50) feet of the street right-of-way.
    4. No activity and no vehicle storage associated with such uses shall be conducted within fifty (50) feet of the side and rear property lines, unless the adjacent property is zoned M or M-2.
    5. The use shall not be permitted within three hundred (300) feet of any property used for a school, park, playground or hospital.
    6. The sale of automobile parts removed from vehicles on the site shall be permitted.
    7. A ten-foot-wide evergreen landscape buffer around the outside perimeter of the screened area shall be provided when adjacent to any property not zoned C-2, M, or M-2.

4.2.43 Specialized and vocational schools.

A. Specialized and vocational schools must meet the applicable requirements of section 4.2.39 and, with the exception of facilities located in industrial districts, all activities shall occur within enclosed buildings.

4.2.44 Senior housing: independent and assisted living, nursing, and continuing care.

A. Primary uses: Senior housing facilities shall include either independent living units or assisted living units, or both. The independent living units may be either single-family (detached) residences or multi-family (attached) residences.
B. Accessory uses: Senior housing facilities shall include one (1) or more of the following accessory uses:
    1. Ancillary clinics, personal service, retail (e.g., pharmacy, hair salon, medical offices).
    2. Central kitchen and dining facility.
    3. Recreation and amenities.
    4. Building/clubhouse for classes, meetings, concerts, storytelling, etc.
    5. Adult day care.
C. The maximum number of unrelated residents living independently (not requiring personal care) and at age fifty-five (55) or older allowed in an independent living unit is one (1) per bedroom.
D. Height standards: A senior living facility in which all of the occupied units are occupied by at least one senior aged fifty-five (55) or older is authorized up to ten (10) stories without a height SLUP in MU-2 and MU-3 zoning districts, subject to transitional height plane regulations in article 5.
E. Accessibility standards: All senior housing shall incorporate accessibility standards that meet certification requirements for easy living or universal design and/or include all of the following minimum features:
    1. At least one (1) step free entrance to the main floor at either the front or side of the structure; if only one (1) is provided, it shall not be from a patio or raised deck.

2. Main floor of each unit shall include a kitchen, entertaining area, and master bedroom with full bathroom.
3. Every door on the main floor shall provide a minimum width of thirty-four (34) inches of clear passage.
4. Blocking shall be installed in the master bath around toilet, tub, and shower for placement or future placement of grab bars.

F. Assisted living, nursing and continuing care facilities shall provide the following:
    1. Primary and secondary support services: Approval for assisted living, nursing or continuing care facilities shall not be granted without documentation of provisions for the following primary and secondary services:
        a. Primary services: on-site dining facility, twenty-four-hour on-call medical services, on-site licensed practical nurse, on-call registered nurse, linen and housekeeping services, and transportation services.
        b. Secondary services: physical therapy, medication administration program, care technician services (clothes changing, bathing, etc.), on-site personal care (barber, beauty salon), fitness center, library.
        c. Access to outdoor seating and walking areas shall be provided as part of every assisted living, nursing or continuing care facility.

G. A senior housing facility shall only be approved after consideration of the use permit criteria, found in article 8 and after consideration of the following:
    1. Proximity and pedestrian access to retail services and public amenities.
    2. Transportation alternatives.
    3. Integration into existing neighborhoods through connectivity and site design.
    4. Diverse housing types.
    5. Site and building design that encourages social interaction.
    6. Building design that meets easy living standards.

H. In addition, in consideration of the special land use permit or special administrative permit for a senior housing facility, the following criteria shall be evaluated based on the degree to which these elements provide transition from the proposed project to adjacent existing development:
    1. Building height.
    2. Landscaping.
    3. Maximum lot coverage.
    4. Setbacks from exterior property lines.
    5. Site size.
    6. Access to thoroughfare.

I. Submittal requirements. The following documents and information are required for submittals for rezoning, special land use permits, land development permits and building permits associated with proposed senior living facilities:
    1. Survey and site plan (per established requirements in article 8).
    2. Landscape and tree plan.
    3. Number and location of residential units.
    4. Types of units.
    5. Amenities.
    6. Institutional/non-residential services.
    7. Proximity to services such as health care, shopping, recreation, and transit.
    8. Other documents addressing the approval criteria in subsections G. and H. above.

4.2.45 Shelters for homeless and transitional housing facilities.

A. No shelter for homeless and no transitional housing facility shall be designed to exceed a capacity of twenty (20) persons, unless accessory to a place of worship.
B. Prior to issuance of any approvals for operation of a shelter for homeless or transitional housing facility, the applicant for such approval shall disclose, in writing, the capacity and floor plan of the facility.
C. Such shelters shall comply with all applicable City of Stonecrest building, housing, and fire codes and shall fully comply with O.C.G.A. §§ 30-3-1, et seq. before a certificate of occupancy can be issued. The loss of any state license or permit shall result in an automatic revocation of that city issued permit or license.
D. There shall be no use on the property other than the shelter, unless accessory to place of worship.
E. No new shelter or transitional housing facility shall be located within one thousand (1,000) feet of an existing shelter or transitional housing facility.
F. Shelters for homeless and transitional housing facilities may apply for an FHA Accommodation Variance as provided for in section 8.5.9 if the residents would constitute disabled persons under the FHA.

4.2.46 Short Term Vacation Rental

A. In addition to the SLUP requirement for all residential districts, the following applies to all Short-Term Vacation Rentals ("STVR"):
    1. No individual renting the property shall stay for longer than 30 consecutive days
    2. The STVR shall not be operated in such a way as to change the residential character of the neighborhood in which it is located and shall comply with the noise ordinance.
    3. There shall also be provided at least one (1) off-street parking space for each bedroom used as a part of the STVR.
    4. No signs or advertising are permitted to identify or advertise the existence of the STVR, beyond those otherwise allowed for the residential property.
    5. All STVR units shall be furnished with a telephone that is connected to a landline or similar type connection, including a voice over internet protocol, in order that 911 dispatch may be able to readily identify the address and/or location from where the call is made when dialed.

4.2.47 Solar energy systems.

A. **Applicability.** Any SES that, prior to [the effective date of this ordinance]: is in operation, is being lawfully sited, constructed, or installed; or has caused the incurrence of substantial liabilities relating to siting, construction, or installation; shall be exempt from complying with these supplemental regulations unless the surface area of an Integrated SES or Rooftop SES or the Footprint of a Ground Mounted SES is increased by more than 10% after [the effective date of this ordinance].
B. **General Requirements for All Solar Energy Systems.** The following requirements apply to all SESs.
    1. **Height.** An Integrated or Rooftop SES shall be given an equivalent exemption, if any, to the applicable zoning district's height restrictions for roof-mounted mechanical devices or equipment, except a Rooftop SES mounted on a sloped roof shall not vertically exceed the highest point of the roof to which it is attached. Also see Sec. 5.2.5. - Height measurement requirements and thresholds.

2. **Impervious Surface.** Ground mounted structures and components of the Ground Mounted SES, including transformers and foundations, shall be considered impervious. However, for purposes of compliance with the Stonecrest zoning code's impervious surface coverage requirements, the panels of a Ground Mounted SES shall be considered pervious if they maintain sheet flow and allow for water to infiltrate under and around them through a pervious surface and into the subsoil.
3. **Lighting**. To reduce light pollution, lighting of a Ground Mounted SES shall:
    a. be limited to the minimum reasonably necessary for its safe operation;
    b. be directed downward where reasonably feasible;
    c. incorporate full cut-off fixtures; and
    d. reasonably utilize motion sensors.
4. **Tree Removal**. The removal of trees or natural vegetation for any SES shall be avoided to the extent reasonably practicable and shall comply with the requirements of the Stonecrest zoning code.
5. **Location.** All Ground Mounted SES's permitted as an accessory use, in any district, must be located in the rear yard of the property and must be screened so as not visible from the public right-of-way.
6. **Decommissioning**. Unless otherwise approved by the [zoning authority – Planning Commission?], decommissioning shall begin no later than 12 months after a Ground Mounted SES has ceased to generate electricity or thermal energy. Within 6 months of the beginning of decommissioning, the SES and all structures associated with it shall be removed, all materials shall be recycled or otherwise reused to the extent reasonably practicable, and the property shall be returned to its condition prior to the installation of the SES or to some other condition reasonably appropriate for the designated land use.

C. **Specific Requirements for Intermediate and Large-Scale Solar Energy Systems**. The following requirements apply to Intermediate and Large-Scale SESs, in addition to the general requirements in this [ordinance] that apply to all SESs.
1. **Setbacks.** An Intermediate or Large-Scale SES shall comply with the following setback requirements:
    a. the Intermediate or Large-Scale SES shall be located no closer than the lesser of (a) 15 feet from any property line, or (b) the required setback for the applicable zoning district, if any;
    b. the Intermediate or Large-Scale SES shall be located no closer than the lesser of (a) 20 feet from any public right-of-way, or (b) the required setback for the applicable zoning district, if any; and
    c. the Intermediate Scale SES shall be located no closer than 50 feet from any residential dwelling unit on an adjacent lot.
    d. the Large-Scale SES shall be located no closer than 100 feet from any residential dwelling unit on an adjacent lot.
2. **Visual Buffers**. An Intermediate or Large Scale SES shall have, to the extent reasonably practicable, a visual buffer of natural vegetation, plantings, earth berms, and/or fencing that provides a reasonable visual and lighting screen to reduce the view of the SES from residential dwelling units on adjacent lots (including those lots located across a public right-of-way). The existing natural tree growth and natural landforms along the SES

perimeter may create a sufficient buffer and shall be preserved when reasonably practicable. Any visual buffer must be established and maintained in accordance with the most recent visual buffer plan approved by the [zoning authority], and as further described in the Special Use Permit provision of this [ordinance].

3. **Signage**. An Intermediate or Large-Scale SES:
    a. shall display signs (a) stating the risks that may result from contact with an Intermediate Scale SES, (b) identifying the owner or operator of the Intermediate Scale SES, and (c) providing a 24-hour emergency contact phone number;
    b. shall comply with the requirements of the applicable zoning district for displaying any advertisement; and
    c. may have signs that contain educational information about the SES.

D. **Special Use Land Permit Application.** In addition to the general requirements for a Special Land Use Permit application set forth in the Stonecrest zoning code, there may be additional requirements for a Special Land Use Permit application for an SES. These requirements will be provided to all applicants with the SLUP application.

4.2.48 Solid waste facility regulations.

A. The city council shall not approve any amendment to the zoning maps, the comprehensive land use map or any application for a special land use permit, or any development or building permit related to a landfill if such landfill is not in compliance with the applicable requirements of Georgia's Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 et seq., and as may hereafter be amended.

B. The city council shall not approve any amendment to the zoning maps, the comprehensive land use map or any application for a special land use permit related to a landfill unless the applicant obtains written verification from the Georgia Environmental Protection Division of the Georgia Department of Natural Resources that the landfill complies with or is not yet required to comply with all the applicable requirements set forth in the Comprehensive Solid Waste Management Act.

C. As used in this section the term "landfill" means a disposal facility, a materials recovery facility, a solid waste handling facility, a solid waste landfill, a private industry solid waste disposal facility, a solid waste handling facility, a solid waste thermal treatment technology facility, and a disposal facility for biomedical waste, hazardous and/or toxic materials including radioactive materials as all such terms are defined in O.C.G.A. § 12-8-22 and as may hereafter be amended.

4.2.49 Towing service.

A. Vehicles associated with a towing service shall not be stored on the property for a period longer than fourteen (14) consecutive days. Records showing the arrival of each vehicle must be kept by the owner/operator of the business.

B. Any area of the site used for the short-term storage of cars shall be enclosed by a wall or opaque fence not less than eight (8) feet in height.

4.2.50 Transit shelters.

A. Transit shelters may be located within a street right-of-way with permission from the director of planning or within an established yard fronting a street but may not be located so as to obstruct the sight distance triangle per article 5.

B. A schematic plan of the transit shelter must be submitted and approved by the director of planning. The plan must include the following:

1. The location of the proposed shelter relative to street, property lines, and established building yards;
2. The size and design of the shelter, including front, side, and rear elevations, building materials, and any public convenience or safety features such as telephone, lighting, heating, or trash containers. Trash containers shall be provided for all transit shelters.

4.2.51 Truck stop.

A. The following provisions apply to truck stops whether designed as a primary use or accessory use as part of an industrial development:

1. Truck stops shall be permitted only on parcels of ten (10) acres or more.
2. Entrance drives for truck stop facilities shall not be closer than three hundred (300) feet from any point of an interstate highway interchange.
3. Truck stops shall meet all state and federal environmental guidelines and requirements.

4.2.52 Urban or community gardens.

A. If an urban garden or community garden is greater than five (5) acres, a special administrative permit is required. The permit shall expire twenty-four (24) months from issuance, and such use shall thereafter only operate upon issuance of a new permit in the manner prescribed herein.

B. The following items shall be submitted with the special administrative permit application:

1. Name and current address of the applicant.
2. Address of the garden.
3. Proof of ownership or leasehold interest (for the duration of the special administrative permit) of the lot on which the garden is located; or a notarized letter signed by the property owner(s), or authorized property manager or agent, consenting to the placement of a garden on the lot.
4. A site plan showing:
    a. Property lines, street curbs, street names, and adjacent sidewalks as applicable.
    b. Plan layout and dimensions showing plot layout, structures and compost areas.
    c. Source of water, including any rain barrel locations.
5. Permit fee.
6. Other documents or information reasonably deemed necessary to determine the compatibility of the use identified in the permit application.

C. Sales of produce from the community garden site is allowed with the approval of a special administrative permit for temporary outdoor seasonal activities, provided the following regulations are met and documentation, where required, is provided with the application:

1. Sales hours. Garden sales and pickups may occur between 7:00 a.m. and 9:00 p.m. Set-up of sales operations shall begin no earlier than 6:00 a.m., and take-down and clean-up shall end no later than 10:00 p.m.
2. Management. An individual shall be present onsite during all sales hours to direct the vending operations.

D. The following requirements apply for all urban or community gardens, of any acreage. Gardens accessory to a residence are excluded from these standards.
    1. Garden operating rules and regulations. A set of operating rules shall be established to address the governance structure of the garden, hours of operation, maintenance, and security.
    2. Fencing. All fences shall comply with all applicable sections in the Code pertaining to the relevant zoning district in which the garden is located.
    3. Synthetic fertilizers, pesticides, and herbicides. Gardens may submit documentation of organic methods. Alternatively, the garden shall be designed and maintained so that synthetic fertilizers, pesticides, and herbicides will not harm any adjacent property.
    4. Waste removal. The garden shall recycle and remove waste in accordance with all applicable sections of the Code.
    5. Parking requirements. The garden shall provide a minimum of one (1) parking space per one-half (0.5) acre of property on which the community garden is located during the hours of operation. The parking requirement may be met by providing either on-site parking or off-site parking within five hundred (500) feet of the property line of the property on which the community garden is located.
    6. Permitted structures. The following structures are permitted in association with an urban or community garden:
        a. Greenhouses, hoop houses, cold-frames and similar structures used to extend the growing season.
        b. Storage buildings limited to tool sheds, shade pavilions, barns, restroom facilities with composting toilets, and planting preparation houses.
        c. Benches, bike racks, raised and accessible beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, chicken coops, beehives and children's area.
    7. Use of machinery. Use of machinery and equipment is allowed, but use of machinery is limited to the hours of 8:00 a.m. to 8:00 p.m. When not in use, all such machinery and equipment (with the exception of machinery and equipment that is: (i) intended for ordinary household use, (ii) borrowed or rented for a period not to exceed seven (7) days, or (iii) located in an urban garden in Light Industrial District or Heavy Industrial District) shall be stored so as not to be visible from any public street, sidewalk, or right-of-way.
    8. Buildings. Buildings shall be set back a minimum of ten (10) feet from property lines.
    9. A minimum of twenty (20) feet of lot frontage along a public right-of-way, or an access easement not less than ten (10) feet wide to provide vehicular access in case of an emergency is required.
    10. Driveways and parking may be surfaced with pervious material, including gravel.
    11. The site should be designed and maintained so that water does not cause erosion or allow sedimentation on adjacent property.
    12. No fencing shall exceed six (6) feet in height. Fencing along the front shall not exceed four (4) feet.
    13. Compost and waste collection bins must be located in the rear yard (if a building exists) and be placed at least ten (10) feet from any property line.
    14. One (1) sign located on a community garden site is permitted, provided that it shall not exceed six (6) square feet of sign area, excluding the base, and shall not exceed four (4) feet in height. Garden signs shall not be illuminated. Internally located directional, instructional, educational and labeling signs are allowed without a permit.

15. Hours of operation (other than sales) shall be allowed from dawn until dusk. No lighting is allowed.
16. Community gardens must comply with supplemental regulations regarding livestock, bee keeping, and temporary, seasonal sales or events, as applicable.

4.2.53 Utility structure necessary for transmission or distribution of service.

A. Any utility structure necessary for the transmission or distribution of service, whether an authorized use or a permitted use, shall provide security fencing and landscaping to lessen the visual impact of such structures on adjoining property.
B. Noise resulting from temporary construction activity pursuant to a valid development or building permit, that is not a part of the usual and ongoing operation of the use on the site, that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of this section. Such structures shall be located only within the buildable area of any lot where permitted or authorized by zoning and shall meet all requirements of the district in which such structure is located.

4.3 Temporary Use Regulations

4.3.1 Duration, frequency, and hours of operation of temporary outdoor uses.

A. The maximum duration, frequency, and hours of operation for temporary outdoor uses shall be limited as shown in Table 4.3, below:

Table 4.3 Temporary Outdoor Uses Operational Requirements

Temporary Use	Duration	Frequency	Hours of Operation	Special Administrative Permit Required?
Farmer's Markets – See Section 4.3.3				
Farmer's Markets	Year Round	3 consecutive days per month or one day per week	Cease at 9:00 p.m. Mon.—Thurs. & Sun.; 10:00 p.m. Fri. & Sat.	Yes
Outdoor Seasonal Activities and Sales – See Section 4.3.4				
Produce Stand	One full year	Year round	Daylight hours only	Yes
Christmas Tree Sales	Nov. 15 thru Jan. 1		Cease at 9:00 p.m. Mon.—Thurs. & Sun.; 10:00 p.m. Fri. & Sat.	Yes
Pumpkin and Halloween sales	Sept. 15 thru Oct. 31		Cease at 9:00 p.m. Mon.—Thurs. & Sun.; 10:00 p.m. Fri. & Sat.	Yes

All other seasonal sales	3 consecutive days	4 times/calendar year	Daylight hours only	Yes
Outdoor Events – See Section 4.3.5				
All other temporary outdoor events	14 consecutive days	2 times/calendar year	Cease at 9:00 p.m. Mon.—Thurs. & Sun; 10:00 p.m. Fri. & Sat.	Yes
Charitable/non-profit event	7 consecutive days	4 times/calendar year	Cease at 9:00 p.m. Mon.—Thurs. & Sun; 10:00 p.m. Fri. & Sat.	Yes
Worship Service or Gathering	Year Round	3 consecutive days per month or one day per week	Cease at 9:00 p.m. Mon.—Thurs. & Sun.; 10:00 p.m. Fri. & Sat.	Yes
Outdoor Retail and Display – See Section 4.3.6				
Temporary outdoor retail sales display	30 consecutive days	4 times/calendar year	Cease at 9:00 p.m. Mon.—Thurs. & Sun.; 10:00 p.m. Fri. & Sat.	Yes
Yard Sales – See Section 4.3.7				
Yard sales	3 consecutive days	Once/six months	Daylight hours only	No

4.3.2 General Requirements for Temporary Outdoor Uses

A. Temporary outdoor uses shall not be held, unless the necessary special administrative permit is obtained from the planning department, subject to the provisions of article 8, and any other applicable agency which may require review prior to issuance of permits.

B. Any applicant for a permit for temporary outdoor use shall have the written authorization of the owner of the property to use the property for the specific event for which the application was submitted.

C. All applicants for a permit for temporary outdoor use shall obtain a business license, if applicable.

D. All approvals, permits, or licenses granted under this division must be displayed in a conspicuous manner on the premises at all times for inspection by City of Stonecrest.

E. No temporary outdoor use may be located within or encroach upon any drainage easement, public sidewalk or right-of-way, fire lanes, designated loading areas, driveways, maneuvering aisles, or ADA minimum four-foot sidewalk width within private sidewalks or other areas intended for pedestrian movement.

F. Temporary signage is permitted subject to the size and height standards in accordance with chapter 21, signs.

G. No operator, employee, or representative of the operator of a temporary outdoor use shall solicit directly from the motoring public.

H. Any temporary outdoor uses which have not complied with this division shall be a violation of this section. Any person or entity found to be in violation of this section may be punished as provided for in article 8.

I. No temporary outdoor use shall be conducted within any public right-of-way unless permitted by public entity.
J. Merchandise shall only be displayed in a manner that does not obstruct pedestrian or vehicular circulation or flow of traffic.
K. Merchandise shall only be displayed in an area not wider than fifty (50) percent of the total linear frontage of the building occupied by the merchant.
L. The premises for a temporary outdoor use shall be restored to a sanitary condition, i.e., cleaned and cleared of all litter, trash and debris; and all equipment, materials, signs, temporary power poles, etc., associated with the temporary outdoor use shall be removed from the property within two (2) days of the last day specified for such use, except for yard sales. All unsold yard sale merchandise remaining at the conclusion of the sale must be removed immediately. Purchased yard sale merchandise must be removed within twenty-four (24) hours of conclusion of the sale.

4.3.3 Farmers markets; temporary, seasonal or long-term.

A. **Special administrative permit**. Farmers markets must obtain a special administrative permit for temporary seasonal sales or event to operate in City of Stonecrest. The application shall include:
    1. Name and current address of the applicant.
    2. A notarized letter signed by the property owner(s) or authorized property manager or agent, consenting to the placement of the farmers market on the property.
    3. A site plan drawn to-scale showing:
        a. Property lines, street curbs, street names, adjacent sidewalks as applicable.
        b. Plan layout and dimensions showing the on-site market area including the number, arrangement, and size of the vending structures to be located in the market.
        c. Location of onsite and offsite parking spaces.
        d. Any other documents or information requested and deemed by the director of planning as applicable to the specific application.
B. **Business license**. The operator of a farmer's market shall obtain a business license from City of Stonecrest prior to opening the farmers' market.
    1. City of Stonecrest shall be provided a list of the names of persons, firms or corporations who shall provide produce or merchandise for sale as part of the public market. The list shall also generally describe the type of item sold by each said person, firm or corporation. The list shall be updated quarterly during the term of the business license.
C. **Operation standards**.
    1. Access to public toilet facilities shall be provided to customers.
    2. Displayed inventory of the products sold may include:
        a. Farm products such as fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.
        b. Value-added farm products such as baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, smoked or canned meats or fish, sausages, or prepared foods.
        c. All other items may not be displayed and sold.
    3. At least seventy-five (75) percent of the vendors participating during the market's hours of operation must be either producers (a person or entity that raises farm products on

farms the person or entity owns, rents or leases), family members, employees or agents of producers or preparer of said products.

4. If a booth sells farm products or value-added farm products that are not produced by the vendor, said booth must explicitly disclose the producer's name and location in writing with lettering that is at least two (2) inches tall and visible to the consumer.
5. Vending structures may include a temporary, movable booth, stall, table, tent or other structure used for the sale of goods or for display purposes at a farmer's market.

D. **Hours of operation.** Temporary or seasonal market hours may be between 7:00 a.m. and 9:00 p.m. Temporary or seasonal markets shall not operate more than six (6) hours per day nor more than three (3) days per week. Set-up of market operations shall begin no earlier than 6:00 a.m. and take-down and clean-up shall end no later than 10:00 p.m.

E. **Market manager**. On-site presence of a market manager is required during all hours of operation. The market manager shall direct the operations of all vendors participating in the market and verify that the requisite number of individual vending structures are operated by producers.

F. **Parking.** Two (2) parking spaces per vendor shall be provided on site or within five hundred (500) feet of the boundary line of the property hosting a temporary or seasonal farmer's market.

4.3.4 Outdoor seasonal activities and sales.

A. Temporary outdoor seasonal activities include the sale of retail merchandise associated with a recognized seasonal and/or federal holidays. Including but not limited to the sale of farm produce, Christmas, Halloween, Mother's Day, Easter, and Valentine's Day.

B. **Use regulations.**
   1. A special administrative permit shall be required, for all temporary outdoor seasonal activities.
   2. Events or sales of retail merchandise not customarily associated with seasonal or federal holidays or farm produce is prohibited.
   3. Produce stands in residential areas shall only be located on property of nonresidential uses such as churches, schools, or recreational areas.

C. **Lot and parcel restrictions.**
   1. A temporary outdoor seasonal activity may be held on a vacant parcel if within a non-residential zoning district.
   2. A temporary outdoor seasonal activity may be held on parcels where the temporary outdoor seasonal activity is not associated with the principal use of the property.
   3. Temporary outdoor seasonal activities shall be permitted only on property where such activities shall not disrupt controlled vehicular ingress and egress.
   4. All exterior lighting utilized in conjunction with temporary outdoor seasonal activities shall be directed downward to minimize glare on adjacent properties.
   5. Spotlights and high-temperature process lighting for temporary outdoor seasonal activities are prohibited.

D. **Setback and structure requirements**.
   1. All temporary outdoor seasonal activities, including installation or erection of associated temporary display and sales structures, shall not be within any public right-of-way, and no display or sales area shall be located within twenty-five (25) feet of the street.
   2. Tents over two hundred (200) square feet and canopies over four hundred (400) square feet shall require issuance of a building permit and approval by the fire marshal.

3. A sign may be erected on the property in accordance with chapter 21, sign ordinance, for the duration approved by the administrative permit.

4.3.5 Outdoor events

A. Temporary outdoor events may include temporary art shows, carnival rides, charitable or non-profit event, special outdoor social or religious event, entertainment, athletic events, rodeos, horseshows, and other events of community interest.

1. **Use regulations**.
    a. Employees shall be uniformed and identified.
    b. Security or off-duty police officers shall be on-site during operating hours.
    c. Portable toilets or access to bathrooms shall be provided.
    d. If the temporary outdoor event involves structures that require issuance of a building permit, a site plan of the event shall be included with the building permit application. The site plan submittal required by article 8 shall indicate compliance with all zoning ordinance requirements.
2. **Lot and parcel restrictions**. Temporary outdoor event activities shall be set back at least one hundred (100) feet from any residential district or use.
3. **Temporary sites for worship.** The establishment of sites and tents for temporary worship conducted on a site not designated as a place of worship requires the grant of a special administrative permit by the director of planning.

4.3.6 Outdoor retail sales and displays.

A. Temporary outdoor retail sales displays and related outdoor storage activities include the exhibition or representation of goods, merchandise, materials, or other items sold or bought at a retail establishment in which the items are displayed or sold outside the confines of a wholly enclosed building, and which are associated with the principal use of an existing business. Temporary outdoor retail sales displays shall not include events for which no business license is required (e.g. cookie sales). Temporary outdoor retail sales displays shall be subject to the following regulations.

B. **Use regulations.**

1. A special administrative permit must be approved in accordance with the provisions of article 8.
2. Temporary outdoor retail sales displays shall include the display and sale of retail merchandise associated only with the principal use of the primary business on the property for a limited period of time.
3. Any object, device, display or structure, or part thereof, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service or event, shall also be considered part of the temporary outdoor retail sales display.
4. Sales transactions associated with the temporary outdoor retail sales display shall be conducted by employees of the principal use, and goods shall be owned by the owner or tenant of the principal use, not a consignment operation or temporary arrangement with a transient merchant/vendor.
5. Sales transactions associated with the temporary outdoor retail sales display must be consummated inside the building housing the principal use located on the site.

C. **Lot and parcel restrictions.**

1. Goods and merchandise may be displayed on public sidewalks only when a sidewalk abuts the store or building. Displays on public or private sidewalks shall not interfere with

pedestrian travel, and the minimum ADA-required sidewalk width clearance shall be maintained.

2. Temporary outdoor retail sales display activities are prohibited on a vacant parcel.
3. Temporary outdoor retail sales display activities shall be conducted only on a paved surface, unless approved by the director.
4. Temporary outdoor retail sales display activities shall be permitted only on property where such activities shall not disrupt controlled vehicular ingress and egress and are not permitted within areas required, set aside or designated for loading and maneuvering areas, emergency access ways, driving aisles and driveways.
5. Property zoned M (Light Industrial) and M2 (Heavy Industrial) are exempt from (b)(1) and (b)(2) and the duration limits (Table 4.3). An administrative use permit is required, and duration of use is subject to the approval of the director.

D. **Setback and display requirements.**

1. All temporary outdoor retail sales display activities, including installation or erection of associated temporary display and sales structures, and stand-alone merchandise, display tables, or display racks, must be set back at least ten (10) feet from a city or state right-of-way.
2. A temporary shade structure, tent, tilt-up, umbrella or covering may be erected as a part of the temporary outdoor retail sales display activity. Mobile buildings are prohibited. Tents over one hundred (100) square feet shall require issuance of a building permit.
3. Display tables, racks or shelves may be used as part of a temporary outdoor retail sales display activity.
4. Temporary outdoor retail sales display items, excluding shade structures, tents, tilt-ups, umbrellas or coverings, shall not exceed six (6) feet above grade.
5. A sign may be erected on the property in accordance with chapter 21, sign ordinance, for the duration approved by the administrative permit.

4.3.7 Yard sales.

A. Yard sales may be conducted without a permit on private property but shall not be conducted within the public right-of-way.

B. Goods sold at yard sales must originate as the legal property of the homeowner, other persons participating in the sale, or members of a participating organization. Goods shall not include any items purchased for resale at the yard sale.

C. Two (2) temporary signs are permitted during the yard sale, provided that such signs shall be on private property with permission of the owner, not within the public right-of-way or attached to a utility pole. Signs must be removed immediately following the conclusion of the sale.

D. All unsold yard sale merchandise remaining at the conclusion of the sale must be removed immediately. Purchased yard sale merchandise must be removed within twenty-four (24) hours of conclusion of the sale.

5 Article 5. – Site Design and Building Form Standards

All development shall comply with this article's site, design, and building form standards, in addition to the requirements in Article 2 - Zoning districts, and Chapter 14, Land Development.

5.1 Block and Lot Requirements

5.1.1 Blocks.

A. **Intent.** The intent of this section is to have the lengths, widths and shapes of blocks in residential subdivisions designed with due regard to:
    1. Provision of building sites suitable to the special needs of:
        a. The building form contemplated;
        b. The conservation of open space; and/or
        c. Existing historic features.
    2. Zoning requirements for lot sizes and dimensions;
    3. Needs for convenient access by pedestrians and bicyclists to public transit, nearby schools, and commercial districts, vehicular circulation at safe speeds and adequate access for emergency vehicles; and
    4. Limitations of, and opportunities for, topography to minimize land disturbance and erosion.
    5. Connectivity standards in section 5.3.2.

B. **Block length.**
    1. When blocks are subdivided by new streets or created as part of a new development, including mixed-use, the minimum length of resulting new blocks shall be two hundred (200) to three hundred (300) linear feet.
    2. The maximum block length for new subdivisions in the Suburban character area is six hundred (600) linear feet.
    3. The maximum block length for new subdivisions in the Regional, City, and Neighborhood Center character areas is five hundred (500) linear feet.

C. **Blocks and pedestrian access**. If a new development provides for a path with an easement through a block:
    1. An easement for pedestrian use only shall be at least five (5) feet wide.
    2. An easement for pedestrian and bicycle use shall be at least ten (10) feet wide.

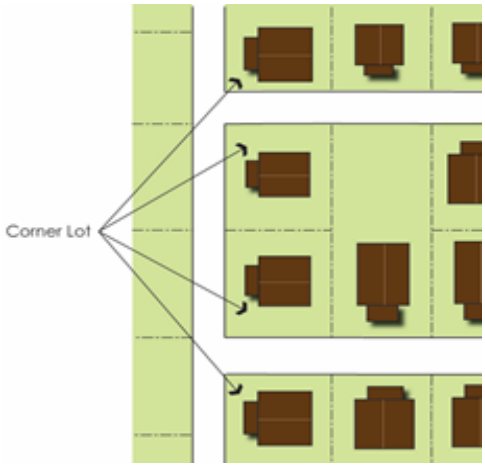
5.1.2 Lots.

A. All lots shall conform to the minimum requirements for the zoning district in which such lot is located, to all applicable requirements of this article, and the requirements of chapter 14 of the Code. In the event of a conflict between the provisions of this chapter and chapter 14 of the Code with respect to regulation of lots, the provisions of this chapter shall prevail.

5.1.3 Lots, access.

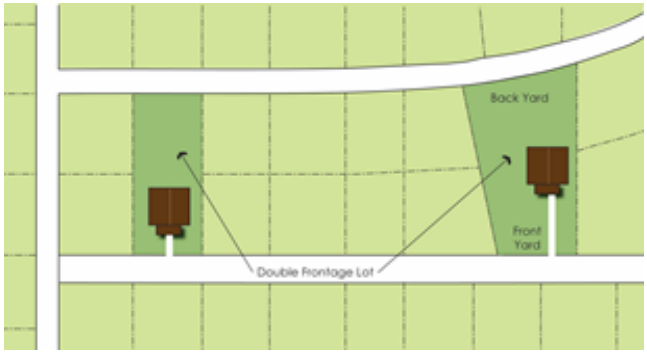
A. Each lot shall have vehicular access to a public or approved private street, or, in the case of townhouses, fee simple condominiums or cottage lots, to an alley or private internal drive, provided the overall townhouse or cottage development site provides access to a public street. In new subdivisions with three (3) or more single-family detached or single-family attached units, lots on minor or major thoroughfares with lot frontages less than one hundred (100) feet shall have driveway access via shared driveways.

5.1.4 Lots, corner.



A. **Front yard building setback.** On corner lots, the lot frontage with the shortest distance to a public right-of-way shall be designated as the front yard, and development shall comply with front yard building setback requirements of the zoning district in which the lot is located.
B. **Side corner yard**. Once the front of a corner lot is determined pursuant to subsection A., the remaining side adjacent to a street is the side corner yard.
C. **Side corner yard building setback**. The minimum side corner yard building setback on corner lots shall be as designated by the zoning district regulations in article 2. Unless otherwise restricted, buildings may face either the front or side corner.
D. **Lot width.** The minimum width of corner lots with residential uses shall be increased by fifteen (15) feet above the minimum width required for the zoning district in which the lot is located.
E. **Side corner yard for nonconforming residential.** The side corner yard building setback in residential districts may be reduced to sixty (60) percent of the minimum front yard building setback in the zoning district if:
    1. The lot is a legal nonconforming lot; and
    2. The lot does not about a thoroughfare.

5.1.5 Lots, double frontage.



A. Lots which adjoin public streets in both the front and rear shall provide the minimum required front yard setback on each street.
B. For purposes of front yard regulations, there shall be only one (1) front yard designated, depending on which street the front of the house is built to face.

C. Driveway access on double frontage lots shall be limited to one (1) street only. A ten-foot no-access easement shall be provided along the frontage of the street not used for a driveway.

5.1.6 Every use must be upon a lot of record.

A. No building or structure shall be erected, and no use shall be established unless upon a lot of record.

5.1.7 Buildings on single family and duplex lots.

A. On all single-family detached and two-family residential lots, only one (1) principal building, together with its permitted accessory structures and uses, shall occupy each lot.

5.1.8 Multiple principal buildings on a lot.

A. Multiple principal buildings with non-residential uses, mixed-uses and mixed attached or multi-dwelling residential uses (triplex, duplex, condominium, apartment) may be established on a single unified lot, provided that all other provisions of article 5 and this chapter are met.

5.1.9 Minimum lot size and minimum lot width.

A. No lot shall be created that fails to meet the minimum lot size and minimum lot width for the zoning district in which the lot is located as established in article 2, except as otherwise provided in article 10.

B. Flag lots are prohibited.

5.1.10 Maximum lot coverage.

A. No lot shall be developed to exceed the maximum allowable coverage by buildings, structures, driveways or parking areas, or any other impervious surface specified for the zoning district in which the lot is located. In addition to the maximum impervious surface amount, pervious materials may be added up to a maximum amount of fifteen (15) percent of the total lot area for non-vehicular uses only, such as walkways, patios and pool decks.

5.1.11 Street frontage for lots.

A. All lots shall meet the minimum street frontage requirements of the zoning district in which the lot is located.

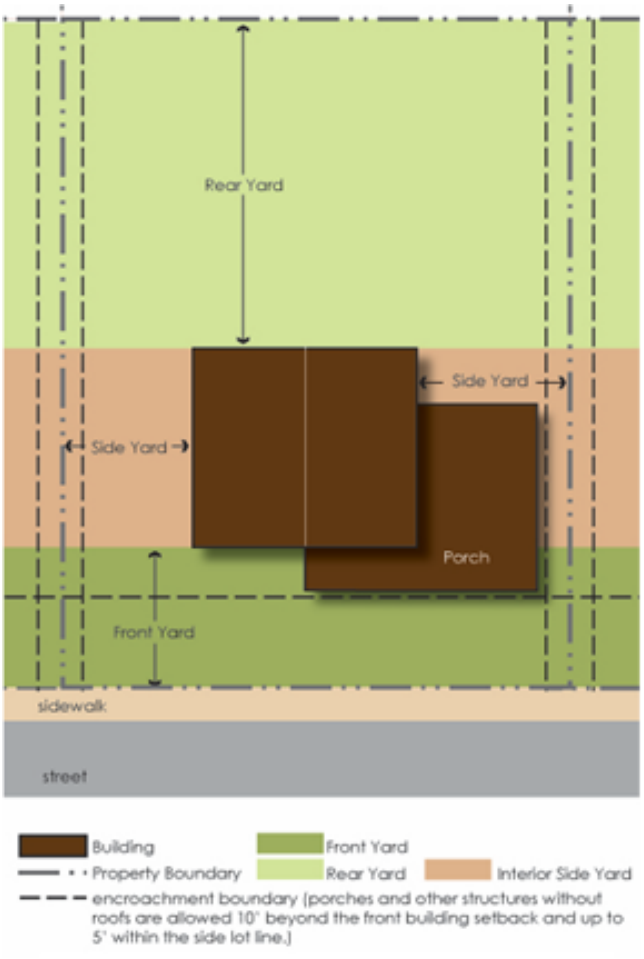
5.1.12 Lots served by wells and septic tanks; sewer and water connections.

A. Any lot that is to be served by an individual well or septic tank shall have an area of not less than that required by state and DeKalb County health regulations. The site location on a lot of the facility shall be approved by the county board of health in accordance with applicable board of health regulations.

B. Sewer and water facilities and connections shall be approved by the director of planning.

5.2 General Yard and Measurement Provisions

5.2.1 Minimum required yards and building setbacks.



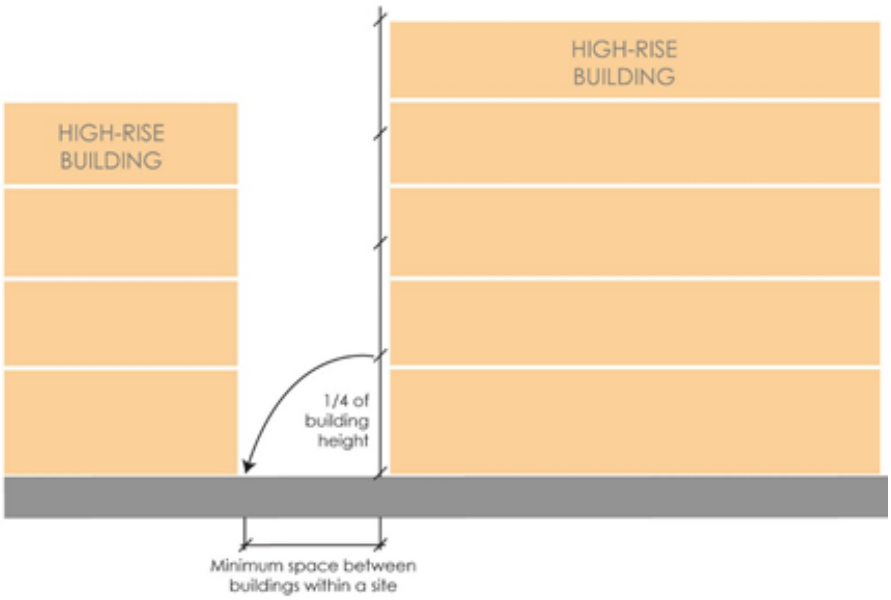
Projections into yards

A. **Projections into yards**.

1. Every part of a required yard shall be open to the sky and unobstructed except for the ordinary projections of sills, belt courses, cornices, eaves, awnings, chimneys, buttresses and other ornamental and architectural features, provided that these features do not project more than three (3) feet into any required yard and do not encroach on other lots or rights-of-way.
2. An open, unenclosed porch (no walls) balcony or hard-surfaced terrace, steps, stoops and similar fixtures of a building may project into a required front yard or rear yard for a distance not to exceed ten (10) feet, and into a side yard to a point not closer than five (5) feet from any lot line.
3. Enclosed porches may encroach for a distance of up to eight (8) feet into the front or rear yard, but shall be no closer than the side property line of the underlying zoning district.

B. **Spacing between buildings.**

1. For single-family attached buildings and multi-family buildings: Building shall be separated a distance as required by the International Codes Council (ICC).
2. **Mixed-Use spacing**. When located in a MU-1, MU-2, MU-3, MU-4 or MU-5 zoning district and except when located in a Regional or City Center character area, the minimum spacing between high-rise multi-family buildings on a single site shall be a distance equal to one-fourth (0.25) of the height of the taller building.



C. **Setback averaging for infill housing**. When a vacant, residentially zoned lot is proposed for development on a street already built out, setback averaging shall apply to determine the front yard.

1. "Built out" means over 60% the lots have housing units.
2. The minimum setback shall be determined by measuring the front yards of existing, adjacent houses and averaged.
3. Exceptions are as follows:
    a. If the average setback is less than the front setback established by the zoning district, then the district standard shall apply (and not the average).
    b. Where application of setback averaging would make it impossible for the proposed dwelling to comply with rear yard setback requirements, then the proposed dwelling may be constructed with the front setback established by the zoning district.
    c. If the actual front setback(s) of the existing dwelling(s) on the adjacent lot(s) differ from each other by more than thirty (30) feet, then the minimum front setback for the vacant lot shall be the actual front setback of the dwelling closest to the street.

5.2.2 Minimum floor area per dwelling unit.

A. No new dwelling unit shall have less than the minimum floor area of the applicable zoning district specified in article 2.

B. No existing dwelling unit shall be reduced in size so that its floor area is less than the minimum floor area for a dwelling unit established by the applicable zoning district specified in article 2.

5.2.3 Compatibility of new and existing subdivisions.

A. **Lot size variability.** Lots created as part of a new or redeveloped single family detached subdivision, containing twenty (20) or more lots, shall be compatible with existing developed single family lots to which they are adjacent as described in subsection B.

B. **Compatibility** of new lots with adjacent lots shall be demonstrated by at least two (2) of the following:

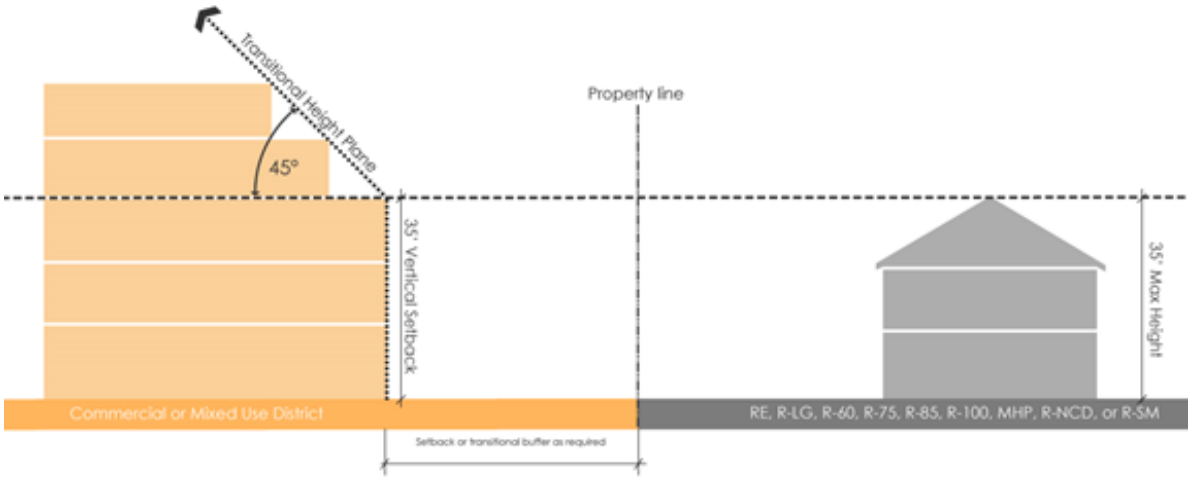
1. The lot width of the new lot is at least eighty (80) percent of the lot width of an adjacent existing subdivision lot;
2. The lot size of the new lot is at least eighty (80) percent of the lot size of an adjacent existing subdivision lot or eight-tenths (0.8) acre, whichever is less;
3. The new lot provides a minimum transitional buffer of twenty (20) feet;
4. The lot depth of the new lot is at least twenty (20) feet deeper than the depth of the adjacent existing lot.

C. **Calculations for measuring compatibility:**

1. Only lots with existing residential structures adjacent to the proposed development will be used in the calculation.

5.2.4 Transitional height plane.

A. A transitional height plane shall apply to commercial or multi-family buildings that is either (1) adjacent to, or (2) separated by a street with a width of fifty (50) feet or less from any property zoned RE, R-60, R-75, R-85, R-100, RNC or RSM. No portion of a commercial or multi-family structure shall protrude into a transitional height plane. The transitional height plane shall begin at a point thirty-five (35) feet above any setback or transitional buffer line, whichever is furthest from the property line, and then extend at an upward angle of forty-five (45) degrees over the lot of the commercial or multi-family building.



5.2.5 Height measurement requirements and thresholds.

A. Building height of all structures other than single-family detached dwellings shall be measured from average finished grade (determined by averaging the elevations of finished grade around the entire footprint of the structure) to the top of the highest roof beams on a flat roof, to the deck level on a mansard roof, and to the average distance between the eaves and the ridge level for gable, hip, shed and gambrel roofs.

B. Building height for single-family detached dwellings shall be measured from the front-door threshold of the structure to the highest point of the roof of the structure. Threshold means the top of the subfloor in the opening that is designated as the front door of a dwelling.

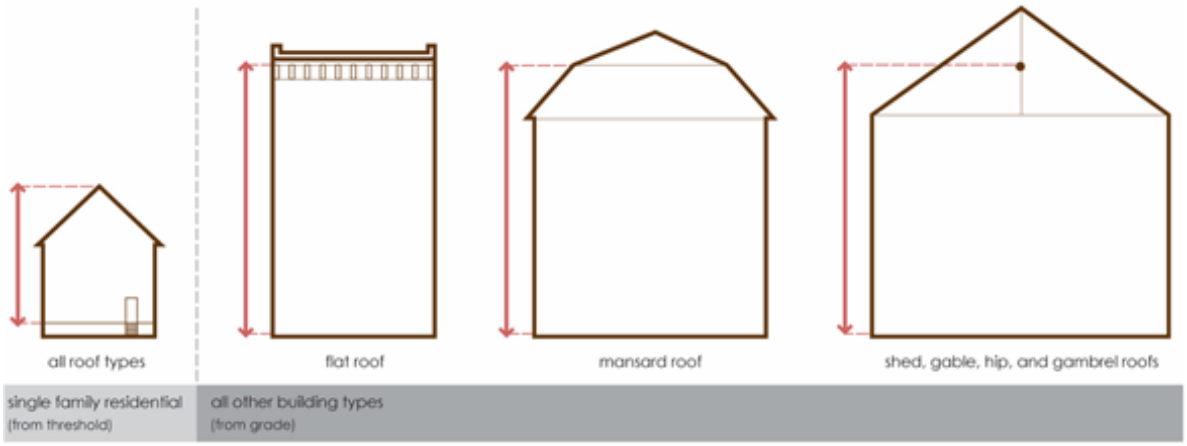
C. Elevation of single-family detached dwelling thresholds. The following standards shall apply to single-family detached dwellings:

1.

2. *Construction on vacant or undeveloped lot.* If no dwelling previously existed on the lot, the threshold shall be no higher than the average elevation of the existing natural grade at the front building line.

3. *Sewer conditions.* If the existing residence or lot is not connected to county sewer and if an applicant for a building permit establishes that the minimum threshold height prevents gravity flow connections to county sewer, the director of planning may grant an administrative variance to allow the threshold height to be up to five (5) feet above the threshold of the previously existing residence in order to allow for gravity flow into the existing sewer tap. Should a greater increase in threshold height be required, a variance from the zoning board of appeals must be obtained in accordance with the process set forth in article 8.

4. *Topographical conditions.* If exceptional topographical restrictions exist on the subject lot that were not created by the owner or applicant, then the director of planning may grant an administrative variance to allow the threshold to be up to three (3) feet above the threshold of the previously existing house.



D. Height requirements.

1. The maximum height of a new single-family detached dwelling shall comply with the requirements of Table 2.2.
2. The height limitations established in this chapter shall not apply to the following:
    a. Barns, silos or other similar structures when located on farms; belfries, steeples, cupolas and domes; chimneys; and flagpoles.
    b. Bulkheads, elevator penthouses, rooftop mechanical equipment, water tanks and scenery lofts and similar structures, provided that these structures shall not cover more than twenty-five (25) percent of the total roof area of the building on which the structures are located.
    c. Telecommunications towers and antennas otherwise permitted by this chapter by special administrative permit or permitted by special land use permit by the city council pursuant to section 4.2.56.
    d. Any single-family detached dwelling that exceeds the building height limitations set forth in subsection (a) and has been damaged by fire or other act of nature may be reconstructed to its verifiable original height.
    e. When an undeveloped single-family lot is located within a platted subdivision in which at least sixty (60) percent of the lots have had certificates of occupancy issued for single-family detached homes that exceed the building height limitations set forth in subsection (1) above, a single-family detached residential structure built on the undeveloped single-family lot may be built to a maximum height equal to the average building height of the existing single-family detached homes within the same block in which the undeveloped single-family lot is located.
    f. Rooftop mechanical equipment, vent pipes, lightning rods, solar panels, and/or wind vanes that are less than six (6) feet in height measured from top of roof adjacent to such structure.

5.3 Supplemental Street Regulations and Traffic Impact

5.3.1 Design standards by street type.

A. Public and private streets shall be designed according to standards for street classification established in chapter 14 of the Code, except as otherwise provided in this chapter.

5.3.2 Street connectivity.

A. **Connectivity measures**. New streets shall be designed to create an interconnected system of grid-patterned roads, modified only to accommodate topographic conditions. Each new street shall connect to the existing street grid.

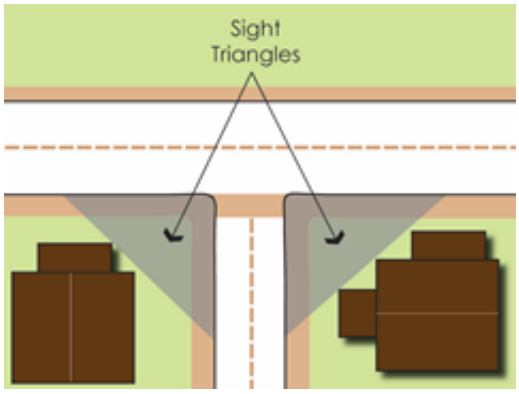
B. **Pedestrian connectivity**. Common areas shall be connected by pedestrian pathways in accordance with section 5.1.1.C.

C. **Small area transportation plan conformity**. New streets shall demonstrate conformance with the intent of any and all city adopted transportation plans, thoroughfare plans and subarea plans.

D. **Waivers**. The requirements of subsections A. and B. may be waived by the director of planning in accordance with article 8 and as provided below:

1. Waivers may only be granted for hardships resulting from unusual topography or when access constraints or other requirements imposed by city departments impede compliance.
2. As part of the waiver request, the applicant shall prepare and submit a site plan, drawn to scale and showing the existing public and private street network, and shall provide an explanation as to how the proposed street plan supports the intent of this section to design an interconnected system of grid-patterned roads.

5.3.3 Sight visibility triangles.



A. No structure, fence, wall, sign, hedge or planting, or any similar improvement will be permitted to obstruct the sight lines or visibility of motorists and/or pedestrians at any intersection of public or private streets or at any driveway intersection with a public or private street. All intersecting streets and driveways must meet the intersection and stopping sight distance requirements as outlined in the American Association of State Highway and Transportation Official's (AASHTO's) "A Policy of Geometric Design of Highways and Streets," current edition.

B. For purposes of this section, obstructions shall be prohibited if any part thereof is more than thirty (30) inches and less than eight (8) feet above local streets and driveways, or more than thirty (30) inches and less than twelve (12) feet above any street classified as collector or higher.

C. Properties requiring GDOT approvals shall also comply with GDOT standards for sight visibility triangles and sight distances.

5.3.4 Traffic impact study.

A. A traffic impact study, the scope of which shall be determined by the director of the planning department or his designee, necessary to establish the impact of a development project on the surrounding roads and what improvements may be available to mitigate such impacts, is required for any rezoning, special land use permit, sketch plat, and land disturbance or building permit applications for projects reasonably expected to meet any of the following criteria:

1. Multi-family development with over three hundred (300) new units at build-out;
2. Single-family developments with over two hundred (200) new lots or units at build-out;
3. Retail developments with over one hundred twenty-five thousand (125,000) gross square feet (GSF);
4. Office developments with over two hundred thousand (200,000) GSF;
5. Medical office developments with over fifty-five thousand (55,000) GSF;
6. Industrial/warehouse developments with over two hundred eighty thousand (280,000) GSF, employing more than six hundred fifty (650) workers, or covering more than two hundred (200) acres;
7. Any mixed-use development which could reasonably expect to generate two thousand (2,000) or more gross daily trips; or
8. Special traffic generating uses, including truck stops, quarries, landfills, stadiums, etc. which would require development of regional impact review.

5.3.5 Traffic calming features.

A. New subdivisions may provide a traffic calming structure for every five hundred (500) feet of road length.

B. Traffic calming structures, curves and other traffic calming features are subject to the approval of director of the planning department, or his designee, which approval shall be given where the proposed traffic calming structure or traffic calming feature is designed in such a way as to reduce traffic speeds to a reasonably safe speed for the location.

5.4 Streetscape and Landscaping Requirements

5.4.1 Purpose and intent.

A. The requirements and regulations for landscaping in the City of Stonecrest are a critical public concern that are necessary in order to preserve and enhance property values, the aesthetic beauty of the city, and the safety and general welfare of its residents. The intent of landscape regulations is to:

1. Provide buffering between non-compatible land uses.
2. Protect, preserve, and promote aesthetic appeal and scenic beauty.
3. Reduce noise pollution and air pollution.

4. Reduce stormwater run-off, erosion and degradation of water quality.
5. Filter and reduce glare from artificial light sources.
6. Provide shaded areas along streets and in parking areas.
7. Reduce solar heat islands.

5.4.2 Applicability.

A. **New developments, principal building or use.** The requirements and regulations for streetscape and landscaping apply to principal buildings, new developments or open uses of land constructed or established after the effective date of this zoning ordinance.

B. **Change of use, expansions or reconstruction**. Where a change of use, expansion to, or reconstruction of an existing building or site improvement(s) (such as parking lots) impact streetscape and/or landscape improvements, the landscaping requirements shall apply only to the area disturbed in the development process.

C. **Publicly owned buildings**. To the extent allowed by law, the requirements and regulations for streetscape and landscaping apply to improvements to land owned by public agencies except utility rights-of way or easements.

5.4.3 Streetscape elements and dimensions.

A. All development shall comply with the streetscape element requirements described below and in Table 5.1. Topping of canopy trees within this section is prohibited.

B. **Streetscape dimensions and placement.**

1. *New streets.*

    a. *Applicability.* New streets shall be constructed with continuous streetscape zones on both sides of the street, beginning from back of curb.

    b. *Streetscape zone elements for new streets.* The streetscape zone on new streets shall consist of a landscape strip, a sidewalk, and, when required per Table 5.1, a supplemental zone.

    c. *Sidewalks.* Sidewalks shall be provided between the landscape strip and the supplemental zone, as required in Table 5.1 and the figures following the table.

    d. *Landscape strips.*

        i. Landscape strips shall be located between the curb and the sidewalk.

        ii. Landscape strips shall be designed with street trees and pedestrian scale streetlights as required in Table 5.1 and the figures following the table.

        iii. See subsection C. for planting and materials requirements.

        iv. Large scale retail has additional landscape standards adjacent to streets as provided in section 5.7.8.

    e. *Supplemental zone* . New streetscape zones in non-residential areas shall provide a supplemental zone outside the right-of-way on a private easement. Private easement agreements shall be submitted to the director of planning. See subsection D.

2. *Improvements on existing streets.*

a. *Applicability.* New development and redevelopment occurring on existing streets shall provide a streetscape zone on the side of the street where the development takes its access.

b. *Streetscape zone elements for existing streets.*

i. The streetscape zone for existing streets shall consist of a minimum of eleven (11) feet along the existing shoulder, as indicated in Table 5.1.

ii. The streetscape zone for existing streets shall consist of a landscape strip and a sidewalk, as shown in Table 5.1 and the figures following the table.

c. *Sidewalk and landscape strip dimensions.* The width and location of sidewalks and landscape strips shall be determined by the director of the planning department or his designee, based on GDOT standards, if applicable, and compatibility with existing sidewalks and utilities.

d. *Landscape strips.*

i. Landscape strips shall be located between the curb and sidewalk, and/or between the sidewalk and the property line. The required total width of the landscape strip may be distributed on either side of the sidewalk so as to accommodate existing infrastructure.

ii. Landscape strips shall be designed with street trees and pedestrian scale streetlights as shown in Table 5.1 and the figures following the table.

iii. See subsection C. for planting and materials requirements.

iv. Large-scale retail has additional landscape standards as provided in section 5.7.8.

3. *Programmed road improvement projects.* If DeKalb County, the City of Stonecrest, or GDOT has a programmed road improvement project along the frontage to be developed, then the streetscape shall be constructed consistent with the design standards for such road improvements plans.

4. *Administrative variance.* The director of planning shall have the power to grant administrative variances for streetscape requirements on existing streets upon written request by the property owner and compliance with article 8 based on a finding that the requirement of the subsection A.2. would have a significant adverse effect on the historic pattern or cannot be met due to circumstances beyond the control of the applicant, including, but not limited to:

a. Inadequate right-of-way;

b. Conflicting standards between this section and GDOT design standards;

c. Unique topographic or subsurface conditions;

d. Need to relocate existing utilities.

C. **Sidewalks and interior walks.**

1. Sidewalks shall be paved in concrete and paver accents approved by the director of planning and kept clear and unobstructed for the safe and convenient use of pedestrians.

2. Sidewalks shall adhere to ADA guidelines.

3. Sidewalks shall be continued across intervening driveways by continuation of the sidewalk paving materials or other methods of differentiation.

4. Where newly constructed sidewalks abut existing sidewalk(s), the newly constructed sidewalk shall provide safe transition of pedestrian traffic flow to the adjacent sidewalk(s). Development that disturbs existing sidewalks on another property shall replace disturbed areas to their pre-disturbance state and condition.

5. For uses other than single-family residential, safe and convenient paved pedestrian pathways shall be provided from sidewalks along streets to each building entrance, including pedestrian access routes to parking decks and through parking lots and between adjacent buildings, transit stops, street crossings within the same development. All such pathways shall have a minimum width of three (3) feet.

D. **Landscape strip materials and maintenance.**

1. *Required mix of materials.* Landscape strips in the streetscape zone shall be planted with a variety of deciduous, over story and understory trees. Species of shrubs, flowering plants, grass and other ground covers, which are well adapted to the local climate, may be included in the landscape strip.

2. *Sidewalks.* Sidewalks shall be paved in concrete and paver accents approved by the director of planning and kept clear and unobstructed for the safe and convenient use of pedestrians.

3. *Pedestrian crossing.* Landscape strips may include brick, concrete, or granite pavers where on-street parking is provided or regular pedestrian crossing of the landscape strip is reasonably anticipated to occur.

4. *Maintenance.* Required landscape strips shall be established and maintained by the owner(s). Topping of canopy trees is prohibited.

5. *Permanent structures.* Permanent structures such as buildings, driveways that are not perpendicular to the landscape strip, parking spaces, dumpsters, drainage structures and detention facilities shall be prohibited in required landscape strips. The prohibition of this subsection shall not include crossings perpendicular to the strip, necessary retaining walls four (4) feet or lower, bike racks, benches, trash receptacles, signs, mailboxes, and drainage swales.

6. *Planting specifications, all trees.*

    a. Planting areas for trees shall contain a minimum depth of twelve (12) inches of screened topsoil. Below twelve (12) inches the soil shall be un-compacted to a depth sufficient to allow proper drainage and root growth.

    b. Use of root barriers such as U.B.36 or an equivalent is required at the back of the sidewalk or back of the curb if no sidewalk exists.

    c. Trees shall meet the standard for American Nursery Stock ANSI Z60.1.

7. *Street trees.*

    a. Street trees shall be overstory trees unless site constraints prohibit the use of large maturing trees, subject to the approval of the director of planning.

    b. Street trees shall be provided with spacing as depicted in Table 5.1.

c. Street trees shall not be planted closer than twenty (20) feet from the curb line of intersecting streets and not closer than ten (10) feet from intersecting lines of alleys or private drives.

d. Street trees shall not be planted closer than twelve (12) feet from light standards. No new light standard location shall be positioned closer than ten (10) feet to any existing street tree.

e. Street trees shall not be planted closer than two and one-half (2.5) feet from the back of the curb.

f. Where there are overhead power lines, street tree species are to be chosen from a list provided by the city arborist that will not interfere with those lines.

g. Street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks and twelve (12) feet above driveways and roadway surfaces.

h. Street trees shall be a minimum of two-inch caliper measured at six (6) feet above ground level at the time of planting and shall have a mature height of at least twenty-five (25) feet.

i. Street trees shall be planted in a mulched area of at least twenty-five (25) square feet.

E. **Supplemental zone.**

1. In supplemental zones in commercial areas where building setbacks are fifteen (15) feet or less, the supplemental zone must contain hardscape and street furniture such as trash receptacles, bike racks, and benches.

2. For additional requirements for supplemental zones abutting parking lots, see section 5.4.4.

F. **Street lighting.** Street lighting shall be accomplished with pedestrian scale lighting and street lights. Street lights shall be placed on property lot lines abutting the street. Lighting plans must be approved by the director of the planning department or his designee. Lighting shall be installed by local power company employees or contractors.

G. **Administrative variance.** An administrative variance to streetscape standards may be granted by the director of planning for adaptive reuse and redevelopment projects as specified in this section or to preserve historic patterns. In addition to other required materials, an applicant for an administrative variance to the streetscape standards shall include a site plan, drawn to scale, showing the existing right-of-way and specific conditions of the lot.

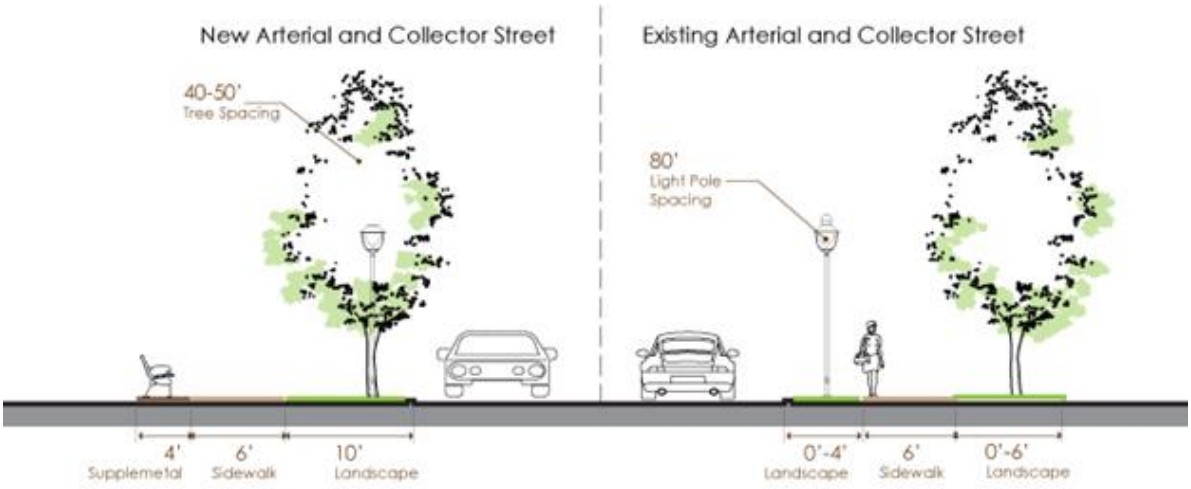
Table 5.1 Required Streetscape Dimensions

Required Streetscape Dimensions (Minimum, unless stated)						
New Streets						
Street Type	**Streetscape Zone**				**Landscape Strip Elements**	
	Total Width	**Landscape Strip**	**Sidewalk**	**Supplemental Zone**	**Light Pole Spacing (Max)**	**Street Tree Spacing (typical*)**
Local Residential	11'	6'	5'	NONE	100'	30'
Local Non-residential	22'	6'	6'	10'	80'	50'
Arterial and Collector Non-residential & Mixed Use	20'	10'	6'	4'	80'	40' in Activity Centers
						50' outside Activity Centers

Required Streetscape Dimensions (Minimum, unless stated)						
Existing Streets						
Street Type	**Streetscape Zone**				**Landscape Strip Elements**	
	Total Width	**Landscape Strip**	**Sidewalk**	**Supplemental Zone**	**Light Pole Spacing (Max)**	**Street Tree Spacing (typical*)**
Local Residential	11'	6'	5'	NONE	100'	30'
Local non-residential	12'	6'	6'	NONE	80'	50'
Arterial and Collector Non-residential & Mixed Use	16'	10'	6'	NONE	80'	40' in Activity Centers
						50' outside Activity Centers
***Location of street trees is subject to infrastructure and utility locations and approval by the city arborist and GDOT if state roads.**						

Streetscape Figure—Local Streets, Single Family Residential Districts

Streetscape Figure—Local Streets, all Other Districts



Streetscape Figure—Arterial and Collector Streets

5.4.4 Site and parking area landscaping.

A. **Single-family residential lots.** Each single-family residential lot on which new development occurs shall be planted with a minimum of three (3) new trees. Street trees along the lot frontage shall count towards this requirement. The species and specifications for the trees to be planted in compliance with this requirement shall meet the requirements of a list approved by the city arborist.

B. **Interior strips**. Interior to non-residential, mixed-use and multi-family developments, three-foot wide planted landscape strips shall be required along all interior drives and pedestrian paths.

C. **Property perimeter landscape strip.** Along non-residential, mixed-use and multi-family development perimeter lot lines, a perimeter landscape strip shall be required, as follows:

1. A five-foot-wide continuous perimeter landscape strip is required along all property lines that are not subject to streetscape requirements. This applies to individual tenant sites interior to a master planned project, even in instances where individual tenant sites do not have separately platted lot lines.

2. A perimeter landscape strip shall include one (1) overstory deciduous shade tree, or three (3) understory or three (3) evergreen trees, for every fifty (50) linear feet at a minimum size of two-inch caliper for deciduous trees and eight-foot height for evergreen trees.

3. A perimeter landscape strip is not required where a transitional buffer is also required.

D. **Parking area landscaping.** All surface parking lots that contain a total of fifteen (15) or more parking spaces that are constructed or redeveloped subsequent to the effective date of this chapter shall comply with the following requirements:

1. A minimum of ten (10) percent of the total lot area of the parking lot shall be landscaped.

2. Non-continuous barrier curbs shall be installed around the perimeter of the parking lot and around landscaped areas that are required herein, except where the perimeter abuts an adjacent building or structure and except at points of ingress and egress into the

facility, so as to prevent encroachment of vehicles onto adjacent property, rights-of-way, sidewalks and landscaped areas.

a. Barrier curbs shall be a minimum of six (6) inches in height and six (6) inches in width, shall be concrete or stone, shall be securely installed, and shall be maintained in good condition.

3. A continuous hedge, berm, or short wall with landscaping thereon, not to exceed three (3) feet in height shall be required between surface parking and an adjacent public street right-of-way.

4. Tree and island quantity. A minimum of one (1) tree per eight (8) parking spaces, and one (1) island per ten (10) parking spaces, shall be provided.

5. Landscape islands. All trees planted in a parking lot shall be planted in a landscape island, which island shall be a minimum of two hundred fifty (250) square feet.

6. In addition to trees, ground cover shall also be provided in order to protect tree roots and to prevent erosion. Ground cover shall consist of shrubs, ivy, liriope, pine bark mulch, or other similar landscaping material.

7. Ground cover shrubs in parking area landscaping shall be maintained at a maximum height of thirty (30) inches, except where such shrubs are screening the parking surface from an adjacent residential area.

8. Newly planted trees in parking area landscaping shall be a minimum of two-inch caliper as measured at a height of six (6) inches above ground level, shall be a minimum of ten (10) feet in height at planting, shall have a thirty-foot minimum mature height, and shall be drought tolerant. Trees shall be planted at least thirty (30) inches from any barrier curb, so as to prevent injury to trees from vehicle bumpers. A minimum of seventy-five (75) percent of the trees planted pursuant to these requirements shall be deciduous hardwood shade trees.

9. All landscaped areas shall be properly maintained in accordance with landscape plans approved as part of the land disturbance permit. In the event that a tree or any plant material dies, it shall be replaced within twelve (12) months so as to meet all requirements of this section and to allow for planting in the appropriate planting season.

10. All trees planted pursuant to the requirements of this section shall be counted for the purpose of meeting the tree planting and tree replacement requirements required by chapter 14 of the Code.

5.4.5 Transitional buffers.

A. **Intent**. Transitional buffers are intended to create a visual screen in order to diminish the potential negative impacts of non-residential and mixed land uses on adjacent residential land uses. Similarly, transitional buffers diminish the potential negative impacts of higher intensity residential development on adjacent single-family residential land uses.

B. **General requirements**. Natural or planted transitional buffers required by this article shall be established and permanently maintained by the property owner as follows:

1. The required transitional buffer shall be depicted in detail on each site plan or plat prior to final approval. Type and location of natural and planted vegetation shall be included.

2. Within the transitional buffer, the natural topography of the land shall be preserved and existing growth shall not be disturbed except where necessary to remove dead or diseased trees and undergrowth or to enhance the buffer with additional landscaping in order to provide a screen so as to prevent view of the higher density development from the lower density development.

3. Grading or construction adjacent to the transitional buffer zone shall not disturb or encroach upon the transitional buffer zone.

4. Notwithstanding subsection 3., if grading is required in the transitional buffer in order to prevent or control erosion, the area of such grading shall cover no more than twenty (20) percent of the required transitional buffer, shall be immediately replanted upon completion of easement improvements and shall avoid disturbance of the soil within the dripline of trees within the transitional buffer.

5. Any approved utility crossings shall be perpendicular to the transitional buffer.

6. A pedestrian walkway, a maximum width of five (5) feet, may be located in the buffer to provide pedestrian access to the adjoining property. Where a pedestrian walkway is provided, a gate shall be installed in the required screening fence.

7. If existing vegetation in a buffer area does not meet the transitional buffer standards, a five-foot high, landscaped berm may be installed subject to the approval of the city arborist. Grading to construct the berm shall not remove significant plants designated by the city arborist as part of the approval of the landscaped berm.

C. **Buffer planting and materials.** When the conditions of the existing natural topography and vegetation are insufficient to achieve the visual screening required by this section, a landscape planting plan to enhance the transitional buffer shall be prepared and implemented to supplement existing natural growth or to provide new plant materials of such growth characteristics as will provide a screen meeting the standards below:

1. *Planting height.* Proposed planting as part of an enhanced transitional buffer shall have a height of at least six (6) feet at the time of planting and planted in a minimum of two (2) rows, with staggered on center spacing such that a continuous opaque screen is created within two (2) years of planting.

2. *Plant types.* Plant species in an enhanced transitional buffer shall be evergreen, native, naturalized or other species well-adapted to the local climate and rainfall patterns, disease and pest-free, healthy and vigorous, and meet standard for American Nursery Stock, ANSI Z60.1.

3. *Plant functions.* Plants shall be approved from a list made available from the planning department, but shall not be exclusive of other plants which may be suitable, provided they can provide a continuous opaque screen.

4. *Fences.* Fences are required with transitional buffers and shall meet the requirements of section 5.4.7.

5. *Wall and fence finishes.* Walls and fences shall be constructed with the finished or decorative side facing outward from the property.

D. **Buffer dimensions and specifications**. Table 5.2(a) identifies the transitional buffer class required for each zoning district based on the zoning district to which it is adjacent. Table 5.2(b)

summarizes the minimum width of the required transitional buffer for each transitional buffer class (A-E).

Table 5.2(a): Transitional Buffer Class by District

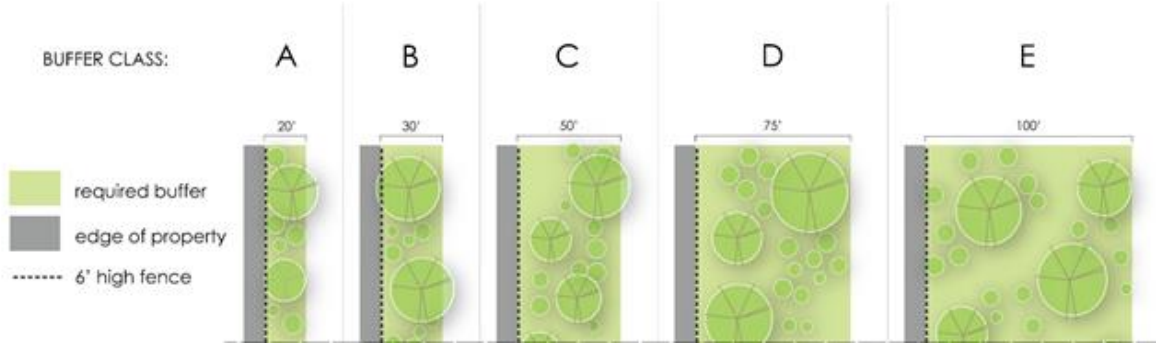
Transitional Buffer Class by District												
Districts	Adjacent District											
Residential Districts	**R***	**MHP**	**RNC**	**RSM**	**MR-1**	**MR-2**	**HR-1-3**	**MU-1**	**MU-2**	**MU-3**	**MU-4**	**MU-5**
RNC	B	-	-	-	-	-	-	-	-	-	-	-
Mixed Residential Districts												
RSM**	A	C	A	-	-	-	-	-	-	-	-	-
MR-1**	B	C	B	B	-	-	-	-	-	-	-	-
MR-2**	C	C	C	C	C	-	-	-	-	-	-	-
HR-1-3**	C	C	C	C	B	B	-	-	-	-	-	-
Mixed-Use Districts												
MU-1	B	B	B	B	-	-	-	-	-	-	-	-
MU-2	C	B	B	B	B	-	-	-	-	-	-	-
MU-3	C	C	C	B	A	B	B	B	B	-	-	-
MU-4	C	C	C	B	A	B	B	B	B	-	-	-
MU-5	C	C	C	B	A	B	B	B	B	-	-	-
Non-Residential Districts												
OI	C	C	C	C	C	C	C	B	B	B	-	-
OIT	C	C	C	C	C	C	C	B	B	B	-	-
NS	C	C	C	C	C	C	C	A	A	A	-	-
C-1	C	C	C	C	C	C	C	B	B	B	-	-

OD	D	D	D	D	D	D	D	D	D	D	D	D
C-2	C	C	C	C	C	C	C	B	B	B	B	B
M	D	D	D	D	D	D	D	D	D	D	D	D
M-2	E	E	E	E	E	E	E	E	E	E	E	E

* R= RE, RLG, R-100, R-85, R-75, R-60 (except when R-60 use is single-family attached)
** Where the Mixed Residential District has single-family units along an adjacent residential (R) boundary, then a transitional buffer is not required.

Table 5.2(b):Transitional Buffer Minimum by Buffer Class

Transitional Buffer Minimum Width by Buffer Class	
Buffer Class	**Width**
A	20'
B	30'
C	50'
D	75'
E	100' with fence



5.4.6 Screening.

A. Trash and recycling areas, loading areas, mechanical and utility equipment, parking decks, detention facilities, and outdoor storage shall be surrounded by opaque fences, walls, or vegetation. Vegetative screening shall be at least seventy-five (75) percent evergreen, with a minimum of two (2) rows of plants, and shall grow to a height of six (6) feet in two (2) years.

B. *Loading areas.* All loading areas must be screened from view so as not to be visible from any public street or adjacent property.
C. *Trash and recycling areas.* All dumpsters must be screened from view on all four (4) sides so as not to be visible from adjacent properties and the public street. The screen may incorporate access to the dumpster by using a wood fence or other opaque device to serve as a gate.
D. *Parking decks.* All parking decks and above-ground parking structures shall have a six-foot wide landscape strip immediately contiguous to the façade of the parking deck or structure, unless otherwise screened from view by an intervening building.
E. *Mechanical and utility equipment.* All mechanical and utility equipment must be screened from view so as not to be visible from any public street.
F. *Detention facilities.* In addition to fencing requirements set forth in chapter 14 of the Code, detention facilities shall be planted with evergreen plant material consistent with buffer standards in section 5.4.5.C. No trees shall be allowed in the ten-foot maintenance shelf. However, detention facilities "designed as open space amenities" may be approved by the director of planning and in compliance with division 5 of this article. A detention facility located in a historic district that is subject to architectural design review shall require a certificate of appropriateness, for appearance only, from the City of Stonecrest Historic Preservation Commission.
G. *Outdoor storage.* See section 4.2.38 for screening regulations for outdoor storage of materials, supplies, equipment or vehicles regulations.

5.4.7 Walls, fences, and retaining walls.

A. General.
    1. When this chapter requires a wall or fence to be constructed, the wall or fence shall be completed prior to the issuance of a certificate of occupancy for the principal structure.
    2. No wall or fence shall be constructed in any public right-of-way.
    3. See Table 5.3 Fence and Wall Standards for additional requirements.
B. Single-family residential standards.
    1. Fences or free-standing walls constructed in a front yard shall not exceed four (4) feet in height.
    2. No freestanding wall or fence, other than a retaining wall, shall be more than eight (8) feet high from finished grade.
    3. Subdivision or project identification monuments at the entrance to a subdivision or residential development that incorporates a wall or fence shall only be located in a common area or private easement and shall not exceed six (6) feet in height.
    4. Retaining walls on lots developed with single-family dwellings shall abide by the following: (1) the entire wall structure, including footer, shall not encroach on adjacent property, (2) drainage shall be properly conveyed on both sides of the wall in conformance with state and city codes, and (3) a construction/maintenance easement shall be obtained from the adjoining property owner, if applicable. Newly constructed retaining walls shall not be higher than four (4) feet; however, existing retaining walls may be repaired and replaced so long as the height of the repaired or replaced wall is no greater than the original height of the wall.

a. If exceptional topographical restrictions exist that were not created by the owner or his agent on a lot, and it is established to the reasonable satisfaction of the director of planning that no practical alternative design of such wall is feasible, then the director of planning may, upon application therefor, grant an administrative variance allowing up to two (2) additional feet in the applicable retaining wall maximum height limitation set forth in this subsection 4. An applicant for a retaining wall administrative variance shall include with the application a certified field-run site plan or a topographical map certified by an engineer or landscape architect.
b. If exceptional topographical restrictions exist that were not created by the owner or his agent on the lot, and it is established to the satisfaction of the zoning board of appeals that no practical alternative design of such wall is feasible, the zoning board of appeals may, upon application therefor, grant a variance allowing newly constructed retaining walls to be greater than six (6) feet. Notwithstanding any provision in this chapter to the contrary, no variance may be granted to allow the height of a retaining wall above eight (8) feet. In addition to the materials otherwise required for a variance in division 5 of article 8of this chapter, an applicant for a retaining wall variance shall provide a certified field-run site plan or a topographical map certified by an engineer or landscape architect with the application for the variance.

C. Height. The height of a wall or fence is measured along the adjacent finished grade. However, if located within fifteen (15) feet of any street, and if the street grade is above the adjacent finished grade, the fence or wall height may be measured from the street grade.
D. Material composition.
    1. No freestanding walls, retaining walls or fences may be composed of exposed common concrete block, tires, junk, pallets, railroad ties, loose stone, vinyl and other discarded materials.
    2. With the exception of M and M-2 zoning districts, fences, freestanding walls or retaining walls erected within the front yard shall be constructed of brick, stone, wood, wrought iron, or aluminum that looks like wrought iron. Any other material, including but not limited to, chain link and other wire fences are prohibited in the front yards of all districts, with the exception of M and M-2 zoning districts.
E. Security gates. Entrance gates for vehicles shall be located at least fifty (50) feet from the property line in order to ensure safe queuing, ingress to and egress from the property.
F. Temporary fencing may be erected during construction for security and public safety purposes.
G. Fences and walls in the M and M-2 zoning districts are exempt from regulations governing the height and materials of fences and walls.
H. No freestanding wall or fence in a multi-family, non-residential or mixed use zoning district may be more than ten (10) feet in height.

Table 5.3 Fence and Wall Standards

Use	Height	Setbacks	Variance Allowed
Single-family fences in the front yard	Up to four (4) feet from finished or street grade.	Outside right-of-way	May apply for a variance from zoning board of appeals to increase height.
Single-family fences in side or rear yards	Up to eight (8) feet.	Fences may be on property line; retaining walls, including footings, must not encroach over property line.	No variance can be approved to exceed eight-foot height.
Single-family retaining walls	Up to four (4) feet from finished or street grade. Cannot exceed eight (8) feet on side or rear property line.	Retaining walls, including footings, shall not encroach over property line.	Administrative variance allowed to increase wall from four (4) to six (6) feet based on topography.
Single- and Multi-family identification monument walls at entrances	In front yard, cannot exceed ten (10) feet in height.	Cannot be located in right-of-way. Setback varies, depends on sight visibility.	May apply for a variance from zoning board of appeals to increase height.
Non-residential, multi-family and mixed-use zoning districts	Up to ten (10) feet.	Cannot be located in right-of-way. Setback varies, depends on sight visibility.	May apply for a variance from zoning board of appeals to increase height.
Industrial	No limit.	No limit.	N/A

5.5 Open Space Standards

5.5.1 Applicability.

A. All development that is required to have open space shall, upon application for a land disturbance permit, identify all open space by a functional category established pursuant to the requirements of this chapter. Further, in commercial and mixed-use developments, open space requirements of individual parcels may be met by open spaces that are owned, maintained, and held in common for use by multiple properties that are subject to legal agreement for maintenance and association approved by the director of planning.
B. The open space requirements in division 5 of this article do not apply to residential subdivisions with less than five (5) acres or less than thirty-six (36) residences.
C. The minimum quantity of open space for approved developments is established by zoning district and controlled by Table 5.4.
D. Open space shall be maintained as open space until such time that the entire existing development is proposed for redevelopment and shall be landscaped with trees, shrubs, flowers, grass, stones, rocks or other landscaping materials.

E. Open space may include hardscape elements depending on functional type as described in Table 5.6. If serving a conservation function, open space may be preserved in a natural state without enhancements.

5.5.2 Maintenance, management and ownership.

A. **Ownership and management of open space**. Open space shall be owned by one (1) of the following entities, which shall be responsible for maintenance and management as described herein:
    1. *City of Stonecrest.*
        a. Open space agreements may be made with the city to deed the required open space to the city. City of Stonecrest is under no obligation to accept any proposed dedication of open space used to meet the requirements of this ordinance.
        b. Public access easement agreements may be made with the city for open space so dedicated by the owner for city trails, parks or other public recreational amenities, as agreed to by City of Stonecrest and whereby maintenance agreements shall be executed between the owner and city.
    2. *Land conservancy or land trust.* The responsibility for maintaining the open space and any facilities located thereon may be transferred to a land conservancy or land trust, subject to prior approval by City of Stonecrest.
    3. *Homeowners' or property owners' association.* A homeowners or property owners association representing residents or property owners of the subdivision may own and be responsible for maintenance and management of open space. Membership in the association shall be mandatory and automatic for all homeowners or property owners, and their successors. The homeowners/property owners association shall have lien authority to ensure the collection of dues from all members. The homeowners' or property owners' association organizational documents must first be submitted to the director of planning for review to insure compliance with this subsection. The homeowners or property owners association shall be formed and maintained in compliance with all applicable state law.
    4. *Recording of open space.* Open space shall be shown on the final approved plat as a conservation easement, permanent restrictive covenant or equivalent legal document in a form approved by the City of Stonecrest, which shall include a provision rendering the covenant or document void when a property is being redeveloped or redesigned, in which case applicable zoning standards shall apply to ensure consistency with this chapter. At no time shall the development provide less than the required open space.
B. **Maintenance of open space.**
    1. Undeveloped open space used to satisfy the requirements of this division shall be preserved in a natural state except for the removal of litter, dead trees, invasive species and plant materials that obstruct pedestrian movement, as well as other maintenance necessary to preserve the natural state of the open space as approved by the director of planning. Natural water courses and stream channels shall be kept free of litter and obstructions and shall be maintained so as to not alter floodplain levels, and as required by stream buffer regulations in chapter 14 of the Code.
    2. Open space shall be maintained so that there exist no hazards, nuisances or unhealthy conditions.

3. Permitted elements as described in Table 5.6 shall be maintained in good repair.
4. New landscaping in required open space shall be maintained such that planted materials that die within one (1) year of the installation, shall be replaced within six (6) months or the next appropriate planting season as determined by the city arborist.

5.5.3 Standards and design.

A. Required open space shall meet the standards of *Table 5.4 Enhanced Open Space: Minimum Requirements.*
B. All deeded open space created shall be platted and provide a public access easement in a form approved by the City of Stonecrest.
C. Prior to issuance of a land disturbance permit or building permit:
    1. For development projects with residential uses requiring enhanced open space, no lot or multifamily building shall be more than one-quarter (0.25) mile distance from a designated enhanced open space. If site constraints limit access to the enhanced open space, the distance may exceed the minimum setback requirement of this subsection, subject to the approval of the director of planning. Measurement of distance shall be based on the distance of road and/or pathway providing connectivity to the enhanced open space.
    2. A development project with residential uses not within one-half (0.5) mile distance to a public park or recreation facility that is required to provide enhanced open space shall incorporate at least one (1) enhanced open space type identified as clubhouse/pool amenity, neighborhood park with active recreation, and/or playground. If a development is intended for senior housing, a passive park with benches and paved paths, common patio, courtyard, barbecue/fire pit shall be considered an enhanced open space.
    3. For development projects with residential uses within one-half (0.5) mile of an existing or programmed public school, park, trail or library, the applicant for a land disturbance permit shall provide for pedestrian access to the school, park, trail or library. If an existing or future pedestrian network and/or multi-use trail is identified by City of Stonecrest, the applicant may be required to provide a future reservation for such a connection. Where a programmed facility has no current concept design for potential alignment, an applicant for a land disturbance permit requiring connection to a park

shall meet with the planning department to determine whether any reasonable spur connection would be possible.

a. For measurement of distance to a qualifying public amenity, measurement shall be taken along an improved walkway or sidewalk to the entrance of the public amenity.
b. For measurement to nearby existing or proposed public trail or greenway, measurement shall be taken from a point along the exterior boundary of the development directly to the nearest point of the trail or greenway.

D. **Enhanced open space**. Enhanced open space shall be required as set forth in Table 5.4. Standards for enhanced open space are found in Table 5.5 and 5.6. In addition, each function may be designated as either public (subject to the approval of and acceptance by the City of Stonecrest) or private ownership.

E. **Open space and enhanced open space standards**.

1. Required open space shall conform to the zoning district requirements in article 2. Where Table 5.4 conflicts with article 2, article 2 shall prevail. Open space and enhanced open space design within a historic district that is subject to architectural design review shall require a certificate of appropriateness from the City of Stonecrest Historic Preservation Commission.
2. Lakes or ponds may be included as part of the open space requirements in a development, provided they are incorporated as part of enhanced open space design, subject to limitations of the riparian buffer as set forth in chapter 14 of the Code.
3. Dry detention basins shall be designed by a professional engineer and may not count toward open space area requirements unless designed as an amenity or aesthetic feature.
4. Enhanced open space may include hard space surface areas in accordance with the permitted elements identified in Table 5.6.
5. Below ground utilities or facilities may be located in the open space area.
6. Designated wetlands and dedicated conservation areas for native species and/or vegetation may count toward open space requirements in accordance with Table 5.5.
7. Open space adjacent to existing buildings that have historical or cultural significance may be counted toward the minimum required open space if made accessible for the common usage of the development. However, the enclosed building area may not be included in the minimum required open space requirement.
8. Stormwater facilities may be located within open space if the stormwater facility is designed and approved as an amenity and/or low impact stormwater management technique, and is in compliance with applicable regulation of chapter 14 of the Code, including approved best management practices. Such facilities may be exempt from fencing, provided that the public health safety and welfare is not jeopardized by the lack of fencing as determined by the director of planning.

F. **Residential lots and yards.** No residential lots shall be allowed to extend into the required open space nor shall individual residential yards count toward open space requirements.

Table 5.4 Enhanced Open Space: Minimum Requirements

Total and Enhanced Open Space: Minimum Requirements									
	SF-RES Cottage	**SF-RES Attached or Detached**	**Mobile Home Parks**	**Multi-family**	**Mixed-Use**	**Commercial /Retail**	**Large Retail**	**Office**	**Industrial**
Open space minimum required % of total square footage of the development	See section 5.7.5	20%	10%	See specific zoning district	See specific zoning district	15%	20%	15%	20%
Enhanced open space minimum required %	3,000 sq. ft. minimum. See section 5.8.4.M.	Minimum 50% of total open space	Minimum 25% of total open space	See specific zoning district	Site plan specific	N/A	Minimum 50% of total open space	N/A	N/A

G. **Enhanced open space standards and types.**

1. Enhanced open space areas are areas readily accessible, practical, and generally acceptable for active or passive recreation uses. If able to meet these characteristics, enhanced open space areas may not include required setback areas, drainage easements required by the City of Stonecrest or DeKalb County, dedications with existing above ground facilities, or contain structures not intended for landscape or recreational purposes.
2. Maintenance of such areas is not the responsibility of the City of Stonecrest unless formally established and approved by the city through legal agreements. Maintenance shall be the responsibility of the owner or homeowners association in a form approved by the City of Stonecrest.
3. Total enhanced open space may be distributed throughout the project, but each individual enhanced open space type shall meet the enhanced open space dimensional standards of Table 5.5.
4. Elements shown under the "Permitted Elements" column in Table 5.6 are allowed for the various enhanced open space types. Other elements that are not listed may be allowed by the director of planning if they are consistent with the enhanced open space type.
5. Table 5.5 establishes enhanced open space types and minimum dimensional standards. The minimum size for any enhanced open space type shown in Table 5.5 may be

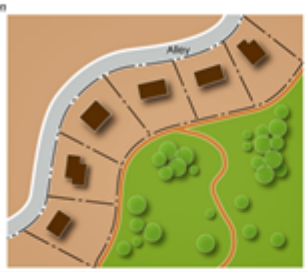
reduced below the minimum amount if another enhanced open space type in the same development is increased by a corresponding amount above the minimum size shown in Table 5.5. Table 5.5 is supplemented further by Table 5.6 which provides design requirements for each type.

6. Table 5.6 establishes the requirements for each enhanced open space type and its associated design requirements. Elements may be required by specific development types according to Table 5.6.

Table 5.5 Enhanced Open Space Types with Minimum Size

Enhanced Open Space Types	Minimum Size (sf)
Clubhouse*/Pool amenity area	N/A
Greens/attached squares	500
Greenway	N/A
Pocket park	2,000
Neighborhood park	43,560
Plaza	3,000
Square	2,000
Playground	3,000
Detention facilities designed and approved to serve as aesthetic amenity	N/A

Table 5.6: Enhanced Open Space Types and Requirements

Enhanced Open Space Type	General Description	Permitted Elements	Design Requirements
Clubhouse/Pool or Tennis Amenity Area 	Clubhouses and swimming pools must meet all applicable building and health codes.	Clubhouse Pool Toilet facilities, public or private Ornamental water features and fountains Gazebo/Pavilion/Picnic Areas Accessory concession stands Benches Trash receptacles Tennis courts	Pedestrian connectivity to all residents Parking shall be adjacent to pool and clubhouse facilities and not interfere with pedestrian activity or movement
Green 	A Green is an urban open space that is natural in its details. Greens are small, civic, and surrounded by buildings. Tree plantings can be informal and the topography irregular. Greens may be used to protect specimen trees and provide for conservation functions.	Toilet facilities, public or private Ornamental water features and fountains Gazebo/Pavilion/Picnic Areas Benches Trash receptacles Paved walks/trails (not within stream buffer) Urban Garden (50% max of Green)	Landscaped with trees at the edges and lawns at the center No rear facing lots allowed adjacent to a Green
Greenway 	Greenways connect residences and recreational areas. Greenways incorporate natural settings, such as creeks and significant stands of trees within neighborhoods. Greenway details are natural (i.e., informally planted), except along rights-of-way, and may contain irregular topography.	Pedestrian trails Picnic tables Benches Trash receptacles Conservation areas for natural, archeological or historic resources Meadows, wetlands, wildlife corridors, game preserves, other	Shall have a minimum width of at least 50' Conserve existing tree canopy and landscape Protect existing natural drainage way and creeks Land shall not be cleared except for trails Water bodies are allowed provided that they do not count toward more than 50% of the required open space
Pocket Park 	A pocket park is a small outdoor space, usually no more than ¼ of an acre, most often located in an urban area that is surrounded by commercial buildings or houses on small lots.	Toilet facilities, public or private Hardscape materials Gazebo/Pavilion/Picnic areas Trash receptacles Ornamental water features and fountains Public art Recreational courts Urban Garden (25% max of Pocket Park)	Rear facing lots are allowed Attractive landscaping Minimize negative impacts on adjacent residents
Neighborhood Park 	A neighborhood park, by size, program, and location, provides space and recreation activities for the immediate neighborhood in which it is located. It is considered an extension of neighborhood residents' "out-of-yard" and outdoor use area.	Gazebo/Pavilion/Picnic areas Hardscape materials Toilet facilities, public or private Picnic tables Benches Trash receptacles Paved walks/trails Ornamental water features and fountains Recreational courts and fields Urban Garden (25% max of park) Playground (swings, slides) Dog parks	Shall be bounded by streets on at least 50% of its perimeter Active recreation areas (25% max)

Enhanced Open Space Type	General Description	Permitted Elements	Design Requirements
Community Park	Community Parks are designed for active recreational use. Community Parks create a central open space that services an entire neighborhood or group of neighborhoods, or incorporates physical features that are an asset to the community (e.g., lake or river frontage, high ground, or significant stands of trees). Community Parks may be combined with parkways and greenways.	Gazebo/Pavilion Hardscape materials Toilet facilities, public or private Picnic tables Benches and other outdoor seating Trash receptacles Ornamental water features and fountains Public/private art Promenades and esplanades Playground (swings, slides) Recreational courts Urban Garden (25% max of Community Park)	Trees shall be planted parallel to all perimeter rights-of-way Trees shall be planted at the edge of active recreational use areas Tree spacing shall be a minimum of 15' to a maximum of 50' on center Interior portions of parks may be kept free of tree plantings Active recreation (25% max) Shall be bounded by streets on a minimum of 50% of their perimeter Golf courses shall be allowed but shall not count toward more than 50% of the required open space
Square	A Square provides a means to emphasize important places, intersections, or centers. Squares are bordered on all sides by street(s).	Gazebo Hardscape materials Benches and other outdoor seating Trash receptacles Ornamental water features and fountains	Shall be bound by streets on a minimum of 3 sides or 75% May be bound by front facing lots on 1 side or 25% of their perimeter No rear facing lots allowed adjacent to a square Trees plantings are encouraged parallel to the street right-of-way
Plaza	Plazas are areas for passive recreational use that are entirely bounded by streets and/or lanes. Buildings.	Hardscape materials Toilet facilities, public or private Benches and other outdoor seating Trash receptacles Ornamental water features and fountains Public art	Shall be square or rectangular with a length of not less than 1.5 of its width Shall be level, stepped or gently sloping
Playground	A Playground provides space for parental supervised recreation of toddlers and young children within a neighborhood, or as part of a larger neighborhood or community park and urban center, including retail shopping areas.	Hardscape materials Active recreational, playground equipment Toilet facilities, public or private Benches and other outdoor seating Ornamental water features and fountains Trash receptacles	Shall be designed with commercial grade play equipment for two age groups, ages 1 to 5 and ages 6 to 10 Must have shock absorbing surface with a maximum 2% slope Shall meet all federal, state and local regulations and be compliant with the Americans with Disabilities Act

H. **Phasing provisions**. If a project's required open space is developed in phases, the amount of open space shall be computed separately for each phase, but may be combined with existing open space in earlier phases:

1. The first phase of development shall contain, at a minimum, its pro rata share of the total amount of required open space based on the size and type of the development; and
2. The total amount of open space set aside in each phase shall meet the open space standard as applied to the total area of the phase and previously approved phases.

I. **Conservation or water quality.**

1. No more than fifty (50) percent of required open space may consist of floodplain, wetlands, steep slopes, streams and buffers.
2. Green roofs may contribute to open space minimum area requirements with documentation from a licensed professional that such feature serves a water quality or alternative stormwater function.

J. **Prohibited uses of open space**. The following shall not be considered when calculating open space:
    1. Individual wastewater disposal systems, such as septic tanks, septic fields, etc.
    2. Private yards that are not subject to an open space or conservation easement.
    3. Public street rights-of-way or private street easements, including streetscapes located within those rights-of-way or easements.

5.6 Supplemental Site Improvements

5.6.1 Outdoor lighting.

A. Lighting must provide adequate vehicular and pedestrian visibility and security of on-site areas such as building entrances, parking, service delivery and pedestrian walkways. A professional outdoor lighting plan shall be required for all non-single-family residential developments of three (3) acres or more and for community recreation that proposes to use outdoor lighting.

B. **Exceptions**. This section shall not apply to the following:
    1. Lighting established by a governmental authority within public rights-of-way.
    2. Lighting activated by motion sensor.
    3. Construction or emergency lighting provided it is temporary and is discontinued immediately upon construction completion or emergency cessation.
    4. Security lighting less than two (2.0) average foot candles.
    5. Sites requiring fewer than five (5) lighting fixtures.
    6. In [subsections] A.1. through A.5., lighting in all zoning districts shall be established in such a way that no direct light is cast upon or adversely affects adjacent properties and roadways.

C. **All lighting fixtures**.
    1. Lighting in all zoning districts shall be established in such a way that no direct light is cast upon or adversely affects adjacent properties and roadways.
    2. Light fixtures shall include glare shields to limit direct rays onto adjacent residential properties.
    3. All lighting fixtures (luminaries) shall be cutoff luminaries whose source is completely concealed with an opaque housing. Fixtures shall be recessed in the opaque housing. Drop dish refractors are prohibited.
    4. Light source shall be light emitting diodes (LED), metal halide, or color corrected high-pressure sodium not exceeding an average of four and one-half (4.5) foot candles of light output throughout the parking area. A single light source type shall be used for any one (1) site. Fixtures must be mounted in such a manner that the cone of the light is not directed at any property line of site.
    5. The minimum mounting height for a pole is twelve (12) feet. The maximum mounting height for a pole is twenty-five (25) feet excluding a three-foot base.

D. **Lighting plans**. Lighting plans shall include the following:
    1. The location and mounting information for each light.
    2. Illumination calculations showing light levels in foot candles at points located on a ten-foot center grid, including an illustration of the areas masked out per the requirements regarding points of measurements.
    3. A schedule listing the fixture design, type of lamp, distribution and wattage of each fixture, and the number of lumens.
    4. Manufacturer's photometric data for each type of light fixture, including initial lumens and mean depreciation values.

5. An illumination summary including the minimum average and maximum foot candle calculation (array values) and the total number of array points (points used on the ten-foot grid calculations).
6. Points of measure shall not include the area of the building or areas which do not lend themselves to pedestrian traffic.
7. Average level of illumination shall not exceed the calculated value, as derived using only the area of the site included to receive illumination.
8. An outdoor lighting plan required within a locally designated historical district that is subject to architectural design review shall require a certificate of appropriateness from the City of Stonecrest Historic Preservation Commission.

Table 5.7 Lighting Level Standards by Footcandle

Location or Type of Lighting	Minimum Level	Average Level	Maximum Level
Non-residential parking lots	0.6	2.40	10.0
Multifamily residential parking Lots	0.2	1.50	10.0
Walkways, access drives and loading/unloading areas	0.2	2.00	10.0
Landscaped areas	0.0	0.50	5.0

5.6.2 Stormwater detention facilities.

A. Stormwater detention facilities shall be located on an individual parcel of land not meant for other improvements. A detention facility for a subdivision of fee simple single-family residences shall not be located on the same lot with a single-family home.

6 Article 6. – Building Materials, Form and Configuration Standards

6.1 Application of standards.

A. This division establishes standards for the form and configuration for the following building types:
   1. Detached and attached houses;
   2. Multi-family;
   3. Live/work; and
   4. Non-residential except industrial use buildings.

B. **Compliance review.** Review of proposed development to ensure compliance with all standards shall occur concurrent with any zoning compliance review conducted during the process of approving a rezoning, use permit, variance or modification of conditions, a sketch plat, a land disturbance permit, a development permit, or any other applicable permit or license.

C. These standards apply to new buildings as well as to the substantial redevelopment and renovation of such buildings, as applicable per article 9 regarding nonconformities.

6.2 Exemptions and variances.

A. Historic structures and structures in historic districts that are subject to architectural design review and structures that are individually designated historic are exempt from the requirements of this division.

B. New residential infill.

1. Modification of building form. Article 8 provides for an administrative procedure that allows an applicant to request a waiver from the building form or materials standards on a case-by-case basis during the compliance review process.
2. Where the architectural style of existing residential development building types on the same block as the proposed project conflicts with the building form standards herein, a land disturbance permit applicant may apply to the director of planning for an administrative waiver from the building form standards in accordance with article 8.

6.3 Conflict with other standards and review.

A. **Conflict with overlay standards**. In the event the standards of this division conflict with the overlay district standards in article 3, as determined by the director of planning, the standards in article 3 shall prevail.

B. **Conflict with other provisions in the zoning code**. In the event the standards of this division conflict with any other provision of this chapter, the more restrictive provision, as determined by the director of planning, shall prevail.

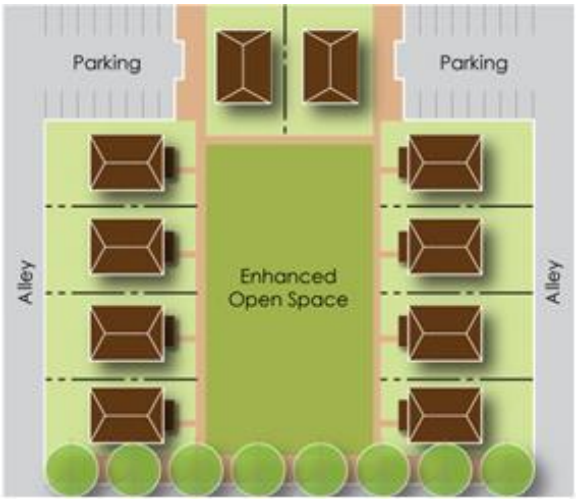
C. **Conflict with other city standards**. In the event the standards in this division conflict with any city ordinance not included within this chapter, as determined by the director of planning, this division shall prevail.

6.4 Detached houses.

A. This section shall apply to the following housing types:

1. *Conventional single-family detached.* A development with one (1) dwelling unit per lot of record with private yards on all four (4) sides.
2. *Single-family cottage.* A development with one (1) or one and one-half (1.5) story small detached dwelling units arranged whereby cluster around a commonly shared open space and each dwelling unit is located on a separate lot with private rear, side, and front yards.
3. *Urban single-family detached.* A development with single-family detached dwelling units located on small lots. Urban single-family (Urban-SF) residential buildings share similar configurations to townhouse developments; however, they are detached and may have lot lines that coincide with the building envelope, provided that a yard area is provided in the dimensions required by the zoning district.

B. **Dimensional and use requirements.** Minimum lot size, width, and setbacks shall meet the dimensional requirements set forth for the applicable base zoning district in article 2.



C. **Orientation.**
    1. Lots along the perimeter of a development of single family detached residences shall be oriented so that dwellings front internal local streets instead of a thoroughfare. Lots with rear yards abutting a thoroughfare shall provide a ten-foot no access easement and: a twenty-foot landscape strip, a six-foot-high decorative fence, or a five-foot-high landscaped berm to screen the rear view of houses from the thoroughfare.
    2. Single-family cottage lots shall be oriented toward the enhanced open space.
    3. Street frontage requirements in chapter 14 of the Code shall not apply to individual lots within a cottage or urban type residential development provided the overall site complies with minimum street frontage requirements and an alley or private drive provides access directly to a public street.

D. Each dwelling unit shall be metered for water individually.

E. An easement for water and sewer shall be required and subject to the approval of the director of planning.

F. Access driveway, internal private drive and alley standards.
    1. Single-family cottage or urban residences shall have vehicular access from the rear of the property from an alley or similar private drive, or may have an off-street parking area located on the side or rear of the development. Such parking area may not occupy more than thirty (30) feet of frontage and be located no more than two hundred (200) feet from the unit's entrance. The alley shall be at least twenty (20) feet in width and meet the standards of International Fire Code (IFC) 503, unless another width is approved by the director for one-way direction only.
    2. Single-family detached residences may share a driveway serving two (2) lots, provided that the width of the driveway at the street shall not exceed the width requirements established in chapter 14 of the Code, and that the driveway width not increase for the first ten (10) feet of drive.

G. Urban single-family dwellings may gain access through private drives that meet the standards of section 5.6.7C.4.

H. Maximum size.
    1. Conventional single-family detached residences shall follow the requirements set forth in article 2.

2. Single-family cottages shall not exceed a building footprint of eight hundred (800) square feet and gross floor area of twelve-hundred (1,200) square feet.

I. Single Family Residential (Detached and Attached): **Materials**. The following is the list of permitted materials for single family construction:
   1. Brick masonry;
   2. Stone masonry;
   3. Cement wood or fiber cement siding, including simulated half-timbering;
   4. Hard coat stucco;
   5. Cedar shingles or fiber cement;

J. **Architectural variability.**
   1. Residential subdivisions of three (3) or more lots intended for conventional single-family detached residences shall include distinctly different front façade designs within each phase of the development. "Distinctly different" shall mean that each front façade must differ from adjacent buildings' front façades in at least four (4) of the following six (6) ways:
      a. The use of different primary exterior materials;
      b. Variation in the width or height of the front façade by four (4) feet or more;
      c. Variation of the type, placement or size of windows and doors on the front façades;
      d. Variations in rooflines, including the use of dormers and changes in the orientation of rooflines;
      e. Variation in the location and proportion of front porches; and
      f. Variation in the location or proportion of garages and garage doors.
   2. No conventional single-family detached residence shall be of the same front façade design as any other conventional single-family detached residence along the same block face within eight (8) lots of the subject residence. Mirror images of the same configuration are not permitted on the same block face.
   3. No single front façade design may be used for more than twenty-five (25) percent of the total units of any single phase of a conventional single-family detached residence subdivision.

K. **Porches and stoops**. Any porch shall have minimum dimensions of four (4) feet by eight (8) feet for porches, and any stoop shall have minimum dimensions of and four (4) feet by four (4) feet. Porches and stoops shall be no closer than two (2) feet from a utility easement.

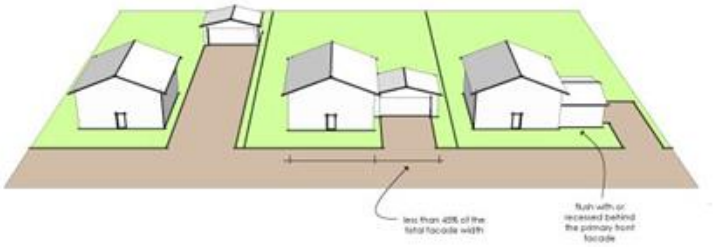
L. **Façades.** Any conventional single-family detached residence with a front façade width of forty (40) feet or more shall incorporate wall offsets in the form of projections or recesses in the front façade plane. Wall offsets shall have a minimum depth or projection of two (2) feet so that no single wall plane exceeds twenty-five (25) feet in width.

M. **Roof and overhangs**. Conventional single-family detached residences shall incorporate the following standards:
   1. Roofs covering the main body of the structure shall be symmetrical gables, hip-style, or mono-pitch (shed) style.
   2. Mono-pitch roofs shall have a minimum pitch of 4:12, and all other roofs covering the main body of a detached house shall have a minimum roof pitch of 6:12.
   3. Overhanging eaves shall extend at least twelve (12) inches beyond the exterior wall.

4. To the maximum extent practicable, all roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear façades or configured to have a minimal visual impact as seen from an adjacent street.

N. **Garages.** The following standards shall apply:

1. Street-facing garage façades shall not comprise more than forty-five (45) percent of the total width of the conventional single family detached residence's front façade. Street-facing garages shall be at least two (2) feet behind the primary front façade plane of a conventional single-family detached residence.



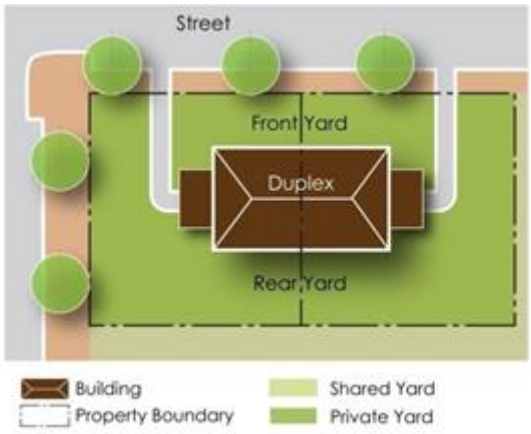
O. **Enhanced open space.**

1. Clubhouse/pool amenity areas, greens, playgrounds, pocket parks, neighborhood parks, or detention facilities designed to serve as amenities shall meet dimensional requirements in the base zoning district (article 2) and the standards of article 5, division 5, open space standards.
2. Cottage residential development enhanced open space.
    a. Single-family cottages shall be clustered around an enhanced open space green that is a minimum of three thousand (3,000) square feet or four hundred (400) square feet per cottage served by the enhanced open space, whichever is greater.
    b. The enhanced open space green shall have a minimum dimension of twenty (20) feet on each side.
    c. At least two (2) sides of the enhanced open space green shall have cottages along its perimeter.

6.5 Single-family attached buildings.

A. Single-family attached residential buildings are buildings in which dwelling units are attached to one another in a variety of ways, each with its own external entrance. Fee simple condominiums share similar configurations to townhouse developments, and they have lot lines that coincide with the building footprint. This section applies to the following development types:

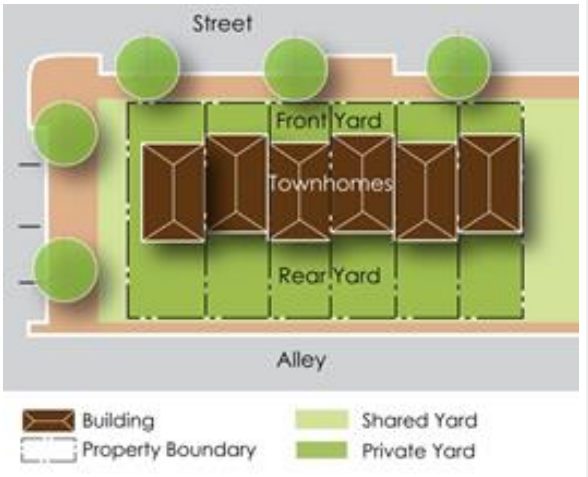
B. Single-family attached, two- or three-family attached (also called duplex or triplex). A house with two (2) or three (3) attached principal dwelling units located on a single lot. The units may be located on separate floors or side-by-side. A side-by-side, single-family attached duplex may also be permitted to be located on two (2) lots, whereby each unit is located on its own lot.



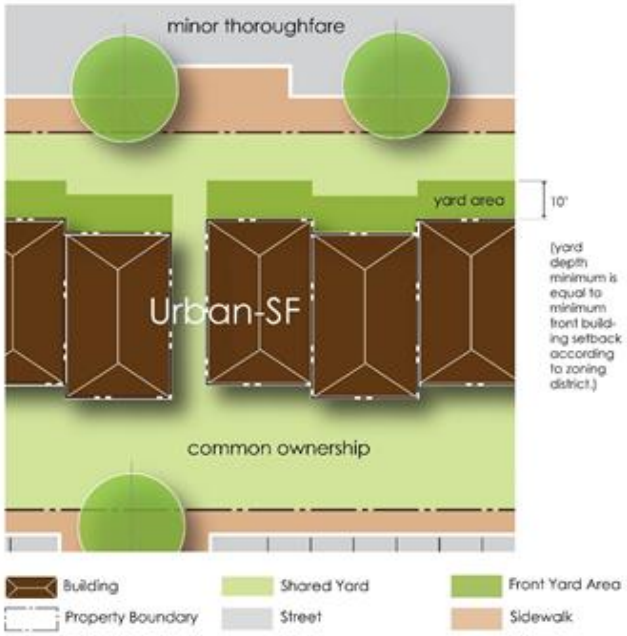
C. **Fee simple condominium.** One (1) or more single-family attached buildings where the owner has fee simple title to the building and the land beneath the building. The building may or may not have a small yard in front of or behind the building. The remaining land is under common ownership.

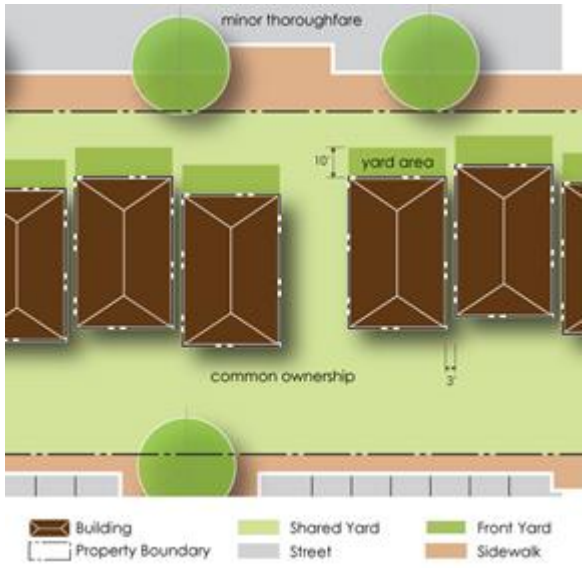
D. Single-family attached, and townhouse developments shall meet the following standards.

1. The overall tract of land for townhouse or fee simple condominium development shall have frontage on a public or private street.
2. The overall tract of land for townhouse or fee simple condominium development must meet the dimensional requirements of the zoning district.



Traditional Townhouse lot:
Townhomes which include yards on the individual property.

Urban Single-Family (Urban-SF) Detached lot: Urban-SF lot lines may coincide with the building envelope. Yard area designated for each unit, however, must still be provided even if held in common ownership. Dimensions of yard areas shall equal the setback that is specified by the zoning district (or approved master plan).	

	**Urban Single-Family (Urban-SF) Detached lot**: Urban-SF detached residential lots may include yards on the individual property or provide yard area held in common ownership.

3. Private drives shall meet the requirements of section 14-189.1 of the Code, except as follows:
    a. Private drives shall provide a ten-foot unobstructed easement on both sides of the drive, measured from back of curb.

b. Private drives shall have a minimum twenty-two-foot road width measured from back of curb to back of curb.
c. Private drives shall have the same base and paving specifications as required for public streets.
d. Roadway shoulders for private drives shall consist of a combination of five-foot sidewalk, five-foot landscape strip for street trees, and may include parallel parking spaces.
e. Private drives shall be maintained in accordance with Chapter 14.

4. The development shall incorporate a pedestrian circulation plan that separates pedestrians from automobiles by providing rear access to the units or designing an alternative location for pedestrian paths or sidewalks.
5. Sidewalks and pedestrian ways shall provide a continuous network that connects each dwelling unit with adjacent public streets and all on-site amenities designed for use by residents of the development.
6. Sidewalks may go to back of curb when adjoining on-street parking space.
7. Street trees shall be planted on both sides of the street fifty (50) feet on center or every other unit, whichever distance is less.
8. Buildings shall be no more than two hundred (200) feet in length.
9. Spacing of buildings shall be consistent with International Codes Council (ICC).
10. Alleys.
    a. Alleys shall be at least twelve (12) feet wide, subject to the standards of IFC 503.
    b. Dead end alleys over one hundred fifty (150) feet in length are prohibited.
11. Ownership.
    a. There shall be a mandatory property owners association clearly stating the residents' responsibility to share in the ownership and maintenance of common areas including roadways, alleys, parking, utilities, landscaping, and stormwater management facilities subject to chapter 14 of the Code. The city shall have no ownership or maintenance responsibility of any common areas unless expressly agreed otherwise.
    b. Individual ownership of the units shall comply with the Georgia Condominium Act or shall require membership in a property owners association in accordance with Georgia law.
    c. Upon approval of the development plans, a final plat shall be recorded before any units are sold.

E. **Building orientation**. The primary entrance and front façade of individual buildings within a townhouse development may be oriented toward streets, private drives or enhanced open space, and shall not be oriented toward off-street parking lots, garages, or carports.
F. Each dwelling unit shall be metered for water individually.
G. An easement for water and sewer shall be required with the location subject to approval of the City of Stonecrest, or its designee.
H. **Roofs**. Roofs of attached residential buildings shall comply with the following standards:
    1. Roofs shall be symmetrical gables, flat with parapet, hip-style, or mono-pitch (shed) style, but alternative roof forms or pitches may be used over porches, entryways, and

similar features. Overhangs allowed on principal structures shall be no less than twelve (12) inches.

2. Mono-pitch roofs shall have a minimum pitch of 4:12.
3. Gable and hip-style roofs shall have a minimum roof pitch of 6:12.
4. Roof forms shall be designed to shelter building entrances.

I. **Roof penetrations and equipment.** To the maximum extent practicable, roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear façades or screened from view so as to have a minimal visual exposure as seen from an adjacent street.

J. **Façades**. For the purposes of this subsection, a building façade shall be considered the entire wall surface on a building side from grade level to underneath an overhanging eave or to the top of a cornice. All single-family attached buildings shall comply with the following façade standards:

1. Façades facing a street shall provide doors, porches, balconies, or windows in the following ratios:
    a. A minimum of sixty (60) percent of front façade; and
    b. A minimum of thirty (30) percent of side and rear building façades.
2. All front façades shall provide a minimum of three (3) of the following design features for each residential unit:
    a. Projections or recesses in the façade plane that contrast with an adjoining unit, with a minimum depth or projection of one (1) foot;
    b. Exterior building materials or colors different from the materials or colors of the other units;
    c. Decorative patterns on exterior finish (e.g., shingles, wainscoting, window box, and similar ornamental features);
    d. A dormer window, cupola, turret, tower, or canopy;
    e. A recessed entrance;
    f. A covered porch or balcony;
    g. Pillars, posts, or pilasters;
    h. A box or bay window with a minimum twelve-inch projection from the façade plane;
    i. Eaves with either exposed rafters or a cornice projecting a minimum (12) inches from the façade plane; or
    j. A parapet wall with an articulated design that varies in height.
3. Front façades should be varied to avoid long, flat building fronts so that no more than twenty (20) percent of the front façades of the units in the same building are substantially the same, unless designed as brick row houses.

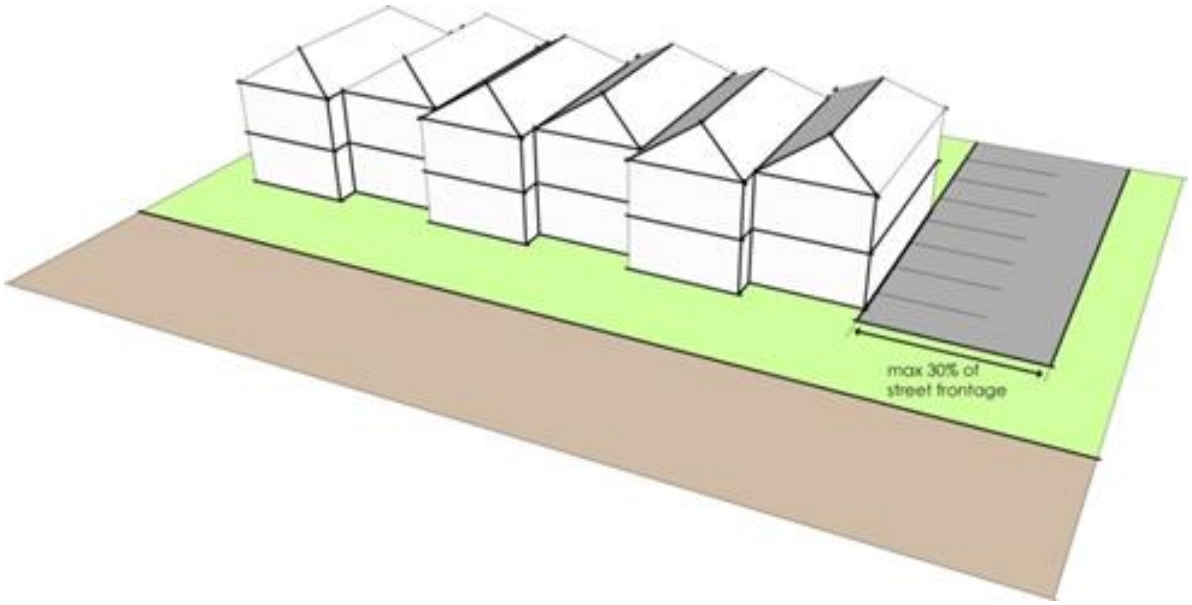
K. **Garages.**

1. Garages for dwelling units shall not face public streets, and shall be accessed by alleys or private drives. Garages that face private drives must comply with section 5.7.6.C.5. for pedestrian and vehicle separation plan.
2. Parking spaces for dwelling units shall be located behind buildings, within individual units, on designated on-street spaces or off-street parking lots as provided in subsection K., off-street parking.

3. Garage entrances shall be set back between three (3) and ten (10) feet from adjacent streets and sidewalks.
4. Garage entrances shall be set back a minimum of three (3) feet and a maximum of ten (10) feet from alleys.

L. **Off-street parking.**

1. Off-street surface parking lots (including access and travel ways) located on the side of an attached residential building shall not occupy more than thirty (30) percent of the primary street frontage for the attached residential building.



2. Off-street parking required for each attached residential unit is not required on the same lot as the dwelling unit, but the edge of the off-street parking lot shall be no more than two hundred (200) feet from the unit's entrance.

M. The architectural features of a parking deck or structure shall be compatible with the primary building(s).

N. Streetscape design. Single family attached residential developments shall comply with the streetscape design standards in division 4.

6.6 Multi-family, non-residential, live/work and mixed-use buildings.

A. Multi-family residential building and non-residential buildings include the following building types: multi-family low rise (three (3) stories and fewer); multi-family high rise (four (4) stories and greater); live/work buildings; and large-scale retail.

1. Multi-family residential buildings contain four (4) or more residential dwelling units consolidated into a single structure. Dwelling units within a building may be situated either wholly or partially over or under other dwelling units, and units share common walls. Structures appearing as townhouses but with internal units that are located one (1) below the other (also known as "stacked townhouses") are also considered multi-family residential buildings.
2. Large-scale retail refers to freestanding buildings containing single-tenant retail sales uses that exceed sixty-thousand (60,000) square feet in size.

3. Live/work units incorporate both living and working space in a single unit. A kitchen and a bathroom must be included in each unit. The residential portion may not be less than thirty-three (33) percent of the unit's total floor area. Within two-story live/work buildings, non-residential uses shall be located on the ground floor only. Within single story units, the non-residential use shall be located in the front, with street access. Living space within the live/work unit shall have direct and internal access to work space. Each live/work unit may have a primary entrance from the sidewalk, enhanced open spaces, arcades or public spaces. See also section 4.2.33 for additional live/work use requirements. Multi-family residential orientation shall comply with section 5.7.6.

B. Non-Residential Structures: Materials.
    1. Exterior building materials. Except for exempted buildings described in subsection A.5. below, exterior wall materials of primary buildings shall consist of any of the following types:
        a. Brick masonry;
        b. Stone masonry;
        c. Cement wood or fiber cement siding, including simulated half-timbering;
        d. Hard coat stucco;
        e. Cedar shingles or fiber cement;
        f. Textured face concrete block;
        g. Architectural concrete;
        h. Precast or tilt-up panel (for industrial buildings only);
        i. Glass;
        j. Material not listed in this section, which shall contribute to innovative design or green construction as determined by the director of planning on a case by case basis; and/or
        k. Architectural accent materials as approved by the director of planning.
    2. Exterior building material requirements do not preclude solar panel installation on building roofs.
    3. The following materials may be used as secondary building material or siding, up to forty (40) percent of total facing:
        a. Standing seam or corrugated metal siding;
        b. Exterior insulation and finish system (EIFS). If within three (3) feet of grade or within six (6) feet of grade adjoining a public right-of-way or a parking area, the EIFS shall have ultra-high impact resistance in accordance with ASTM E2468. EIFS is prohibited for use on single-family, two-family, and three-family dwellings.
        c. Vinyl siding and other polymeric siding provided the siding shall:
            i. Be installed by a certified installer or an individual certified as trained through the VSI certified installer program sponsored by the Vinyl Siding Institute, Inc. (VSI) or an approved equivalent program;
            ii. Be certified and labeled as conforming to the requirements of ASTM D3679 Standard Specifications for Rigid Poly (Vinyl Chloride) (PVC) Siding by an approved quality control agency:
            iii. Have a minimum thickness of 0.046 inches;

iv. Have panel projections of no less than five-eighths-inch for clapboard and dutchlap styles;
v. Have double (rolled over) nail hem, up to 0.92" nominal thickness strength;
vi. Meet or exceed the color retention requirement of ASTM D6864, 3679 or D7251;
vii. Be installed in accordance with the manufacturers' instructions and in accordance with ASTM D4756. Polypropylene siding shall be certified and labeled as conforming to the requirements of ASTM D7254 Standard Specification for Polypropylene (PP) siding by an approved quality control agency. Insulated Vinyl Siding shall be certified and labeled as conforming to the requirements of ASTM D7793 Standard Specification for Insulated Vinyl Siding by an approved quality control agency.

4. The following exterior building materials shall be prohibited on all buildings:
    a. Plywood;
    b. Common concrete block;
    c. Oriented strand board (OSB)
5. Universities, and structures located in M or M-2 zoned districts shall be exempt from the requirements of subsections A.1. and A.3., provided:
    a. Such structures are located interior to the site with an intervening building facing the street.
    b. If materials in A.3. are used as primary exterior building materials, at least thirty (30) percent of total façade area shall be brick or stone masonry.

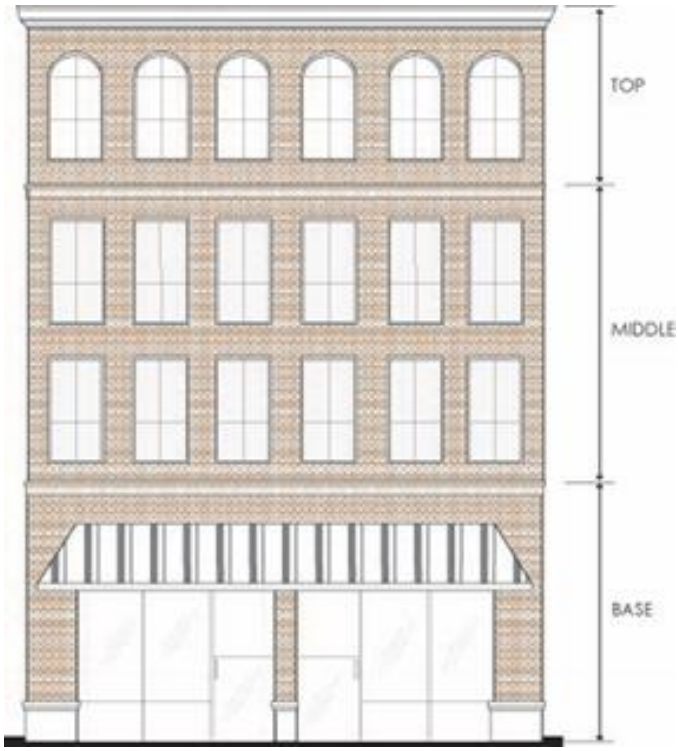
C. Arrangement of materials.
1. Where two (2) or more materials are proposed to be combined on a façade, the heavier and more massive material shall be located below the lighter material.
2. Material changes on a façade shall occur along a continuous horizontal line or where two (2) building forms meet. Secondary building materials may be used as trim, around windows, doors, cornices, at corners, or as a repetitive pattern within a wall covered in a primary building material.
3. Primary façade materials shall wrap around at outside building corners for at least four (4) feet.

D. Roof and accessory structure materials.
1. Sloped roofs on primary buildings shall be clad in wood shingles, standing seam metal, clay or concrete tile, stone coated metal tile, painted metal tile, recycled rubber tile, slate, asphalt shingles or similar material or combination of materials. This regulation does not prohibit the application of solar panels, which shall not be considered an architectural material for purposes of building form regulations.
2. The exterior of accessory buildings shall be constructed of materials that are similar to those used on the principal structure(s).

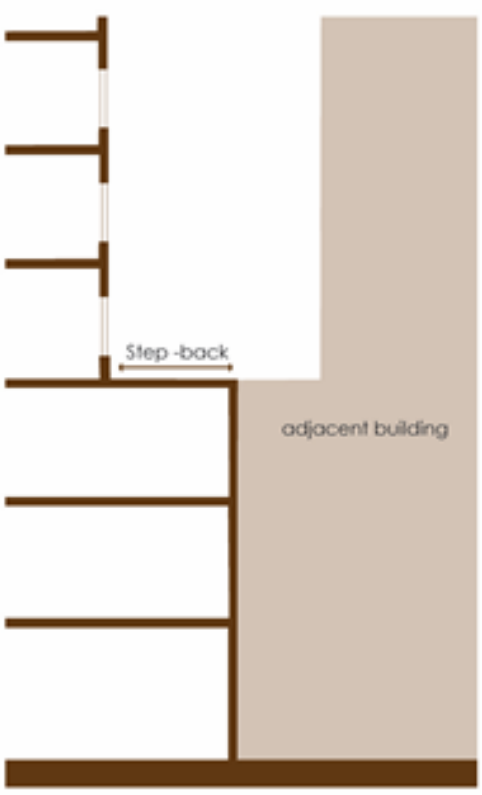
E. All non-residential development types shall comply with the following:
1. Dimensional and use requirements. Lot size, width, and setbacks shall meet the dimensional requirements set forth for the applicable base zoning district in article 2.

2. Building plane and scale.
    a. Building façades shall not exceed forty (40) feet in length without projections, recesses or other architectural features.
    b. Windows and doorways. Structures built to the edge of the street right-of-way or located within mixed-use and non-residential districts shall have windows and/or doorways that occupy at least twenty-five (25) percent of the width of the first floor street-level front façade.

    c. All buildings regulated by section 5.7.7 that are four (4) stories or greater shall:
        i. Clearly articulate the building base, middle and top through materials, architecture details and/or changes in the plane of the wall (projections and recessions).



ii. Provide side step-backs at the fourth story when adjacent to the side of another building four (4) stories or greater and along a private or public street.



F. **Roofs.**
   1. Multi-family low-rise buildings regulated by section 5.7.7 shall have roof design and features that comply with section 5.7.6.G.
   2. Multi-family buildings adjacent to a courtyard may be designed with a flat roof.
   3. Rooflines of large-scale retail buildings shall be varied to add interest and variety to the large building form through the use of parapets, hips, gables, eaves, dormers or other similar features. These features shall be incorporated along a minimum of fifty (50) percent of the length of the roofline facing a public street.
   4. Flat roofs shall provide parapets to screen mechanical equipment from street view and from the primary drive facing the front façade.

G. **Parking configuration**. Non-residential and mixed-use buildings located in the Regional or City Activity Center character areas, as identified in the comprehensive plan, shall:
   1. Have no more than one (1) double row of parking within the front yard where there is no intervening building between parking and the street; and
   2. Be allowed to locate parking along the side or rear or as on-street parking dedicated as right-of-way by the applicant for a land disturbance permit or building permit.

H. Multi-family developments shall meet the building separation requirements provided in section 5.2.1.B.

I. Off-street surface parking lots (including access and travel ways) consisting of five (5) or more spaces shall be located on the side or to the rear of a multi-family structure or development.

J. Multi-family housing developments shall provide and maintain outdoor play and recreation areas with a minimum area of five (5) percent of the total area of the lot or four thousand (4,000) square feet, whichever is greater.

K. Low-rise multi-family building types. The following low-rise multi-family buildings shall be allowed, provided they meet the requirements set forth herein:

1. Mansion . The mansion style low-rise multi-family building shall have four (4) to eight (8) units within the structure, which shall be distinguished as a building designed to appear as a typical single family detached home.
2. Courtyard. The courtyard building shall be oriented such that the courtyard faces the street or roadway and has buildings facing along the other three (3) sides.
    a. Minimum width of the courtyard is thirty (30) feet and depth is fifteen (15) feet.
    b. Building walls facing a courtyard may be separated by more than the maximum building separation requirements.
3. All other. To reduce massing and promote livability, all other low-rise multi-family building types shall provide:
    a. Functional balconies for all exterior units;
    b. Landscaping around each building within ten (10) feet of building and along both sides of all internal sidewalks.

L. Multi-building non-residential development, excluding industrial. Buildings in a non-residential development composed of multiple buildings totaling one hundred thousand (100,000) square feet or more for the whole development shall:

1. Be configured to break up the site into a series of smaller "blocks" defined by streets with pedestrian walkways forming an interconnected circulation route;
2. Face the corner of an existing street intersection or entry point to the development;
3. Frame and enclose:
    a. A "main street" pedestrian or vehicle access corridor entering the development site;
    b. At least three (3) sides of parking areas, public spaces, or other site amenities; and
    c. Provide outdoor gathering spaces for pedestrians between buildings.

M. Outparcel development.

1. Outparcels and their buildings shall be aligned in order to define continuous street edges with well-defined entry points.
2. Spaces between buildings shall be improved to provide landscaped pedestrian amenities such as plazas, seating areas, arcades, pedestrian connections, and gathering spaces.

6.7 Large-scale retail—Additional standards.

A. **Entrances.**

1. The primary entryway into a large-scale retail building shall be clearly articulated by greater architectural detail, incorporating no fewer than three (3) of the following elements:
    a. Projecting or recessed, covered entrance;
    b. Distinct roof form above entrance shall include at least one (1) of the following:

i. Roof overhangs;
ii. Awnings, canopies or porticos;
iii. Raised corniced parapets;
iv. Gabled or peaked roof form;
v. Arches;

c. Display windows directly adjacent to the entrance;
d. Architectural details and ornamentation emphasizing the building entrance;
e. Arcades connecting the entrance to adjacent pedestrian attractions;
f. Outdoor plaza with a minimum depth of twenty (20) feet adjacent to the entrance and having seating and a water feature or landscaping; or
g. Landscape areas or seating areas.

B. **Off-street parking.**
1. Parking for large-scale retail development shall be distributed around the principal structure on at least two (2) sides.
2. No more than fifty (50) percent of parking may be located between the principal structure and primary street. If located within an activity node, no parking shall be allowed between the principal structure and the primary street, except required parking spaces.

C. **Pedestrian circulation.**
1. Continuous internal sidewalks and pedestrian walkways shall be provided to connect the public sidewalk or right-of-way with the principal building entrance of all principal buildings on the site. Such sidewalks shall also connect key pedestrian focal points such as transit stops, street crosswalks, and building entry points.
2. Internal pedestrian walkways and sidewalks shall be at least five (5) feet in width.
3. Sidewalks shall be provided along all sides of the lot adjacent to a public street.
4. Sidewalks shall be provided for the principal building along any façade featuring a public entrance and along any façade leading to a public parking area.
5. Internal pedestrian walkways and sidewalks shall be differentiated from vehicular driveways and parking spaces through the application of colors and durable surface materials such as pavers, brick, or scored concrete, in order to enhance pedestrian safety and appearance of the pedestrian walkway or sidewalk.

D. **Landscaping.** In addition to the landscape and screening requirements of division 4 of this article, the following requirements shall also apply:
1. Building frontage. Beginning fifteen (15) feet from the principal customer entrance, along the building façade, a landscape area with trees shall be required for the entire length of the building. Each of the trees required herein shall be at least four and one-half-inch caliper and eight (8) feet tall at installation. Trees required herein shall be spaced no more than one hundred (100) feet apart.
2. Landscape strip. A landscape strip at least fifteen (15) feet wide shall be required along any property line adjacent to a public street. When parking lot landscape strip requirements coincide with this location, the fifteen (15) feet shall not be required in addition to the parking lot landscaping, but shall serve as the parking lot dimensional requirement and planted according to parking lot landscaping standards in division 4 of this article.

3. Walkways. Pedestrian walkways connecting a public street adjacent to the lot on which the principal building is located and parking aisles shall be provided approximately every one hundred twenty (120) feet perpendicular to street frontages.

E. **Open space and enhanced open space areas.**
   1. An outdoor gathering space (plaza or square) shall be developed with requirements by open space functional category and enhanced open space types as specified in division 5 of this article.
   2. Sites containing one (1) or more large-scale retail building shall include an outdoor gathering space equal to at least three (3) percent of the total square footage of the building.
   3. Outdoor gathering spaces shall be connected to the sidewalk and pedestrian walkway network, and shall provide at least three (3) of the following features per space:
      a. Lighted bollards;
      b. Tables and chairs;
      c. Fountains or other water features;
      d. Benches;
      e. Seat walls and/or raised landscape planters;
      f. Shade trees lining the gathering space;
      g. Pots or hanging baskets filled with seasonal plant material;
      h. Information kiosks;
      i. Sculptures or other public art features; or
      j. Other features as approved by the director of planning if the feature enhances the visual impact of the outdoor gathering space.

7 Article 7. - Parking

7.1 Introduction.

A. This chapter establishes the standards for the number, location, and development of motor vehicle parking facilities, standards for on-site loading areas, and standards for bicycle parking.

7.1.1 Interpretation.

A. **Fractions**. Where a fractional space results during the calculation of required parking, the required number of parking spaces shall be the next lowest whole number.

B. **Parking space requirement not specified**. Where the parking requirement for a particular use is not described in Table 6.2, and where no similar use is listed, the director of planning shall determine the number of spaces to be provided based on requirements for similar uses, location of the proposed use, the number of employees on the largest shift, total square footage, potential customer use, or other expected demand and traffic generated by the proposed use. If the director of planning reasonably determines that a parking generation study should be prepared by a qualified professional, the director of planning may require submission of such a study to aid the director of planning in making a determination with respect to the number of required parking spaces.

C. **Computations for multiple floors uses within a building**. In cases where a building contains some combination of residential use, office space, retail or wholesale sales area, or bulk storage area, the director of planning may determine on a proportional basis the parking and loading requirements based on separate computations for each use.

7.2 Parking regulations, off-street parking.

A. Each application for a development permit or building permit, other than for a detached single-family residence, shall be accompanied by a parking plan showing all required off-street parking spaces, driveways, and the internal circulation system for each such parking lot.

B. All parking lots and spaces shall conform to the following requirements:

1. All vehicles shall be parked on a paved surface that is connected to and has continuous paved access to a public or private street, except as otherwise allowed in this section.
2. Each parking space, except those located on a single-family residential lot, shall comply with the minimum dimensions established in Table 6.1. Each parking lot shall have adequate space for each car to park and exit every parking space and space for internal circulation within said parking lot.
3. Each parking lot, except those parking spaces located on property used for single-family residential purposes, shall comply with section 5.4.4, site and parking area landscaping.
4. All parking lots and parking spaces, except those located on property used for single-family residential purposes, shall conform to the geometric design standards of the Institute of Traffic Engineers.
5. Parking and loading shall not be permitted within the front yard in any MR, HR, O-I, or O-I-T zoning district, except for required handicapped parking. Notwithstanding the previous sentence, parking and loading shall be permitted within the front yard where provision of adequate parking spaces within the rear is impractical and upon issuance of a variance pursuant to article 8.
6. Parking shall not be permitted within the front yard of any property used for single-family residential purposes, except within a driveway, or in a roofed carport or enclosed garage. Within any single-family residential district, not more than thirty-five (35) percent of the total area between the street right-of-way line and the front of the principal building shall be paved.
7. No parking space, driveway or parking lot shall be used for the sale, repair, dismantling, servicing, or long-term storage of any vehicle or equipment, unless located within a zoning district which otherwise permits such use.
8. The parking of business vehicles on private property located within residential zoning districts is prohibited. This section shall not prohibit: (1) typical passenger vehicles, with or without logos, including automobiles, pickup trucks, passenger vans, and dually trucks, (2) vehicles engaged in active farming, construction activities or contractor services on the private property, or the temporary parking (twelve (12) hours or less) of vehicles for the purpose of loading/unloading within residential zoning districts; nor (3) the parking of vehicles on property located in residential zoning districts, where such property is used for an authorized non-residential use such as a church. Vehicles used in law enforcement are exempt from the restrictions of this subsection.
9. All parking lots shall conform to the requirements of section 7.1.7.

10. Notwithstanding any other provisions of Chapter 27 or Chapter 14, parking areas and/or parking on unpaved surfaces for transportation equipment and storage or maintenance (vehicle) storage, without services provided, shall be permitted as a principal use on parcels zoned M or M-2, provided that:
    a. The parking area shall be screened from view of the public street with an opaque fence or wall minimum of six (6) feet in height.
    b. The parking area shall be at least twenty-five (25) feet from the street right of way.
    c. A ten (10) foot wide evergreen landscape buffer shall be planted around the perimeter of the fence along the public street with at least 75% evergreens and at least two rows of plants. ·
    d. The soil erosion, sedimentation and pollution requirements of Chapter 14, Article V of the Code of the City of Stonecrest, Georgia are met;
    e. Minimum standards of the Georgia Stormwater Management Manual are met in terms of stormwater runoff and water quality; and
    f. The parking lot has a minimum of one (1) acre.
11. Unpaved parking areas within the Mand M-2 zones permitted under subsection 10 above shall comply with the following specifications:
    a. The parking area shall be at least one hundred and fifty feet (150') from the boundaries of a residentially zoned parcel; ·
    b. The parking area subgrade must meet a minimum compaction of ninety-five percent (95%) as certified by a registered professional engineer;
    c. The parking area surface shall be composed of at least eight inches (8") of compacted Graded Aggregate Base;
    d. The Graded Aggregate Base shall be stabilized and treated to control dust through approved means, which may include but is not limited to the effective design and operation of the facility, the periodic application of dust suppressant materials such as calcium chloride, magnesium chloride, or lignin sulfonate, reduced operating speeds on unpaved surfaces, or the periodic replenishment of gravel surfaces; and
    e. Parking areas shall be inspected by the City of Stonecrest every two (2) years to ensure continued compliance with the above specifications. Additional maintenance such as grading, Graded Aggregate Base, or surface treatment may be required.
    f. Parking areas on unpaved surfaces for transportation equipment and storage or maintenance (vehicle) storage with existing unpaved areas shall be considered a nonconforming use under Section 8.1.5 exempt from the requirements of subsection 10. and 11. if the underlying use of the parcel was issued a business license or Motor Carrier Number valid on December 31, 2017.
    g. All other parcels with existing unpaved areas shall have (2) two years to comply with these specifications with a 1-time extension up to 12 months.

Table 6.1: Minimum Parking Space Dimensions

Parking Angle	Minimum Stall Width	Minimum Stall Depth	Minimum Parking Aisle Width
Regular-sized vehicles			
90 degrees	9'	18'	24'
75 degrees	9'	19'	21'
60 degrees	9'	17'	14'
45 degrees	9'	15'	11'
Compact vehicles			
90 degrees	8.5'	15'	22'
75 degrees	8.5'	16	20'
60 degrees	8.5'	15'	14'
45 degrees	8.5'	14'	10'

7.2.1 Off-street parking ratios.

A. Minimum on-site parking requirements may be reduced through use of shared parking, in accordance with section 7.1.5.

B. In residential districts in which garage space is provided, the garage space may count for no more than one (1) required space per two hundred (200) square feet of garage space.

C. Tandem parking is permitted in association with all single-family detached and single-family attached housing types.

D. Minimum and maximum parking ratios:

1. Unless otherwise regulated elsewhere in this chapter, off-street parking spaces shall be provided for all uses listed are specified in Table 7.2.
2. Unless otherwise noted, the parking requirement shall be based on the gross square footage of the building or buildings devoted to the particular use specified.
3. Maximum parking standards shall not apply to existing uses so long as the building or parking lot is not expanded.

E. **Phased development.** Where a project is intended to be developed in phases, the director of planning may approve phased development of a parking lot intended to serve current and future development.

F. **Reduction of minimum parking requirements.** The minimum number of required spaces described in Table 7.2 for a particular use may be reduced by ten (10) percent by the director of planning pursuant to an administrative variance in compliance with article 8. If the use is within one thousand (1,000) feet of a designated heavy rail, streetcar/light rail or bus rapid transit station, the minimum number of required spaces may be reduced by twenty-five (25) percent in accordance with article 8.

G. **Carpool/vanpool parking.** For office, industrial, and institutional uses where there are more than twenty (20) parking spaces on the site, the following standards shall be met:

1. At least five (5) percent of the parking spaces on site must be reserved for carpool use.
2. Except as otherwise provided by applicable law, parking lots shall be designed so as to provide the most convenient access to building entrances by persons arriving by vanpools and carpools. In the event of a conflict between the priority described in this subsection and section 7.1.16, this subsection shall prevail.
3. Signs shall be posted identifying spaces reserved for carpool use.

Table 7.2 Off Street Parking Ratios

Minimum and Maximum Parking Spaces		
Residential		
Use	**Minimum Parking Spaces Required**	**Maximum Parking Spaces Allowed**
Detached single-family dwelling	Two (2) spaces per dwelling unit.	Four (4) spaces per dwelling unit.
Two-family and three-family dwellings	One (1) space per dwelling unit.	Four (4) spaces per dwelling unit.
Detached single-family condominium	Two (2) spaces per dwelling unit.	Four (4) spaces per dwelling unit.
Attached single-family dwelling	One and a half (1.5) spaces per dwelling unit, plus one-quarter (0.25) space per dwelling unit to accommodate guest parking.	Three (3) spaces per dwelling unit, plus one-quarter (0.25) space per dwelling unit to accommodate guest parking.
Attached two-family and three-family dwellings	One and a half (1.5) spaces per dwelling unit, not including garage, plus one-quarter (0.25) space per dwelling unit to accommodate guest parking.	Three (3) spaces per dwelling unit, not including garage, plus one-quarter (0.25) space per dwelling unit to accommodate guest parking.
Multi-family dwellings	One and one-half (1.5) spaces for every dwelling unit.	Three (3) spaces for every dwelling unit.
Mobile Homes	Two (2) spaces per mobile home lot.	Four (4) spaces per mobile home lot.
Multi-family dwellings, supportive living	One-half (0.5) space per dwelling unit.	One (1) space per dwelling unit.
Fraternity house or sorority house	One (1) space per bed.	One and one-quarter (1.25) spaces per bed.
Rooming house or boarding house, shelter	One (1) space per four (4) beds.	One (1) space per one and one-half (1.5) beds.
Senior housing	One-half (0.5) space per dwelling unit, plus one-quarter (0.25) space per dwelling unit to accommodate guest parking.	Two (2) spaces per dwelling unit, plus one-quarter (0.25) space per dwelling unit to accommodate guest parking.
Assisted Living	One-half (0.5) space per dwelling unit.	One (1) space per dwelling unit.
Personal care home, group	Two (2) spaces.	Four (4) spaces
Personal care home, community	One (1) space for every 3 beds.	One (1) space for every 2 beds.
Adult day care facility	Two (2) spaces.	Four (4) spaces.
Child day care facility	Two (2) spaces.	Four (4) spaces.
Child caring institution, group	Two (2) spaces.	Four (4) spaces.
Child caring institution, community	One-half (0.50) space for each employee and resident.	Three-quarters (0.75) space for each employee and resident.
Live Work dwelling	Two (2) spaces per unit.	Four (4) spaces per unit.

Institutional		
Use	**Minimum Parking Spaces Required**	**Maximum Parking Spaces Allowed**
Ambulance service where accessory to a hospital, ambulance services, delivery services and other similar services	One (1) parking space for each fleet vehicle plus one-half (0.5) space for each administrative or service employee.	One (1) parking space for each fleet vehicle plus three-quarter (.75) space for each administrative or service employee.
Child day care center	One (1) space for each four hundred (400) square feet of floor area.	One (1) space for each three hundred (300) square feet of floor area.
Convent or monastery	One (1) space for each four hundred (400) square feet of floor area.	One (1) space for each two hundred (200) square feet of floor area.
Funeral home	One (1) space for each four hundred (400) square feet of floor area	One (1) space for each two hundred (200) square feet of floor area.
Hospital and similar institutional use	One (1) space per three beds.	No maximum.
Nursing care facility, nursing or convalescent home, and similar institutional use	One-quarter (.25) space per bed	One-half (.50) space per bed
Kindergarten	One (1) space per three hundred (300) square feet of floor area.	One (1) space per two hundred (200) square feet of floor area.
Places of assembly with fixed seating, including places of worship, movie theaters, stadiums, auditoriums, live performance theaters, conference centers and cultural facilities	One (1) space for each four (4) seats in the largest assembly room.	One (1) space for each two (2) seats in the largest assembly room.
Places of Assembly without fixed seating, including conference centers, gymnasiums, Place of Worship, libraries, museums, cultural facilities and art galleries	One (1) space for each forty (40) square feet of floor space in the largest assembly room.	One (1) space for each twenty (20) square feet of floor space in the largest assembly room.
Private elementary and middle school	One and one-half (1.5) spaces for each classroom.	Two (2) spaces for each classroom, plus one (1) space for each fifty (50) square feet in largest assembly room.
Private high school	Three (3) spaces for each classroom.	Five (5) spaces for each classroom, plus one (1) space for each fifty (50) square feet in largest assembly room.

Colleges, including trade, vocational, and commercial vocational schools	Ten (10) spaces per classroom, plus two and one-half (2.5) spaces for each one thousand (1,000) square feet of floor area in the library or assembly area.	No maximum.
Recreation		
Use	**Minimum Parking Spaces Required**	**Maximum Parking Spaces Allowed**
Athletic Field	Twenty (20) spaces per field.	Sixty (60) spaces per field.
Bowling alley	Four (4) spaces for each alley.	Five (5) spaces for each alley.
Driving range	One (1) space per tee	One and one-half (1.5) spaces per tee
Miniature Golf	Twelve (12) spaces	Twenty (20) spaces
Noncommercial club, lodge, or fraternal or social organization (other than fraternity and sorority houses)	One (1) space for each two hundred (200) square feet of floor area.	One (1) space for each one hundred (100) square feet of floor area.
Public or private swimming pool, neighborhood recreation club/subdivision clubhouse & amenities (recreation and meeting rooms, swimming, and playground), or similar use	One (1) space per 10 homes.	One (1) space per five (5) homes.
Public or private golf course	Fifteen (15) spaces per nine (9) holes.	Thirty (30) spaces per nine (9) holes.
Indoor recreational facilities, not including bowling alley, swimming pool, tennis courts, or neighborhood recreation centers	One (1) space for each three hundred (300) square feet of floor area.	One (1) space for each one hundred and twenty-five (125) square feet of floor area.
Special events facilities	One (1) space for each two hundred (200) square feet of space used for such activity.	One (1) space for each one hundred (100) square feet of space used for such activity.
Temporary outdoor social, religious, seasonal, entertainment or recreation activity	One (1) space for each three hundred (300) square feet of land devoted to such use; or where such use is conducted within a tent one (1) space for each three hundred (300) square feet of area within the tent enclosure.	One (1) space for each two hundred (200) square feet of land devoted to such use; or where such use is conducted within a tent one (1) space for each two hundred (200) square feet of area within the tent enclosure.
Public or private tennis courts	Three (3) spaces per court.	Four (4) spaces per court.
Outdoor recreational uses, waterparks, amusement parks	One (1) space for each three thousand (3,000) square feet of gross site area.	One (1) space for each one thousand (1,000) square feet of gross site area.
Commercial		

Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
Adult Sexually Oriented Businesses	One (1) parking space for each four hundred (400) square feet of floor area in the building.	One (1) parking space for each twenty-five (25) square feet of floor area in the building.
Automobile repair garage, minor repair, and maintenance establishments	One (1) space for each four hundred (400) square feet of floor space.	One (1) space for each one hundred fifty (150) square feet of floor space.
Automobile service station	Two (2) spaces for each service bay, with minimum of ten (10) spaces required.	Three (3) spaces for each service bay, with maximum of fifteen (15) spaces required.
Bed and breakfast inn	One (1) space for the owner-operator plus one (1) per guest bedroom.	Two (2) spaces for the owner-operator plus one (1) per guest bedroom.
Car wash	Two (2) stacking spaces for each car wash lane plus two (2) drying spaces per lane.	Three (3) stacking spaces for each car wash lane plus three (3) drying spaces per lane.
Convenience Store without gas pumps	Three (3) spaces for each one thousand (1,000) square feet of floor area.	Four (4) spaces for each one thousand (1,000) square feet of floor area.
Convenience Store with gas pumps	One (1) space per five hundred (500) square feet of floor area	One (1) space per one hundred fifty (150) square feet of floor area.
Grocery Store	One (1) space per five hundred (500) square feet of floor area.	One (1) space per two hundred (200) square feet of floor area.
Hotel or motel	One (1) space per lodging unit, plus one (1) space per each one hundred fifty (150) square feet of banquet, assembly, or meeting area.	One and two-tenths (1.2) spaces per lodging unit, plus one (1) space per each one hundred (100) square feet of banquet, assembly, or meeting area.
Laboratory, research facility	One (1) space for each one thousand (1,000) square feet of floor area	One (1) space for each three hundred (300) square feet of floor area
Office, Professional	One (1) space for each five hundred (500) square feet of floor area.	One (1) space for each two hundred fifty (250) square feet of floor area.
Offices, Doctor and Dentist	One (1) space for each five hundred (500) square feet of floor area.	One (1) space for each two hundred (200) square feet of floor area.
Restaurant with seating for patrons (with or without drive-through)	One (1) space for each one hundred fifty (150) square feet of floor area, but not less than ten (10) spaces.	One (1) space for each seventy-five (75) square feet of floor area, but not less than ten (10) spaces.
Late Night Establishment	One (1) space for each three hundred (300) square feet of floor area with a minimum of ten (10) spaces.	One (1) space for each one hundred fifty (150) square feet of floor area with a minimum of ten (10) spaces.

Nightclub	One (1) space for each three hundred (300) square feet of floor area, but not less than ten (10) spaces.	One (1) space for each one hundred fifty (150) square feet of floor are, but not less than ten (10) spaces.
Restaurant, drive-through, without seating area for patrons	One (1) space for each two hundred fifty (250) square feet of floor area.	One (1) space for each one hundred fifty (150) square feet of floor area.
Restaurant where accessory to hotel or motel	One (1) space for each three hundred (300) square feet of floor area, but not less than ten (10) spaces.	One (1) space for each one hundred seventy-five (175) square feet of floor area, but not less than ten (10) spaces.
Retail and personal service uses accessory to high-rise apartment building or high-rise office building	Three (3) spaces for each one thousand (1,000) square feet of floor area.	Four (4) spaces for each one thousand (1,000) square feet of floor area.
Retail uses, personal service uses, and other commercial and general business uses, but not including Convenience Stores or Grocery Stores or other uses described more particularly herein	One (1) space for each five hundred (500) square feet of floor area.	One (1) space for each two hundred (200) square feet of floor area.
Storage facilities (mini-warehouse)	One (1) space for each eight thousand (8,000) square feet of floor area	One (1) space for each five thousand (5,000) square feet of floor area
Industrial		
Use	**Minimum Parking Spaces Required**	**Maximum Parking Spaces Allowed**
Heavy and light industrial, manufacturing, and commercial establishments not involving retail sales	One (1) space for each two thousand (2,000) square feet of floor area.	One (1) space for each one thousand three hundred (1,300) square feet of floor area.
Warehouse, distribution	One (1) space for each two thousand five hundred (2,500) square feet of floor area.	One (1) space for each five hundred (500) square feet of floor area.
Wholesale membership club	One (1) space for each five hundred (500) square feet of floor area	One (1) space for each two hundred (200) square feet of floor area.
Wholesale trade establishments, distribution establishments, offices in conjunction with showrooms, and similar uses	One (1) space for each two hundred (200) square feet of floor area devoted to sales or display, plus one (1) space for each two thousand (2,000) square feet of gross storage area.	One (1) space for each one hundred and fifty (150) square feet of floor area devoted to sales or display, plus one (1) space for each one thousand five hundred (1,500) square feet of gross storage area.

7.2.2 Off-street parking reduction for shared parking.

A. Parking spaces for any existing or new mixed-use development may be based upon a shared parking formula as set forth in Table 6.3.

B. Shared parking may be utilized for any of the combinations of uses shown in Table 6.3. If shared parking is to be used to satisfy the requirements of this article, an application shall be submitted to the director of planning seeking approval of a shared parking plan. The applicant must submit a scaled site plan for each site that will participate in the shared parking showing zoning, use, and existing parking facilities. Shared parking agreements approved by the director of planning shall be executed prior to issuance of any certificate(s) of occupancy for the development.

C. In any shared parking agreement, at least fifty (50) percent of shared parking spaces must lie within seven hundred (700) feet of the main entrance to the principal use for which the parking is provided, and all shared parking spaces must lie within one thousand (1,000) feet of the main entrance to the principal use for which the parking is provided. Shared spaces shall not be separated from the site by a roadway with more than four (4) through-travel lanes, unless there is a well-marked, safe pedestrian crossing such as a pedestrian hybrid beacon, a signalized crosswalk, or a refuge median.

D. Any change in the use of a building, shop or leased area that relies on a shared parking agreement to meet its parking requirements shall require compliance with the parking standards in this article based on the new use in order to obtain a certificate of occupancy. No right to shared parking shall vest in a property where the use of the property changes. In the event that property on which the shared parking is located has a different owner than the owner of the principal development, a written shared parking agreement between all relevant property owners, approved by the director of planning and filed on the deed records in the office of the Clerk of Superior Court for DeKalb County, shall be provided prior to approval of a certificate of occupancy for the principal development. Expiration for any reason of a shared parking agreement, on which compliance with this article is based, shall automatically terminate the related certificates of occupancy and place the property owner(s) in violation of this zoning ordinance.

Table 7.3: Shared Parking Reduction Table

Shared Parking Reduction Table					
Land Use Type	**Weekdays**		**Overnight**	**Weekends**	
	6:00 a.m.—5:00 p.m.	5:00 p.m.—1:00 a.m.	1:00 a.m.—6:00 a.m.	6:00 a.m.—5:00 p.m.	5:00 p.m.—1:00 a.m.
Office	100%	10%	5%	10%	5%
Retail	60%	90%	10%	100%	70%
Hotel	75%	90%	100%	75%	90%
Restaurant	50%	100%	10%	100%	100%
Entertainment/Recreational	40%	100%	10%	80%	100%
Church	25%	60%	10%	100%	100%

E. The steps for determining parking requirements in a mixed-use development are:

1. Determine the minimum amount of parking required for each separate use (Table 6.2).
2. Multiply each parking requirement by the corresponding percentage for each of the time periods given below.

3. Calculate the column total parking requirement for each time period.
4. The largest column total is the shared parking requirement.

F. **Example**: If the following uses were proposed with the following example number of parking spaces in accordance with the individual use:

1. Office - 400 spaces, Retail - 300 spaces, and Restaurant uses - 100 spaces, with a total parking for individual use on site: 800 spaces
2. Then these same land uses under the provisions for shared parking would require the number of parking spaces shown in the example Table 7.4 (by applying the percent reduction in Table 7.3).
3. As shown in the weekdays 6:00 a.m.—5:00 p.m. column, 6:30 parking spaces would be needed for this example development. This is a reduction of one hundred seventy (170) required spaces.

Table 7.4: Example of Shared Parking Reduction Calculation

Shared Parking Reduction Table EXAMPLE					
Land Use Type	**Weekdays**		**Overnight**	**Weekends**	
	6:00 a.m.—5:00 p.m.	5:00 p.m.—1:00 a.m.	1:00 a.m.—6:00 a.m.	6:00 a.m.—5:00 p.m.	5:00 p.m.—1:00 a.m.
Office	400	40	20	40	20
Retail	180	270	30	300	210
Hotel	0	0	0	0	0
Restaurant	50	100	10	100	100
Entertainment/Recreational	0	0	0	0	0
Church	0	0	0	0	0
Total	630	410	60	440	330

7.3 Shared driveways and inter-parcel access.

A. **Applicability.** This section shall apply to all new office, commercial, institutional, mixed use, and industrial developments and any building renovations and repaving projects of office, commercial, institutional, or industrial developments for which a land disturbance permit is required.

B. **Shared driveways**. Shared driveways between two (2) parcels along a common property line may be required by the planning commission during subdivision plat review or by the director of planning during the land disturbance permitting process. In such cases, each property owner shall grant an access easement to facilitate the movement of motor vehicles and pedestrians across the site. The property owner's obligation to comply with this requirement shall be limited to the extent legal permission to construct and utilize the required shared drive can be obtained from the neighboring property owner.

C. **Inter-parcel access requirements.** Inter-parcel access for vehicles between abutting and nearby properties shall be provided so that access to individual properties can be achieved between abutting and nearby developments as an alternative to forcing all movement onto highways and public roads, unless the director of planning during the land disturbance permitting process determines that it is unnecessary to provide inter-parcel access due to the unlikelihood of patrons traveling among abutting or nearby sites, or due to inability after reasonable efforts by the

property owner to obtain legal permission from the abutting property owners for such inter-parcel access.

7.4 Number of handicapped parking spaces required.

A. The minimum number of and dimensions for handicapped parking spaces shall comply with the requirements of the Americans with Disabilities Act (ADA) (Public Law 101—136), the State Building Code, and the American National Standards Institute, and any other applicable state or federal law.

7.5 On-street parking.

A. On-street parking spaces located immediately abutting the subject property, entirely within the extension of the side lot lines into the roadway and not within any required clear sight triangle, may be counted toward meeting the required parking ratios for all uses occurring on such abutting lots facing a local street or minor collector street. Where streets have been designated "no parking" by the city, no credit for on-street parking shall be available.

7.6 Parking structures.

A. **Minimum setbacks.** Parking structures shall comply with the setback requirements for accessory structures established for the zoning district in which they are located.

B. **Maximum height.** Parking structures shall comply with the maximum height requirements established in the zoning district in which they are located.

C. **Architectural features and façades.**

1. Parking structures shall utilize materials such as brick, glass, stone, cast stone, poured-in-place concrete, hard coat stucco or precast concrete with the appearance of brick or stone on façades facing public rights-of-way.
2. Architectural features and façades for parking structures shall be compatible with abutting structures.

D. **Orientation**. Parking structures shall be oriented to the interior of the parcel by adhering to the following:

1. Residential dwelling units, retail storefronts or office façades shall line the parking structure along all first-floor façades adjacent to a street, excluding alleys and driveways.
2. Parking structures, when added to an existing residential development, shall not be located between the building front and the street.

7.7 Paving surfaces.

A. **Typical paving surfaces.** The paving surface of required minimum on-site and off-site parking areas shall be a dust-free, all-weather material (e.g., asphalt, concrete, or pavers). The paving surface shall have the parking stalls, loading and unloading zones, fire lanes and any other applicable designations delineated in white or yellow paint.

B. **Alternative paving surfaces** may be used for the number of spaces that exceed one hundred five (105) percent of the minimum required spaces subject to the confirmation by the director of planning of the pervious nature of the alternative paving material and the numerical calculations.

1. Alternative paving surfaces may include living turf grass or similar ground cover, pervious pavers or concrete, stabilized grass lawn, or other pervious parking surfaces.

C. **Driveways, access aisles and parking spaces** (excluding handicapped) may be surfaced with grass lawn or other pervious parking surface serving:

1. Uses within fifty (50) feet of environmentally sensitive areas identified in the comprehensive plan;
2. Uses which require parking for less than five (5) days per week during a typical month; and
3. Parks, playgrounds, and other similar outdoor recreation areas with less than two hundred (200) parking spaces.

D. **Unpaved surfaces**. See section 7.2.B.(10) and (11).

7.8 Stacking spaces.

A. All driveway entrances, including stacking lane entrances, must be at least fifty (50) feet from an intersection. The distance is measured along the street from the junction of the two (2) street curb lines to the nearest edge of the entrance.

7.9 Valet parking requirements.

A. All valet parking services shall meet the following requirements:
   1. Valet parking services shall only use off-street parking to park customer vehicles.
   2. A valet parking service shall be allowed only where the business establishment being served possesses the minimum required parking spaces either on-site or through a shared off-site parking agreement.

7.10 Off-street loading requirements.

A. Off-street loading spaces shall be provided as indicated in Table 6.5.

Table 7.5: Off-street loading space requirements

Type of Use	Gross Floor Area (Sq. Ft.)	Loading Spaces Required
Single retail establishment services	0 to 19,999	0
	20,000 to 49,999	1
	50,000 to 250,000	2
	Over 250,000	3
Shopping centers	0 to 9,999	1
	10,000 to 24,999	2
	25,000 to 39,999	3
	40,000 to 99,999	4
	Each additional 100,000	1 additional
Office buildings, multi-family residential over four stories, hospitals, health care establishments, hotels and motels	10,000 to 49,999	1
	50,000 to 99,999	2
	100,000 to 199,999	3
	200,000 to 999,999	4
	Each additional 1,000,000	1 additional
Manufacturing, warehousing, wholesaling, etc.	10,000 to 24,999	1
	25,000 to 39,999	2
	40,000 to 99,999	3
	Each additional 100,000	1 additional
Recycling centers	N/A	2

7.10.1 Design and arrangement of off-street loading areas.

A. The following standards shall apply to off-street loading areas, which shall be comprised of loading spaces and maneuvering areas:
    1. A loading space shall measure no less than twelve (12) feet by thirty-five (35) feet and have no less than fourteen (14) feet of vertical clearance.
    2. For any use required to furnish three (3) or more loading spaces, at least one (1) in every three (3) shall measure no less than twelve (12) feet by fifty-five (55) feet.
    3. For manufacturing and warehousing uses, all loading spaces shall measure no less than twelve (12) feet by fifty-five (55) feet.
    4. Maneuvering areas shall not include required parking spaces or any portion of a public right-of-way. No off-street maneuvering area shall require vehicles to back in from or out to a public street.

B. **Off-street loading and maneuvering location limitations**. Off-street loading spaces and maneuvering areas shall be located only in those portions of a lot where off-street parking areas are allowed with the following additional limitations:
    1. Industrial zoning districts: If the off-street loading spaces and maneuvering areas are across from, or adjacent to, any non-industrial zoning district, a fifty-foot landscaped strip shall be established between the non-industrial zoning district and the off-street loading spaces and maneuvering area.

C. **Screening of loading areas**. Loading areas shall be paved with impervious materials and shall be screened so as not to be visible from any public plaza, ground-level or sidewalk-level outdoor dining area, public sidewalk, public right-of-way, private street or any adjacent residential use.

D. **Enclosure of dumpsters and trash compactors.** All external dumpsters and loading areas shall be enclosed with opaque fence or walls at least six (6) feet in height.

7.11 Parking of trailers in residential districts.

A. In a residential zoning district, no trailer or recreational vehicle shall be parked in front of the principal structure; within the side yard setback or ten (10) feet from side property line, whichever is less; or within ten (10) feet of the rear lot line.

B. No recreational vehicle or trailer may be occupied for human habitation for more than fourteen (14) consecutive days while parked within a residential zoning district.

C. Recreational vehicles and trailers may be parked, for the limited purpose of storage between travel, on unpaved surfaces, including gravel or a similar material that prevents the vehicle's or trailer's tires from making direct contact with the earth, soil, sod or mud, so long as the unpaved surface prevents tracking of earth, soil, sod or mud onto public streets when the vehicle or trailer is moved from the property.

D. Within any residential zoning district, no recreational vehicle, trailer or storage container may be parked on a lot that does not contain a permanent dwelling unit or other structure intended for permanent human habitation as its principal use.

E. No portable storage container may be parked or stored in a residential zoning district for a period of a time exceeding fifteen (15) consecutive days, or a total of thirty (30) days during any calendar year. A container used during active construction under a valid permit may remain for the duration of the active construction, counting toward the time restrictions of this subsection.

7.12 Alternative fuel vehicles parking.

A. **Where required.** Preferential parking for alternative fuel vehicles shall be provided for all new non-residential parking areas containing one hundred (100) or more parking spaces, and for new parking areas of mixed-use projects where the non-residential portion of the project requires one hundred (100) or more parking spaces. The parking spaces shall be striped with green paint to distinguish the spaces as preferential parking spaces, and in accordance with the Georgia Department of Transportation requirements.

B. **Required number of spaces.** At least two (2) percent of all parking spaces in parking lots identified in subsection A. shall be designated for preferential parking for alternative fuel vehicles.

C. **Location of parking spaces.** The required alternative fuel preferential parking spaces shall be located as close as possible to the primary entrance without conflicting with the Americans with Disability Act requirements, or other state or federal law. In the event the priority described in this subsection shall conflict with the priority described in section 6.1.4, section 6.1.4 shall prevail.

D. **Signage required.** Each alternative fuel preferential parking space shall be provided with a sign that identifies the parking space as designated for use by alternative fuel vehicles. The sign shall be in compliance with chapter 21, signs.

E. **Existing vehicle recharging stations**. Existing parking spaces with vehicle recharging stations may be used to meet the requirements of this section.

7.13 Bicycle/moped parking requirements.

A. A building, commercial establishment, recreation area, or other property, whether privately or publicly owned or operated, that is required to provide automobile parking facilities, whether free of charge or for a fee, to any employees, tenants, customers, clients, patrons, residents, or other members of the public shall provide at least one (1) bicycle/moped parking space for every twenty (20) required automobile parking spaces. No such building, commercial establishment or other property subject to the provisions of this section shall have fewer than three (3), nor be required to have more than fifty (50) bicycle/moped parking spaces. The requirements of this section shall not apply to properties being operated primarily as commercial parking facilities, residences, or churches.

B. All bicycle/moped spaces shall be located within two hundred fifty (250) feet of a regularly used building entrance and shall not interfere with pedestrian traffic. Each space shall include a metal anchor that will secure the frame and both wheels of a bicycle or moped in conjunction with a user-supplied lock. If bicycle/moped parking is not visible to the general visiting public, then a sign no larger than ten (10) inches by fifteen (15) inches shall be displayed that directs cyclists to the bicycle/moped parking.

C. The provisions of this section shall apply to property owners, persons occupying the property pursuant to a leasehold interest, or other managers or operators of buildings, commercial establishments and property subject to the provisions of this section.

D. The provisions of this section shall apply to any building, commercial establishment or property for which a permit for new construction is issued following the effective date of this part, and to the alteration of existing buildings in all cases where sufficient space exists to provide such parking facilities.

8 Article 8. - Administration

8.1 Governing Bodies and Authority

8.1.1 Purpose and intent; compliance with law.

A. This article is intended to provide certain procedures to govern:
    1. Processing of various applications for rezoning, variances, comprehensive plan text amendments, comprehensive plan map amendments, special land use permits, administrative variances, and major and minor modifications to conditions of zoning.
    2. The calling and conducting of public hearings pertaining to said applications.
    3. Establishing criteria for making decisions on such applications.

B. The city council, planning commission, and zoning board of appeals shall comply with all applicable provisions of state law, now and as they may be amended hereafter, including, but not limited to, state law concerning open records, open meetings and records retention.

8.1.2 Governing bodies.

A. **Director of planning**. The provisions of this zoning ordinance shall be administered by the director of planning or his or her designee, in conjunction with the planning commission, the zoning board of appeals and the city council as set forth herein. The specific duties of the director of planning shall include, but not be limited to, the following:
    1. Accepting and processing applications for zoning map amendments (rezonings), special land use permits, zoning certifications, continuances of nonconforming uses, text amendments to the zoning ordinance, modifications of zoning conditions, variances, residential lot divisions, amendments to the map and text of the comprehensive plan, or any other such business as may be scheduled for public hearing by the planning commission, zoning board of appeals, or city council.
    2. Researching facts and preparing recommendations for the planning commission and the city council for such applications.
    3. Researching facts and preparing recommendations regarding variances and appeals of error, or any other business as may be scheduled for public hearing by the zoning board of appeals.
    4. Maintenance of permanent records concerning the administration of this zoning ordinance and comprehensive plan, including all maps, amendments, records of public hearings, and any other business of the planning commission and zoning board of appeals.
    5. Review of applications for permits and licensing to ensure conformity with the requirements of this zoning ordinance and other relevant city ordinances.
    6. Upon written request by the property owner or owner's authorized agent and payment of a fee established by the city council, the director of planning may issue a certificate verifying the current zoning of a parcel of land, or a letter confirming a legal nonconforming status.
    7. Administratively correct the official zoning map after a graphic or scrivener error has been identified.
    8. Other duties as authorized in this zoning ordinance, including but not limited to the rendering of administrative decisions authorized by division 6.

B. **Planning Commission.** There is hereby established a Planning Commission which shall consist of five (5) members, all residents of the City of Stonecrest, who shall be appointed as follows:
    1. The Mayor shall appoint one (1) member from each district, subject to confirmation by

the city council.

2. Each member shall serve a term of two (2) years.
3. A planning commissioner shall be removed at any time for failure to attend three (3) consecutive meetings or for failure to attend seventy-five (75) percent or more of the meetings within any calendar year without the excuse of the chairman of the commission.
    a. It shall be the duty of the secretary of the planning commission to keep a record of the attendance of members and to notify the city council when any planning commissioner is removed pursuant to the failure to attend meetings requirement of this section. Such removal shall be effective ten (10) days following notification by the secretary of the planning commission to the city council.
    b. The Mayor shall have the authority to remove a planning commissioner for cause by providing written notice to the city council and the planning commissioner proposed to be removed, subject to the majority vote of the city council. Upon request of the planning commissioner proposed for removal for cause other than for failure to attend meetings, the city council shall hold a hearing on the removal prior to the city council's vote on the removal.
    c. Planning commissioners may be reappointed to successive terms without limitation.
    d. Any vacancy in the membership of the planning commission shall be filled for the unexpired term in the same manner as the initial appointment.
    e. Members of the planning commission shall hold no other city office or city compensated position. Members of the planning commission shall hold no elective office in DeKalb County.
    f. If a planning commission member moves outside the district from which he or she was originally appointed, or moves outside the City of Stonecrest, that action shall constitute a resignation from the planning commission, effective immediately.
4. No person shall serve or continue to serve as a member of the planning commission until they have been certified by the director as having completed a training session sponsored by the city or designated by the city.
5. No person shall serve as a member of the planning commission until they have executed and filed with the designated officer of the city an oath, administered by the mayor or a judicial officer authorized to administer an oath, in the following form:
    a. *"I do solemnly swear or affirm that I will faithfully execute the office of planning commissioner for the City of Stonecrest, and will to the best of my ability support and defend the Constitution of the United States, the Constitution of Georgia, and the charter, ordinances, and regulations of the City of Stonecrest. I am not the holder of any unaccounted-for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office according to the municipal charter, the Code of the City of Stonecrest, the Constitution and laws of Georgia. I am a resident of district ____ and the City of Stonecrest. I will perform the duties of my office in the best interests of the City of Stonecrest to the best of my ability without fear, favor, affection, reward, or expectation thereof."*
6. The governing authority shall determine the amount of compensation, if any, to be paid to the members of the planning commission.

7. No amendment to the text of this chapter, the official zoning map, or the comprehensive plan text or maps shall become effective unless the subject matter of the amendment has been submitted to the planning commission for public hearing and recommendation pursuant to the requirements of this chapter.
8. The planning commission shall further adopt rules of procedure governing the conduct of its meetings; which rules shall be supplemental to and not conflict with this chapter. In any case where the rules do not address a procedural issue which arises before the planning commission, the most recent edition of Robert's Rules of Order shall govern. The planning commission may from time to time amend its rules by majority vote. A copy of the adopted rules of procedure and any subsequent amendment thereto shall be filed by the secretary of the planning commission with the city clerk, and copies of the rules shall be made available to the public by the secretary of the planning commission and the city clerk.
9. All meetings of the planning commission shall be open to the public, and the agenda for each board meeting shall be made available to the public. Notice of all meetings of the public commission shall be given in accordance with section 7.2.4.
10. A quorum of the planning commission shall consist of at least three (3) members of the commission, except that a lesser amount shall be sufficient to recess or adjourn any meeting; but no official action shall be taken except upon the affirmative vote of at least three (3) members of the planning commission. A roll call vote shall be taken upon the request of any member. If there is not a quorum present, all items shall be rescheduled and re-advertised for the next regular meeting.
11. At its first regular meeting and the first regular meeting in each January thereafter, the planning commission shall, by majority vote of its membership elect one (1) of its members to serve as chairperson to preside over the commission's meetings and one (1) member to serve as vice chairperson. The persons so elected shall serve in these capacities for terms of one (1) year or until a replacement is elected. Vacancies may be filled for the unexpired terms only by majority vote of the planning commission membership. The chairperson and vice chairperson may take part in all deliberations and vote on all issues. The chairperson and the vice-chairperson may each be elected to successive terms without limitation.
12. At its first regular meeting and the first regular meeting in each January thereafter, the planning commission shall, by majority vote of its membership, appoint one person to serve as its secretary. The director of planning or his/her designee may serve as secretary of the planning commission. The planning department staff shall keep minutes of the proceedings of the planning commission, showing the vote of each member upon each item, or, if a member is absent or fails to vote, indicating such fact, and shall keep records of the planning commission official actions and evidence submitted, all of which shall be filed in the office of the planning department and shall be a public record.

C. ***Zoning board of appeals.*** There is hereby established a zoning board of appeals which shall consist of five (5) members, each of whom shall be a resident of the city. Each member shall serve a term of two (2) years.
    1. The Mayor shall appoint one member from each district, subject to confirmation by the city council.
    2. A member of the zoning board of appeals shall be removed at any time for failure to attend three (3) consecutive meetings or for failure to attend seventy-five (75) percent or more of the meetings within any calendar year without the excuse of the chairman of the board.

a. It shall be the duty of the secretary of the zoning board of appeals to keep a record of the attendance of members and to notify the city council when any zoning board of appeals member is removed pursuant to the failure to attend meetings requirement of this section. Such removal shall be effective ten (10) days following notification by the secretary of the zoning board of appeals to the city council.
b. The Mayor shall have the authority to remove a zoning board of appeals member for cause by providing written notice to the city council and the zoning board of appeals member proposed to be removed, subject to the majority vote of the city council. Upon request of the zoning board of appeals member proposed for removal for cause other than for failure to attend meetings, the city council shall hold a hearing on the removal prior to the city council's vote on the removal.
c. Members of the zoning board of appeals may be reappointed to successive terms without limitation.
d. Any vacancy in the membership of the zoning board of appeals shall be filled for the unexpired term in the same manner as the initial appointment.
e. Members of the zoning board of appeals shall hold no other city office or city compensated position. Members of the zoning board of appeals shall hold no elective office in DeKalb County.
f. If a member of the zoning board of appeals moves outside the district from which he or she was originally appointed or outside the City of Stonecrest, that action shall constitute a resignation from the zoning board of appeals, effective immediately.

3. No person shall serve or continue to serve as a member of the zoning board of appeals until they have been certified by the director as having completed a training session sponsored by the city.
4. No person shall serve as a member of the zoning board of appeals until they have executed and filed with the designated officer of the city an oath, administered by the mayor or a judicial officer authorized to administer an oath, in the following form:
    a. *"I do solemnly swear or affirm that I will faithfully execute the office of planning commissioner for the City of Stonecrest, and will to the best of my ability support and defend the Constitution of the United States, the Constitution of Georgia, and the charter, ordinances, and regulations of the City of Stonecrest. I am not the holder of any unaccounted-for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office according to the municipal charter, the Code of the City of Stonecrest, the Constitution and laws of Georgia. I am a resident of district ____ and the City of Stonecrest. I will perform the duties of my office in the best interests of the City of Stonecrest to the best of my ability without fear, favor, affection, reward, or expectation thereof."*
5. Each member shall serve a term of two years.
6. The governing authority shall determine the amount of compensation, if any, to be paid to the members of the zoning board of appeals.
7. The zoning board of appeals shall meet each month at a standard day and time to be determined by the board. The chairperson may, when necessary, call for special meetings

of the board. A meeting may be canceled by the chairperson if there are no matters to be acted upon by the board.

8. The zoning board of appeals shall conduct its meetings in accordance with the procedures contained in this chapter. The board shall further adopt rules of procedure governing the conduct of its meetings, which rules shall be supplemental to and not conflict with this chapter. In any case where the rules do not address a procedural issue which arises before the board, the most recent edition of Robert's Rules of Order shall govern. The board may from time to time amend its rules by majority vote. A copy of the adopted rules of procedure and any subsequent amendment thereto shall be filed by the secretary of the zoning board of appeals with the city clerk, and copies of the rules shall be made available to the public by the secretary of the zoning board of appeals and the city clerk.
9. All meetings of the zoning board of appeals shall be open to the public, and the agenda for each board meeting shall be made available to the public. Notice of all meetings of the zoning board of appeals shall be given in accordance with section 7.2.4.
10. A quorum of the zoning board of appeals shall consist of at least three (3) members of the board, except that a lesser amount shall be sufficient to recess or adjourn any meeting; but no official action shall be taken except upon the affirmative vote of at least three (3) members of the zoning board of appeals. A roll call vote shall be taken upon the request of any member. If there is not a quorum present, all items shall be rescheduled and re-advertised for the next regular meeting.
11. At its first regular meeting first regular meeting each January thereafter, the zoning board of appeals shall, by majority vote of its membership elect one (1) of its members to serve as chairperson to preside over the board's meetings and one (1) member to serve as vice chairperson. The persons so elected shall serve in these capacities for terms of one (1) year or until a replacement is elected. Vacancies may be filled for the unexpired terms only by majority vote of the board membership. The chairperson and vice chairperson may take part in all deliberations and vote on all issues. The chairperson and the vice-chairperson may each be elected to successive terms without limitation.
12. At its first regular meeting of each January, the zoning board of appeals shall, by majority vote, appoint a secretary. The director of planning or his/her designee may serve as secretary to the zoning board of appeals. The planning department staff shall keep minutes of the proceedings of the board, showing the vote of each member upon each item, or if absent or failing to vote, indicating such fact, and shall keep records of its official actions and evidence submitted, all of which shall be filed in the office of the planning department and shall be a public record.
13. The staff of the planning department shall conduct a site inspection of and shall prepare an analysis of each application for a variance applying the applicable criteria and standards set forth in this chapter to each such application.

8.2 General Procedures

8.2.1 Applications and public hearing.

A. This division establishes procedures that apply to all application submittals and procedures for public hearings required by this zoning ordinance. Prior to the processing of any application for an amendment to the official zoning map, commonly referred to as a rezoning, variance, comprehensive plan text amendment, comprehensive plan map amendment, special land use permit, or modification to conditions of zoning, the applicant shall be required to file documentation and follow certain procedures as set forth in this article. Additional regulations that apply to specific application types may be found in subsequent sections of this chapter.

8.2.2 Applications.

A. Applications for city action that require a public hearing shall be filed with the director of planning, along with a fee as set by the city council. Applications and procedures shall be made available to the public in the offices of the planning department.

B. The processing of said applications shall be based upon an annual calendar adopted by the city council. This calendar shall be made available to the public in the offices of the planning department.

1. The director of planning shall be authorized to establish application submittal requirements necessary to obtain sufficient information to allow for a compliance review of the application as well as forms and instructions for each application type or petition.
2. No application shall be processed by the planning and zoning director unless it complies with the procedural requirements of this division and is found to be a complete application.
3. Any application that is found to be incomplete during the review for completeness shall be rejected from processing and returned to the applicant. Return of the rejected application shall constitute notice of the rejection to the applicant.
4. A change to a site plan or proposed condition of zoning associated with an application, which change has been accepted and allowed to be part of the application by the director of planning, may be deferred by the city council for a full-cycle review if the city council determines such review is reasonably necessary as a result of the change. The amended application shall be treated as if it were a new application, for the purposes of publication, review, notice and hearings, as required under this article, including review by the planning commission. An amendment to an application shall not change the original filing date of that application. An amended application shall not require a new application fee. However, in the case of a deferral requested by the applicant, the applicant shall pay a required re-advertising fee.

B. **Application fees.** The application fees for special land use permits, amendments to the official zoning map and comprehensive plan map amendments shall be as established by the city council.

C. **Site plan preparation.** The director of planning shall publish a checklist of requirements for site plans submitted pursuant to this zoning ordinance. All site plans submitted pursuant to this zoning ordinance shall be submitted with the applications to which they apply and shall comply with the checklist requirements.

D. **Notice of applications filed**. The secretary of the planning commission shall provide the city council with a list of all applications and amendments filed. The listing of applications shall be reasonably made available to the public.

E. **Withdrawal of application by applicant.** Applications may not be withdrawn without permission of the [city council] after they have been filed for advertising for public hearing, except as otherwise provided herein.

F. **City clerk to provide signed copy of final actions taken by the city council to director of planning to be noted on official zoning maps.** The clerk shall, after any final action taken by the city council, provide to the director of planning a signed, certified copy of each such action. The director of planning shall cause all relevant documents to be amended accordingly to reflect the final action approved by the city council.

G. **Resubmittal of rejected or denied applications.**

1. *Rezoning*.
    a. If an application for rezoning is denied or assigned a zoning classification other than the classification requested in the application, then no portion of the same

property may again be considered for rezoning for a period of [twenty-four (24)] months from the date of the city council's final decision.

b. Notwithstanding paragraph a. above, the city council may by resolution reduce the twenty-four-month time restriction between applications to a period no less than the minimum required by the O.C.G.A. § 36-66-1 et seq., as it now exists and may be amended hereafter, which currently is six (6) months as of the date of adoption of this ordinance.

c. An applicant may request that the city council allow withdrawal of an application without prejudice, in which case, if approved, no minimum time period need expire before a subsequent application for rezoning of the property may be accepted by the director of planning.

2. *Variance.*

a. An application for a variance affecting all or a portion of the same property for which an application for variance for the same regulation was denied shall not be submitted before [twenty-four (24)] months have passed from the date of final decision by the zoning board of appeals on the previous variance.

b. The zoning board of appeals may reduce this twenty-four-month time restriction by resolution, provided that the time restriction between the date of said denial and any subsequent application affecting the same property shall be no less than six (6) months.

c. An applicant may request that the zoning board of appeals allow withdrawal of an application without prejudice, in which case, if approved, no minimum time period need expire before a subsequent application for rezoning of the property may be accepted by the director of planning

3. *Special land use permit.*

a. An application for a special land use permit affecting all or a portion of the same property for which an application for the same special land use was denied shall not be submitted before [twenty-four (24) months] have passed from the date of final decision by the city council on the previous special land use permit.

b. Notwithstanding paragraph a. above, the city council may by resolution reduce the twenty-four-month time restriction between applications to a period no less than the minimum required by the Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., which is six (6) months as of the date of adoption of this ordinance.

c. An applicant may request that the city council allow withdrawal of an application without prejudice, in which case, if approved, no minimum time period need expire before a subsequent application for rezoning of the property may be accepted by the director of planning

8.2.3 Public hearings.

A. **Zoning decisions.** The term "zoning decision" is defined in article 10 by reference to the definition of "zoning decision" set forth in state law, O.C.G.A. § 36-66-3, as it now exists and may be amended hereafter.

B. **Zoning decisions initiated by the city.** For any zoning decision initiated by the city at least fifteen (15) but not more than forty-five (45) days prior to the date of the public hearing before the city council, the city shall cause to be published within a newspaper of general circulation within the territorial boundaries of the city, a notice of the hearing. The notice shall state the time, place, and purpose of the hearing.

C. **Zoning decisions, appeals to the zoning board of appeals, variances, extensions of special land use permits, and major modifications of conditions initiated by a party other than the city.** For any zoning decision, appeal to the zoning board of appeals, variance, extension of special land use permits, or major modification of conditions initiated by a party other than the city, notice of the public hearing shall be provided as follows:

1. Written notice of each public hearing shall state the nature of the proposed change, and the date, time, and place of the public hearing before either the planning commission, zoning board of appeals or the city council and shall be mailed by first class mail by the director of planning to all owners of property within one-thousand (1000) feet of the boundaries adjoining the subject property, as such property owners are listed on the records of DeKalb tax commissioner, at least fifteen (15) days and not more than forty-five (45) days prior to said public hearing.
2. Signs shall be posted on the subject property at least fifteen (15) days and not more than forty-five (45) days prior to the public hearing before the city council, the planning commission or the zoning board of appeals. The required information on each sign shall be as provided in O.C.G.A. § 36-66-1 et seq., as it now exists and may be amended hereafter. At least one (1) sign shall be posted on each street on which the subject property has frontage in a conspicuous location within ten (10) feet of the right-of-way. One (1) additional sign shall be posted for each additional five hundred (500) feet of frontage or fraction thereof in excess of five hundred (500) feet of frontage on each street on which the subject property has frontage. Signs shall be double-faced and posted so that the face of the sign may be read by the traveling public in both directions, and the applicant shall pay a sign fee, in an amount to be established by the city council, to the planning department.
3. One (1) notice sign may serve both the application for an amendment to the official zoning map and/or the application for a special land use permit, as long as the sign states the relevant information for all hearings relating to those actions.
4. A dated photograph of each sign shall be submitted by the applicant to the director of planning as evidence of its proper posting.
5. The city shall cause a notice of each public hearing regarding a proposed zoning decision to be published in a newspaper of general circulation within the city at least fifteen (15) days and not more than forty-five (45) days prior to the public hearing. The notice shall include the date, time and place of the hearing before the planning commission, the city council, and/or the zoning board of appeals, the address of the property, the present zoning classification of the property, the proposed zoning classification of the property, the nature of the variance sought, and the proposed special land use, as applicable.

8.2.4 Community Impact Notification.

A. **Applicability.**

1. Any development or building project with an aggregate of 12,000 square feet or more of new buildings or a site consisting of two acres or more must meet the Community Impact Notification requirements.
2. This includes any development or building project with an aggregate of 12,000 square feet of renovations, interior finish, or other similar work requiring a building permit within the next 24 months.

B. **Requirements.**

1. *Council notification*. The director of planning shall provide notification to the pertinent district councilmember.
2. *Posted notice*. Applicant shall place one or more signs in a conspicuous location on the property. At least one sign shall be posted along each street on which the subject property has frontage. One additional sign shall be posted for each additional 500 feet of frontage. Each sign shall contain the location and nature of the proposed project and web address to access and view plans.
3. *Written notice.* Written notice shall be mailed by first class mail by the Applicant to all owners of property within 250 feet of the boundaries of the subject property. The notice shall state the location and nature of the proposed project.

8.3 Zoning and Comprehensive Plan Amendments and Procedures

8.3.1 Initiation of proposals for text and map amendments.

A. A proposed amendment to the text of this chapter, the official zoning map, or the comprehensive plan may be introduced by the director of planning, one (1) or more members of the city council or by the planning commission. In addition, amendments to the official zoning map (rezoning) and the comprehensive plan may be initiated upon application by the owner(s) of the subject property or the authorized agent of the owner(s). Before enacting any amendment to this ordinance, the official zoning map, or the comprehensive plan maps, the city council shall provide for the public notice and public hearings required by section 7.2.4 of this article.

8.3.2 Consistency with comprehensive plan.

A. Any applicant seeking to rezone property to a classification that is inconsistent with the comprehensive plan, as established in article 1 of this zoning ordinance, must first obtain approval of an amendment to the comprehensive plan land use map from the city council. The comprehensive plan maps shall be amended according to a schedule approved by the city council. However, exceptions may be granted by the city council in between the regular review cycle in cases of demonstrated hardship, or in cases of large-scale developments that may provide special economic benefits to the community. Requests for exceptions shall be subject to approval by the city council during a city council meeting.

8.3.3 Staff analysis, findings of fact, and recommendations.

A. The staff of the planning department shall conduct a site inspection on all applications for zoning map and comprehensive plan map amendments and shall investigate and prepare an analysis of each proposed text amendment to this chapter or to the comprehensive plan.

B. The findings and recommendations of the planning department staff shall be made based on each of the standards and factors contained in section 7.3.4 or section 7.3.5, below, as applicable. In an application for rezoning, the planning staff may recommend the imposition of conditions in accordance with section 7.3.9. The staff shall present its findings and recommendations to the planning commission and the city council.

C. Within a reasonable amount of time after acceptance of a complete application, the director of planning shall submit the application for review by city departments and external agencies, as may be appropriate. External agencies may include, but are not limited to, DeKalb County, DeKalb County School Board, Georgia Regional Transportation Authority, Georgia Department of Transportation, and the Atlanta Regional Commission (ARC), and any municipality that abuts the property that is the subject of the application. Any written comments received prior to submittal of the report shall be submitted to the review bodies for consideration and such comments shall become an official public record.

8.3.4 Proposed amendments to the comprehensive plan map.

A. The following standards and factors are found to be relevant for evaluating applications for amendments to the comprehensive plan map and shall govern the review of all proposed amendments to the comprehensive plan map:

1. Whether the proposed land use change will permit uses that are suitable in consideration of the use and development of adjacent and nearby property or properties.
2. Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property or properties.
3. Whether the proposed land use change will result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
4. Whether the amendment is consistent with the written policies in the comprehensive plan text and any applicable small areas studies.
5. Whether there are potential impacts on property or properties in an adjoining governmental jurisdiction, in cases of proposed changes near municipal boundary lines.
6. Whether there are other existing or changing conditions affecting the use and development of the affected land areas which support either approval or denial of the proposed land use change.
7. Whether there will be an impact on historic buildings, sites, districts or archaeological resources resulting from the proposed change.

8.3.5 Proposed amendments to the official zoning map.

A. The following standards and factors are found to be relevant to the exercise of the city's zoning powers and shall govern the review of all proposed amendments to the official zoning map:

1. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.
2. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties.
3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
4. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties.
5. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
6. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.
7. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
8. Whether the zoning proposal adversely impacts the environment or surrounding natural resources.

8.3.6 Action by the planning commission.

A. The secretary of the planning commission shall provide the members of the planning commission complete information on each proposed application requiring a public hearing by the planning commission, including a copy of the application and all supporting materials.

B. The planning commission, after conducting a public hearing with prior public notice as required by this article, shall consider the proposal and vote on its recommendation to the city council.
C. Deferral of an application by the planning commission shall not be binding on the city council.
D. The planning commission may recommend approval of the application, approval to a less intense zoning district or land use category than that requested by the applicant, approval of the application with conditions, denial of the application, deferral of the application, or, upon request of the applicant, withdrawal of the application without prejudice.
E. In its recommendation of any application, the planning commission may recommend the imposition of conditions in accordance with section 8.3.9.
F. All findings and recommendations of the planning commission relating to amendments to the official zoning map shall be made based on each of the standards and factors contained in section 8.3.5.
G. All recommendations of the planning commission relating to amendments to the comprehensive plan maps shall be made based on each of the standards and factors contained in section 8.3.4.
H. The secretary of the planning commission shall make and maintain a written record of the planning commission's consideration and recommendations, which shall be public record.

8.3.7 Action by the city council.

A. At the next scheduled city council meeting pursuant to the applicant zoning calendar following appearance of the matter on the planning commission agenda, the city council, after conduct of a public hearing with public notice as required by this article, shall vote to approve the proposed amendment pursuant to this division, approve with conditions, approve to a less intense zoning district or land use category than that requested by the applicant, deny the proposed amendment, defer the proposed amendment, or, upon request of the applicant, permit withdrawal without prejudice. In the approval of any proposed amendment to the official zoning map, the city council may impose conditions in accordance with section 8.3.9.

B. For each proposed zoning decision, the analysis submitted by the applicant, if any, the analysis prepared by the planning department, and the record prepared by the planning commission shall be presented to each member of the city council.

C. All decisions of the city council relating to each proposed amendment to the official zoning map shall be made based on each of the standards and factors contained in sections 8.3.4 and 8.5.3 or 8.5.4, as appropriate. All decisions of the city council relating to amendments to the comprehensive plan maps shall be made based on each of the standards and factors contained in section 8.3.4. Any proposed amendment or any proposed substitute ordinance considered by the city council shall be presented in written form prior to being voted on by the city council or made a part of the motion.

8.3.8 Conditions of zoning.

Conditions of zoning may be requested by an applicant, recommended by the planning department or planning commission, or imposed by the city council, as a part of any proposed change to the official zoning map, in accordance with the following requirements:

A. Conditions of zoning may be imposed so as to ameliorate the effect(s) of the proposed developmental change for the protection or benefit of neighboring persons or properties consistent with the purpose and intent of the zoning district(s) involved, and the goals and objectives of the comprehensive plan and state law. No condition shall be imposed which reduces the requirements of the zoning district(s) involved, except as stipulated in section 9.1.12 of this chapter. All conditions shall be of sufficient specificity to allow lawful and consistent application

and enforcement. All conditions shall be supported by a record that evidences the relationship between the condition and the impact of the developmental change. No condition in the form of a development exaction for other than a project improvement shall be imposed within the meaning of the Georgia Development Impact Fee Act, as amended.

B. Once imposed, conditions of zoning shall become an integral part of the approved amendment and shall be enforced as such. Changes to approved conditions shall be authorized only pursuant to section 8.3.10.

C. Site plans referenced in the conditions of zoning are conceptual only unless specific aspects of the site plan or the site plan itself are approved as a separate zoning condition. Development shall meet or exceed the imposed zoning conditions and all other applicable law, standards and regulations of the City. Compliance with the conditions of zoning shall be demonstrated prior to the issuance of a land disturbance permit or building permit and conditional improvements shall be in place prior to the issuance of the first certificate of occupancy.

8.3.9 Modifications and changes to approved conditions of zoning.

A. The director of planning shall have sole authority to approve minor changes to conditions attached to an approved zoning amendment.

1. Minor changes are those that implement only slight alterations to the approved conditions made necessary by actual field conditions at the time of development, and that do not alter the impact of the development on nearby properties nor the intent or integrity of the conditions as originally imposed.
2. Any request for minor changes to conditions shall be filed with the director of planning or his/her designee on a written form which shall include a full description of the documents and/or information necessary for the application to be considered complete.
3. At a minimum, if an approved site plan exists, the request for minor changes shall be accompanied by four (4) copies of the proposed revised site plan. The director of planning shall decide whether to grant or deny the request for minor changes to conditions within thirty (30) calendar days of receipt of a complete application for such minor changes. If the director of planning does not decide within thirty (30) days, the request for minor change shall be deemed denied as of the thirty-first day after receipt of a complete application.
4. After making a decision, the director of planning shall have ten (10) calendar days to post a sign on the subject property which reflects the decision of the director and includes the deadline for taking an appeal of the decision. Person(s) identified in section 8.5.2.B. shall have fifteen (15) calendar days from the posting of the sign to appeal the director of planning's decision by filing an application for appeal with the secretary of the zoning board of appeals.

B. Any major changes to conditions attached to an approved zoning amendment shall require an application and public hearings before the planning commission and the city council, as required in section 8.2.4 of this article for amendments to the official zoning map without limiting the meaning of the phrase, the following shall be deemed to constitute "major changes":

1. The movement of any building or structure adjacent to an exterior boundary line, closer to the boundary line of the property;
2. Any increase in the number of dwelling units or any increase in the total amount of floor space of any nonresidential building;
3. Any decrease in the size of residential units imposed in the original conditional zoning amendment;

4. Any change in any buffer requirement(s) imposed in the original conditional zoning amendment;
5. Any increase in the height of any building or structure;
6. Any change in the proportion of floor space devoted to different authorized uses; or
7. Any change to conditions, except minor changes, as defined in subsection A., imposed by the city council when approving any change to the official zoning map, commonly referred to as a rezoning or a zoning amendment.

8.4 Special Land Use Permits

8.4.1 Special land use permits generally.

A. A special land use permit is a means by which the city council gives special consideration, pursuant to a clear set of standards and criteria, to those types of uses which may or may not be compatible with uses and structures authorized as a matter of right within a particular zoning district. Special land use permits are required for uses that have operational characteristics and/or impacts that are significantly different from the zoning district's principal authorized uses and therefore require individual review pursuant to the standards and criteria set forth in this division and article.

B. Special land use permit applications shall be authorized only for those uses specifically listed in the applicable zoning district regulations, as permitted by special land use permit, and in compliance with any applicable supplemental regulations, according to article 4 or section 8.4.7.

C. An applicant desiring to apply for a special land use permit authorized within a zoning district described in this chapter shall file an application with the planning department in accordance with this division. The city council, following consideration by the planning commission, shall determine whether the proposed use, in the particular location contemplated, meets the standards and criteria set forth in this division and chapter.

D. Such uses may further require, and the city council shall be authorized to impose, special conditions in order to assure their compatibility with surrounding uses and to minimize adverse impacts on the use of surrounding property.

8.4.2 Initiation of applications and public hearing requirements.

A. Procedures for applications shall comply with section 8.2.2.

B. Applications for special land use permits require a public hearing, as provided for in section 8.2.4.

8.4.3 Initiation of ordinance for application for special land use permit.

A. Upon receipt of a complete application for a special land use permit, the secretary of the planning commission shall prepare a proposed ordinance to grant the proposed special land use permit, and said proposed ordinance shall be referred to the planning commission for public hearing and consideration pursuant to the requirements of this chapter and presented to the city council at their next scheduled zoning meeting after appearance on the planning commission agenda.

8.4.4 Staff analysis, findings of fact, and recommendation on each application.

A. An application for a special land use permit shall be filed on forms provided by the planning department and shall not be considered an authorized application unless complete in all respects. Upon receipt of a complete application, the staff of the planning department shall conduct a site inspection and shall prepare an analysis of each application for a special land use permit and shall present its findings and recommendations in written form to the planning commission. Staff analysis and recommendations on each application for special land use permit shall be based on

the criteria contained in section 8.4.6 and, in addition, where applicable to the use proposed, on the criteria contained in section 8.4.7.

8.4.5 Special land use permit; criteria to be considered.

A. The following criteria shall be considered by the planning department, the planning commission, and the city council in evaluating and deciding any application for a special land use permit. No application for a special land use permit shall be granted by the city council unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application, and the application is in compliance with all applicable regulations in article 4:

1. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.
2. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.
3. Adequacy of public services, public facilities, and utilities to serve the proposed use.
4. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.
5. Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use.
6. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency.
7. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.
8. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.
9. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.
10. Whether or not the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.
11. Whether or not the proposed use is consistent with the policies of the comprehensive plan.
12. Whether or not the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.
13. Whether or not there is adequate provision of refuse and service areas.
14. Whether the length of time for which the special land use permit is granted should be limited in duration.
15. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.
16. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.

17. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.
18. Whether or not the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.
19. Whether the proposed use would result in a disproportionate proliferation of that or similar uses in the subject character area;
20. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.

8.4.6 Additional criteria for specified uses.

A. In addition to the criteria contained in section 8.4.6 above, for which each applicant for a special land use permit is required to provide information, the following additional criteria shall apply to specific uses as specified below. No application for a special land use permit for the uses specified below shall be granted by the city council unless it is determined that, in addition to meeting the requirements contained within the zoning district in which such property is located and the criteria contained in section 8.4.6 above, and complying with applicable regulations in article 4, satisfactory provisions and arrangements have been made concerning each of the following criteria:

1. *Telecommunications towers and antennas.* In determining whether to authorize a special land use permit for a telecommunication tower or antenna, the city council shall comply with and apply the requirements of Article 11.
2. *Mine, mining operation, gravel pit, quarry, or sand pit.* In determining whether to authorize a special land use permit for a mine, mining operation, gravel pit, quarry, or sand pit, the city council shall also consider each of the following criteria:
    a. Whether the type and volume of traffic associated with such use will cause congestion in the streets and will create noise and vibration along streets used for residential purposes.
    b. Whether the applicant has provided a soil erosion control plan and a reuse or reclamation plan which meets the requirements of the City and the Georgia Surface Mining Act, O.C.G.A. § 12-4-70 et seq., as amended, and the Rules of Department of Natural Resources, Chapter 391-3-3, as amended.
    c. Whether or not the applicant meets the requirements of the city's noise ordinance.
3. *Child day care facility.* In determining whether to authorize a special land use permit for a child day care facility, the city council shall also consider each of the following criteria:
    a. Whether there is adequate off-street parking for all staff members and for visitors to the child day care facility.
    b. Whether the proposed off-street parking areas and the proposed outdoor play areas can be adequately screened from adjoining properties so as not to adversely impact any adjoining land use.
    c. Whether there is an adequate and safe location for the dropping off and picking up of children at the child day care facility.
    d. Whether the character of the exterior of the proposed structure will be compatible with the residential character of the buildings in the zoning district in which the child day care facility is proposed to be located, if proposed for a residential zoned district.

4. *Biomedical waste disposal facilities, disposal facilities, landfills, county or city solid waste disposal facilities, county or city solid waste landfills, private industry solid waste disposal facilities, solid waste handling facilities, solid waste thermal treatment technology facilities, and disposal facilities for hazardous and/or toxic materials including radioactive materials.* In determining whether to authorize a special land use permit for a biomedical waste disposal facility, disposal facility, landfill, county or city solid waste disposal facility, county or city solid waste landfill, private industry solid waste disposal facility, solid waste handling facility, solid waste thermal treatment technology facility, or disposal facility for hazardous and/or toxic materials including radioactive materials, the city council shall also consider each of the following criteria:
    a. Whether the proposed use does not pose any potential negative impact resulting from air pollution, degradation of soil and/or water quality, noise, odor, or other negative environmental effects.
    b. Whether the proposed use will not have a significant deleterious effect on use of land and value of existing housing in adjacent and nearby neighborhoods.
    c. Whether the proposed use will not create a negative traffic impact on any adjacent or nearby residential street(s) resulting from truck and other vehicular traffic associated with the facility.
    d. Whether the proposed use does not represent an over-concentration of such uses in the area.

8.4.7 Action by the planning commission.

A. Planning staff shall provide the members of the planning commission complete information on each proposed application for a special land use permit that the commission considers, including a copy of the application and all supporting materials. The planning commission, after conducting a public hearing with public notice, as required by this article, shall vote on its recommendation to be provided to the city council.
B. The planning commission may recommend approval of the application, approval of the application with conditions, denial of the application, or deferral of the application.
C. The planning commission may recommend the imposition of conditions based upon the facts of a particular application in accordance with section 7.3.9.
D. The planning commission recommendation on each application shall be based on a determination as to whether or not the applicant has met the criteria contained in section 7.4.6, the criteria contained in section 7.4.7 where applicable to the use proposed, and the requirements of the zoning district in which such use is proposed to be located.

8.4.8 Action by the city council.

A. The city council, after conducting the public hearing with public notice as required by this chapter, shall vote to approve the application, approve the application with conditions, deny the application, defer the application, or, upon request of the applicant, to permit withdrawal of the application without prejudice.
B. The city council may impose conditions based upon the facts of a particular application in accordance with section 8.4.9.
C. The decision of the city council on each application for special land use permit shall be based on a determination as to whether or not the application satisfies the criteria contained in section 8.4.6, the criteria contained in section 8.4.7 where applicable to the use proposed, and the requirements of the zoning district in which such use is proposed to be located.

D. The city council may specify the duration of each such special land use permit approved.

8.4.9 Appeals of decisions of the city council.

A. All appeals of all final decisions of the city council under the provisions of this division shall be as follows:
    1. Any person aggrieved by a final decision of the city council on an amendment to the zoning ordinance which rezones property from one (1) zoning classification to another or which changes zoning conditions, or which denies any such ordinances may seek review of such decision by petitioning the Superior Court of DeKalb County via direct appeal, setting forth plainly the alleged errors. Such petition shall be filed within thirty (30) days after the final decision of the city council is rendered.
    2. Any person aggrieved by a final decision of the city council on a special land use permit may seek review of such decision by petitioning the Superior Court of DeKalb County via a writ of mandamus plainly setting forth the alleged errors. Such petition shall be filed within thirty (30) days after the final decision of the city council is rendered.

8.4.10 Limitations of special land use permits.

A. **Development of an approved special use**. The issuance of a special land use permit shall only constitute approval of the proposed use, and development of the use shall not be carried out until the applicant has secured all other permits and approvals required by any applicable law or regulation.
B. **Expiration of a special land use permit**. Unless a building permit or other required approval(s) is applied for within twelve (12) months of the city council's approval, and construction pursuant to such building permit is promptly begun and diligently pursued thereafter, the special land use permit shall expire automatically, unless the permit is extended upon application to the city council in accordance with subsection C. of this section.
C. **Time extension of a special land use permit**. A time limitation imposed on special land use permits by the city council and the expiration date established pursuant to subsection B. of this section may be extended once for twelve (12) consecutive months upon written request by the applicant and approval by the planning director. Any further time extensions shall be by the city council upon written request by the applicant and approval of the city council after compliance with the public notice provisions of section 8.2.4.C. In considering a request to extend, the planning director and the city council shall consider the criteria described in section 8.4.6.
D. **Limitations on approvals for special land use permits**. A special land use permit shall expire automatically and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of twelve (12) consecutive months.
E. **Modifications to a special land use permit**. Changes to an approved special land use permit, including changes to approved conditions, expansion of the approved use, or expansion of building square footage, shall be subject to the same application, review and approval process as a new application, including the payment of relevant fees.

8.4.11 Transfer of special land use permits.

A. A special land use permit, including the site plan and any conditions imposed at the time of the grant of the special land use permit by the city council, is granted to the person, corporation or other legal entity that applied for the permit.
    1. A special land use permit expires automatically upon change in ownership of the subject property, unless the special land use permit is transferred as authorized in this paragraph.

2. A special land use permit may only be transferred from one (1) person, corporation, or other legal entity to another person, corporation, or other legal entity upon application to the director of planning.
3. Any such application by any person, corporation, or other legal entity to transfer a special land use permit shall be accompanied by an affidavit of the proposed transferee certifying that the new owner or operator is familiar with and will abide by the approved site plan and all of the conditions, if any, imposed by the city council at the time of the grant of the special land use permit.

B. If an application to the city council for a special land use permit is submitted due to an existing violation of this chapter and such application for special land use permit is denied, the violation shall be required to be corrected within thirty (30) days of such denial. Notwithstanding the foregoing, the director of planning may extend the deadline for correction of the violation for a period up to ninety (90) days following the denial of the special land use permit application upon a showing that the violation cannot reasonably be corrected within thirty (30) days.

8.5 Variances and Appeals to The Zoning Board of Appeals

8.5.1 Testimony and burden of proof.

The chairperson of the zoning board of appeals, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses by subpoena.

A. **Requirements.** The standards and requirements of this zoning ordinance and decisions made by public officials are presumed to be valid and just. It shall be the responsibility of an applicant seeking relief to assume the burden of proof and rebut this presumption by presenting sufficient facts and evidence to explain how the proposed appeal or variance is consistent with the general spirit and intent of this zoning ordinance and the comprehensive plan.

B. **Review**. It is the duty of the zoning board of appeals to review such facts and evidence in light of the intent of the zoning ordinance to balance the public health, safety and general welfare against the injury to a specific applicant that would result from the strict application of the provisions of this zoning ordinance to the applicant's property.

8.5.2 Appeals of decisions of administrative officials.

A. **General power**. The zoning board of appeals shall have the power and duty to hear and decide appeals where it is alleged by the appellant that there is error in any final order, requirement, or decision made by an administrative official based on or made in the enforcement of this zoning ordinance or as otherwise authorized by local law or the Code of the City of Stonecrest. Administrative officials must make final decisions covered by this section within one hundred eighty (180) days of receipt of all necessary information to make such decision. A failure to act prior to the passage of one hundred eighty (180) days shall not be construed to be a final order, requirement or decision within the meaning of this division. If a decision is not made by the one hundred eighty-first day, the requested decision is deemed denied, and becomes appealable. All such appeals shall be heard and decided following the notice requirements of section 8.2.4, and pursuant to the following criteria and procedural requirements.

B. **Appeals of decisions of administrative officials.** Appeals of decisions of administrative officials may be filed by (1) any person aggrieved by or (2) an owner of property within two hundred fifty (250) feet of the nearest property line of the property that is the subject of any final order, requirement, or decision of an administrative official, based on or made in the enforcement of this zoning ordinance, or as otherwise authorized by local law or the Code of the City of Stonecrest. by filing with the secretary of the zoning board of appeals an application for appeal,

specifying the grounds thereof, within fifteen (15) days after the action was taken by the official that is the subject of the appeal.

C. **Appeal stays all legal proceedings.** An appeal of a decision of an administrative official stays all legal proceedings in furtherance of the action or decision appealed from unless the official from whom the appeal is taken certifies to the zoning board of appeals, after notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would, in that official's opinion, cause imminent peril to life or property. In such a case, legal proceedings shall be stayed only pursuant to a restraining order granted by a court of competent jurisdiction directed to the officer from whom the appeal is taken and on due cause shown.

D. **Appeal stays land disturbance or construction activity in certain situations.** If the action or decision appealed from permits land disturbance or construction activity to commence or continue on residentially zoned property, the appeal stays the land disturbance or construction activity until the zoning board of appeals issues a decision on the appeal. Thereafter, land disturbance or construction activity in such cases shall only be stayed by an order from a court of competent jurisdiction. In all cases involving non-residentially zoned property, the appeal to the zoning board of appeals does not stay land disturbance or construction activity; such activity shall only be stayed by an order from a court of competent jurisdiction.

E. **Order granted by court.** Thereafter, in such situations land disturbance or construction activity shall only be stayed by an order granted by a court of competent jurisdiction.

F. **Time of hearing.** The zoning board of appeals shall fix a reasonable time for the hearing of the appeal and give notice thereof pursuant to the requirements of section 8.2.4 as well as written notice to the appellant. Any party may appear at the hearing in person, by an agent, by an attorney, or by the submission of written documentation.

G. **Decision of the zoning board of appeals.** Following the consideration of all testimony, documentary evidence, and matters of record, the zoning board of appeals shall make a determination on each appeal. The zoning board of appeals shall decide the appeal within a reasonable time, but in no event more than sixty (60) days from the date of the hearing. An appeal shall be sustained only upon an expressed finding by the zoning board of appeals that the administrative official's action was based on an erroneous finding of a material fact, erroneously applied the zoning ordinance to the facts, or that the administrative official acted in an arbitrary manner. In exercising its powers, the zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit, provided all requirements imposed by any applicable laws are met.

8.5.3 Applications for variances; and criteria for deciding applications for variances.

The zoning board of appeals shall hear and decide applications for variances from the strict application of the regulations of this chapter and chapter 21 where the strict application of any regulation enacted under said chapters would result in exceptional and undue hardship upon the owner of such property. In determining whether or not to grant a variance, the board shall apply the criteria specified in this section to the facts of each case. The board may attach reasonable conditions to any approved variance in accordance with section 8.3.9. Once imposed, conditions shall become an integral part of the approved variance and shall be enforced as such. No changes to an approved condition attached to a variance shall be authorized except by re-application to the zoning board of appeals in full compliance with the applicable provisions of this division. No relief may be granted or action taken under the terms of this division unless such relief can be granted without substantial detriment to the public good and without

substantial impairment of the intent and purpose of this chapter and the comprehensive plan. The zoning board of appeals shall apply the following criteria to the types of applications specified below as follows:

A. Variances from the provisions or requirements of this chapter other than variances described in section 8.5.4 shall be authorized only upon making all of the following findings:
    1. By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as, but not limited to, floodplain, major stand of trees, steep slope), which were not created by the owner or applicant, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district.
    2. The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.
    3. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.
    4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.
    5. The requested variance would be consistent with the spirit and purpose of this chapter and the Comprehensive Plan text.
B. Appeals of decisions regarding building architectural design standards shall be evaluated using the same criteria as section 8.6.7.B.
C. Appeals to the height standards, but not to add stories, shall be evaluated using the criteria as follows:
    1. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.
    2. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.
    3. Adequacy of public services, public facilities, and utilities to serve the proposed use.
    4. Whether or not the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.
    5. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.
    6. Whether or not the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.

8.5.4 Applications for variances to reduce or waive off-street parking or loading space requirements.

A. The zoning board of appeals shall hear and decide applications for variances to reduce or waive required off-street parking or loading spaces in accordance with the provisions and standards of this section. All such applications shall be heard and decided based on the notice requirements of section 8.2.4. The zoning board of appeals may waive or reduce the required number of parking or loading spaces in any district only upon an expressed finding that:

1. The character of the use of the building(s) is such as to make unnecessary the full provision of parking or loading spaces;
2. The provision of the full number of parking spaces would have a deleterious effect on a historic building, site, district or archaeological resource;
3. The use has a characteristic that differentiates it from the typical use example used in the formulation of this zoning ordinance;
4. The location of the proposed development is relatively isolated where the opportunity for diversity of use, pedestrian access, and alternative modes is not available; or
5. The developer is providing the additional spaces for general public parking (for hourly or daily parking charges) to serve surrounding development.

8.5.5 Limitations of authority of the zoning board of appeals.

A. No variance shall be granted by the zoning board of appeals to:
   1. Allow a structure or use not listed as a permitted use or a special use in the applicable zoning district or a density of development that is not authorized within such district. This prohibition does not apply to any variance from the supplemental regulations of article 4 of this zoning ordinance or from any other accessory feature or characteristic of a permitted or special use, unless said variance is otherwise prohibited by the regulations of this chapter.
   2. Allow any variance which conflicts with or changes any requirement enacted as a condition of zoning or of a special land use permit by the city council.
   3. Reduce, waive or modify in any manner the minimum lot width unless the purpose is to reverse a lot merger.
   4. Reduce, waive or modify in any manner the minimum lot area established by this chapter.
   5. Extend the time period for a temporary outdoor social, religious, entertainment or recreation activity approved by the director of planning.
   6. Permit the expansion or enlargement of any nonconforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring special land use permit.
   7. Permit the reestablishment of any nonconforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring special land use permit where such use has lapsed pursuant to the requirements and limitations of article 8 of this chapter.
   8. Permit customer contact for a home occupation authorized by this chapter.
   9. Allow any variance to increase the height of a building which will result in adding a story.

8.5.6 Decision by the zoning board of appeals.

A. Each application presented to the zoning board of appeals regarding a variance shall be scheduled for a public hearing within sixty (60) days of the filing of a complete application and shall be supported by findings and conclusions which shall be a part of the record established by the zoning board of appeals for each application. The zoning board of appeals shall grant or deny the variance. In its variance decision, the zoning board of appeals must include findings of fact citing evidence of compliance with all applicable criteria imposed by this chapter or other applicable provisions of law. The zoning board of appeals may adopt the findings of fact of the staff or the applicant, they may adopt the findings of fact of the staff or applicant with modifications, or they may adopt a separate set of facts developed by the zoning board of appeals.

8.5.7 Compliance with standards upon denial.

A. In such case that an application to the zoning board of appeals is initiated due to an existing violation of this chapter and such application is denied, the violation shall be required to be corrected within thirty (30) days of such denial or as specified by the zoning board of appeals if a greater time period is required. The maximum extension of time the board may grant for correction shall be ninety (90) days.

8.5.8 Appeals of decisions of the zoning board of appeals.

A. All appeals of all final decisions of the zoning board of appeals under the provisions of this chapter shall be as follows:
    1. Only persons aggrieved by a final decision of the zoning board of appeals may seek review of such decision by petitioning the Superior Court of DeKalb County by writ of certiorari, setting forth plainly the alleged errors. Such petition shall be filed within thirty (30) days after the final decision of the zoning board of appeals is rendered.

8.5.9 Fair Housing Act accommodation variance.

A. Notwithstanding any other provisions in this chapter to the contrary, the zoning board of appeals may grant a variance to the limitations of this chapter that might have a discriminatory impact on a handicapped person, as that term is defined in the Federal Fair Housing Act, including but not limited to Article 4 as well as the terms defined therein.
    1. A Fair Housing Act accommodation variance shall be issued if the applicant for such a variance shows a documented need for accommodation based on medical or scientific studies, that the requested accommodation is the minimum necessary variance from the restrictions of the Code, that the requested accommodation does not impose an undue burden or expense on the city or its citizens, and that the requested accommodation does not effectively create a fundamental alteration of the existing zoning scheme.
    2. An application for a Fair Housing Act accommodation variance shall comply with all other procedural requirements for consideration and approval of variances in this division.

8.6 Special Administrative Permits; Waivers and Variances

8.6.1 Special administrative permits generally.

A. The director of planning is hereby authorized to consider and decide requests for special administrative permits specifically authorized in this zoning ordinance. All such requests for special administrative permits shall be filed in writing on forms promulgated by the director of planning.

8.6.2 Standards for special administrative permits, criteria to be applied.

A. All applications filed for special administrative permit with the director of planning shall be considered and decided pursuant to the standards contained in sections 8.4.6 and 8.4.7 of this chapter, and any supplemental regulations, as applicable, in article 4. All special administrative permits approved by the director of planning shall specify the length of time of the duration of each such special administrative permit

8.6.3 Time limitations.

A. All applications for special administrative permits shall be considered and decided by the director of planning no later than thirty (30) days from the receipt of a complete application for such special administrative permit, unless an extension of time is agreed to by the applicant and the director of planning.

B. If the director of planning does not render a decision on the application within thirty (30) days, the application shall be deemed denied as of the thirty-first day after receipt of a complete application.

8.6.4 Administrative variances, administrative waivers: authority.

A. The director of planning is hereby authorized to consider and grant or deny, pursuant to the procedures and standards contained in this division, an administrative variance or an administrative waiver from the following regulations and subject to the standard limitations:
    1. Reduce by variance any front, side or rear yard setback by an amount not to exceed ten (10) percent of the district requirement, but not including any transitional buffer zone or any setback which is a condition of zoning or special land use permit, pursuant to the standards specified in section 8.5.3.
    2. Reduce by variance the required spacing between buildings in districts where multiple buildings are authorized on a single lot in an amount not to exceed ten (10) percent of the requirement, pursuant to the standards specified in section 8.5.3.
    3. Reduce by variance the off-street parking or loading requirements imposed by this chapter in an amount not to exceed ten (10) percent of the district requirement, pursuant to the standards specified in section 8.5.4.
    4. Increase by variance the retaining wall height as set forth in article 5, division 4 by an amount not to exceed two (2) feet, but no such variance is allowed for property located in a historic district.
    5. Increase by variance the distancing requirements for retaining walls set forth in article 5, division 4 by an amount not to exceed two (2) feet.
    6. Increase by variance the elevation of residential thresholds as set forth in article 5, division 2 by two (2) feet.
    7. Reduce by variance, as follows, if necessary, to allow reasonable use following a public road right-of-way donation or acquisition:
        a. To reduce required minimum lot size by up to fifty (50) percent only to maintain the pre-determined yield.
        b. To reduce required setbacks for a permitted or existing structure on a lot in the event of public road right-of-way donations or acquisition that would otherwise cause the lot to be non-conforming with respect to the minimum setback standards.
        c. To reduce the number of parking spaces for any existing or permitted structure below the minimum required parking spaces applicable to the use.
    8. Waive architectural building standards and designs provided in article 5, building form standards. The planning director shall notify the city council in writing within ten (10) days of granting said waiver.
    9. No administrative variance or waiver shall be authorized to delete, modify, or change in any manner any condition imposed by the city council or the zoning board of appeals.

8.6.5 Procedures for applications for administrative variances and administrative waivers.

A. An application for administrative variance or administrative waiver shall be submitted to the director of planning on forms approved by the director of planning, along with any such fees as may be established by the city council.

    1. The director of planning shall review and decide upon each complete application pursuant to the applicable standards referred to in section 8.6.7. A written decision on each such application shall be issued no later than thirty (30) days from the date a complete

application was filed, unless an extension is agreed to by the applicant and director of planning. If the director of planning does not render a decision on the application within thirty (30) days, the application shall be deemed denied as of the thirty-first day after receipt of a complete application.

2. The application for an administrative variance or administrative waiver shall state the specific regulation from which exception is sought and the reasons the exception is needed. The application shall contain such information as the director of planning deems necessary to evaluate the request.

3. It shall be the applicant's burden to provide sufficient justification for granting the variance or waiver.

4. The director of planning and staff shall prepare an evaluation statement concerning each application showing the impact of the applicable criteria as set forth in this division.

5. No later than ten (10) calendar days after making a decision, the director of planning shall post a sign on the subject property which reflects the decision of the director of planning and the deadline for taking an appeal of the decision to the zoning board of appeals.

8.6.6 Criteria for deciding administrative variances and administrative waivers.

A. The director of planning shall grant or deny applications for administrative variances from the strict application of the regulations identified in section 8.6.5.A., where the strict application of the associated regulations would result in exceptional and undue hardship upon the owner of such property. In determining whether or not to grant a variance, the director shall apply the criteria specified in sections 8.5.3 and 8.5.4 to the facts of each application.

1. The director of planning shall consider administrative waivers to amend, reduce, or waive architectural, design, or building material standards found in article 5, building form standards using the following criteria:

a. Whether the proposed change(s) in appearance will have a substantial adverse effect on the design standards set out in article 5.

b. The extent to which the proposed project complies with the design standard in terms of architectural style, general design arrangement, texture and color (non-painted surfaces) material of architectural features, and other site features.

c. The extent to which the proposal is compatible with other structures in the area.

B. When issuing a written decision on an administrative waiver request, the director of planning may make a decision to approve the waiver, approve with conditions, or deny the waiver, and shall cite the grounds relied upon in reaching the decision.

8.6.7 Persons entitled to appeal to the zoning board of appeals.

A. Any person identified in section 8.5.2.B. shall have the right to appeal by a decision of the director of planning related to administrative permits, variances or waivers to the zoning board of appeals. Such petition shall be filed within thirty (30) days after the decision of the director is rendered.

8.7 Enforcement, Violations, and Penalties

8.7.1 Administration and enforcement; granting of permits.

A. The director of planning shall be responsible for the interpretation, administration and enforcement of the provisions of this chapter. The director of planning shall have the duty to issue development permits as required with respect to this chapter.

8.7.2 Permit requirements.

A. **Development permits.** Unless otherwise exempted by this article, a development permit shall be required for any proposed use of land or buildings in order to assure compliance with all provisions of this chapter and all other city ordinances and regulations before any building permit is issued or any improvement, grading, or alteration of land or buildings commences.

B. **Building permits and certificates of occupancy required.** A building permit and a certificate of occupancy shall be obtained from the director of planning prior to occupancy of any building or structure. Such permit and certificate of occupancy shall be approved by the director of planning.

C. **Applications for permits and certificates of occupancy.**
   1. All applications for development permits shall be made to the director of planning.
   2. All applications for building permits and certificates of occupancy shall be made to the director of planning.
   3. Prior to the release of a development permit, compliance with zoning shall be reviewed and verified by the director of planning.
   4. All applications for development permits, building permits and development permits shall require a certificate of appropriateness from the Historic Preservation Commission if the project is located in a historic district or on a historic property.

D. **Development and building permits; plans required.**
   1. *Plans required.* All applications for development permits shall be accompanied by complete plans, which shall be drawn to scale, filed in duplicate, and contain the following information:
      a. The name and signature of the author, and the author's address and telephone number;
      b. The actual shape and dimensions of the lot to be built upon, based on an actual survey by a professional engineer or land surveyor registered in the State of Georgia;
      c. All required building setback lines, buffer zones, and open space required by this chapter;
      d. The exact sizes and locations on a lot of the buildings and accessory buildings then existing and the lines within which the proposed building or structure shall be erected or altered;
      e. The current zoning classification of the property including zoning conditions and zoning variances, if any;
      f. The existing or intended use of each building or part of building, and the number of families or housekeeping units the building is designed to accommodate;
      g. Such other information as may be required by the director of planning with regard to the lot and neighboring lots as may be necessary to determine and provide for the application of and enforcement of the requirements of this chapter.
   2. Plans will be returned to the owner when the plans have been approved by the director of planning.

3. Approval of the preliminary subdivision plat and compliance with all applicable provisions of the subdivision regulations contained in chapter 14 and in this chapter shall constitute approval of the development permit for a subdivision.
4. Development permits for individual structures within approved residential subdivisions or developments shall not be required.

8.7.3 Issuance of development permits.

A. All development permits shall be issued by the director of planning, which shall in no case grant any development permit for the use, construction or alteration of any land or building if the land or building as proposed to be used, constructed or altered would be in violation of any of the provisions of this chapter or any other ordinances and laws of the city or the state, except as provided herein.
B. Development permits issued on properties for which any variance or special exception has been approved by the board of zoning appeals shall be in compliance with all of the terms and conditions of such approval.
C. Development permits issued on properties for which any special land use permit has been approved by the city council shall be in compliance with all of the terms, conditions, and site plans related to such approval.
D. Development permits issued on properties in an R-SM. MR-1, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4 or MU-5 district shall be in compliance with the final plans approved by the director of planning.
E. Development permits issued on properties for which conditional zoning is approved shall be in compliance with the approved statement of zoning conditions for such application. Minor alterations of conditions shall be authorized only in accordance with the provisions of this chapter.

8.7.4 Duration of validity of development permits.

A. A development permit shall be valid for two (2) years from its issuance subject to the following provisions:
    1. If the work authorized in any development permit has not begun within six (6) months from the date of issuance thereof, the permit shall expire.
    2. If the work described in any development permit has not been substantially completed within two (2) years of the date of issuance thereof, the permit shall expire.

8.7.5 Building inspection.

A. The building inspection duties of the director of planning with respect to this chapter shall include, but not be limited to:
    1. Issuance of building permits in accordance with all provisions of this chapter and only after the director of planning has issued a development permit.
    2. Making field inspections to determine that the building or structure being constructed, reconstructed or structurally altered or used is being constructed or modified in accordance with the site plan for which a development permit and building permit have been issued. When a violation is found to exist, the director of planning shall immediately initiate appropriate legal action to ensure compliance.
    3. Ensuring that all construction has been completed in accordance with all applicable requirements of the Code of the City of Stonecrest prior to allowing occupancy.
B. **Inspection; right of entry.** Upon presentation of city identification to the developer, contractor, owner, owner's agent, operator or occupant, city employees authorized by the director of planning may enter during all reasonable hours any property for the purpose of making

inspections to determine compliance with the provisions of this chapter. Should access to the property be denied, an inspection warrant may be obtained as authorized in section 7.7.11 below.

C. **Inspection; warrants.** The director of planning, in addition to other procedures provided, may obtain an inspection warrant under the conditions specified in this division. The warrant shall authorize the director of planning or his designee to conduct a search or inspection of property, either with or without the consent of the person whose property is to be searched or inspected, under the conditions set out in this section.
    1. Inspection warrants may be issued by the recorder's court when the issuing judge is satisfied that all of the following conditions are met:
        a. The person seeking the warrant must establish under oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection which includes that property or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of that property.
        b. The issuing judge determines that the issuance of the warrant is authorized by this section and applicable state and federal law.
    2. An inspection warrant shall be validly issued only if it meets all of the following requirements:
        a. The warrant is attached to the affidavit required to be made in order to obtain the warrant.
        b. The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the owner or possessor of the property can reasonably determine from it the property for which the warrant authorizes an inspection.
        c. The warrant indicates the conditions, objects, activities, or circumstances which the inspection is intended to check or reveal.
        d. The warrant refers, in general terms, to the ordinance provisions sought to be enforced.

8.7.6 Certificates of occupancy.

A. Certificates of occupancy are required as follows and shall be issued by the director of planning only after all requirements of this chapter and other applicable parts of the Code of the City of Stonecrest have been met:
    1. **For new or altered structures and uses**. No person shall use or permit the use of any building, structure, or premises or part thereof hereafter created, erected, changed, converted, enlarged or moved, wholly or partly, in use or structure, until a certificate of occupancy reflecting the extent and location of the use shall have been issued to the owner or tenant by the director of planning. Where a building permit is involved, such certificate of occupancy shall show that the structure or use, or both, to the affected part thereof, is in conformance with the requirements of this chapter. It shall be the duty of the director of planning to issue such certificate of occupancy if the director of planning finds that all of the requirements of this chapter have been met, and to withhold such certificate of occupancy if the director finds that all of the requirements of this chapter have not been met.
    2. **Temporary certificates of occupancy.** A temporary certificate of occupancy for a part of a building or premises may be issued in accordance with the requirements of section 7-33 of chapter 7, and the director of planning may impose such additional conditions and

safeguards as are necessary in the circumstances of the case to protect the safety of the occupants and of the general public.

3. **Certificates of occupancy for existing uses or structures**. An owner may request a new certificate of occupancy for existing uses or structures. Said requests shall be in the form required by the director of planning and shall require all professional surveys or certifications required by the director of planning to adequately comply with said request. The director of planning shall require as a part of said request, fees to process said requests as are established by the city council. Upon review of the application and other relevant investigation by the director of planning, if in conformance with the requirements of this chapter, the director of planning shall issue a certificate of occupancy for any buildings, premises or use, certifying that the building, premises or use is in conformance with the requirements of this chapter.

8.7.7 Records.

A. The director of planning shall maintain records of all official administrative actions taken by their department pursuant to their duties as set forth in this division. The director of planning shall further maintain records of all complaints filed with their department pursuant to the requirements of this chapter and of all actions taken with regard to such complaints, and of all violations discovered by whatever means, with remedial action taken and disposition of cases. All such records shall be public records and shall be retained in accord with Georgia's Records Act, O.C.G.A. § 50-18-90 et seq., and pertinent record retention schedules.

8.7.8 Fees.

A. Fees and charges for permits and inspections shall be as established by official action of the governing authority.

8.7.9 Violations of this chapter.

A. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or use any land in the city, or cause the same to be done, contrary to or in violation of any of the provisions of this chapter.

B. **Remedies.** In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of any provision of this chapter, the city may, in addition to other remedies, and after due notice to the owner of the violation, issue a citation for violation of this chapter requiring the presence of the violator in the recorder's court. The city may also in such cases institute injunction or other appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use or to correct or abate the violation or to prevent the occupancy of the building, structure or land. Where a violation of this chapter exists with respect to a structure or land, the director of planning may, in addition to other remedies, require that public utility service be withheld therefrom until such time as the structure or premises is no longer in violation of this chapter.

8.7.10 Notice to stop work; revocation of permits.

A. Whenever any building or premises is being constructed, used, or occupied contrary to the provisions of this chapter or chapter 7, the director of planning may order the work stopped in accordance with the provisions of chapter 7.

B. The director of planning may revoke any building permit or certificate of occupancy for any land, building or this chapter in order to protect the health, safety and general structure being constructed, used or occupied in violation of welfare of the residents of the city.

8.7.11 Penalties.

A. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of an offense and upon conviction in recorder's court shall be punished as is provided in section 1-10 of the Code. Where any violation continues, each day's continuance of a violation shall be considered a separate offense. The owner of any buildings or premises or parts thereof, where anything in violation of this chapter exists, and any architect, builder, contractor or any other agent of the owner, or any tenant, who commits or assists in the commission of any violation, shall be guilty of a separate offense. In addition, the city may revoke the business license of any entity found guilty of violating this chapter in accordance with the procedures of this subsection for a period of time not to exceed five (5) years, except to the extent prohibited by law.

8.7.12 Repeal of conflicting ordinances; validity of prior approvals and actions.

A. Nothing herein shall be construed as repealing the conditions of use, operation, or site development accompanying zoning approval(s) or permits legally and validly issued under previous zoning ordinances or resolutions in DeKalb County, provided further that modification or repeal of these past conditions of approval may be accomplished as authorized and provided by this chapter. All variances and exceptions heretofore granted by the zoning board of appeals shall remain in full force and effect, and all terms, conditions and obligations imposed by the zoning board of appeals shall remain in effect insofar as required for the initiation of any proceedings against these violations and for the prosecution of any violations heretofore commenced.

9 Article 9. - Nonconformities

9.1 Applicability, purpose, intent.

9.1.1 Applicability.

A. Nonconforming regulations apply only to those nonconforming situations that were legally authorized when established or that were subsequently approved through procedures in effect at the time the approval was obtained. Additionally, except as provided in section 9.1.5.B., nonconforming situations must have been maintained continuously and without interruption since the initial existence or subsequent approval of the nonconforming situation. Nonconforming situations which were not authorized when established or have not been continuously maintained over time in accordance with this subsection have no legal right to continue and must terminate as set forth herein.

B. **Documentation.** An owner or applicant may request from the director of planning a determination of nonconforming status. The owner or applicant must provide documentation sufficient to show that the situation was authorized when established and was continuously maintained over time. Upon receipt of the owner or applicant's evidence, the director of

planning will determine if the evidence is satisfactory and, if so, shall issue a written determination that the lot, building, structure and/or use is a legal nonconforming situation. The burden of establishing the nonconforming status of a particular lot, building, structure or use is on the applicant or owner of the property or use.

C. **Evidence that a nonconforming situation was authorized when established.** Standard evidence that the proposed nonconforming situation was authorized, or legal, when established includes, but is not limited to:
    1. Building or land disturbance permits;
    2. Business licenses;
    3. Adopted zoning ordinances or maps in force at the time of permitting;
    4. Conditions of zoning;
    5. Other appropriate evidence as determined by the director of planning or designee.
D. **Evidence that a nonconforming situation has been continuously maintained since inception.** Standard evidence that the proposed nonconforming use has been continuously maintained without interruption since inception includes, but is not limited to:
    1. Utility bills;
    2. Tax records;
    3. Business licenses;
    4. Advertisements in dated publications;
    5. Insurance policies;
    6. Leases;
    7. Receipts; and
    8. Other appropriate evidence as determined by the director of planning or designee.
E. **Evidence of discontinuance or abandonment.** When considering whether a nonconforming situation has been continuously maintained without interruption since inception, the director of planning may consider evidence of the following:
    1. Failure to maintain regular business hours, typical or normal for the use;
    2. Failure to maintain equipment, supplies or stock-in-trade that would be used for the active operation of the use;
    3. Failure to maintain utilities that would be used for the active operation of the use;
    4. Failure to pay taxes, including but not limited to sales tax, workers' compensation taxes, corporate taxes that would be required for the active operation of the use;
    5. Failure to maintain required local, state or federal licenses or other approvals that would be required for the active operation of the use;
    6. Failure to maintain applicable business license(s); and
    7. Other appropriate evidence as determined by the director of planning.
F. **Change to a conforming situation.** A nonconforming situation may be changed to a conforming situation by right. Once a conforming situation occupies a site that was previously nonconforming, the nonconforming rights are lost, and a nonconforming situation shall not be re-established.
G. **Maintenance.** Normal maintenance and repair of nonconforming situations is allowed and does not alter legal conformity status.
H. **Strengthening and restoring to safe condition.** Nothing in this article shall prevent the strengthening or restoration to a safe condition of any part of a building or structure declared

unsafe by the director of planning, and such strengthening or restoration shall not cause the loss of nonconforming status, provided such strengthening or restoration would not constitute a violation of section 9.1.15's regulation of reconstruction of damaged or destroyed nonconforming structures.

9.1.2 Purpose and intent.

A. Within the zoning districts established by this chapter, or by amendments that may later be adopted, there exist lots, uses of land, uses of land and buildings, uses of land and structures, and characteristics of buildings, structures and sites which were lawful before the effective date of this chapter's adoption or amendment, but that are now prohibited under the terms of this chapter or due to future amendments, collectively referred to as nonconforming situations. Such nonconforming situations are hereby declared to be incompatible with authorized and permitted uses in the zoning districts involved. It is the intent of the city council to require the cessation of certain nonconforming situations and to permit others to continue until they are otherwise removed or cease. It is further the intent of the city council that nonconforming situations not be used as grounds for adding other buildings, structures, or uses of land prohibited by this chapter, and that no such non-conforming building, structure, or use of land be enlarged, expanded, moved, or otherwise altered in a manner that increases the degree of nonconformity, except where expressly authorized in this zoning ordinance.

9.2 Nonconforming regulations.

9.2.1 Legal nonconforming lot.

A. A lot of record that at the effective date of this zoning ordinance does not conform to the applicable minimum road frontage requirement, minimum lot area, or lot width requirements for the zoning district in which it is located may still be used as a building site provided that the height, buffer, setback, and other dimensional requirements of the zoning district in which the lot of record is located are complied with, or a variance therefrom is obtained.

9.2.2 Legal nonconforming single-family lots; lot merger requirements.

A. In any zoning district in which single-family dwelling units are allowed, a single-family dwelling unit and allowed accessory structures may be erected on any single nonconforming lot of record so long as such single nonconforming lot of record is not in common ownership with any other contiguous lot or lots. A property owner shall not be permitted to erect a structure on a nonconforming lot of record if he could have used his contiguous land to avoid the nonconformity.

B. Two (2) or more contiguous lots of record that are held in common ownership on the effective date of this section or come into common ownership after the effective date of this section shall be governed by this subsection B. or subsection C. If any contiguous lots of record held in common ownership do not meet the requirements established in this Code for street frontage, access requirements, lot width or lot size, then all of the contiguous lots of record held in common ownership shall be considered to be an undivided lot for the purpose of compliance with the provisions of this Code. No portion of the resulting undivided lot shall then be considered a separate lot, a nonconforming lot of record or used or conveyed in a manner which is not in compliance with the existing street frontage, access, lot width or lot area requirements established by this Code and/or any amendments thereto. No division of any hereby merged nonconforming lots of record held in common ownership shall be made which creates a substandard lot. If two (2) or more contiguous nonconforming lots of record are in common ownership and, as merged, the property is compliant for development with a single-family

dwelling without violating the provisions of this Code, then none of the former nonconforming lots of record may be considered nonconforming and authorized for single-family development. A property owner shall not be permitted to create a nonconforming lot of record if he could have used his contiguous lots to avoid the nonconformity.

C. Two (2) or more nonconforming contiguous lots of record that are held in common ownership as of the effective date of this section, or that come into common ownership after the effective date of this section shall be governed by the requirements of subsection B. unless the owner obtains a variance from the Zoning Board of appeals pursuant to the provisions and the criteria set forth in article 8.

D. Whenever a variance from the strict application of subsection B. is sought with respect to properties located within a historic district as defined in chapter 13.5 of this Code, the variance applicant shall first obtain a certificate of appropriateness from the historic preservation commission finding that the proposed variance allowing the subject lot to retain its legal nonconforming status will not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or the historic district. In approving such a certificate of appropriateness, the historic preservation commission may include a finding that merger of lots pursuant to the strict application of subsection B. would have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or the historic district.

9.2.3 Nonconforming use.

A. A legal use in existence on the effective date of this zoning ordinance or any amendment thereto may be continued even though such use does not conform with the use provisions of the zoning district in which said use is located, except as otherwise provided in this section.

1. Change of use. A nonconforming use shall not be changed to another nonconforming use. A change in tenancy or ownership shall not constitute termination or abandonment of the nonconforming use, provided that the use itself remains unchanged and is continuously maintained.
2. Discontinuance or abandonment. A nonconforming use shall not be re-established after discontinuance or abandonment for six (6) consecutive months, unless the cessation of the nonconforming use is a direct result of governmental action impeding access to the property. Vacancy or non-use of a building for six (6) continuous months, regardless of the intent of the owner or tenant, shall constitute discontinuance or abandonment under this subsection.
3. A nonconforming use of land shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.

9.2.4 Nonconforming structures.

A. A legal structure in existence on the effective date of this zoning ordinance or any amendment thereto that could not presently be built under the provisions of this chapter because of restrictions on building area, lot coverage, height, minimum yard setbacks, or other characteristics of the structure or its location on the lot shall be deemed a legal nonconforming structure subject to this article 8.

1. No legal nonconforming structure shall be enlarged, or structurally altered, in a way that increases its degree of nonconformity, except as expressly permitted in this article 8.
2. Alteration of legal nonconforming structures occupied by permitted, conforming uses may be allowed for improvement or modification, provided that the structure may not be enlarged and the alterations must either comply with this chapter or result in a reduction in site or structure nonconformity. See also section 9.1.16.

9.2.5 Nonconforming parking.

A. On an existing structure, no new permitted use may be substituted, nor shall an existing permitted use be expanded unless the requirements for off-street parking and loading shall be met for the proposed use and for any expansion, unless a variance is granted, pursuant to article 8.

B. New or additional automobile parking, service, or storage areas may be added to a legal nonconforming structure or site that contains a conforming use, provided that all required landscaping, lighting, and screening requirements are met in the new or additional parking, service or storage area.

9.2.6 Prior nonconformities.

A. The adoption of this chapter shall not extend the six-month time period of discontinuance or abandonment set forth in section 9.1.5.B. for a legal nonconforming use that was nonconforming prior to the time this chapter was adopted.

B. A use, lot, building, or structure that was previously legally nonconforming shall become conforming if, as a result of amendments to this chapter, such use, lot, building, or structure complies with the requirements of this chapter.

9.2.7 Nonconforming signs.

A. See chapter 21, signs for provisions regarding nonconforming signs.

9.2.8 Nonconformities caused by government action.

A. If a property is required by a federal, state or local government to provide right-of-way or easements that cause an existing structure to have non-conforming yards or setbacks, the property and structure shall be deemed to be legal nonconforming, and, from that time forward, the owner may not expand any existing building in a way to increase the degree of nonconformity or to build new structures that are nonconforming.

9.2.9 Rezoning that results in nonconforming structures.

A. For structures or lots that become nonconforming due to rezoning, the structure or lot shall be considered legal nonconforming, subject to the requirements of this article.

9.2.10 Nonconforming uses requiring a special administrative or special land use permit.

A. No use, building or structure that was authorized as of right prior to the effective date of this chapter but would require a special administrative permit or special land use permit upon the effective date of this chapter, shall be enlarged, expanded, moved, or otherwise altered in any manner except after application for and approval of the required special administrative permit or special land use permit. Normal repair and maintenance of legal nonconforming buildings and structures is authorized without the need for special permits. If the use of a legal nonconforming building or structure is discontinued for a continuous period of six (6) months, it may not be reestablished unless such discontinuance was a direct result of governmental action as provided by section 8.1.11.

9.2.11 Buildings and structures where construction has begun.

A. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any legal nonconforming building or structure for which land disturbance or building permits were lawfully applied for or issued, or for which preliminary or final subdivision plats were lawfully submitted, prior to the effective date of this chapter or amendment thereto, provided:

1. any application on which reliance is placed for the existence of nonconforming rights must have been complete as that term is defined in article 10;
2. such permit or approval has not by its own terms expired; and

3. actual building construction is carried on pursuant to said permit or approval and limited to and in strict accordance with said permit or approval.

B. Notwithstanding any other provisions to the contrary, no renewals or extensions of such permit or approval shall be authorized.

9.2.12 Reconstruction of damaged or destroyed nonconforming structures.

A. A legal nonconforming building or structure that has been damaged by fire, flood or other natural cause to an extent that the estimated cost of reconstruction does not exceed sixty (60) percent of its fair market value according to the DeKalb County Tax Assessor's valuation for the tax year in which the damage occurred, as determined by the director of planning, may be reconstructed and used as it was prior to being damaged if a complete permit application is submitted for said re-construction within two (2) years of the date of the damage and the work progresses continuously upon issuance of the permit therefor. If said building or structure has been determined by the director of planning to have been damaged to an extent that the estimated cost of reconstruction exceeds sixty (60) percent of its fair market value according to the DeKalb County Tax Assessor's valuation for the tax year in which the damage occurred, then any repair, reconstruction or new construction shall conform to the then existing requirements of the zoning district in which said building or structure is located.

9.2.13 Expansion, redevelopment or improvement of legal nonconforming buildings, structures and/or sites.

A. **Major redevelopment.** Expansion, alteration or redevelopment of a legal nonconforming building or structure to an extent that the estimated cost of the expansion, alteration or redevelopment exceeds sixty (60) percent of its fair market value prior to expansion, alteration or redevelopment according to the DeKalb County Tax Assessor's valuation of the improvements for the tax year in which the first permit for expansion, alteration or redevelopment is applied for shall require the entire building or structure to conform to Code in every respect, except as approved by variance or special administrative permit as applicable.

B. **Minor redevelopment**. Expansion, alteration or redevelopment of a legal nonconforming building or structure to an extent that the estimated cost of the expansion, alteration or redevelopment is no greater than sixty (60) percent of its fair market value prior to expansion, alteration or redevelopment according to the DeKalb County Tax Assessor's valuation of the improvements for the tax year in which the first permit for expansion, alteration or redevelopment is applied for shall require the portion of the building or structure comprising the expansion, alteration or redevelopment to conform to all codes that are relevant to the nature of the expansion, alteration or redevelopment.

C. Proposed improvements to access, parking, landscaping, pedestrian systems, lighting, utilities, and stormwater facilities, shall conform in every respect, except as approved by variance or special administrative permit as applicable.

D. Notwithstanding subsections A., B., and C. above, no building or structure on property on which a nonconforming use is located shall be expanded, altered, or redeveloped in any way.

9.2.14 Prior variances, special exceptions, and special permits authorized.

A. Variances and special permits lawfully authorized and granted prior to the effective date of this zoning ordinance shall continue in effect, provided the terms and conditions of said authorization are followed.

10 Article 10. - Definitions

10.1 Statement of intent and purpose.

A. The definitions contained herein shall apply to this chapter. Any word or phrase not defined below but otherwise defined in the Code shall be given that meaning. All other words or phrases shall be given their common ordinary meaning unless the context clearly indicates otherwise.

10.2 Interpretation.

A. For the purpose of this chapter, words and terms are to be interpreted as follows:
   1. Unless the obvious construction of the wording indicates otherwise, words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; words used in the singular number include the plural; and words used in the plural include the singular. An abbreviated word shall have the same meaning as the unabbreviated word.
   2. The word "shall" means "must" or "is mandatory".
   3. Unless otherwise specified, all distances shall be measured horizontally and at right angles or radially to the line in relation to which the distance is specified.
   4. The word "lot" shall be deemed also to mean "plot"; the word "used" shall be deemed also to include "designed", "intended", or "arranged to be used"; the term "erected" shall be deemed also to include "constructed", "reconstructed", "altered", "placed", "relocated" or "removed".
   5. The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of building."
   6. Where words are not herein defined, those words, terms and phrases, when used in this article, shall have the meanings ascribed to them as directed above, except where the text clearly indicates a different meaning.

10.3 Defined terms.

ADA: The Americans with Disabilities Act.

"A" weighted sound level: The sound level reported in units of dB(A) approximating the response of human hearing when measuring sounds of low to moderate intensity as measured using the "A" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors.

Abandonment: The relinquishment, discontinuance, and cessation of a use, other than as a result of government action, for any continuous period of time as may be provided in this chapter.

Abutting: Having property or district lines in common. This does not include property separated by a road or right-of way.

Accessory building: A building detached from the principal building located on the same lot and customarily incidental and subordinate in area, extent, and purpose to the principal building or use.

Accessory dwelling unit: See Dwelling unit, accessory.

Accessory equipment: See section 4.2.57.B.

Accessory structure: A structure detached from the principal building and located on the same lot and customarily incidental and subordinate in area, extent, and purpose to the principal building or use. Compare with Building, primary.

Accessory use: A use of land or building or structure or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use. See article 4 for supplemental regulations.

Active recreation: Leisure activities, usually performed with others, often requiring equipment, and taking place at prescribed places, sites, or fields. The term "active recreation" includes, but is not limited to, swimming, tennis, and other court games, baseball and other field sports, golf, and playground activities.

Activity center: A character area designed by the Comprehensive Plan as a Regional Center, Town Center, or Neighborhood Center.

Adaptive reuse: Buildings and sites constructed and developed originally for one (1) use but converted to or repurposed for a use not traditionally occupying the building or development form. For example, the conversion of former hospital or school buildings to residential use, or the conversion of an historic single-family home to office use.

Adjoining property: A property that touches or is directly across a street, easement, or right-of-way (other than an interstate, principal arterial, urban freeway/expressway or urban principal arterial) from the subject property.

Adult day care: Any public or private nonprofit organization or any for-profit center that (a) is licensed or approved by Federal, State or local authorities to provide nonresidential adult day care services to functionally impaired adults (as defined in this section) or persons 60 years of age or older in a group setting outside their homes or a group living arrangement on a less than 24-hour basis and (b) provides for such care and services directly or under arrangements made by the agency or organization whereby the agency or organization maintains professional management responsibility for all such services. Such centers shall provide a structured, comprehensive program that provides a variety of health, social and related support services to enrolled adult participants through an individual plan of care.

Adult and sexually-oriented business: means and “adult bookstore or adult video store,” an “adult cabaret,” an “adult motion picture theatre,” a “semi-nude model studio,” or a “sexual device shop” as those terms are defined in Chapter 15, Article XII, Section 15.12.2..

Affordable housing: Housing that has a sale price or rental amount that is within the means of a household that may occupy middle, moderate, or low-income housing. In the case of dwelling units for sale, housing that is affordable means housing in which mortgage, amortization, taxes, insurance, and condominium or association fees, if any, together constitute no more than twenty-eight (28) percent of such gross annual household income for a household of the size which may occupy the unit in question. In the case of dwelling units for rent, housing that is affordable means housing for which the rent and utilities constitute no more than thirty (30) percent of such gross annual income for a household of the size that may occupy the unit in question.

Aggrieved person: A person who either (a) is the applicant or the owner of property that is the subject of an application or a decision by an administrative official; or (b) has a substantial interest in an action appealed from and that is in danger of suffering special damage or injury not common to all property owners similarly situated.

Agricultural activities: Activities performed to cultivate the soil, produce crops, or raise livestock.

Agricultural produce stands: A temporary building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs, or plants and may include accessory sales of other unprocessed foodstuffs,

home processed food products such as jams, jellies, pickles, sauces, or baked goods, and home-made handicrafts.

Alcohol outlet: A retail establishment that sells beer, wine, or distilled liquor for off-site consumption. This includes grocery stores and retail stores that may sell beer, malt beverages, hard cider and/or wine for off-site consumption, as well as other products. The area devoted to the sale and storage of alcohol shall not exceed twenty (20) percent of gross floor area.

All-weather material: A hard surface, dust-free material, capable of withstanding normal weather conditions during ordinary use without substantial deterioration. Gravel, rock, or screenings alone, without use of a petroleum or cement binder, does not meet the definition of an all-weather material.

Alley: A minor way, which is used primarily for vehicular service access to the back or side of properties otherwise fronting on a street.

Alternative energy production: An energy production site or facility that is dedicated to the commercial production of electricity by means of wind, solar, biomass, grease, oil, or other non-petroleum energy source.

Alternative fuel vehicle: A vehicle that runs on a fuel other than "traditional" petroleum fuels (petrol or diesel) including: biodiesel, denatured alcohol, electricity, hydrogen, methanol, mixtures containing up to eighty-five (85) percent methanol or denatured ethanol, natural gas, and propane (liquefied petroleum gas).

Amateur radio service: Radio communication services, including amateur satellite service and amateur service, which are for the purpose of self-training, intercommunication, and technical investigations carried out by duly licensed amateur radio operators solely for personal aims and without pecuniary interest, as defined in title 47, Code of Federal Regulations, Part 97 and regulated there under.

Amateur radio service antenna structure: A tower and antenna for radio transmission and reception which is maintained by a licensed amateur radio operator as an accessory structure.

Ambulance service facility: A privately owned facility for the dispatch, storage, and maintenance of emergency care vehicles.

Amenity: A natural or man-made feature that enhances a particular property, increasing aesthetics and desirability to the owner or community.

Amplified sound reproduction device: Any device capable of producing, reproducing, or emitting sounds by means of any loudspeaker or amplifier.

Amusement park: An outdoor recreation facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment.

Animal: Any vertebrate member of the animal kingdom, excluding humans.

Animal hospital: A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use of an animal hospital as a kennel shall be limited to short-term boarding and shall be only incidental to such hospital use.

Animal shelter/rescue center: A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public organization or by an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other non-profit organization devoted to the welfare, protection, and humane treatment of animals.

ANSI: The American National Standards Institute.

Antenna: See section 4.2.57.B.

Antique shop: A place offering antiques for sale. An antique, for purposes of this chapter, shall be a work of art, piece of furniture, decorative object, or the like, of or belonging to the past, at least thirty (30) years old.

Apartment: See Dwelling, multi-family.

Apartment unit: One (1) or more rooms with a private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing four (4) or more dwelling units.

Apiary: A place where beehives of honeybees are kept.

Apiculture: See Beekeeping.

Apparel store: A retail store where clothing is sold, such as department stores, dry goods and shoe stores, and dress, hosiery, and millinery shops.

Appeal: A review authorized by this chapter of any final order, requirement, or decision of the planning director or designee that is based on or made in the enforcement of this chapter.

Applicant: A person who acts in his or her own behalf or as the agent of a property owner, who seeks a zoning decision, or who seeks a decision regarding a permit or approval by the director of planning.

Arcade: An area contiguous to a street or plaza that is open and unobstructed to a height of not less than twelve (12) feet and that is always accessible to the public.

Archaeological resource: Any material remains of past human culture or activities which are of archaeological interest, including, but not limited to the following: basketry, bottles, carvings, graves, human skeletal materials, pit houses, pottery, rock intaglios, rock paintings, soapstone quarries, structures or portions of structures, tools, weapons, weapon projectiles, or any portion or piece of any of the foregoing items. Non-fossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources under the regulations of this chapter, unless found in archaeological context. No item shall be deemed to be an archaeological resource under the regulations of this chapter unless such item is at least two hundred (200) years of age.

Art, private: A work or collection, usually displayed in a gallery or curated space, that is owned by a private individual or entity.

Art, public: Any visual work of art located so as to be visible in a public, city-owned area; on the exterior of any city-owned facility; within any city owned facility in areas designated as public areas, lobbies, or public assembly areas; or on non-city property if the work of art is installed or financed, either wholly or in part, with city funds or grants procured by the city. Such public art shall not contain characteristics of an advertising sign.

Art gallery: An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This definition does not include libraries, museums, or non-commercial art galleries.

Articulated façade: A building elevation that faces a street and that is constructed with a variety of surfaces, materials, colors, projections, recesses, or similar features.

Asphalt manufacturing: An industrial facility used for the production of asphalt, concrete, or asphalt or concrete products that are used in building or construction, and that includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production

process or of finished products manufactured on the premises, or the storage and maintenance of required equipment, but does not include the retail sale of finished asphalt or concrete products.

Assembly hall: A meeting place at which civic, educational, political, religious, or social groups assemble regularly or occasionally; including but not limited to schools, churches, theaters, auditoriums, funeral homes, stadiums, and similar places of assembly.

Assisted living facility: A multi-family structure whose occupants are fifty-five (55) years of age or older, or where each unit is occupied by at least one (1) person who is fifty-five (55) years of age, and where occupants receive assistance with daily living activities.

Atrium: An open hall lighted from above, into which rooms open at one (1) or more levels.

Attic: An open space at the top of a house just below the roof; often used for storage.

Authorized (permitted) use: Any use allowed by right in a zoning district and subject to the restrictions applicable to that zoning district.

Automobile: A self-propelled, free-moving vehicle, which is licensed by the appropriate state agency as a passenger vehicle. For the purpose of this chapter, the term "automobile" shall include motorcycles, scooters, small trucks used for daily passenger trips, sports utility vehicles (SUVs), and similar passenger vehicles or any vehicle classified by the Georgia Department of Driving Services as a Class "C" vehicle.

Automobile and truck rental and leasing: A business that rents or leases automobile or light trucks and may store the automobiles and trucks on the same site as the business office.

Automobile brokerage: The business of providing services for the purchase or leasing of a vehicle, whether non-commercial or commercial and including trailers and R.V.s. The brokered vehicles are not stored on the same lot as that on which the business office is located. A vehicle brokerage may find the desired vehicle, negotiate the price, or lease contract, manage paperwork associated with the sale or lease, or secure financing for the sale or lease of the vehicle.

Automobile dealership: See Automobile sales.

Automobile mall: A single location that provides sales space and centralized services for a number of automobile dealers and may include related services as auto insurance dealers and credit institutions that provide financing opportunities.

Automobile manufacture: A facility engaged in the manufacture of passenger cars, light trucks, and/or light commercial vehicles.

Automobile parts or tire store: A building that is used for the retail sale of new or used parts or tires for non-commercial vehicles. This term does not include outdoor storage yards.

Automobile recovery and storage: A facility that provides temporary outdoor storage of Class "C" passenger vehicles and motorcycles that are intended to be claimed by the titleholders or their agents. Such storage includes vehicles that have been towed, or that will be transported to a repair shop or will be subject to an insurance adjustment after an accident. See Vehicle storage and Tow service.

Automobile rental and leasing: A business that rents or leases automobiles.

Automobile repair and maintenance, major: A business that services passenger vehicles including the dismantling and repair of engines, transmissions, carburetors, drive shafts, and similar major vehicle parts, the provision of collision repair services including body frame straightening and body part replacement, or the painting or re-painting of passenger vehicles and motorcycles. Major automobile repair establishments may also perform minor automobile repairs.

Automobile repair and maintenance, minor: A business that repairs, replaces, or services tires, ignitions, hoses, spark plugs, and other minor vehicle parts as part of the regular upkeep of passenger vehicles and motorcycles, and may perform regular maintenance such as brake repair and replacement, lubrication, or replacement of small or incidental automobile parts. Minor automobile repair and maintenance may also, as an accessory function, include automobile detailing, including the application of paint protectors, the cleaning or polishing of a vehicles interior, exteriors, or engine, and the installation of aftermarket parts and accessories such as tinting, alarms, sound systems, spoilers, sunroofs or headlight covers. Minor automobile repair and maintenance does not include the dismantling and repair of engines, transmissions, or drive shafts, the provision of collision repair services including body frame straightening and body part replacement, or the painting or re-painting of passenger vehicles. Minor automobile repair does not include automobile car washes where vehicles are washed and/or waxed either by hand or by mechanical equipment.

Automobile sales: A business establishment that engages in the retail sale or the leasing of new or used automobiles, small passenger trucks, motorcycles, or other passenger vehicles. Such merchandise may be stored on the same lot as that on which the business office is located. An automobile sales dealership may be located in an automobile mall. See Automobile mall, Automobile brokerage.

Automobile service station: A building, structure, or land used primarily for the sale of automotive fuels such as gasoline. This term includes the following accessory uses: convenience stores; the sale of incidental vehicle parts and fluids such as motor oil, coolant, windshield wipers, seat or floor pads; and minor automobile repair as defined in this chapter.

Automobile upholstery shop: A building in which automobile seats are re-covered or re-upholstered. For the purposes of regulating home occupations, an automobile upholstery shop shall be considered to be major automobile repair.

Automobile wash/wax service: A building, structure, or land that is used for the washing, waxing, cleaning, or detailing of automobiles as defined in this article. The service may be enclosed in a building or conducted outdoors, includes mobile wash/wax service, and may be a principal or accessory use.

Automobile wrecking yard: See Salvage yard.

Awning: A roof-like cover, usually of canvas or plastic, which can fold, collapse and retract, extended over or before places like storefront, window, door or deck as a shelter from the sun, rain, or wind.

Balcony: A horizontal flat surface that projects from the wall of a building, is enclosed by a parapet or railing, and is entirely supported by the building.

Bank: A facility for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

Barber shop: An establishment or place of business within which the practice of barbering is engaged in or carried on by one (1) or more barbers.

Basement: A space having one-half (0.5) or more of its floor-to-ceiling height below the average finished grade of the adjoining ground and with a floor-to-ceiling height of not less than six and one-half (6.5) feet.

Beauty salon: A commercial building, residence, or other building or place where hair cutting, or styling or cosmetology is offered or practiced on a regular basis for compensation. This term includes the training of apprentices under the regulation of such training by the appropriate licensing board.

Bed and breakfast: Accessory use of a single-family detached dwelling or commercial building by the owner who resides on location, to provide sleeping accommodations to customers. Breakfast may also be provided to the customers at no extra cost. For the purpose of this definition, the term "customer" means a person who pays for the sleeping accommodations for fewer than thirty (30) consecutive days.

Bedroom: A private room planned and intended for sleeping, separated from other rooms by a door, accessible to a bathroom without crossing another bedroom, and having a closet.

Beekeeping: The maintenance of honeybee colonies, commonly in hives, by humans.

Beer growler: An alcohol outlet that pours beers from a tap into reusable containers for off-site consumption. This definition does not include distilled liquor sales.

Beer or malt beverage: Any alcoholic beverage obtained by fermentation of any infusion or decoction of barley, malt, hops or any other similar product, or any combination of such products in water, containing up to fourteen (14) percent alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer and strong beer. The term "malt beverage" does not include sake, known as Japanese rice wine.

Best management practices (BMP): Activities, procedures, structures or devices, systems of regulations and activities, or other measures that prevent or reduce pollution of the waters of the United States. BMPs are intended to: a) control soil loss, protect natural features such as trees, and reduce water quality degradation; b) control drainage from outside storage of materials; c) minimize adverse impacts to surface and groundwater flow and circulation patterns, and to the chemical, physical, and biological characteristics of streams and wetlands; and d) control industrial plant site runoff, spillage, leaks, sludge or waste disposal.

Blight: A state or result of being blighted or deteriorated; dilapidation or decay. A structure is blighted when it exhibits objectively determinable signs of deterioration sufficient to constitute a threat to human health, safety, and public welfare such as inadequate public or community services, vacant land with debris, litter, lack of utilities, accumulation of trash and junk or general disrepair including but not limited to peeling paint, broken windows, deteriorating wood. Also see chapter 18, article III of the Code.

Block: An area of land bounded by a street, or by a combination of streets and public parks, cemeteries, railroad right-of-way, exterior boundaries of a subdivision, shorelines of waterways, or corporate boundaries. In cases where the platting is incomplete or disconnected, the director of planning may delineate the outline of the block.

Blockface: That portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

Boarding house: A building containing one (1) or more lodging units but not more than twenty (20) lodging units, all of which offer non-transient lodging accommodations, available only at weekly or longer rental rates to the general public and not for a specific program. Meals may only be provided from a single central kitchen and compensation for such meals, if provided, shall be included in the weekly or longer rental rate. No restaurant, meeting, reception, or banquet facilities shall be provided.

Borrow pit: A pit from which sand, gravel or other construction material is taken for use as fill in at another location.

Brewpub/Brewery: A commercial business which conducts the retail sale of beer (malt beverages with alcohol content as defined by federal law) which is brewed on the premises in compliance with applicable state and federal laws. Such establishments may also include restaurants as an accessory use. See also Light malt beverage manufacturing.

Broker: A party that mediates between a buyer and a seller.

Buffer: That portion of a lot set aside for open space and/or visual screening purposes, pursuant to a condition or conditions imposed in the enactment of a conditional zoning ordinance or special land use permit or by the zoning board of appeals in the grant of a variance, to separate different use districts, or to separate uses on one (1) property from uses on another property of the same use district or a different use district. Any such buffer shall not be graded or otherwise disturbed, and all trees and other vegetation shall remain, provided that additional trees and other plant material may be added to such landscaped buffer.

Buildable area: The area of a lot remaining after all setback requirements, including buffers, have been met.

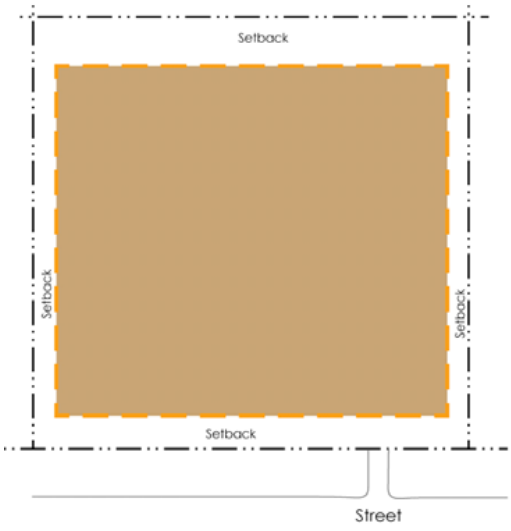


Figure 9.1 Buildable Area

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building coverage: The maximum area of the lot that is permitted to be covered by buildings, including principal structures, structured parking and roofed accessory structures. For the purposes of this chapter, building coverage does not include wooden decks, stone walkway and patios set without grout, and pervious, permeable, or porous pavements.

Building entrance feature: An architecturally designed element for entrances and exits of the building.

Building footprint: The outline of the total area covered by a building's perimeter at the ground level.

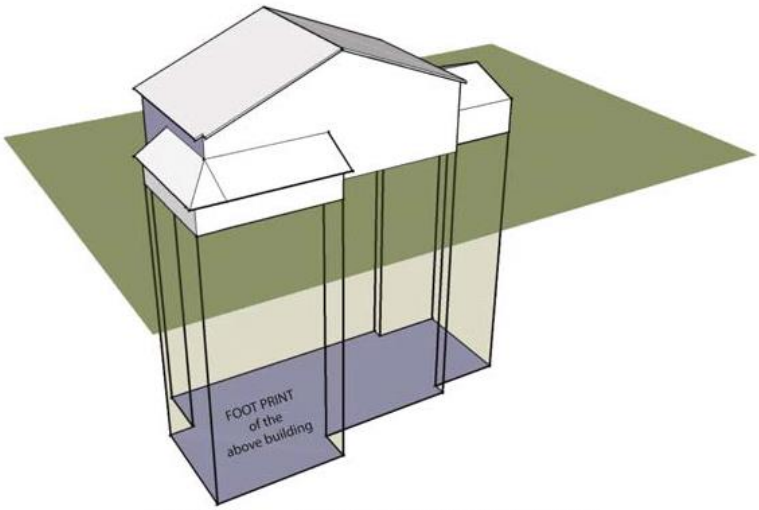


Figure 9.2 Illustration of Building Footprint

Building form: A design term that refers to the shape and/or configuration of a building and the space created by the building. Attributes of building form may include: the building relationship to the street, sidewalk, and/or other buildings and uses; the general usage of floors (office, residential, retail) which influence form; height, and/or; physical elements of the building (such as stoops, porches, entrances, materials, window coverage).

Building frontage: The maximum width of a building measured in a straight line parallel with the abutting street or fronts upon a public street, a customer parking area, or pedestrian mall, and has one (1) or more entrances to the main part of the building or store.

Building height (as to all structures with the exception of single-family detached dwellings): The vertical distance from the average finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs. See article 5.

Building height (as to single-family detached dwellings): The vertical distance from the front-door threshold of the proposed residential structure to the highest point of the roof of the structure. See article 5.

Building mass: The overall visual impact of a structure's volume; a combination of height and width, and the relationship of the heights and widths of the building's components.

Building materials supply establishment: A facility for the sales of materials used in the construction of a building such as cement, brick, steel, etc.

Building, primary or principal: A structure in which is conducted the principal use of the lot on which it is located.

Building scale: The relationships of the size of the parts of a structure to one another and to humans.

Building width: The distance from the exterior face of the building siding as measured from side to side.

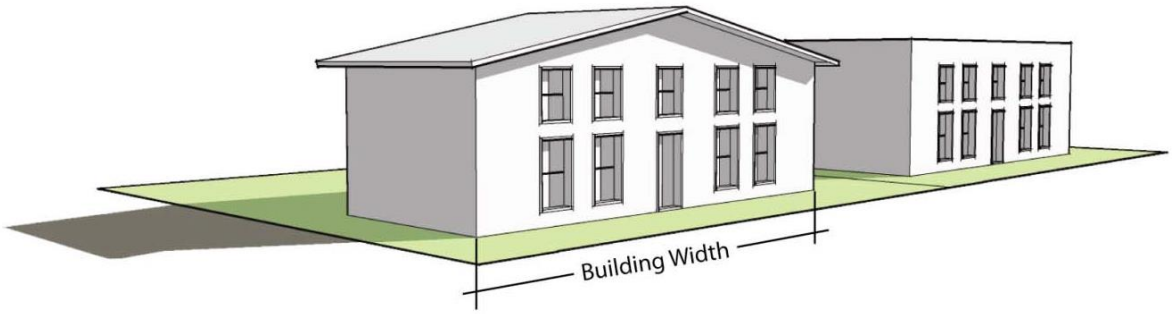


Figure 9.3 Illustration of Building Width

Bulkhead: A structural panel just below display windows on storefronts. Bulkheads can be both supportive and decorative in design. Bulkheads from the 19th century are often of wood construction with rectangular raised panels while those of the 20th century may be of wood, brick, tile, or marble construction.

Bury pit: A place where construction waste or refuse caused by the dismantling of a building or structure is dumped and covered with soil.

Bus rapid transit (BRT): A permanent, integrated transit system that uses buses or specialized vehicles on roadways or dedicated lanes to transport passengers to their destinations.

Business service establishment: An entity primarily engaged in rendering services to businesses on a fee or contract basis, including the following and similar services: advertising and mailing; building maintenance; employment services; management and consulting services; protective services; commercial research; development and testing; photo finishing; and personal supply services.

Business vehicle: Vehicle, or heavy construction equipment, or trailer used to transport passengers or property in furtherance of a commercial enterprise. Business vehicle may include, but is not limited to: pick-up trucks with exterior equipment storage, passenger vans, passenger vehicles with or without logos or advertisements identifying the commercial enterprise, ambulances, limousines, taxi cabs, tow trucks, earthmoving machinery such as bobcats and bulldozers, dump trucks, flatbed trucks, box vans, any vehicle with a trailer attached to it, tractors, "dually" trucks (pick-up trucks with four (4) wheels on the rear axle), heavy construction equipment, and semi-tractor cabs whether or not a trailer is attached.

"C" weighted sound level: The sound level reported in units of dB(C) as measured using the "C" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors.

Campus style development: A development type which is primarily characterized by having several separate buildings on one (1) site, unified through design and landscape elements.

Canopy: A protective roof-like covering, often of canvas, mounted on a frame over a walkway or door.

Canopy tree: A deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purpose of a canopy tree is to provide shade to adjacent ground areas.

Car wash: A facility for washing, waxing, and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Car wash, self-service: A car wash wherein operating functions are performed entirely by an operator owner with the use of washing, waxing, and drying equipment supplemented with manual detailing by the operator owner.

Catering establishment: An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

Cellar: A space having less than one-half (0.5) or more of its floor-to-ceiling height below the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six-and-one-half (6.5) feet.

Cemetery: Property used for the interring of the dead. See Georgia cemetery regulations.

Chapel: See Place of worship.

Check cashing facility: A person, business or establishment licensed by the State of Georgia pursuant to O.C.G.A. § 7-1-700 et seq. that for compensation engages, as a principal use, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. "Check cashing facility" does not include a state or federally chartered bank, savings association, credit union, or industrial loan company.

Childcare center: A program operated by a person, society, agency, corporation, institution, or group that receives pay for group care. It provides care for seven (7) or more children under the age of 18 for less than 24 hours per day.

Childcare Home: A program that operates in a private residential home for less than 24 hours per day. It provides care for three (3) children, but no more than six, under the age of 18 for pay. This service may be open for 24 hours but cannot care for an individual child for 24 hours.

Church: See Place of worship.

Cistern: An underground reservoir or tank for storing rainwater.

City: The City of Stonecrest, Georgia, a political subdivision of the State of Georgia. When appropriate to the context, the term "city" also includes authorized officers, employees and agents thereof.

Clinic, health services: A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human diseases, pain, injury, deformity or physical condition, including but not limited to a general hospital, diagnostic center, treatment center, rehabilitation center, extended care center, nursing home, intermediate care facility, outpatient laboratory, or central services facility serving one or more such institutions.

Club, private: A group of people organized for a common purpose to pursue common goals, interests, or activities and characterized by definite membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws, such as country clubs and golf clubs, but excluding places of worship, personal service facilities, and sexually oriented businesses which shall be defined and regulated as otherwise provided herein. Private club shall also mean, where the context requires, the premises and structures owned or occupied by members of such group within which the activities of the private club are conducted.

Clubhouse: A structure in which the activities of a private club are conducted.

Cluster housing development: A development that permits a reduction in lot area provided there is no increase in overall density of development, and in which all remaining land area is perpetually and properly protected, maintained and preserved as undivided open space or recreational or environmentally sensitive areas.

Code: The City of Stonecrest Code of Ordinances.

Coliseum: A large building with tiers of seats for spectators at sporting or other recreational events.

Collector street: A street or road designated as a collector street in the DeKalb County Transportation and Thoroughfare Plan.

College: A post-secondary institution for higher learning that grants associate or bachelor's degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. This shall also include community colleges that grant associate or bachelor's degrees or certificates of completion in business or technical fields.

Collocation: See section 4.2.57.B.

Colonnade: A series of columns placed at regular intervals, usually supporting a roof.

Columbarium: A structure with niches for the placement of cinerary urns.

Commercial district: Any parcel of land which is zoned for any commercial use including regional commercial centers, neighborhood and community-oriented stores, shopping centers and other developed centers where commercial land uses predominate. Such districts would include O-I, O-I-T, C-2, NS, and C-1.

Commercial parking garage/structure: A covered or sheltered structure of one (1) or more stories designed, constructed and used for the parking of motor vehicles for profit.

Commercial parking lot: An uncovered or unsheltered structure of one (1) or more stories designed, constructed and used for the parking of motor vehicles for profit.

Commercial recycling: All types of recycling materials, which have a known recycling potential, can be feasibly recycled, have been diverted or removed from the solid waste stream for recycling, whether or not requiring subsequent separation and processing, generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial recycling materials.

Commercial solid waste: All types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial wastes.

Common open space: Open space designed for common use by all property owners in the development.

Common ownership: Ownership as recognized by law of real property by one (1) or more persons, their parents, brothers, sisters, children over the age of eighteen (18), spouses or any association, firm, corporation or partnership in which such person or spouse is a corporate officer, partner or is a stockholder with an ownership interest of ten (10) or more percent.

Community garden: See Urban garden.

Community living arrangement: A residence(s) through its ownership or management that provides or arranges for the provision of daily personal services, supports, care, or treatment for two (2) or more adults who are not related to the owner or administrator by blood or marriage and whose residential services are financially supported by funds designated through the Georgia Department of Behavioral Health and Developmental Disabilities. These establishments can only serve up to 6 persons. A CLA state license that allows more than 6 persons is regulated as a personal care facility in the City of Stonecrest. See Personal care home, personal care facility.

Compact design: The design of a structure and or development that encourages efficient land use and the preservation of open space, usually via building more vertically, and by minimizing surface parking.

Compatible (as used in article 2, purpose and intent for each established district): Land development that is consistent with existing, identified physical elements in proximity to that land development, such as architectural style, building mass, building scale, land uses, and landscape architecture.

Complainant: Any person who has registered a noise or code complaint with an authorized enforcement agency that he or she is the recipient of noise or nuisance on a protected property category. A complainant must have an interest in the protected property as an owner, tenant, or employee.

Complete or complete application: When used in conjunction with an application under this zoning ordinance, the term "complete" shall mean containing all of the required elements, information, fees, approvals or other materials as set forth in this zoning ordinance, other applicable provisions of the Code, state law, and in the most recent checklist previously issued by the director of planning.

Composting: The controlled biological decomposition of organic matter into a stable, odor-free humus.

Comprehensive plan: The DeKalb County Comprehensive Plan adopted by the board of commissioners, as adopted by the City of Stonecrest, as it may be amended from time to time, which divides the incorporated areas of the city into land use categories and which constitutes the official policy of the city regarding long-term planning and use of land.

Compressed gas station: A facility that sells compressed gas, which is gas mainly comprised of methane that is stored under high pressures in its gaseous form, as an alternative to gasoline, diesel fuel and liquefied petroleum gas.

Concert hall: An open, partially enclosed, or fully enclosed facility used or intended to be used primarily for concerts, spectator sports, entertainment events, expositions, and other public gatherings. Typical uses and structures include concerts, conventions, exhibition halls, sports arenas, and amphitheaters.

Conditional approval: The imposition of special requirements, whether expressed in written form or as a site plan or other graphic representation, made a requirement of development permission associated with a particular parcel or parcels of land and imposed in accordance with the terms of this chapter.

Condominium: A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis in compliance with Georgia Law.

Condominium unit: A unit intended for any type of use with individual ownership, as defined in the Georgia Condominium Act, together with the undivided interest in the common elements appertaining to that unit.

Connectivity ratio: A ratio of links to nodes in any subdivision.

1. The connectivity ratio shall be the number of street links divided by the number of nodes or end links, including cul-de-sac heads.
2. A link shall be any portion of a street, other than an alley, defined by a node at either end. Stub-outs to adjacent property shall be considered links. For the purpose of determining the number of links in a development, boulevards, median-divided roadways, and divided entrances shall be treated the same as conventional two-way roadways.
3. A node shall be the terminus of a street or the intersection of two (2) or more streets. Any curve or bend of a street that exceeds seventy-five (75) degrees shall receive credit as a node. Any

curve or bend of a street that does not exceed seventy-five (75) degrees shall not be considered a node. A divided entrance shall only count once.

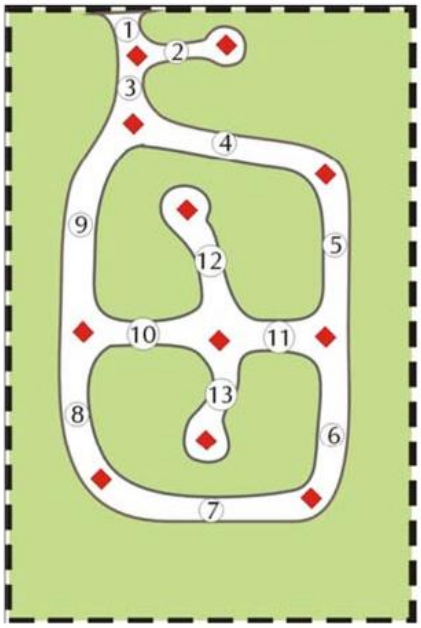


Figure 9.4 Example 1: Does not meet ratio

(13 links / 11 nodes = 1.18)

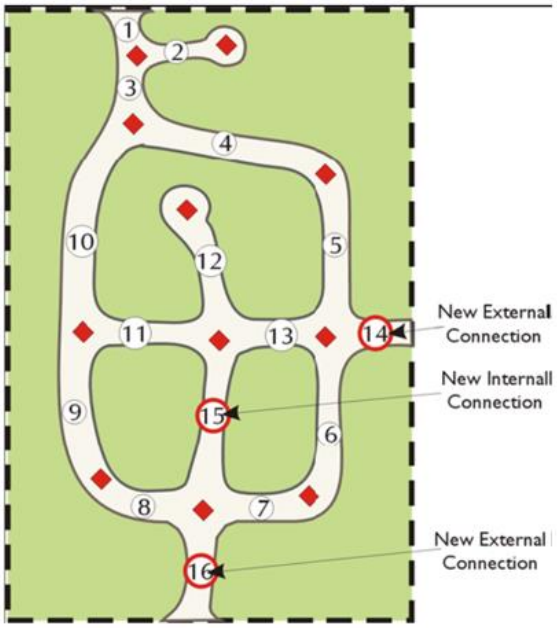


Figure 9.5 Example 2: Modified to meet ratio

(16 links / 11 nodes = 1.45)

Conservation area: Any area designated as containing physical features of natural, historical, social, cultural, architectural, or aesthetic significance to be restored to or retained in its original state or enhanced to promote existing natural habitat.

Conservation easement: A restriction or limitation on the use of real property which is expressly recited in any deed or other instrument of grant or conveyance executed by or on behalf of the owner of the land described therein and whose purpose is to preserve land or water areas predominantly in their natural scenic landscape or open condition or in an agricultural farming, forest or open space use.

Construction: Any site preparation, assembly, erection, repair, alteration or similar action, including demolition of buildings or structures.

Continuing care retirement community: A residential facility providing multiple, comprehensive services to older adults. Such facility normally contains a combination of independent living units, assisted living, and skilled nursing care units as defined herein. Such facilities generally provide support services, such as meals, laundry, housekeeping, transportation, and social and recreational activities.

Continuous sound: Any sound with duration of more than one (1) second, as measured with a sound level meter set to the "slow" meter response.

Contractor, general: A contractor or builder engaged in the construction of buildings like residences or commercial structures.

Contractor, heavy construction: A contractor or builder engaged in the heavy construction activities such as paving, highway construction, landscaping, and utility construction.

Contractor, special trade: Industries in the special trade contractor's subsector engage in specialized construction activities, such as plumbing, painting, and electrical work.

Convalescent home: A nursing care facility.

Convenience store: Any retail establishment offering for sale items such as household items, newspapers and magazines, prepackaged food products, sandwiches and other freshly prepared foods, and beverages, for off-site consumption. When a convenience store sells unopened alcoholic beverages, it is also considered to be an alcohol outlet. A convenience store may also include accessory fuel pumps.

Convent: A building or buildings used as both a place of worship and as a residence, operated as a single housekeeping unit, solely by and for a group of women who have professed vows in a religious order and who live together as a community under the direction of a local supervisor designated by the order.

Cornice: Any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.

Corridor: A broad geographical band that follows a general directional flow connecting major sources of trips that may contain a number of streets, highways, and transit route alignments.

Cottage homes: Small detached dwelling units arranged on a single site whereby the dwelling units are arranged so that each unit faces a common open space.

County or city recycling: Any recycling materials, which have a known recycling potential, can be feasibly recycled, have been diverted or removed from the solid waste stream for recycling, whether or not requiring subsequent separation and processing, derived from households, including single family, duplex, and multi-family residences, hotel and motels, picnic grounds and day use recreation areas.

County or city solid waste: Any solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks and means solid waste from single family, duplex, and multi-family residences, hotel and motels, picnic grounds and day use recreation areas. The term includes yard trimmings and commercial solid waste but does not include solid waste from mining, agricultural, or silvicultural operations or industrial processes or operations.

County or city solid waste disposal facility: Any facility or location where the final deposition of any amount of county or city solid waste occurs, whether or not mixed with or including commercial or industrial solid waste, and includes, but is not limited to, county or city solid waste landfills and county or city solid waste thermal treatment technology facilities.

County or city solid waste landfill: A disposal facility where any amount of county or city solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludge, or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon.

Cremation: The reduction of a dead human body or a dead animal body to residue by intense heat.

Crematorium: A location containing properly installed, certified apparatus intended for use in the act of cremation. Crematoriums do not include establishments where incinerators are used to dispose of toxic or hazardous materials, infectious materials or narcotics.

Cultural facility: A building or structure that is primarily used for meetings, classes, exhibits, individual study, referral services, informational and entertainment presentations, and other similar programs oriented around the customs and interests of a specific group of people, including but not limited to an immigrant, ethnic, or national minority group, or the heritage of defined geographic region. Movies, theater performances and similar entertainment may occur in a cultural facility, but the purpose of the

cultural facility is not to provide a venue solely for such entertainment. A cultural facility may be programmed, managed, or operated by a public, private, or non-profit entity.

Curb cut: A curb break, or a place or way provided for the purpose of gaining vehicular access between a street and abutting property.

Dairy: A commercial establishment for the manufacture, processing, or sale of dairy products.

Dance school: A school where classes in dance are taught to four (4) or more persons at a time.

Day: Unless otherwise stated, day or days refer to calendar days.

Day spa: See Health spa.

Decay resistant wood: Wood harvested from tree species that are known to have extractives in the heartwood which are toxic to fungi.

Decibel (dB): The unit for the measurement of sound pressure based upon a reference pressure of twenty (20) micro pascals (zero (0) decibels), i.e., the average threshold of hearing for a person with very good hearing.

Deciduous tree: A tree that loses all of its leaves for part of the year.

Deficiencies: Exterior conditions or signs of neglect within a conservation subdivision and within the Stonecrest Area Overlay District that contributes to nuisances, hazards, or unkempt appearances, such as, but not limited to: uncut or overgrown grass or weeds, peeling paint, severe corrosion, or wood rot; accumulation of trash or debris; fallen, dead, dying, damaged, or diseased trees or shrubbery; severe erosion; stagnant pools of water; broken inoperable, or severely damaged benches, seating, paving, walls, fences, gates, signs, fountains or other structures, furnishings or equipment which is intended for decoration or use by the public. This definition shall only be applicable to the Stonecrest Area Overlay District regulations and the conservation subdivision regulations.

DeKalb County Transportation and Thoroughfare Plan: The DeKalb County Transportation and Thoroughfare Plan, as adopted by the board of commissioners and by the City of Stonecrest, as amended from time to time.

Demolition: Any dismantling, destruction or removal of buildings, structures, or roadways whether man-made or natural occurring both above and below ground.

Demolition of an infill building: The destruction and removal of an existing building or structure in whole or in part whether such destruction and removal involve removal of all or part of the prior foundation.

Density: The number of dwelling units per gross acreage of land.

Dental clinic: See Office, dental.

Department of community affairs (DCA): The state department that provides a variety of community development programs to help the state's communities realize their growth and development goals.

Department store: A business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed enclosed and are exhibited and sold directly to the customer for whom the goods and services are furnished.

Deterioration: A condition of a building or a portion of a building characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay, neglect, lack of maintenance, or excessive use.

Development permit: Any permit that authorizes land disturbance for the use, construction thereon or alteration of any real property within the incorporated limits of the city.

Development of regional impact (DRI): A large-scale development that is likely to have regional effects beyond the local government jurisdiction in which it is located and meets the DCA requirements for review.

Director of planning: The Director of the Department of Planning and Sustainability, or his/her designee.

Dispatch office: An office used exclusively for the communication and dispatch of taxis, ambulances, limousines and similar vehicles, with no fleet parking or storage allowed.

Disposal facility: Any facility or location where the final deposition of solid waste occurs including, but is not limited to, landfills and solid waste thermal treatment technology facilities.

Distillery: An operation that involves the process of vaporization and subsequent condensation, as for purification or concentration of beverages. There may also be a retail and/or restaurant space associated with the operations with the sale of beverages made on site.

Dormitory: A building intended or used principally for sleeping accommodations where such building is related to an educational or public institution, including religious institutions, and located on the campus of that institution.

Dripline: A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Drive-in theater: An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures on a paid admission basis to patrons seated in automobiles.

Drive-through facility: A business establishment so developed that its retail or service character includes a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

Drive-through restaurant: A retail establishment where food and/or drinks are prepared and may be consumed by customers within the principal building, or may be ordered and picked up from an exterior service window that serves customers while in their automobiles. The term "drive-through restaurant" includes restaurants that serve customers at an exterior walk-up service window.

Driveway: A private roadway providing access for vehicles to an individual lot, parking space, garage, dwelling, or other structure.

Dry cleaning agency: An establishment or agency maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

Dry cleaning plant: An establishment for dry cleaning or laundry where the operation, equipment and machinery are on site.

Durable materials: Materials that can resist wear, tear and decay from use, time and other conditions like weather.

Dwelling, mobile home: See Mobile home.

Dwelling, single-family: A building designed for and containing one (1) dwelling unit.

Dwelling, single-family attached: A dwelling unit located in a building in which multiple units are attached by a common party wall.

Dwelling, single-family detached: A dwelling unit on an individual lot unattached to another dwelling unit.

Dwelling, single-family detached condominiums in the Residential Neighborhood Conservation District: Single family detached dwelling units which are owned under the condominium form of ownership such that there are no individual lots associated with the units and the common areas are held in common ownership by a condominium association.

Dwelling, three-family or triplex: A building designed for and containing three (3) dwelling units.

Dwelling, two-family or duplex: A building designed for and containing two (2) dwelling units.

Dwelling, urban single-family: Residential buildings that share similar configuration to townhouse developments; however, they may be attached or detached and may have lot lines that coincide with the building envelope.

Dwelling unit: One (1) or more rooms, designed, occupied, or intended for occupancy as a separate living quarters, with cooking, sleeping, and bathroom facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

Dwelling unit, accessory: A dwelling unit located on the same lot as a single-family dwelling, either within or attached to the single-family dwelling, or detached, and is a separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities.

Dwelling unit, efficiency or studio: A self-contained residential unit consisting of not more than one (1) room together with a private bath and kitchen facilities.

Dwelling unit, multi-family: One (1) or more rooms with a private bath and kitchen facilities comprising an independent, self-contained residential unit in a building containing four (4) or more dwelling units.

Dyeworks: A facility or workshop where the process of applying a comparatively permanent color to fiber, yarn or fabric takes place.

Edifice: A building or a structure, especially one (1) of imposing appearance or size, which has a roof and walls and stands permanently in one (1) place.

Elevation: An architectural term referring to the view of a building seen from one (1) side; it is a flat representation of one (1) façade. This is the most common view used to describe the external appearance of a building. Each elevation is labeled in relation to the yard it faces (front, rear or side).

Elevation height: Above sea level or ground level. See Grade, existing.

Emergency work: Any work or action necessary to deliver essential services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions.

Enclosed area: Surrounded by a fence or walls, sheltered by a structure with a roof and no side walls, but not located within a building.

Encroachment: A building or some portion of it, or a wall or fence, which extends beyond the land of the owner and illegally intrudes upon land of an adjoining owner, a street or an alley.

Environmental contamination: A presence of hazardous substance(s) in the environment. From the public health perspective, environmental contamination is addressed when it potentially affects the health and quality of people living or working nearby.

Exceptional topographical restrictions: The physical condition of a lot or parcel, determined by the contours of the land itself, which may inhibit or alter the compliant status of an existing or proposed structure.

Explosive manufacture or storage: The manufacture or storage of any chemical compound mixture or device, the primary and common purpose of which is to function by explosion with substantially simultaneous release of gas and heat, the resulting pressure being capable of producing destructive effects.

Extended stay hotel/motel: Any building containing six (6) or more guest rooms rented or leased for sleeping purposes for periods less than one (1) month, but in excess of one (1) week, and that contain kitchen facilities for food preparation including, but not limited to, refrigerators, stoves, and ovens.

Exterior insulation and finishing system (EIFS): A type of building exterior wall cladding system that provides exterior walls with an insulated finished surface and waterproofing in an integrated composite material system.

Extraneous sound: A sound of high intensity and relatively short duration, which is neither part of the neighborhood residual sound, nor comes from the sound source under investigation.

Façade: One exterior side of a building, usually, but not always, the front. In this chapter and the design standards, it may be synonymous with architectural elevation. In architecture, the façade of a building is often the most important from a design standpoint, as the façade elements of wall face, parapet, fascia, fenestration, and canopy establish the architectural aesthetic of a building creating the public realm.

Façade, primary: Refers to the exterior building wall considered the front and features the main entrance to the building. Synonymous with front façade.

Fair market value: The price a property would likely bring if offered for sale in the marketplace.

Fairgrounds: An area of land use including but not limited to: agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, and theaters. Fairgrounds do not include racetracks or motorized contests of speed.

Family: One (1) or more individual(s) related by blood, marriage, adoption, or legal guardianship, or not more than three (3) unrelated individuals, who live together in a single dwelling unit and who function as a single housekeeping unit, have established ties and familiarity with each other, jointly use common areas, interact with each other, and share meals, household activities, expenses and responsibilities. This definition shall include three (3) or fewer mentally handicapped, developmentally disabled persons, and other handicapped persons, as defined in the Fair Housing Act, 42 U.S.C. § 3601 et seq., living as a housekeeping unit and otherwise meeting the definition of "family" herein. For the purposes of calculating the number of persons who live in a dwelling, family members who are related by blood or legal status shall count as one (1) person.

Family day care home: A private residence in which a business, registered by the State of Georgia, is operated by any person who receives pay for supervision and care for fewer than twenty-four (24) hours per day, not more than six (6) persons who are not residents in the same private residence. For purposes

of this zoning ordinance, a family day care home may be operated as a home occupation, subject to the requirements of this zoning ordinance.

Family-oriented entertainment venues: Places of entertainment intended to serve families.

Farm equipment and supplies sales establishment: Establishments selling, renting, or repairing agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching.

Farmer's market: A market, usually held out-of-doors, in public spaces, where farmers and other vendors can sell produce or value-added products.

Farming, active: The growing of crops, plants, and trees. The term also includes the maintaining of horses, livestock, or poultry for the residents' needs or use, and the sale of agricultural products grown on the premises.

Fascia: A type of roof trim mounted on exposed rafter ends or top of exterior walls to create a layer between the edge of the roof and the outside.

Fat rendering: Any processing of animal byproducts into more useful materials, or more narrowly to the rendering of whole animal fatty tissue into purified fats like lard or tallow.

Fee simple: Absolute title to land, free of any other claims against the title, which one can sell or pass to another by will or inheritance. Fee simple ownership includes the land immediately underneath a unit and may or may not include land in front of and behind a building.

Fee simple condominium declaration: An official affidavit filed attesting to the fact that the owner of a condominium development that was the subject of a site development plan approved prior to August 31, 2012, no longer intends to sell units in the subject development as condominiums and will offer for sale such units as fee simple condominium units and that otherwise the development shall conform to a previously approved condominium development plan consisting of the same units along with the same related facilities on the same tract of land as the previously approved condominium development.

Fee simple condominium development: A development where the owner of a unit possesses fee simple interest to the exterior walls and roof of the unit, as well as fee simple interest to the land lying immediately beneath the unit and coincident with the external walls of such unit as depicted on a recorded final plat. A fee simple condominium unit must be a part of an approved development in which all other land consists of privately owned common areas, utilities, streets, parking, stormwater management, landscaping and other facilities that are owned by all unit owners on a proportional, undivided basis in compliance with Georgia law and subject to a mandatory property owners association organized in accordance with Georgia law.

Fence: A structure designed to provide separation and security constructed of materials including chain link, wire, metal, artistic wrought iron, vinyl, plastic and other such materials as may be approved by the director of planning.

Fenestration: The arrangement, proportioning, and design of windows and doors in a building.

Fertilizer manufacture: The manufacture and storage of organic and chemical fertilizer, including manure and sludge processing.

Fitness center: Building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary and usual recreational activities, operated for profit or not-for-profit and which can be open only to bona fide members and guests of the organization or open to the public for a fee but specifically excluding sexually oriented businesses. Accessory uses which

support the principal use can include therapy treatments such as massage, mediation and other healing arts. This term shall not include hospitals or other professional health care establishments separately licensed as such by the State of Georgia.

Flea market: An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

Floodplain: Land within the special flood hazard area (SFHA) or covered by the "future-conditions" flood as defined in chapter 14 of the Code.

Floodway: The channel of a stream, river, or other watercourse and the adjacent areas that must be reserved in order to discharge the special flood hazard area (SFHA) flood without cumulatively increasing the water surface elevation more than a designated height.

Floor area: The gross heated horizontal areas of the floors of a building, exclusive of open porches and garages, measured from the interior face of the exterior walls of the building. For non-residential construction, net floor area is measured as the usable, heated floor space and gross floor area is measured as the total floor space.

Floor area of accessory building: The gross horizontal areas of the floors of an accessory building, measured from the exterior faces of the exterior walls of the accessory building.

Floor area ratio (FAR): The relationship between the amount of gross floor area permitted in a building (or buildings) and the area of the lot on which the building stands. FAR is computed by dividing the gross floor area of a building or buildings by the total area of the lot. For purposes of this calculation, parking areas or structures shall not be included in floor area.

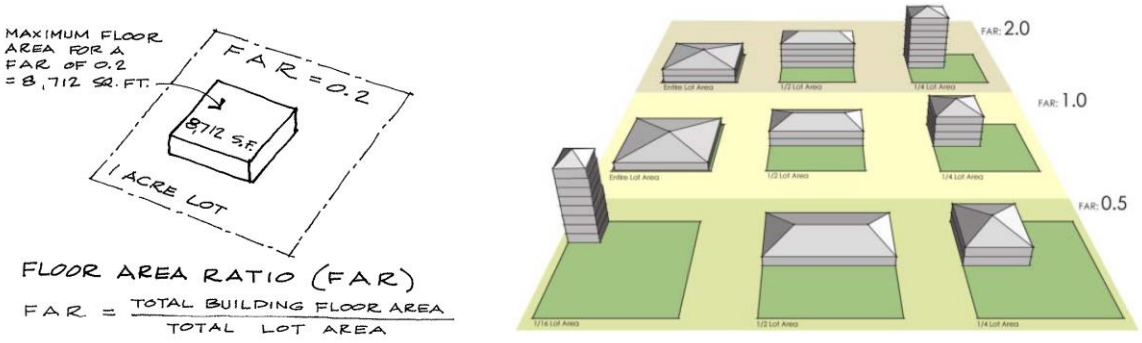


Figure 9.6 Illustration of Floor Area Ratio (FAR)

Florist: An enclosed retail business whose principal activity is the selling of plants which were grown off-site.

Forestry: Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.

Fortunetelling: Fortunetelling shall include all forms of foretelling, including, but not limited to, palm reading, casting of horoscopes, and tea leaf reading.

Fraternal organization: A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings and formal written membership requirements. See also Club.

Fraternity house: A building containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for fraternity members and their guests or visitors and affiliated with an institution of higher learning.

Freestanding Bar: an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and which derives at least fifty (50) percent of its total annual gross food and beverage sales from the sale of beverages, including but not limited to taverns, nightclubs, cocktail lounges, and cabarets. Also see *late night establishment.*

Freestanding wall: A wall or an upright structure of masonry, wood, plaster, or other building material standing on its own foundation and not attached to any part of a building.

Freeway: A multiple-lane roadway carrying local, regional, and interstate traffic of relatively high volumes which permits access only at designated interchanges and is so designated in the comprehensive plan.

Freight service: An establishment primarily engaged in undertaking the transportation of goods and people for the compensation, and which may in turn make use of other transportation establishments in effecting delivery. This definition includes parking lots for overnight truck storage, and such establishments as commercial distribution services, freight forwarding services, and freight agencies.

Frequency: The time rate of repetition of sound waves in cycles per second, reported as Hertz (Hz), also referred to as "pitch."

Frontage, lot: The horizontal distance for which the boundary line of a lot and a street right-of-way line are coincident.

Front façade: See Façade, primary.

Fuel and ice dealers manufacture and wholesaler: An establishment primarily engaged in the sale to consumers of ice, bottled water, fuel oil, butane, propane and liquefied petroleum gas, bottled or in bulk, as a principal use.

Funeral home: A building used for the preparation of deceased humans for burial or cremation and display of the deceased and rituals connected therewith before burial or cremation, including the storage of caskets, funeral urns, funeral vehicles, and other funeral supplies, and where allowed by use standards, crematoriums. See Crematorium.

Furniture sales and showroom: A retail trade establishment primarily engaged in the sale and exhibition of furniture or home decoration items.

Garage: A part of a residential building or a separate structure on the same lot as the residence designed to be used for the parking and storage of vehicles that belong to the residents or visitors of the building.

Gas regulator station: An assemblage of equipment which reduces, regulates, and meters natural gas pressure in the transmission line, holder, main, pressure vessel, or the compressor station piping. This may include auxiliary equipment such as valves, control instruments, or control lines as well as piping.

General aviation airport: Civilian airports that do not serve scheduled passenger service

General business office: Any building or part of a building in which one (1) or more persons are employed in the management or direction of an agency, business or organization, but excludes such uses as retail sales, manufacturing, assembly or storage of goods, or assembly and amusement.

Gift shop: A retail store where items such as art, antiques, jewelry, books, and notions are sold.

Glue manufacture: The manufacturing of glue, epoxy, sealant or other adhesives.

Go-cart: A small low motor vehicle, with four (4) wheels and an open framework, used for racing.

Go-cart concession: A place, usually sheltered, where patrons can purchase snacks or food accessory to go-cart racing.

Go-cart track: A track or network of tracks used for the racing of go-carts.

Golf course: A tract of land laid out with at least nine (9) holes for playing a game of golf and improved with tees, green, fairways, and hazards. A golf course may include a clubhouse, restrooms, driving range and shelters as accessory uses.

Grade, average finished. The average level of the finished surface of the ground adjacent to the exterior walls of the building determined by dividing the sum of the elevation of the highest point and the elevation of the lowest point by two (2).

Grade, existing: The elevation of the ground surface before development.

Grade finished: The final grade of the ground surface after development.

Grassed playing fields: Reasonably flat and undeveloped recreation areas intended for a variety of informal recreational uses, including but not limited to walking, kite-flying, flying disc-throwing, and recreational games of soccer, softball, or cricket. In the creation of grassed playing fields, minimal grading may be used; however, specimen trees may not be damaged or removed. Grassed playing fields may not include recreation areas with amenities for a particular sport, such as baseball diamonds or golf courses.

Gravel pit: An open land area where sand, gravel, and rock fragment are mined or excavated for sale or off-site use. Gravel pit includes sifting, crushing, and washing as part of the primary operation. To excavate the rock, blasting also may be necessary.

Grazing land, pastureland: Any open land area used to pasture livestock in which suitable forage is maintained over eighty (80) percent of the area at all times of the year.

Greenhouses, commercial: A retail or wholesale business whose principal activity is the selling of plants grown on the site and having outside storage, growing, or display.

Greenspace: Undeveloped land that has been designated, dedicated, reserved, or restricted in perpetuity from further development, which is not a part of an individual residential lot.

Grid pattern: A continuous web of streets in which most streets terminate at other streets to form multiple vehicular and pedestrian connections. Streets are to be laid out with primarily linear features, but the grid may be broken by circles, ovals, diagonals, and natural curves to add visual interest.

Grocery store: A store where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers other home care and personal care products, and which is substantially larger and carries a broader range of merchandise than convenience stores.

Ground cover: Small plants such as ivy, ferns, mosses, grasses, or other types of vegetation, that normally cover the ground and include trees of less than six (6) inches caliper.

Group homes: See Child caring facility, childcare home, Personal care homes, group, Personal care facility, Supportive living, Transitional housing facility.

Gym: See Fitness center.

Hardscape: The inanimate elements of landscaping, especially any masonry work or woodwork. For instance, stone walls, concrete or brick patios, tile paths, wooden decks and wooden arbors would all be considered part of the hardscape.

Hardship: A condition of significant practical difficulty in developing a lot because of physical problems relating solely to the size, shape or topography of the lot in question, which are not economic difficulties, and which are not self-imposed.

Hardware store: A facility of thirty thousand (30,000) or less square feet gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, house wares and household appliances, garden supplies, and cutlery.

Health spa: A nurturing, safe, clean commercial or not-for-profit establishment, which employs professional, licensed therapists whose services include massage and body or facial treatments. Private treatment rooms are provided for each client receiving a personal service. Massage treatments may include body packs and wraps, exfoliation, cellulite and heat treatments, body toning, waxing, aromatherapy, cleansing facials, medical facials, nonsurgical face lifts, electrical toning, and electrolysis. Hydrotherapy and steam and sauna facilities, nutrition and weight management, spa cuisine, and exercise facilities and instruction may be provided in addition to the massage and therapeutic treatment services. Full-service hair salons, make-up consultation and application and manicure and pedicure services may be provided as additional services. This specifically excludes sexually oriented businesses.

Heavy equipment: Heavy duty vehicles that are designed for executing construction tasks involving earthwork operations or other large construction tasks.

Heavy industrial: The building or premises where the following or similar operations are conducted: processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise, or equipment, including the wholesale or distribution of said goods, merchandise, or equipment when not conducted wholly within a building or other enclosed structure or when such operations generate measurable dust, vibrations, odor, glare or emissions beyond the property on which said building or structure is located.

Heavy manufacturing: See Heavy industrial.

Heavy vehicle repair: Major or minor repair of non-passenger vehicles that are classified by the Georgia Department of Driving Services as a Class E, F, or Commercial vehicle.

Heliport: An area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate state agency and approved for the loading, landing, and takeoff of helicopters and including auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment.

High-rise building or structure: A building of any type of construction or occupancy having floors used for human occupancy located more than fifty-five (55) feet above the lowest floor level having building access of three (3) stories or greater unless otherwise defined by individual zoning or overlay district.

High-rise in the I-20 Corridor Overlay District: A building in the I-20 Corridor Overlay District that is nine (9) or more stories in height.

High-rise in the Stonecrest Area Overlay District: A building in the Stonecrest Area Overlay District that is eleven (11) or more stories in height.

Historic: A building, structure, site, property or district identified as historic by the Stonecrest City Historic Preservation Commission, by listing on the Georgia or National Register of Historic Places, by

listing as a National Historic Landmark, or determined potentially eligible for listing in the National Register of Historic Places as a result of review under Section 106 of the National Historic Preservation Act, as amended.

Hobby, toy and game store: A retail establishment for sale and exhibition of items related to hobbies such as arts and crafts materials, toys, or items related to games.

Home improvement center: A facility greater than thirty thousand (30,000) square feet gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, house wares and household appliances, garden supplies, and cutlery.

Home occupation: An occupation carried on by an occupant of a dwelling unit as a secondary use of the dwelling that is incidental to the primary use of the dwelling unit for residential purposes and is operated in accordance with the provisions of this chapter. Home occupation does not include "private educational use" as defined in this chapter.

Homeless shelter: A building or buildings in which is provided overnight housing and sleeping accommodations for one (1) or more persons who have no permanent residence and are in need of temporary, short-term housing assistance on a nightly basis. These facilities may also provide meals and social services including counseling services. Compare with Transitional housing facility.

Hookah Bar or Lounge: establishments that allow the consumption of tobacco products on site. These may be an accessory use to a “free standing bar” or managed as a “tobacco retail store”. *Hospice:* Any facility that provides coordinated program of home care with provision for inpatient care for terminally ill patients and their families. This care is provided by a medically directed interdisciplinary team, directly or through an agreement under the direction of an identifiable hospice administration. A hospice program of care provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of patients and their families, which are experienced during the final stages of terminal illness and during dying and bereavement.

Hospital: An institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

Hotel/motel: 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.

Household pet: A domestic animal that is customarily kept for pleasure rather than utility or profit and that is normally kept within a residence for personal use and enjoyment including domestic dogs, domestic cats, domestic potbellied pigs, canaries, parrots, parakeets, domestic tropical birds, hamsters, guinea pigs, lizards and turtles. Household pet does not include livestock, poultry, and snakes, nor does it include hybrids of animals normally found in the wild.

Ice manufacturing plant: A comprehensive installation for the production and storage of ice, including the icemaker itself, harvesting and storage equipment, and the physical building.

Impervious surface: A surface that either prevents or retards the entry of surface water into the soil mantle and causes surface water to run off in greater quantities or at an increased flow rate when compared to natural, undeveloped soil mantle. Common impervious surfaces include, but are not limited

to, roofs, walkways, patios, driveways, parking lots, storage areas, paved areas, pavement graveled areas, packed or oiled earthen materials or other surfaces which similarly impede the natural infiltration of surface waters. Open uncovered flow control or water quality treatment facilities shall not be considered as impervious surfaces. See Lot coverage for exemptions.

Impulsive sound: A single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one (1) second characterized with an abrupt onset and rapid decay.

INCE: The Institute of Noise Control Engineering.

Indoor recreation: A commercial recreational land use conducted entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletic and health clubs, auditorium, bowling alley, club or lounge, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, pool or billiard hall, skating rink, swimming pool, tennis court.

Industrial district: Any parcel of land which is zoned for industrial use including property used for light and heavy distribution, warehouses, assembly, manufacturing, quarrying, truck terminals and landfills. Such districts include M and M-2 districts.

Industrial recycling: Recycling materials generated by construction, manufacturing or industrial processes or operations that is not a hazardous material as defined herein. Such materials have a known recycling potential, can be feasibly recycled, have been diverted or removed from the solid waste stream for recycling, whether or not requiring subsequent separation and processing, and include, but are not limited to, materials resulting from the following manufacturing processes: inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textiles; transportation equipment.

Industrial solid waste: Solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste as defined herein. Such wastes include, but are not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textiles; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

Industrialized building: Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation-site without disassembly, damage to, or destruction thereof.

Infill building: Any building built or proposed to be built on an infill lot.

Infill development: A development surrounded by or in close proximity to areas that are substantially or fully developed.

Intermediate care home: A facility which admits residents on medical referral; it maintains the services and facilities for institutional care and has an agreement with a physician or dentist who will provide continuing supervision including emergencies; it complies with rules and regulations of the Georgia Department of Human Resources or state agency as may have jurisdiction. The term "intermediate care" means the provision of food, including special diets when required, shelter, laundry

and personal care services, such as help with dressing, getting in and out of bed, bathing, feeding, medications and similar assistance, such services being under appropriate licensed supervision. Intermediate care does not normally include providing care for bed-ridden patients except on an emergency or temporary basis.

Intermodal freight terminal: An industrial establishment in which freight is transferred in containers from truck to railroad cars for transportation.

Inter-parcel access: A physical way or means to facilitate movement of pedestrians and/or vehicles between adjacent lots (that is, "lot-to-lot access") without generating additional turning movements on a public street.

Jewelry repair shop: Establishment primarily engaged in the provision of jewelry repair services to individuals.

Junk vehicle: Any vehicle that is in such a state of disrepair as to be inoperable and does not bear a current license plate.

Junkyard: Any lot or lot and building(s) in combination which is utilized for the parking, storage or disassembling of junk vehicles; storage, bailing or otherwise dealing in bones, animal hides, scrap iron and other metals, used paper, used cloth, used plumbing fixtures, old refrigerators and other old household appliances, and used brick, wood or other building materials. These uses shall be considered junkyards whether or not all or parts of these operations are conducted inside a building or in conjunction with, in addition to or accessory to other uses of the premises.

Keeping of poultry: The breeding, boarding, and caring of poultry for personal or agriculture use, or raised for sale and profit.

Keeping of livestock: The breeding, boarding and caring of livestock for personal or agricultural use, or raised for sale and profit.

Keeping of pigeons: The breeding, boarding, and caring of pigeons for personal or agriculture use, or raised for sale and profit.

Kennel, breeding: A kennel where no more than ten (10) dogs, registered with a nationally recognized registration organization, over the age of six (6) months are owned, kept or harbored for the purpose of breeding purebred or pedigreed dogs, provided, however, this definition shall not apply to zoos or to animal hospitals operated by a veterinarian, duly licensed under the law.

Kennel, commercial: An establishment for the boarding, caring for and keeping of dogs over the age of six (6) months other than a breeding kennel or a noncommercial kennel.

Kennel, noncommercial: An establishment for the boarding, caring for and keeping of more than three (3) but not more than ten (10) dogs over the age of six (6) months, not for commercial purposes.

Kidney dialysis center: An establishment where a process of dialysis, an artificial process of getting rid of waste and unwanted water from blood, is carried out for the patients whose kidneys have been damaged or lost kidney function.

Kindergarten: An establishment operated by any person wherein compensation is paid for providing for the care, supervision, instruction, and protection of seven (7) or more children who are under the age of seven (7) years for less than twenty-four (24) hours per day, without transfer of legal custody. For the purpose of this zoning ordinance, a kindergarten school is considered to be a child day care center or facility.

Kiosk: A freestanding structure upon which temporary information and/or posters, notices, and announcements are posted.

Kitchenette: A small, compact apartment kitchen, often part of another room utilized for different activities.

Kitchen facilities: A room used to prepare food containing, at a minimum, a sink and a stove or oven.

Laboratories (medical/dental): A facility offering diagnostic or pathological testing and analysis of diagnostic tests related to medical or dental care industry.

Land use: A description of how land is occupied or utilized.

Landfill: An area of land on which or an excavation in which solid waste is placed for permanent disposal and which is not a land application unit, surface impoundment, injection well, or compost pile.

Landscape area: An area set aside from structures and parking which is developed with natural materials (i.e., lawns, trees, shrubs, vines, hedges, bedding plants, rock) and decorative features, including paving materials, walls, fences, and street furniture.

Landscape business: A business whose primary operation is the sale and installation of organic and inorganic material, plants, pine straw and other limited accessory products for the landscape industry and the storage and use of associated landscape vehicles and equipment.

Landscape strip: A strip intended to be planted with trees, shrubs, or other vegetation. Same as landscape zone.

Landscaped space: The areas of a parking lot which are planted with trees, shrubs and ground cover, plazas, fountains and other hardscape elements and similar features which are located within such parking lot and which are generally accessible to patrons or the general public during normal business hours.

Large-scale retail: A singular retail or wholesale user who occupies no less than sixty thousand (60,000) square feet of gross floor area.

Late-night establishment: Any establishment licensed to dispense alcoholic beverages for consumption on the premises where such establishment is open for use by patrons beyond 12:30 a.m.

Laundry: A facility used or intended to use for washing and drying of clothes and fabrics.

Laundry, coin operated: A self-service laundry facility where clothes are washed and dried by washing and drying machines that require coins to operate.

Laundry pick-up station: A facility where clothes and linens are dropped off for laundry or dry cleaning and where clothes and linen are picked up once they are cleaned. These facilities do not perform dry cleaning on site. See Dry cleaning agency.

Leachate collection system: A system at a landfill for collection of the leachate which may percolate through the waste and into the soils surrounding the landfill.

Leasing office: A facility where commercial or residential spaces available for renting are exhibited, or where documents related to the lease agreements are prepared. This facility may also be used to collect rent or used by occupants to report needs of services or other support.

Library: A public facility, a room or building, for the exhibition and use, but not sale of literary, scientific, historical, musical, artistic or reference materials.

Light industrial: The following or similar operations: processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise, or equipment, other than light malt beverages,

including the wholesale or distribution of said goods, merchandise, or equipment, when conducted wholly within a building or other enclosed structure, and when such operations generate no measurable dust, vibrations, odor, glare or emissions beyond the property on which said building or structure is located.

Light malt beverage manufacturer: A malt beverage manufacturer licensed as a brewpub per O.C.G.A. § 3-5-36 or licensed as a brewery per O.C.G.A. § 3-5-24. All state and federal licensing and regulatory requirements shall be met prior to the approval of a certificate of occupancy for this use. See also Brewpub.

Light manufacturing: See Light industrial

Liner building: A specialized building, parallel to the street, which is designed to conceal areas like a parking lot, parking deck or loading docks.

Liquor store: See Alcohol outlet. An establishment in which the main activity is the sale of alcoholic beverages and more than 50% of all sales are from alcohol.

Live-work unit: A structure or portion of a structure that combines residential living space with an integrated workspace used principally by the occupant of the unit.

Livestock: Domestic animals and fowl customarily kept on a farm including horses, mules, donkeys, cows, cattle, sheep, goats, ducks, geese and turkeys.

Lodge: A membership organization that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests. There are no sleeping facilities. This definition shall not include fraternities or sororities. (See also fraternal organization.)

Lodging unit: One (1) or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with sleeping, and bathroom facilities provided within the lodging unit for the exclusive use of a single family maintaining a household.

Lot: A portion or parcel of land intended as a unit for transfer of ownership or for development or both, intended to be devoted to a common use or occupied by a building or group of buildings devoted to a common use, and having principal frontage on a public road or an approved private road or drive.

Lot area: The total area within the lot lines of a lot, excluding any street rights-of-way.

Lot, buildable area of: See Buildable area.

Lot, conforming: A designated parcel, tract, or area of land which meets the lot area, lot width and street frontage requirements of this chapter.

Lot, contiguous (as used in section 8.1.4): Lots adjoining the rear or either side of the lot(s).

Lot, corner: A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street.

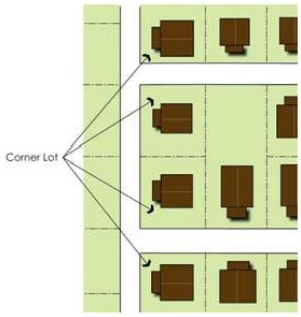


Figure 9.7 Corner Lots

Lot coverage: That portion of a lot that is covered by buildings, structures, driveways or parking areas, and any other impervious surface. For purposes of calculating lot coverage, wooden decks, stone walkways and patios set without grout, or pervious, permeable, or porous pavements shall be considered pervious.

Lot, double-frontage: A lot that abuts two (2) parallel streets or that abuts two (2) streets that do not intersect at the boundaries of the lot. A double-frontage lot may also be referred to as a through lot.

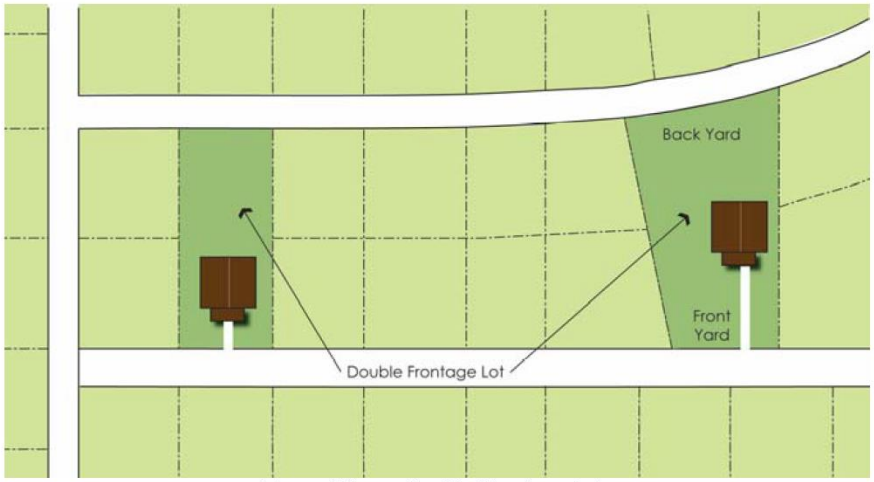


Figure 9.8 Double Frontage Lots

Lot, flag: A tract or lot of land of uneven dimensions in which the portion fronting on a street is less than the required minimum width required for construction of a building or structure on that lot. A flag lot may also be referred to as a panhandle lot.

Lot, interior: A lot, other than a corner lot, abutting only one (1) street.

Lot, irregular: A lot of such a shape or configuration that technically meets the area, frontage, and width to depth requirements of this ordinance but meets these requirements by incorporating unusual elongations, angles, curvilinear lines unrelated to topography or other natural land features.

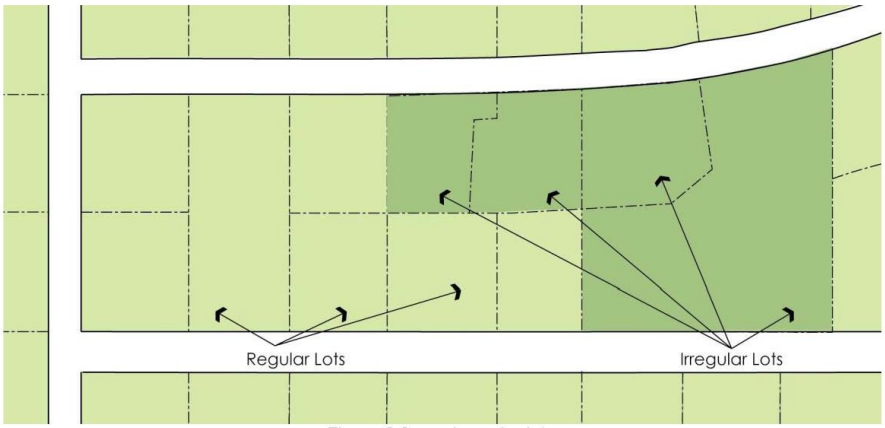


Figure 9.9 Irregular lots

Lot of record: A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Clerk of Superior Court of DeKalb County, Georgia, or a parcel of land described by metes and bounds, the plat or description of which has been recorded in said office.

Lot of record, nonconforming: A designated parcel, tract, or area of land legally existing at the time of the enactment of this chapter or amendment of this chapter which does not meet the lot area, lot width, or public or private street frontage and access requirements of this chapter.

Lot remnant: Any portion or portions of a lot not suitable for building because of its size and remaining after the transfer of other portions of said lot to adjoining lots.

Lot, substandard: A designated parcel, tract, or area of land created after the time of enactment of this chapter or amendment of this chapter which does not meet the lot area, lot width, or public or private street frontage and access requirements of this chapter. Such a lot is illegal except where created by governmental action in which case such lot shall have the status of a nonconforming lot of record.

Lot width: The horizontal distance measured at the building line between the side lines of a lot, measured at right angles along a straight line parallel to the street, or in case of a curvilinear street, parallel to the chord of the arc.

Low-rise in the I-20 Corridor Overlay District: A building in the I-20 Corridor Overlay district that is one (1) to four (4) stories in height.

Low-rise in the Stonecrest Area Overlay District: A building in the Stonecrest Area Overlay district that is one (1) to three (3) stories in height.

Lumber supply establishment: A facility for manufacturing, processing, and sales uses involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes.

Mail room: A room in an office which mail, and package shipments are prepared, and deliveries accepted.

Major automobile repair and maintenance shop: See Automobile repair, major.

Major intersection: The intersection of a major arterial striate with a major or minor arterial street.

Major modification: See section 4.2.57.B.

Major modification to zoning conditions: See article 8.

Major thoroughfare: A street, road or highway shown as a major thoroughfare in the DeKalb County Transportation and Thoroughfare Plan.

Manufactured home, class I: A single-family dwelling unit that is constructed in accordance with the Federal Manufactured Home Construction and Safety Standards and bears an insignia issued by the U.S. Department of Housing and Urban Development, or a single family dwelling unit that, if constructed prior to applicability of such standards and insignia requirements, was constructed in conformity with the Georgia State Standards in effect on the date of manufacture.

Manufactured home, class II: A single-family dwelling unit meeting the requirements of a Manufactured Home Class I and, in addition, bears the insignia of the Southern Standard Building Code Congress International.

Massage establishment: Any business properly licensed under section 15-266 that is established for profit and employs one (1) or more massage therapists, operates or maintains for profit one (1) or more massage apparatus, and which, for good or valuable consideration, offers to the public facilities and personnel for the administration of massages, within the meaning of said section 15-266. This term shall not include hospitals or other professional health care establishments separately licensed as such by the State of Georgia.

Materials recovery facility: A handling facility that provides for the extraction of recoverable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

Mausoleum: A building containing above-ground tombs.

Meat processing: A building where live animals are killed and processed; and/or a building where meat, poultry, or eggs are cooked, smoked, or otherwise processed or packed but does not include a butcher shop or rendering plant.

Medium and high-density residential zoning districts. Any of the following zoning districts: R-SM, MR-1, MR-2, HR-1, HR-2, and HR-3

Mid-rise in the I-20 Corridor Overlay District: A building in the I-20 Corridor Overlay district that is five (5) to eight (8) stories in height.

Mid-rise in the Stonecrest Area Overlay District: A building in the Stonecrest Area Overlay district that is four (4) to ten (10) stories in height.

Mine: A cavity in the earth from which minerals and ores are extracted; and the act of removing minerals and ores from the earth.

Mineral extraction and processing: Extraction and processing of metallic and nonmetallic minerals or materials, including rock crushing, screening, and the accessory storage of explosives.

Mini-warehouse or self-storage facilities: A building or group of buildings in a controlled-access and secured compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the storage of customers' goods or wares, and may include climate control.

Miniature golf course: A novelty version of golf played with a putter and a golf ball on a miniature course, typically with artificial playing surfaces, and including obstacles such as bridges and tunnels.

Mining: Extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term mining includes quarrying; ground-water diversion; soil removal; milling, such as crushing, screening, washing, and floatation; and other preparation customarily done at the mine site as part of a mining activity.

Minor automobile repair and maintenance shop: See Automobile repair, minor.

Minor modification to zoning conditions: See article 8

Minor thoroughfare: A street, road or highway shown as a minor thoroughfare in the DeKalb County Transportation and Thoroughfare Plan.

Mixed-use building or development: A development which incorporates a variety (two (2) or more) of land uses, buildings or structures, that can include both primary residential uses and primary nonresidential uses which are part of the same development. Such uses may include, but not be limited to, residential, office, commercial, institutional, recreational or public open space, in a compact urban setting that encourages pedestrian oriented development that can result in measurable reductions in traffic impacts. Such a development would have interconnecting pedestrian and vehicular access and circulation.

Mixed-use zoning districts: Any of the following zoning districts: MU 1 - 5

Mobile home : A structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, when erected on site, is three hundred twenty (320) or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; and manufactured prior to June 15, 1976.

Mobile home lot: A parcel of land, approved pursuant to the subdivision requirements of chapter 14 of the Code, in a mobile home park which is intended and used for the placement of a single mobile home and for the exclusive use of its occupants.

Mobile home park: A parcel of land which has been planned and improved pursuant to the requirement of this chapter and chapter 14 of the Code for the placement of mobile homes for non-transient use.

Mobile home sales: Exhibition and sale of mobile homes.

Mobile home stand: That part of a mobile home lot which has been reserved for the placement of a mobile home for non-transient use.

Modular home: A factory-manufactured single-family dwelling which is constructed in one (1) or more sections and complies with the definition of "industrialized building."

Monastery: A building or buildings used as both a place of worship and as a residence, operated as a single housekeeping unit, solely by and for a group of men who have professed vows in a religious order and who live together as a community under the direction of a local supervisor designated by the order.

Monopole: See section 4.2.57.B.

Mortuary: An establishment in which the deceased are prepared for burial or cremation. The facility may include a crematory, a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings or display of funeral equipment.

Mosque: See Place of worship.

Muffler: A sound-dissipative device or system for lessening the sound of the exhaust of an internal combustion machine where such a device is part of the normal configuration of the equipment.

Multi-family dwelling, supportive living: Four (4) or more dwelling units in a single building or group of buildings which are designed for independent living for persons with disabilities of any kind and in

which are provided supportive services to the residents of the complex but which supportive services do not constitute continuous twenty-four-hour watchful oversight, and which does not require licensure as a personal care home by the Office of Regulatory Services of the State of Georgia Department of Human Resources.

Multi-use property: Any distinct parcel of land that is being used for more than one (1) land use purpose.

Museum: A building or structure that is primarily used as a repository for a collection of art or natural, scientific, or literary objects, and is intended and designed so that members of the public may view the collection, with or without an admission charge, and which may include as an accessory use the sale of goods to the public or educational activities.

Natural state: That condition that arises from or is found in nature and not modified by human intervention; not to include artificial or manufactured conditions.

Nature preserve: An area or a site with environmental resources intended to be preserved and remain in a predominately natural or undeveloped state to provide resource protection and possible opportunities for passive recreation and environmental education for present and future generations in their natural state.

Neighborhood: An area of the city within which residents share a commonality of interests including distinct physical design and street layout patterns, a shared developmental history, distinct housing types, or boundaries defined by physical barriers such as major roads and railroads or natural features such as creeks or rivers.

Neighborhood residual sound level: That measured value that represents the summation of the sound from all of the discrete sources affecting a given site at a given time, exclusive of extraneous sounds, and those from the source under investigation. Neighborhood residual sound level is synonymous with background sound level. Neighborhood residual sounds are differentiated from extraneous sounds by the fact that the former is not of a relatively short duration, although they are not necessarily continuous.

New construction on an infill lot: The replacement of an existing residential building or structure with a new building, structure or an addition that increases the usable square footage in the building, structure or addition.

News dealer: A person who sells newspapers and magazines as a retailer.

News stand: A temporary structure, manned by a vendor that sells newspapers, magazines, and other periodicals.

Nightclub: A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and musical entertainment is allowed, where music may be live, disc-jockey, karaoke, and/or non-acoustic.

Node: A concentration of population, retail, and employment within a well-defined area that has a diverse mix of land uses and a pedestrian and transit orientation.

Noise control officer: A city employee or agent who has received noise enforcement training and is currently certified in noise enforcement.

Noise sensitive facility: Any facility whose operations may be detrimentally impacted by excessive sound levels. Such facilities include but are not limited to schools, hospitals, and places of worship.

Nonconforming characteristic(s) of building or structure: A building or structure, legally existing on the effective date of this chapter, but which fails to comply with one (1) or more of the district or general

non-use development regulations adopted under the terms of this chapter which are applicable to said building or structure, including, but not limited to, setbacks, lot frontage, lot area, building height limitations, off-street parking or loading, buffers, landscaping or any other applicable development regulation.

Nonconforming use of land: A use of land, legally existing on the effective date of this chapter, but which is not an authorized use under the terms of this chapter in the district in which such land is located.

Nonconforming use of land and building(s), or nonconforming use of land and structure(s): A use of land and building(s) or land and structure(s), in combination, legally existing on the effective date of this chapter, but which is not an authorized use of land and building(s) or land and structure(s), in combination, under the terms of this chapter in the district in which such use is located.

Nonconforming use requiring special exception or special land use permit: A use of land, or land and building(s) or structure(s) in combination, legally existing on the effective date of this chapter, but which is not an authorized use under the terms of this chapter in the district in which such use is located but is permitted only upon approval of a special exception or special land use permit by the appropriate body.

Nonresidential development: All commercial, office, institutional, industrial and similar lands and uses.

Non-residential zoning district: Any of the following zoning districts: NS, C-1, C-2, OI, OD, M and M-2.

Non-transient lodging accommodations: Long-term or permanent sleeping accommodations offered to persons as a residence, domicile, or settled place of abode.

Nursery, plant: An establishment for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed building.

Nursing care facility: An establishment providing inpatient nursing and rehabilitative services to patients who require health care but not hospital services, where such services have been ordered by and under the direction of a physician and the staff includes a licensed nurse on duty continuously with a minimum of one (1) full-time registered nurse on duty during each day shift. Included are establishments certified to deliver skilled nursing care under the Medicare and Medicaid programs. The term includes convalescent homes with continuous nursing care, extended care facilities, skilled nursing homes and intermediate care nursing homes.

Nursing home: A facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision; maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has an agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the patients; and complies with rules and regulations of the Georgia Department of Human Resources or state agency with jurisdiction as may be reorganized.

Office, dental: A building used exclusively by dentists and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.

Office, medical: A building or floor used exclusively by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.

Office, professional: An office for the use of a person or persons generally classified as professionals, such as architects, engineers, attorneys, accountants, doctors, dentists, chiropractors, psychiatrists, psychologists, and the like.

Office park: A large tract of land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

Office supply store: A facility established where office supplies, furniture and technology regularly used in offices are exhibited and sold.

Official zoning map or maps: The zoning map(s) of the City of Stonecrest which are adopted with and incorporated by reference as a part of this chapter and amendments to the official zoning map are synonymous with and commonly referred to as rezonings..

One-part commercial block style: A single-story building that has a flat roof, a façade that is rectangular in shape, and in which the fenestration in the façade is equal to seventy-five (75) percent of the width of the front façade of the building.

Open space: A portion of a development project or lot that is intended to be free of buildings or parking lots. Open space may be in its natural state or improved with recreation amenities.

Open space, clubhouse or pool amenity area: An open space that can be found in a neighborhood park, mini-park or alone as an amenity area for the residents of a developed community. Clubhouse/pool areas can include swimming pools, group activity rooms, outdoor eating areas, and/or exercise stations, and must meet all applicable building and health codes.

Open space, enhanced: A planned open area suitable for relaxation, recreation or landscaping which may be held in common or private ownership, provided that all residents of the development in which the open space is located shall have a right to enter and use the open space. Such enhanced open spaces may include walkways, patios, recreational amenities, picnic pavilions, gazebos and water features. See article 5 for types of open space functions considered "enhanced."

Open space, green: An informal area for passive use bound by streets or front facing lots, typically between five hundred (500) square feet and one (1) acre, which is small, civic, surrounded by buildings, natural in its details, and may be used to protect specimen trees and provide for conservation functions.

Open space, greenway: An open space that typically follows natural or constructed features such as streams or roads and is designed to incorporate natural settings such as creeks and significant stands of trees, and is used for transportation, recreation, and environmental protection. Greenways are natural (i.e., informally planted) in their details except along rights-of-way, and may contain irregular topography.

Open space, neighborhood park: An open space designed for active or passive recreation use.

Open space, playground or tot lot: An open space that provides play areas for toddlers and children as well as open shelter and benches, which is located in a neighborhood, or as part of a larger neighborhood or community park and urban center, including retail shopping areas.

Open space, plaza: An open space paved in brick or another type of impervious surface that provides passive recreation use adjacent to a civic or commercial building.

Open space, pocket park: An open space that provides active recreational facilities, most often in an urban area that is surrounded by commercial buildings or houses on small lots, and is typically less than one-quarter (¼) of an acre.

Open space, square: An open space used to emphasize important places, intersections, or centers, bounded by streets or front-facing lots, typically between five hundred (500) square feet and one (1) acre.

Operator: A person who conducts a home occupation, has majority ownership interest in the home occupation, lives full-time in the dwelling on the subject property, and is responsible for strategic decision and day to day operation of the home occupation.

Ordinary maintenance: See section 4.2.57.B.

Ornamental metal: Any metalwork that serves as adornment and/or non-structural purposes during construction of a building.

Outdoor advertising service: A service to provide advertisements visible in the outdoors such as billboards.

Outdoor amusement enterprise: Any outdoor place that is maintained or operated for provision of entertainment or games of skill to the general public for a fee where any portion of the activity takes place outside of a building, including but not limited to a golf driving range, archery range, or miniature golf course. This use does not include a stadium or coliseum.

Outdoor amusement service facility in the Stonecrest Compatible Use Overlay District: Any outdoor place that is maintained or operated for a fee to the general public where one or more of the following activities take place: miniature golf, paint ball, vehicle racing, vehicle performances, skeet range, shooting range, rides, carnival, water park, circus, rodeo, bull riding, or zoo.

Outdoor display: An outdoor arrangement of items or products for sale, typically not in a fixed location capable of rearrangement, designed for advertising or identifying a business, product or service.

Outdoor manufacturing: A facility established for manufacturing activities that takes place outside an enclosed building.

Outdoor recreation: A recreational land use conducted outside of a building, including athletic fields; miniature golf, skateboard park; swimming, bathing, wading and other therapeutic facilities; tennis, handball, basketball courts, batting cages, trampoline facilities.

Outdoor storage: The keeping, in an unenclosed area, of any goods, material, or merchandise associated with a land use. Storage does not include the parking of any vehicles or outdoor display of merchandise. This term includes outdoor work areas. See Vehicle storage yard.

Outdoor theater: An outdoor open space where dramatic, operatic, motion picture, or other performance, for admission to which entrance money is required takes place.

Overstory tree: Any self-supporting woody plant of a species that normally achieves an overall height at maturity of thirty (30) feet or more.

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

Parapet: That portion of a wall that extends above the roof line.

Parcel: See Lot.

Parking or park: The standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading of property or passengers.

Parking, valet: Parking of vehicles by an attendant provided by the establishment for which the parking is provided.

Parking aisle: An area within a parking facility intended to provide ingress and egress to parking spaces.

Parking bay: The clear space containing one (1) or two (2) rows of parking stalls and a parking aisle.

Parking garage: A covered or sheltered structure designed, constructed and used for the parking of motor vehicles.

Parking lot: Any area designed for temporary storage of motor vehicles by the motoring public in normal operating condition, whether for a fee or as a free service.

Parking space: A paved area of not less than one hundred twenty (120) square feet (small car space) or not less than one hundred fifty-three (153) square feet (large car space) space with dimensions of not less than eight (8) feet wide by fifteen (15) feet deep (small cars) or eight (8) feet six (6) inches wide by eighteen (18) feet deep (large cars), the exclusive purpose of which is for the parking of a vehicle.

Parking structure: A structure or portion thereof composed of one (1) or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade with those levels being either open or enclosed.

Party House: A single-family detached dwelling unit, including all accessory structures, which is used for the purpose of hosting a commercial event. For this definition, commercial event includes parties, ceremonies, receptions or similar-scale gatherings where the attendees are charged entry to the event, either in cash money or other remuneration, or the structure and its curtilage otherwise functions as a commercial recreation facility. An event produced by an owner-occupier of the property, or a long-term lessee residing on the property for a period not less than one year, where no remuneration is charged to guests shall not qualify under this definition.

Pastureland: See Grazing land.

Path: A paved or structurally improved walkway that provides access to areas within a development.

Paved: A structurally improved surface supporting the intended or allowed uses of traffic. An area may be covered by asphalt, concrete, permeable pavement or permeable pavement system that is acceptable to the director of planning. For the purposes of a driveway for the parking of automobile(s), two (2) paved tire tracks with an unpaved area between them shall be considered paved.

Pavement, permeable: Pavement materials including pervious asphalt and concrete, interlocking pavers, modular pavers, and open-celled paving or similar materials that allow the infiltration of water below the pavement surface. Pavement must support the expected loading and traffic.

Pawn shop: Any entity engaged in whole or in part in the business of lending money on the security of pledged goods (as that term is defined in O.C.G.A. § 44-12-130(5)), or in the business of purchasing tangible personal property on a condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from persons or sources other than manufacturers or licensed dealers as part of or in conjunction with the business activities described in this paragraph. Includes title pawn or title loan agency.

Pedestrian oriented: A density, layout and infrastructure that encourages walking and biking within a subdivision or development, including short setbacks, front porches, sidewalks, and bike paths.

Permitted use: Any use which can be undertaken without approval by the designated authority of a special land use permit, special exception, or special administrative permit which is required by the terms of this chapter.

Personal assistance services: Assistance to an individual with, or supervision of self-administration of, medication, ambulation, and transfer from location to location, and/or essential activities of daily living, such as eating, bathing, grooming, dressing, and toileting.

Personal care facility: A building(s) in which housing, meals, personal assistance services, and twenty-four-hour continuous watchful oversight to seven (7) or more persons are provided and which facility is licensed or permitted as a personal care home by the State of Georgia. The term "personal care facility" shall not include a "childcare center," “childcare home,” "transitional housing," a "rehabilitation housing facility," a "rooming house," or a "boarding house." "

Personal care home: A building(s) in which housing, meals, personal assistance services, and twenty-four-hour continuous watchful oversight to up to six (6) persons are provided and which facility is licensed or permitted as a personal care home by the State of Georgia. The term "personal care home, group" shall not include a "childcare center," “childcare home,” "transitional housing," a "rehabilitation housing facility," a "rooming house," or a "boarding house." "Personal care home" includes a "community living arrangement," which is an establishment licensed by the State of Georgia and providing a residence for adults receiving care for mental health, development disabilities, and/or addictive diseases.

Personal services establishment: An establishment primarily engaged in providing services involving the care of a person or providing personal goods where the sale at retail of such goods, merchandise, or articles is only accessory to the provision of such services, including barber shops, beauty shops, tailor shops, laundry shops, dry cleaning shops, shoe repair shops, and similar uses, but specifically excluding sexually oriented businesses.

Pervious area: An area maintained in its natural condition or covered by a material that permits infiltration or percolation of water into the ground.

Pervious pavers: A range of sustainable materials and techniques for permeable pavements with a base and sub-base that allow the movement of stormwater through the surface.

Pet day care: Any premises containing four (4) or more dogs, where dogs are dropped off and picked up daily between the hours of 7:00 a.m. and 7:00 p.m. for temporary care on site and where they may be groomed, trained, exercised, and socialized, but are not kept or boarded overnight, bred, sold, or let for hire. Use as a kennel shall be limited to short-term boarding and shall be only incidental to such dog day care. See Kennel, commercial.

Pet cemetery: Property used for the interring of dead domestic animals.

Pet grooming: The hygienic care and cleaning of a dog, as well as enhancement of a dog's physical appearance.

Pet shop: A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and livestock.

Pharmacy (retail): A place where drugs and medicines are legally prepared and dispensed and which is licensed by the state.

Phased development: A development project that is constructed in increments, each stage being capable of meeting the regulations of this chapter independently of the other stages.

Physical therapy facility: A facility where service of developing, maintaining, and restoring maximum movement and functional ability is provided to individuals.

Pitch of roof lines: The ratio of the rise to the run of a roof.

Place of worship: A lot or building wherein persons assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship. The term shall also include any of the following accessory uses and buildings: schools, religious education, social gathering rooms, food service facilities, indoor and outdoor recreation facilities, child day care center, kindergarten, parsonage, rectory or convent and columbarium.

Plainly audible: Any sound that can be detected by a person using his or her unaided hearing faculties.

Planned industrial center: An industrial development planned with multiple buildings for industrial users.

Plant material: Material derived from plants.

Plant nurseries, commercial: See Greenhouses, commercial.

Planting strip: A strip of land intended to contain plant materials for the purpose of creating visual and physical separation between uses or activities.

Plat:

1. A map representing a tract of land, showing the boundaries and location of individual properties and streets;

2. A map of a subdivision or a site plan.

Pervious surface: An area that allows water to enter the soil mantle at a natural rate of flow. Compare with Impervious surface.

Porch, enclosed: A porch attached to the main building, which is covered by a roof and includes walls or windows

Porch, open: A porch does not have walls or windows but may have a roof.

Portable storage container: Any non-motorized vehicle, trailer or fully enclosed container intended for the temporary storage of items until relocated to another location or a long-term storage facility. Storage containers include but are not limited to PODS, Pack-Rats and similar containers.

Porte-cochere: A porch or a structure attached to a residence and erected over a driveway, not exceeding one (1) story in height and open on two (2) or more sides.

Post office: A public facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

Poultry: Domestic fowl including chickens, duck, turkeys and geese raised for food (either meat or eggs) or profit.

Primary conservation area: That portion of a site in the R-NC (Neighborhood Conservation) District for which application is made for cluster housing development which consists of areas that are unbuildable due to the presence of wetlands, floodplains, steep slopes, or other similar environmental conditions.

Primary material: The building material comprising the acceptable, dominant portion of a building exterior façade, as defined by standards within this ordinance. Compare with Secondary material.

Primary street: A street with access control, channelized intersections, and restricted parking that collects and distributes traffic to and from minor arterials.

Principal structure: The building in which the principal use of the lot is located.

Principal use: The primary or predominant use of any lot.

Printing and publishing establishments: An establishment providing printing, blueprinting, photocopying, engraving, binding, or related services.

Printing and publishing establishments (limited): A printing establishment providing convenience mailing, photocopying and accessory retail-oriented services, not exceeding five thousand (5,000) square feet of floor area.

Private ambulance service: A privately-owned facility for the dispatch, storage and maintenance of emergency medical care vehicles; transportation via ambulance; the provision of out-of-hospital emergency medical care to a patient from or in an ambulance; the trip to the site of a patient for the purpose of providing transport or out-of-hospital emergency medical care; the trip to or from any point in response to a medical emergency dispatch from the 9-1-1 Center.

Private drive: A drive or road on privately owned property, by an individual or a group of owners who share the use and maintain the road without assistance from a government agency. A private drive has not been transferred to a governing entity. An easement of use on the private drive or road shall permit use by the public. A private drive is allowed to be exempt from the public street regulations of chapter 14 of the Code but shall meet dimensional requirements established in article 5.

Private educational use: The instruction, teaching or tutoring of students by an occupant of a residential dwelling as a secondary use of the dwelling that is incidental to the primary use of the dwelling unit for residential purposes. No articles or products shall be sold on the premises other than by telephone. Such instruction, teaching or tutoring shall be limited to a maximum of three (3) students at a time, excluding children residing in the dwelling, and shall be limited to the hours of 9:00 a.m. to 9:00 p.m. Such private educational use shall be allowed as a permitted use in all districts where home occupations are allowed but private educational uses shall be subject to the supplemental regulations in article 4.

Private industry solid waste disposal facility: A disposal facility which is operated exclusively by and for a private solid waste generator for the purpose of accepting solid waste generated exclusively by said private solid waste generator.

Private restrictive covenants: Private restrictions on the use of land or structures imposed by private contract, such as subdivision covenants.

Private right-of-way: Any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is not owned, leased, or controlled by a governmental entity.

Private road: See Private drive.

Private street: An access way similar to and having the same function as a public street, providing access to more than one (1) property but held in private ownership. Private streets, when authorized, shall be developed in accordance with the specifications for public streets established in the Code.

Produce: Products from farms and gardens such as fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.

Production, field crops: Establishment for commercial agricultural field and orchard uses including production of field crops; may also include associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, crop processing, and sales in the field not involving a permanent structure.

Production, fruits, tree nuts, and vegetables: Establishment for commercial agricultural field and orchard uses including production of fruits, tree nuts and vegetables.

Prohibited uses: Anything not expressly permitted within this zoning ordinance or by resolution. Examples may include structures, land uses, materials, or development control parameters.

Public right-of-way: Any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

Public space in the I-20 Corridor Overlay District: Space located on the exterior of buildings in the I-20 Corridor Overlay District that is available and accessible to the general public. Public space may include, but is not limited to, natural areas, green space, open space, riparian zones, lakes and pools, paths, multipurpose trails, outdoor recreation areas, lawns, landscape strips and other improved landscaped areas, common areas, plazas, terraces, patios, observation decks, fountains, sidewalks, transitional buffer zones and other outdoor public amenities. Space provided as result of the pedestrian circulation requirement shall be credited to the requirement for public space. Such public space is required at ground level, and buildings may not occupy such public space above a height of one (1) story. Exterior public spaces shall not include areas used for vehicles, except for incidental service, maintenance or appropriate emergency access only *Public space in the Stonecrest Area Overlay District:* Space located on the exterior of buildings in the Stonecrest Area Overlay District that is available and accessible to the general public. Public space may include, but is not limited to, natural areas, greenspace, open space, riparian zones, lakes and ponds, paths, multipurpose trails, outdoor recreation areas, lawns, landscape strips and other improved landscaped areas, common areas, plazas, terraces, patios, observation decks, fountains, sidewalks, transitional buffer zones and other outdoor public amenities. Space provided as result of the pedestrian circulation requirement shall be credited to the requirement for public space. Such public space is required at ground level, and buildings may occupy such space above a height of one (1) story. Exterior spaces shall not include areas used for vehicles, except for incidental service, maintenance or appropriate emergency access only.

Public uses: Land or structures owned by a federal, state or local government, including but not limited to a board of education, and used by said government for a necessary governmental function.

Quarry: A mine where rock, ore, stone, or similar materials are excavated for sale or for off-site use. Quarry includes rock crushing, asphalt plants, the production of dimension stone, and similar activities.

Quick copy and printing store: A facility established for the reproduction and printing of written or graphic materials on a custom order basis for individuals or businesses.

Railroad car classification yard: A railway yard at freight train stations used to separate railway cars onto one of several tracks.

Rainwater harvesting: Gathering, or accumulating and storing, of rainwater from roof, ground or other catchments in order to reduce or avoid use of water from mains or from water sources like lakes and rivers.

Recovered materials: Those materials which have a known use, reuse, or recycling potential; can be feasibly used, reused, or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

Recovered materials center: A facility in which materials that would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

Recovered materials processing: Activity of preparing source-separated recoverable materials, such as newspapers, glassware, and metal cans, including collecting, storing, flattening, crushing, or bundling prior to shipment to others who will use those materials to manufacture new products. The materials are stored on-site in bins or trailers for shipment to market. "Processing" shall mean the preparation of material for efficient shipment by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting, or cleaning.

Recovered materials processing with solid waste by-product: Same as above except that the processing involves the disposal of a solid waste by-product.

Recreation: The refreshment of body and mind through forms of play, amusement, or relaxation. The recreational experience may be active, such as boating, fishing, and swimming, or may be passive, such as enjoying the natural beauty of the shoreline or its wildlife.

Recreation, passive: Recreation that involves existing natural resources and has a minimal impact on the existing condition of the resources.

Recreation club: A not-for-profit association of people organized for the purpose of providing recreation facilities and programs and characterized by certain membership qualifications, payment of fees and dues, and a charter or bylaws. Recreation club shall also mean, where the context requires, the premises and structures owned or occupied by members of such association within which the activities of the recreation club are conducted.

Recreational vehicle: Any vehicle, whether or not motorized, that is intended for personal recreational use and not intended for daily transportation. Such vehicles may include but are not limited to Class A and C motor homes, campervans, bus conversions, boats, military surplus vehicle, all-terrain vehicles (ATVs), and similar vehicles intended for recreational purposes. Pick-up trucks with a fully enclosed bed that are used for daily transportation do not qualify as recreational vehicles.

Recreational vehicle park: A commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included.

Recreational vehicle/boat sales and service: A facility established for the exhibition, sale, and repair of recreational vehicles/boats.

Recycling collection point: A neighborhood drop-off point for the temporary storage of recyclables.

Recycling materials: Those materials which have a known recycling potential, can be feasibly recycled, and have been diverted or removed from the solid waste stream for recycling, whether or not requiring subsequent separation and processing. See Recovered materials.

Recycling plant: A facility in which materials that would otherwise become solid waste are collected, separated, and recycled. See Recovered materials and recovered material processing.

Rehabilitation housing facility: An establishment primarily engaged in inpatient care of a specialized nature with staff to provide diagnosis and/or treatment.

Repair, small household appliance: A business established to provide a service of repairing small household appliances like microwaves, etc.

Replacement: See section 4.2.57.B.

Research and training facilities: Any facility owned by a private party, institution or government where research and training activities related to various fields like science, arts, etc. are conducted.

Residence hall: See Dormitory.

Residential component: The primarily residential portion of a development that may contain a mix of single family detached, single family attached and multi-family dwelling units and may include small scale, non-residential uses.

Residential zoning district: Any of the following zoning districts: RE, R-100, R-85, R-75, R-60, MHP, RNC, RSM, MR-1, MR-2, MU-1, MU-2, MU-3, MU-4, MU-5.

Residential use: The occupation of a building and land for human habitation.

Restaurant: Any establishment or area which is primarily devoted to the serving of food to the public or guests and which contains a dining area. The term "restaurant" shall not include a cocktail lounge or tavern if said cocktail lounge or tavern is a *freestanding bar* area as defined in this code. The term "restaurant" shall include any dining area located within a health care, educational, or childcare facility. Food courts within enclosed shopping malls shall be treated as restaurants.

Restaurant, drive-through: An establishment where food and drink are prepared which may be consumed within the principal building or which may be ordered and picked up from a service window for off-site consumption.

Retail: The sale of goods, wares or merchandises directly to the end-consumer.

Retail warehouse/wholesale: An establishment exceeding seventy thousand (70,000) square feet of gross floor area and offering a full range of general merchandise to the public and may include gasoline.

Retaining wall: A structure constructed and erected between lands of different elevations to protect structures and/or to prevent erosion.

Riding academy: A facility designed and used for recreational riding, training and instruction purposes, and allowing both on-site boarding or trailering of horses to the facility.

Riding stable: A building where horses and ponies are sheltered, fed, or kept.

Right-of-way line: The limit of publicly owned land or easement encompassing a street or alley.

Salvage yard: Land and/or buildings used for the dismantling, cutting up, compressing or other processing of waste items or materials, such as scrap, paper, metal, tires, large household appliances, such as washing machines or refrigerators, automobiles or other vehicles, or inoperable machinery. Salvaged materials may be stored outdoors or in a building and may be sold wholesale or retail. Typical uses include paper and metal salvage yards, used tire storage yards, or retail and/or wholesale sales of used automobile parts and supplies. This term includes junk yards.

Sand pit: A surface mine or excavation used for the removal of sand, gravel, or fill dirt for sale or for use off-site.

Satellite television antenna: An apparatus capable of receiving but not transmitting television, radio, or cable communications from a central device transmitting said communications.

Sawmill: A facility where logs or cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

Sawmill, temporary or portable: A facility where sawing related machines are installed on the site temporarily to run as sawmill, but which can be moved by removing and reinstalling the machines to some other site.

School, elementary: Public, private or parochial school offering education for first through fifth grade.

School, high: Public, private or parochial school for the ninth through twelfth grades.

School, middle: Public, private or parochial school offering education for sixth through eighth grade.

School, parochial: School run by a church or parish and engages in religious education in addition to the conventional education.

School, private: Any building or group of buildings, the use of which meets state requirements for elementary, middle, or high school education and which use does not secure a major part of its funding from any governmental agency.

School, public: A building or group of buildings used for educational purposes, which meets state requirements for elementary, middle, or high school education, and that is funded by a government agency.

School, specialty: A school specializing in teaching martial arts, dance, music, visual arts and similar fields.

School, vocational: A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills or specialized curriculum for special needs individuals or the arts. This classification excludes establishments providing training in an activity that is not otherwise permitted in the zone.

Screening fence: An opaque structure designed to provide a visual barrier constructed of materials including wood, chain link with wood or plastic inserts, metal, vinyl, plastic and other such materials as may be approved by the director of planning.

Secondary conservation area: That portion of a site for which application is made for cluster housing development which consists of those areas of land which are outside the primary conservation area but which are environmentally sensitive, historically or culturally significant, scenic, or which possess other unusual attributes that merit conservation.

Secondary material: Complimentary building material allowed by zoning standards. Compare with Primary material.

Secondhand store: A facility for retail or consignment sales of previously used merchandise, such as clothing, household furnishings or appliances, sports/recreational equipment. This classification does not include secondhand motor vehicles, parts, or accessories.

Semi-nude: The exposure of one (1) or more, but not all, of the following: human genitals or pubic region, buttocks, or female breasts below a point immediately above the top of the areola.

Senior housing: A multiple-family building or detached dwelling unit, or a combination of both housing types, which is occupied by at least one (1) person who is fifty-five (55) years of age or older per dwelling unit. Also called Senior Living.

Senior living: See Senior housing.

Service area: An outdoor work area associated with a commercial use, including work areas where goods and products are assembled, constructed, or repaired but not permanently stored.

Service organization: A voluntary non-profit service club or organization where members meet regularly to perform charitable works or raise money for charitable works.

Setback: The minimum horizontal distance required between the property line and the principal building or structure on a lot or any projection thereof except the projections allowed pursuant to article 5.

Shared parking: Parking shared by two (2) or more lots or uses for which the peak parking demands are not at the same time, and parking that can reasonably be shared by such lots or uses. The number of parking spaces in a shared parking facility is less than the combined total of the required minimum number of spaces for each individual use.

Shelter for homeless persons: A building or buildings in which is provided overnight housing and sleeping accommodations for one (1) or more persons who have no permanent residence and are in need of temporary, short-term housing assistance, and in which may also be provided meals and social services including counseling services. Compare with Transitional housing facility.

Shelter for battered persons: See Shelter for homeless persons.

Shoe repair: An establishment where shoes and boots are repaired remodeled or rebuilt by skilled shoe repairers. The establishment may also mend items like handbags and luggage.

Shopping center: A group of at least two (2) commercial establishments typically planned, constructed, and managed as a single entity, with on-site parking for customers and employees, and with delivery of goods separate from customer access.

Short Term Vacation Rental: any dwelling unit, single-family dwelling, multi-family dwelling unit, two-family dwelling, three-family dwelling, duplex, triplex, urban single-family dwelling, condominium, townhouse, cottage development, dwelling unit, and structure used for residential dwelling that permits any portion of the premises or dwelling unit to be used for the accommodation of transient guests, for a fee, for less than 30 consecutive days, without the owner present on premises. This is also identified as "STVR". Also see Bed and Breakfast.

Shrub: A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground. It may be deciduous or evergreen.

Sidewalk: A hard surface, ADA compliant, clear pathway that does not include any street furniture.

Sight triangle: A triangular area of visibility required on a corner of a roadway intersection to allow for the safe operation of vehicles, trains, pedestrians, and cyclists in the proximity of intersecting streets, rail lines, sidewalks, and bicycle paths.

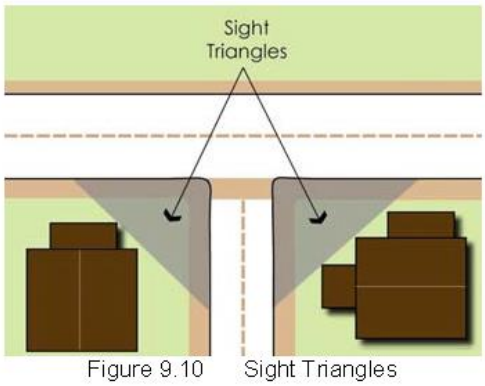


Figure 9.10 Sight Triangles

Single-family zoning district: Any of the following zoning districts: RE, R-LG, R-100, R-85, R-75, R-60, MHP, and R-N(c)

Site: The lot, area of a lot, or assemblage of lots subject to development.

Site plan: That plan required to acquire a development, construction or building permit which shows the means by which the developer will conform to applicable provisions of this chapter and other applicable ordinances.

Small Box Discount Store: A retail establishment with a floor area less than 12,000 square feet that offers for sale a combination and variety of convenience shopping goods and consumer shopping goods, and continuously offers a majority of the items in their inventory for sale at a price per item of $5.00 or less. This definition shall control any use that fits into same despite otherwise being termed "Grocery Store," "Retail, 5000 sf or less," "Retail, over 5000 sf," or "Variety Store" under the provisions of the City of Stonecrest Zoning Ordinance and Use Table. Small Box Discount Stores shall be a prohibited use in every zoning district of the City of Stonecrest.

Solar Energy System: Solar Energy System (SES) means a device or structural design feature that provides for the collection of solar energy for electricity generation, consumption, or transmission, or for thermal applications. For purposes of the City of Stonecrest zoning code, SES refers only to (1) photovoltaic SESs that convert solar energy directly into electricity through a semiconductor device or (2) solar thermal systems that use collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling. SES as used in the City of Stonecrest zoning code excludes concentrated solar power, which uses mirrors to focus the energy from the sun to produce electricity.

- *Integrated Solar Energy System* means an SES where solar materials are incorporated into building materials, such that the two are reasonably indistinguishable, or where solar materials are used in place of traditional building components, such that the SES is structurally an integral part of a house, building, or other structure. An Integrated SES may be incorporated into, among other things, a building facade, skylight, shingles, canopy, light, or parking meter.
- *Rooftop Solar Energy System* means an SES that is structurally mounted to the roof of a house, building, or other structure and does not qualify as an Integrated SES.
- *Ground Mounted Solar Energy System* means an SES that is structurally mounted to the ground and does not qualify as an Integrated SES. For purposes of the Stonecrest zoning code, any solar canopy that does not qualify as an Integrated SES shall be considered a Ground Mounted SES, regardless of where it is mounted.
- *The Footprint of a Ground Mounted SES* is calculated by drawing a perimeter around the outermost SES panels and any equipment necessary for the functioning of the SES, such as transformers and inverters. The Footprint does not include any visual buffer or perimeter fencing. Transmission lines (or portions thereof) required to connect the SES to a utility or consumer outside the SES perimeter shall not be included in calculating the Footprint.
    - Ground Mounted SESs shall be delineated by size as follows:
        - Small Scale Ground Mounted Solar Energy System (Small Scale SES) means a Ground Mounted SES with a Footprint of less than two [2] acres.
        - Intermediate Scale Ground Mounted Solar Energy System (Intermediate Scale SES) means a Ground Mounted SES with a Footprint of between [2 – 15] acres.
        - Large Scale Ground Mounted Solar Energy System (Large Scale SES) means a Ground Mounted SES with a Footprint of more than [15] acres.

Soldier course: A course of upright bricks with their narrow faces showing on the wall surface.

Solid waste: Any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or source, special nuclear, or byproduct material as defined by the Federal Atomic Energy Act of 1954, as amended (68 State. 923).

Solid waste handling: The storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste or any combination of such activities.

Solid waste handling facility: A facility primarily used for the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste.

Solid waste thermal treatment technology facility: Any solid waste handling facility, the purpose of which is to reduce the amount of solid waste to be disposed of through a process of combustion, with or without the process of waste to energy.

Solid waste transfer facility: A facility or site at which temporary storage and transfer of solid waste from one (1) vehicle or container to another, generally of larger capacity, occurs prior to transportation to a point of processing or disposal. A solid waste transfer facility is an intermediary point between the location(s) of waste generation (e.g., households, businesses, industries) and the site(s) of ultimate processing or disposal.

Sorority house: A building containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for sorority members and their guests or visitors and affiliated with an institution of higher learning.

Sound level meter: An instrument that conforms to ANSI S1.4-1983 or its successors.

Special administrative permit: A written authorization granted by the director of planning for a use of land pursuant to an application which that official is authorized to decide, in cases where a permit is required, pursuant to the procedures and criteria contained in article 8.

Special events facility: A building and/or premises used as a customary meeting or gathering place for personal social engagements or activities, where people assemble for parties, weddings, wedding receptions, reunions, birthday celebrations, other business purposes, or similar such uses for profit, in which food and beverages may be served to guests. This definition shall not include places of worship.

Special exception: The approval by the zoning board of appeals of an application which that board is authorized to decide as specified within a zoning district pursuant to the procedures and criteria contained in article 8 of this chapter.

Special land use permit: The approval of a use of land that the city council is authorized to decide as specified within a zoning district pursuant to the procedures and criteria contained in article 8 of this chapter.

Special permit: A special administrative permit, special exception, or special land use permit.

Specialty store: A store, usually retail, that exhibits and sells specific or specialized types of items or brand. For example, a specialty store may sell cellular phones or organic food, or video games exclusively.

Sporting goods store: A store that exclusively exhibits and sells items related to sports including, but not limited to, instruments, gears, shoes, and clothes.

Stadium: A structure with tiers of seats rising around a field or court, intended to be used primarily for the viewing of athletic events. The structure may also be used for entertainment and other public gathering purposes, such as conventions, circuses, or concerts.

State: The State of Georgia.

Steady tonal quality: Sound emissions comprised of a single frequency or a narrow cluster of frequencies, which may be referred to as a whine, hum or buzz, with measured sound levels not fluctuating by more than plus or minus three (3) dBA.

Stealth telecommunications facility: See section 4.2.57.B.

Stepback: A step-like recession in the profile of a building, whereby the exterior wall surface of each successive story is located farther towards the interior of the building than the exterior wall of the story below it. Stepbacks may result from the transitional height plane requirement. See Transitional height plane.

Stoop: A small porch, platform, or staircase leading to the entrance of a house or building.

Storage building: Any structure that is used for storage and does not have a door or other entranceway into a dwelling unit and that does not have water fixtures within its confines, the use of which is limited solely to storage of inanimate objects.

Stormwater management facility: Those structures and facilities that are designed for the collection, conveyance, storage, treatment and disposal of stormwater runoff into and through the drainage system.

Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above or, if there is no floor above, the space between the floor and the ceiling next above. Each floor or level in a multistory building used for parking, excluding a basement, shall be classified as a story.

Street, public: Any right-of-way set aside for public travel deeded to the county or city and any right-of-way which has been accepted for maintenance as a street by the county or city.

Street right-of-way line: The dividing line between a lot, tract or parcel of land and a street right-of-way.

Structure: Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on or in the ground. This does not include telephone poles and utility boxes.

Subdivision: As defined in chapter 14 of the Code.

Subdivision, major: All subdivisions not classified as minor subdivisions, including, but not limited to, subdivisions of five (5) or more lots, or any size subdivision requiring any new street, public or private.

Subdivision, minor: A division of land into not more than four (4) lots, provided:

- A minor subdivision does not require the construction of any public improvements including street, sidewalks, sewer or water lines and street trees.
- All lots and any remaining tract shall be consistent with all applicable requirements of this zoning ordinance, including lot size, setbacks, frontage on a public road, width to depth ratio, and lot width.
- At the time of filing of a subdivision plat, the property owner shall be required to show all possible lots which are permitted to be created through minor subdivision provisions of this zoning ordinance.

Supplemental zone: The additional sidewalk area other than the required sidewalk used to support outdoor dining or other amenities.

Support structure(s): See section 4.2.57.B.

Supportive living: Dwelling units in a single building or group of buildings which are designed for independent living for persons with disabilities of any kind and in which are provided supportive services to the residents, but which supportive services do not constitute continuous twenty-four-hour watchful oversight, and which does not require licensure as a personal care home by the Office of Regulatory Services of the State of Georgia Department of Human Resources.

Sustainable development: A development that maintains or enhances economic opportunity and community well-being while protecting and restoring the natural environment upon which people and economies depend. Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs.

Synagogue: See Place of worship.

Tandem parking: A parking space within a group of two (2) or more parking spaces arranged one (1) behind the other such that the space nearest the street serves as the only means of access to the other space(s).

Tattoo parlors and piercing studios: An establishment whose principal business activity, is the practice of one (1) or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Taxi stand: A reserved area where taxis or cabs are parked.

Telecommunications antenna: See Article 11.

Telecommunications facility/tower: See Article 11.

Telecommunications tower: See Article 11.

Telecommunications tower or antenna height: See Article 11.

Telephone exchange building: A building used exclusively for the transmission and exchange of telephone messages. The term shall not include wireless telecommunication towers or antennas.

Temple: See Place of worship.

Temporary outdoor sales or event, seasonal: Outdoor sales of products associated with seasons, holidays and agricultural seasons.

Temporary produce stand: A temporary vending structure used for the sale and/or display of seasonal produce.

Tennis courts, play and recreation areas, community: A public or private facility for the playing of tennis, swimming, or other type of outdoor recreation, including related retail sales and an accessory restaurant. This term does not include amenities for a subdivision or other form of housing.

Theater: A structure used for dramatic, operatic, dance, or music performances, or the rehearsal and presentation of other similar performing arts events, or for motion pictures, for which an admission fee is charged. Such establishments may include related services such as food and beverage sales and other concessions.

Threshold: The top of the subfloor in the opening that is designated as the front door of a dwelling.

Thrift store: A for-profit or non-profit business or organization that engages or specializes in the sale or resale of previously owned or used goods. This term includes antique shops, consignment stores, and secondhand stores.

Tire retreading and recapping: Businesses that primarily repair and retread automotive tires.

Tobacco retail store: a retail establishment that sells tobacco products including but not limited to cigars, cigarettes, hookah products, vape pens, and associated merchandise. Allowed to have on-site consumption in accordance with DeKalb County Clean Air Ordinance as well as State and Federal Laws

Total sound level: That measured level which represents the summation of the sounds from the sound source under investigation and the neighborhood residual sounds which affect a given place at a given time, exclusive of extraneous sound sources.

Tow service: Establishment that provides for the removal and temporary storage of vehicles, but does not include disposal, permanent disassembly, salvage, or accessory storage of inoperable vehicles. See also Automobile recovery and storage.

Townhouse: One (1) of a group of three (3) or more single-family dwelling units, attached side-by-side by a common wall. See Dwelling, single-family.

Townhouse, stacked: Multi-family building with the appearance of a townhouse (side-by-side attached), but which has multiple dwelling units whereby a unit is located above or below another.

Trailer: Any non-motorized vehicle or wheeled attachment designed to be towable, including, but not limited to landscape utility trailers, horse trailers, storage trailers, campers, recreational vehicle trailers designed for temporary living quarters while traveling or camping, fifth-wheel trailers, pop-up campers, transport trailers, and boat trailers.

Transit: The conveyance of persons or goods from one (1) place to another by means of a local, public transportation system.

Transit oriented development (TOD): Moderate and high-density mixed-use development which is located along transit routes and encourages pedestrian use of public transportation.

Transitional buffer zone: A natural or planted buffer area between two (2) different land uses which is intended to provide protection between said land uses and which meets the criteria for said buffer specified in article 5.

Transitional height plane: A geometric plane that establishes the maximum permitted height of a building in a district that allows a greater density than that of an adjoining lower-density residential district. The transitional height plane shall begin at a point thirty-five (35) feet above setback or transitional buffer line, whichever is furthest from the property line, then extend at an upward angle of forty-five (45) degrees over the lot of the building.

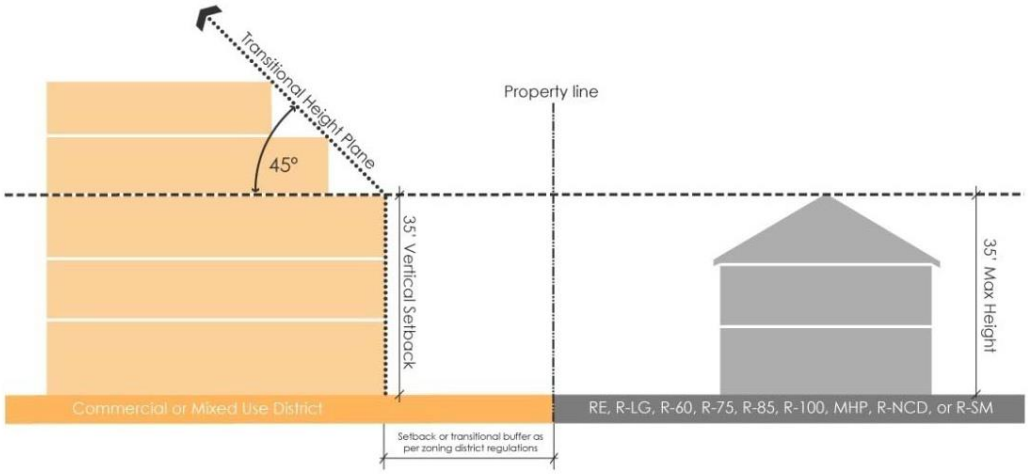


Figure 9.11 Transitional Height Plane

Transitional housing facility: A building or buildings in which is provided long-term but no permanent living accommodations for persons who have no permanent residence and are in need of long-term housing assistance on at least a monthly basis. This includes all sponsored programs such as housing for previously jailed or criminally convicted persons, persons recovering from addiction, and/or persons suffering other hardship. These facilities may also provide meals and social services including counseling services. These are permitted in two categories including 6 or less persons and 7-20 persons. Compare with homeless shelter, personal care home, and Multi-family dwelling, supportive living.

Transparent material: Any material which allows light to be transmitted and objects to be seen clearly and with definition.

Transportation equipment and storage or maintenance (vehicle): Any building, premises or land in which or upon which is the storage or maintenance of motor freight vehicles or equipment, without services provided, such as those provided by a truck stop. Compare with Truck terminal.

Tree: Any living, self-supporting, woody perennial plant which has a trunk caliper of two (2) inches or more measured at a point six (6) inches above the ground and which normally attains a height of at least ten (10) feet at maturity usually with one (1) main stem or trunk and many branches.

Tree canopy: The area directly beneath the crown and within the outermost edges of the branches and leaves of a tree.

Truck stop: Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into such commercial vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may also include overnight accommodations and restaurant facilities primarily for the use of truck crews.

Truck terminal: An area and building where vehicles load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

Turnaround: A space, as in a driveway, permitting the turning around of a vehicle.

Two-part commercial block style: A building of two (2) stories or greater in height that has a flat roof and is characterized by a horizontal division of the building façade into two (2) distinct zones. These zones may be similar in design but shall be clearly separated from one another. The ground floor level of the

building shall contain fenestration equal to seventy-five (75) percent of the width of the front façade of the building.

Universal barrier: A type of root barrier for street trees.

Understory tree: A deciduous or evergreen tree which attains a mature height of no greater than thirty (30) feet.

University: See College.

Urban garden: A lot, or any portion thereof, managed and maintained by a person or group of persons, for growing and harvesting, farming, community gardening, community-supported agriculture, or any other use, which contributes to the production of agricultural, floricultural, or horticultural products for beautification, education, recreation, community or personal use, consumption, sale, or donation. An urban garden may be a principal or accessory use on lots including, but not limited to, those owned by individuals, non-profit organizations, and public or private institutions like universities, colleges, school districts, hospitals, and faith communities. This definition excludes gardens accessory to an individual's residence.

Usable satellite signals: Satellite signals from all major communications satellites that, when viewed on a conventional television set, are at least equal in picture quality to those received from local commercial television stations by way of cable television.

Use: The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

Utility: Any public or private agency that provides for the generation, transmission or distribution of electricity, gas, water, stormwater, wastewater, communication, transportation, or other similar service, excluding those utilities that are public uses.

Valet: See Parking, valet.

Value added products: Prepared farm products such as baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, smoked or canned meats or fish, sausages, or other prepared foods.

Van service: A commercial or not-for-profit service in which the provider offers transportation service to clients from their home to another destination, such as a medical service facility or other destination.

Variance: Permission to depart from the requirements of this chapter pursuant to the requirements of article 8.

Vehicle storage yard: A building or land that is used principally for long-term parking of any class of passenger or non-passenger vehicles, including but not limited to automobile fleets associated with commercial business, delivery trucks or other commercial vehicles, or associated with government operations such as school buses, postal delivery trucks, or sanitation trucks. The term "vehicle storage yard" includes off-site parking of commercial vehicles such as those used in light or heavy landscaping or construction but does not include transportation vehicle such as semi-tractor trailers. A vehicle storage yard may include minor repair of the vehicles as an accessory use. Compare with Auto recovery and storage.

Vehicle trip: A vehicular movement either to or from the subject property by any vehicle used in a home occupation, any vehicle associated with a home occupation, or any customer or client vehicle.

Vehicular use area: Any portion of a site or a property, paved or unpaved, designed to receive or accommodate vehicular traffic, including the driving, parking, temporary storage, loading, or unloading of any vehicle.

Veterinary clinic: See Animal hospital.

Videotape sales and rental store: An establishment primarily engaged in the retail rental or lease of video tapes, films, CD-ROMs, laser discs, electronic games, cassettes, or other electronic media. Sales of film, video tapes, laser discs, CD-ROMs, and electronic merchandise associated with VCRs, video cameras and electronic games are permitted accessory uses.

Viewshed: The total visible area from an identified observation position or positions.

Village center: The central shopping or gathering place within a traditional neighborhood which contains commercial uses and open space, and which may contain public space.

Wall: A structure used as a solid retaining, screening, or security barrier constructed of materials including brick, stone, concrete, concrete block, ceramic tile or other aggregate materials and other such materials.

Wall plane: An area of a wall between a wall offset and another wall offset or a corner.

Waste to energy facility: A solid waste handling facility that provides for the extraction and utilization of energy from county or city solid waste through a process of combustion.

Weekday: The time period of the week that begins at 7:00 a.m. on each Monday and ends at 6:00 p.m. on each Friday.

Weekend: The time period of each week that begins at 6:00 p.m. on each Friday and ends at 7:00 a.m. on each Monday.

Wetlands: An area of land meeting the definition of "wetlands" set forth in 33 C.F.R. Part 328.3(b) of the Code of Federal Regulations, as amended, and that is subject to federal, state or local regulations governing land meeting that definition.

Wind turbine: A turbine, a rotating machine which mounted on a tower, is used to capture energy from the wind to produce electricity.

Workforce housing: For-sale housing that is affordable to those households earning eighty (80) percent of median household income for the Atlanta Metropolitan Statistical Area (MSA) as determined by the current fiscal year HUD income limit table at the time the building is built.

Wireless telecommunications store: Any retail store selling wireless telecommunications equipment or associated devices such as cellphones. Not permitted to have cell towers, small cell antennas or any other antennas on site.

Xeriscape: A landscape designed and maintained with the principles that promote good horticultural practices and efficient use of water and is characterized by the use of vegetation that is drought-tolerant or of low water use in character.

Yard: That area of a lot between the principal building and adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

Yard sale: The temporary residential sale of tangible personal property, such as but not limited to, household items, clothing, tools, toys, recreational equipment, or other used or secondhand items normally found in and about the home. This definition includes the terms estate sale, if held outside, garage sale, basement sale, carport sale, moving sale, or rummage sale. This temporary use may be

conducted by an individual, multiple persons, churches, social civic or charitable organizations, a neighborhood group, church or civic association.

Yard, corner side: An open-space area of a corner lot between the exterior side lot line and the required exterior side building setback line, extending between the front building setback line and the rear building setback line.

Yard, front: An area extending across the total width of a lot between the front lot line and the building. With respect to limitations within the front yard, there can only be one (1) front yard.

Yard, interior side: A yard extending between the front and rear yards and being that area between the side lot line, where the side lot line is coincidental with the side or rear lot line of an adjacent lot, and that line or lines established by the side wall or walls of the principal structure.

Yard, rear: A yard extending across the total width of a lot between side lot lines and being that area between the rear lot line and that line or lines established by the rear wall or walls of the principal structure projected to intersect the side lot lines.

Yard, side: A yard extending between the front and rear yards and being that area between the side lot lines and the principal structure.

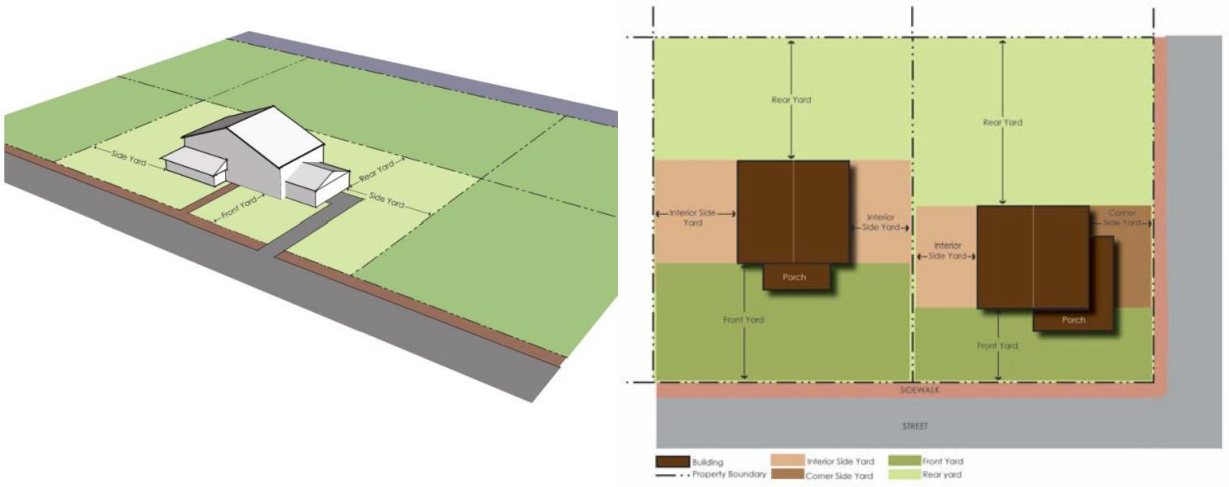


Figure 9.12 Illustration of Yard

Zero lot line: When location of a building in such manner that one (1) or more of building's exterior wall is allowed to rest directly on the lot line or property boundary.

Zoning decision: Final legislative action by a local government which results in:

- The adoption of a zoning ordinance;
- The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance;
- The adoption of any amendment to a zoning ordinance which rezones the property from one zoning classification to another;
- The adoption of an amendment to a zoning ordinance by a municipal local government which zones property to be annexed into the municipality;
- The grant of a permit relating to a special use of property, as defined in O.C.G.A. § 36-66-3, and as may hereafter be amended by Georgia law; or
- Denial of the aforementioned ordinances or permits.

11 Article 11. - Wireless telecommunications (cell tower).

11.1 Purpose and goals.

A. The purpose of this section is to ensure that residents, public safety operations, and businesses in City of Stonecrest have reliable access to wireless telecommunications networks and state of the art communication services while also ensuring that this objective is achieved in a manner consistent with City of Stonecrest's planning and zoning standards, to maintain to the extent possible the aesthetic integrity of the community, and in accordance with applicable state law and with federal law, regulations, and guidance, including the Telecommunication Act of 1996 which preserved, with certain limitations, local government land use and zoning authority concerning the placement, construction, and modification of wireless telecommunication facilities.

B. The goals of this section are:

1. To ensure City of Stonecrest has sufficient wireless infrastructure to support its public safety communications throughout the city;
2. To provide access to reliable wireless telecommunication services by residents, businesses, and visitors throughout all areas of the city
3. To minimize the total number of support structures within the city by promoting and encouraging the joint use of new and existing wireless support structures among wireless service providers;
4. To encourage the location of wireless support structures, to the extent possible, in areas where adverse impacts on the community will be minimized;
5. To encourage the design and construction of towers and antennas to minimize adverse visual impacts;
6. To avoid potential damage to property caused by wireless communications facilities by ensuring that such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or when determined to be structurally unsound;
7. To preserve those areas of scenic or historic significance;
8. To facilitate implementation of an existing tower map for City of Stonecrest;
9. To promote and encourage the joint use of new and existing tower sites among service providers;
10. To enhance the ability of the providers of wireless communications services to deliver such services to the community effectively and efficiently;
11. To be consistent with all overlay districts within the city, to the extent practicable and so as to not to conflict with this section.
12. To encourage the location of telecommunication facilities, including all Telecommunication Support Structures, Equipment and/or Antenna(s) in nonresidential areas;
13. To promote health, safety, and general welfare of the public by regulating the siting of and establishing development standards for wireless facilities and related wireless support structures, equipment, and infrastructure; and
14. To follow and promote policies embodied in Section 704 of the Federal Telecommunications Act of 1996 and O.C.G.A. §36-66B-1, et. seq., in such manner as not to unreasonably discriminate between providers of functionally equivalent wireless services or to prohibit or have the effect of prohibiting personal wireless services in the City.

15. To comply in good faith with the provisions of SB66, codified in Georgia Law as O.C.G.A. §36-66C-1, et. seq., the "Streamlining Wireless Facilities and Antennas Act" ("ACT"). If any provisions of this section or Article as a whole conflict with the provisions of the ACT, the provisions of the ACT shall control.

11.2 Definitions.

For the purposes of this Article, the following definitions apply. Words not defined herein shall be construed to have the meaning given by common and ordinary usage and shall be interpreted within the context of the sentence and section in which they occur:

Accessory equipment (or Equipment) means any device or telecommunications infrastructure component serving or being used in conjunction with the delivery or transmission of all types of Telecommunication Services. This equipment includes, but is not limited to, Antennas, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures, small cell devices and similar wireless transmitters or conduits.

Administrative approval means zoning approval that the director of planning is authorized to grant in the form of a special administrative permit.

Administrative review means evaluation of an application by the director of planning in connection with the review of an application for a building permit.

Alternative Telecommunication Support Structure means clock towers, bell towers, water tanks, church steeples, light/power poles, electric transmission support structures, man-made trees and similar natural or man-made alternative-design mounting structures that camouflage or conceal the presence of Antennas or telecommunication support structures. An Alternative Telecommunication Support Structure may include a pre-existing building and outdoor advertising sign.

Antenna means any communications equipment that transmits, receives, or transmits and receives electromagnetic radio signal used in the provision of all types of wireless communication services including, but not limited to, cellular, paging, personal communications services (PCS) or microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

Applicant means a person or entity with an application for an administrative or special use permit for the erection of, Modification of, or Co-location of Telecommunication Facilities in the City, whether located on private lands or in a Public Right-of-Way. For purposes of this section, this term shall include any Co-Applicant or party with an ownership interest in a proposed or affected existing Telecommunication Facility, including, but not limited to, property owners, telecommunication support structure owners, and any proposed tenants for the facility.

Application means a formal request submitted to the City of Stonecrest to construct, collocate or modify a Telecommunication Facility, Telecommunication Support Structure or Alternative Telecommunication Support Structure.

Attached wireless telecommunications facility means an antenna or antenna array that is secured to an existing building or structure (except an antenna support structure) with any accompanying pole or device which attaches it to the building or structure, together with transmission cables and an equipment cabinet, which may be located either on the roof or inside/outside of the building or structure, and do not significantly change the profile of the existing structure and are not readily noticeable to the untrained eye. Attached wireless telecommunications facilities may be concealed or contained in an architectural

feature and should complement the existing theme and rhythm of the structure. An attached wireless telecommunications facility is considered to be an accessory use to the existing principal use on a site.

Carrier on wheels or *cell on wheels ("COW")* means a portable self-contained telecommunications facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure, though it may use a separate temporary mast for the placement of antennas.

Collocate or *collocation* means the placement or installation of new wireless facilities on previously approved and constructed Telecommunication Support Structures or Alternative Telecommunication Support Structures, including monopoles and towers, both self-supporting and guyed, in a manner that negates the need to construct a new freestanding Telecommunication Support Structure or Alternative Telecommunication Support Structure. Such term includes the placement of accessory equipment within an existing equipment compound.

Commission means the Georgia Public Service Commission.

Decorative Pole means a pole owned by the City of Stonecrest that is specially designed and placed for aesthetic purposes.

Distributed antenna systems ("DAS") means a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure. A DAS is considered a type of Small Cell Installation.

Equipment compound means an area surrounding or adjacent to the base of a wireless support structure within which accessory equipment is located.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Fall zone means the maximum distance from its base a Telecommunication Support Structure or Alternative Telecommunication Support Structure will collapse in the event of a failure, usually less than the total height of such structure. This distance must be defined by a professional civil or structural engineer licensed in the State of Georgia.

Geographic search area (GSA) means a geographic area designated by a wireless provider or operator as the area within which a new telecommunication facility must be located to serve an identified system need, produced in accordance with generally accepted principles of wireless engineering.

Grantee means an Applicant in receipt of written authorization from the City to erect, operate, and/or maintain Telecommunication Facilities in the Public Right-of-Way.

Guyed Structure means a style of Telecommunication Support Structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.

Height means the distance measured from ground level to the highest point on a Telecommunication Support Structure or Alternative Telecommunication Support Structure, including all Antennas or lighting rods.

Micro Wireless Facility means a Small Cell Installation not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height that has an exterior antenna, if any, no longer than 11 inches.

Modification means the improvement, upgrade, expansion, or replacement of wireless facilities on an existing Telecommunication Support Structure or Alternative Telecommunication Support Structure or within an existing equipment compound, including improvements, upgrades, expansions, or the replacement of any existing telecommunication Equipment, conduit, or infrastructure apparatus, provided such improvement, upgrade, expansion, or replacement does not increase the Height of the Telecommunication Support Structure.

Monopole means a single, freestanding Telecommunication Support Structure that consists of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of support structure is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on the roof of a building.

Ordinary maintenance means action taken to ensure that telecommunications facilities and support structures are kept in good operating condition. Ordinary maintenance includes inspections, testing and modifications that maintain functional capacity, aesthetic and structural integrity; for example, the strengthening of a support structure's foundation, or of the support structure itself. Ordinary maintenance includes replacing antennas of a similar size, weight, shape and color and accessory equipment within an existing telecommunications facility, and relocating the antennas of approved telecommunications facilities to different height levels on an existing Telecommunication Support Structure or Alternative Telecommunication Support Structure upon which they are currently located. Ordinary maintenance does not include modifications.

Pole means a vertical pole, such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal or other material that is lawfully located or to be located within a right of way, including without limitation a replacement pole and an authority pole. Such term shall not include any other Telecommunication Support Structure or Alternative Telecommunication Support Structure, as otherwise defined herein, Decorative Pole, or electric transmission structure.

Provider means any legal entity authorized and/or engaged in the provision of Telecommunication Services.

Public Right(s)-of-Way means and includes all public streets and utility easements now or hereafter owned by or granted to the City, but only to the extent of the City's right, title, interest or authority to authorize or permit an Applicant to occupy and use such streets and easements for the erection and operation of Telecommunication Facilities.

Public Street means a street, road, highway, boulevard, freeway, lane, path, alley, court, sidewalk, parkway, or drive which is owned by a public entity or to which a public entity has an easement for street purposes, and with respect to which, and to the extent that, the City has a right to grant use of the surface of and space above and below in connection with an authorized Provider of Telecommunication Services and/or owner of Telecommunication Facilities.

Small Cell or *Small Cell Installation* means an antenna facility that meets the following conditions:

- Mounted on structures 50 feet or less in Height, including their antennas; or
- Mounted on structures no more than 10 percent taller than other adjacent structures; or
- Do not extend existing structures on which they are located to a Height of more than 50 feet or by more than 10 percent, whichever is greater;
- Each antenna, excluding associated Equipment, is no more than three cubic feet in volume; and
- All wireless equipment associated with the structure, including any pre-existing associated Equipment on the structure, is no more than 28 cubic feet in volume.

Substantial Increase in Size means:

- Any increase in an existing Telecommunication Support Structure's Height by more than 10% or 10 feet (on private property) or 20 feet (on Rights-of-Way), whichever is greater, or width of the added appurtenances more than 20 feet on property or 6 feet on the

Right-of-Way, as previously approved by the City or County, as a result of Modification or Collocation of Antennas or similar telecommunication Equipment;

- An increase in the dimensions of a Telecommunication Facility's Equipment compound as approved by the City or County as a result of Modification or Collocation by more than 10%, inclusive of the increase due to placement of an additional Equipment compound or, if in the Right-of-Way, an installation of any Equipment compound where none existed prior to the Modification or Collocation;
- A Modification or Collocation that will, as proposed, violated condition(s) of approval of an existing Telecommunication Facility, including any subsequently adopted amendments;
- A Modification or Collocation of Equipment that, as proposed, will exceed the applicant weight limits for an existing Telecommunication Facility, as approved by the City or County;
- The addition of more than four (4) new Equipment cabinets or one (1) new shelter;
- The excavation outside existing leased or owned property and current easements; and/or
- For concealed or stealth-designed facilities, if a Modification or Collocation would defeat the concealment elements of the Telecommunication Facility or base station.

Telecommunications facility(ies) means any physical component utilized in the provision of all types of Telecommunications Services, including all Telecommunication Support Structures, Alternative Telecommunication Support Structures, Antennas, Equipment, infrastructure apparatus, based support mechanism, accessory equipment, towers, Monopoles, Small Cell Installations, and physical attachments necessary for the provision of such Telecommunication Services.

Telecommunication Facility Owner(s) means any person or entity that directly or indirectly owns, controls, operated or manages Telecommunication Facilities, including any related Equipment or property within the City, used or to be used for the purpose of offering or transmitting signals used in the provision of any Telecommunication Services.

Telecommunication Service(s) means the transmittal of voice, data, image, graphic, and video programming between or among points by wire, cable, fiber, optics, laser, microwave, radio, satellite, or other facilities. This term shall include commercial mobile radio services, unlicensed wireless services, and common carrier wireless exchange services as identified in the Telecommunications Act of 1996.

Telecommunication Support Structure means a freestanding structure that is designed to support or capable of supporting and constructed primarily for the purpose of supporting telecommunication Equipment; this term shall include self-supporting, guyed, and Monopole support structures. The term includes, and is not limited to, radio and television transmission telecommunication support structures, microwave telecommunication support structures, common-carrier telecommunication support structures, cellular telecommunication support structures, man-made trees, Alternative Telecommunication Support Structures, and other similar structures. In the Public Right-of-Way, only Telecommunication Support Structures erected for the installation of Small Cells shall be permitted.

Utility means any person, corporation, municipality, county, or other legal entity or department thereof or entity related or subordinate thereto, providing retail or wholesale electric, data, cable, or Telecommunication Services, or otherwise subject in any way to the lawful jurisdiction of the Commission.

Visual Quality means the appropriate design, arrangement, and location of Telecommunication Support Structures in relation to the built or natural environment to avoid abrupt or severe differences.

11.3 Approvals required for telecommunications facilities, stealth, and new support structures.

A. It shall be unlawful for any person to erect, install, construct, enlarge, move, alter or convert any tower or antenna or cause the same to be done within City of Stonecrest except in accordance with the provisions of this section. In addition, except as otherwise specifically provided herein, all towers and antennas shall also comply with all regulations applicable to the zoning district in which said tower or antenna is located and any permits authorizing said tower or antennas.

1. All telecommunications facilities, stealth and new support structures shall require the issuance of a building permit in compliance with the administrative review processes described in this chapter. The building permit for a telecommunications facilities, stealth and new support structures shall be in addition to either a special administrative permit or a special land use permit if required.
2. Telecommunications facilities, stealth and new support structures permitted pursuant to Table 4.1 upon issuance of a special administrative permit by the director of planning shall be considered in accordance with the standards set forth in this chapter. A building permit for a telecommunications facilities, stealth and new support structures may be applied for and considered contemporaneously with an application for a special administrative permit.
3. Telecommunications facilities, stealth and new support structures not permitted by a special administrative permit shall be permitted upon the granting of a special land use permit by the City of Stonecrest City council in accordance with the standards set forth in this chapter, before submittal for administrative review (building permit).

11.3.1 Exemptions

B. Ordinary maintenance of existing telecommunications facilities, stealth and new support structures shall be exempt from zoning and permitting requirements. In addition, the following facilities are not subject to the provisions of this chapter:

1. Antennas used by residential households solely for broadcast radio and television reception;
2. Satellite antennas used solely for residential or household purposes;
3. Telecommunication facilities, towers, stealth and new support structures, and monopoles located on city-owned property;
4. COWs placed for a period of not more than one hundred twenty (120) consecutive days at any location within City of Stonecrest after a declaration of an emergency or a disaster;
5. Television and AM/FM radio broadcast towers and associated facilities; and
6. Small Cell facilities when located within a building interior.
7. With respect to a pole or decorative pole on the right of way on which the Small Cell facility is co-located, inspections, testing, repairs and modifications that maintain functional capacity and aesthetic and structural integrity, provided that modifications are limited by the structural load analysis supplied by the Applicant in its prior Application for installation of the Facility.
8. Inspections, testing, or repairs that maintain functional capacity or the replacement or upgrade of Antennas or other components of the Small Cell facility on the right of way, such as a swap out or addition of Antennas and radio equipment as required by the Applicant, with Antennas and other components that are substantially similar in color, aggregate size, and other aesthetics to that previously permitted by the City and consistent with the Height and volume limits for Wireless Installations under this section, so long as the pole, decorative pole, or support structure will structurally support, or prior installation will be modified to support, the structural load in accordance with the structural load analysis supplied by the Applicant in its prior Application for the Installation.

9. Installation, placement, maintenance, operation or replacement of Micro Wireless Facilities that are suspended on cables that are strung between poles or support structures in the right of way in compliance with applicable codes, subject to the requirement that other applicable permits, such as electrical, excavation, street closure, or as otherwise required by this Code, be obtained.

11.4 Telecommunications facilities, and modifications permitted by administrative review (building permit).

11.4.1 Telecommunications facilities located on existing structures.

A. Attached wireless telecommunications facilities are permitted in all zoning districts, except single family residential, when located on any existing structure (other than a single family residential structure or a multi-family residential structure less than four (4) stories or fifty (50) feet in height) subject to administrative review in accordance with the requirements of this [chapter].

B. Attached wireless telecommunication facilities may exceed the maximum building height limitations within a zoning district, above the roof line of a flat roof or the top of a parapet wall to which they are attached, but shall be camouflaged or screened with an architectural feature compatible with the building. Modifications are permitted to all existing stealth and support structures and associated equipment compounds in accordance with the requirements of this chapter. Any modification involving increasing the height of an existing tower, either directly or by replacement, shall be permitted only upon a demonstration deemed sufficient to the director of planning that increasing structure height will allow collocation on the tower by a wireless service provider and that such collocation will obviate the need for a new telecommunications facility in the same geographic search area (GSA). Approval of a modification involving an increase in the height of an existing tower, either directly or by replacement, shall also authorize a corresponding increase in the size of the associated equipment compound sufficient to accommodate the accessory equipment needed by the wireless service provider collocating on the tower.

C. A monopole or replacement pole that will support utility lines as well as a telecommunications facility shall be permitted within utility easements or rights-of-way, in accordance with the requirements of this chapter, subject to the following regulations:
   1. The utility easement or right-of-way shall be a minimum of one hundred (100) feet in width.
   2. The easement or right-of-way shall contain overhead utility transmission and/or distribution structures that are eighty (80) feet or greater in height.
   3. The height of the monopole or replacement pole may not exceed by more than thirty (30) feet the height of existing utility support structures.
   4. Monopoles and all accessory equipment shall be set back a minimum of fifteen (15) feet from all boundaries of the easement or right-of-way.
   5. Single carrier monopoles may be used within utility easements and rights-of-way due to the height restriction imposed by subsection c. above.
      (i) Poles that use the structure of a utility tower for support are permitted. Such poles may extend up to twenty (20) feet above the height of the utility tower.
   6. The director of planning must issue a written decision approving, approving with conditions, or denying the application for modification or collocation within ninety (90) days of submission of the initial application.

11.5 Erection of new Small Cell Installations and support structures and certain other Telecommunication Support Structures permitted by special administrative permit.

11.5.1 New support structures.

A. New Telecommunication Support Structures and Alternative Telecommunication Support Structures for Small Cell Installations shall be permitted in all zoning districts and Public Rights-of-Way by special administrative permit.
B. New Telecommunication Support Structures and Alternative Telecommunication Support Structures, from fifty (50) feet up to one hundred ninety-nine (199) feet in height shall be permitted by special administrative permit in the OI, OD, C-1, C-2, M and M-2 zoning districts.
C. Attached wireless telecommunications (AWT) Antennas are allowed in single family residential districts, RE, R-100, R-85, R-75, R-60 and RSM. An AWT shall be located only on property that is used for non-residential purposes and attached to non-residential structures. The height of the facility shall be measured to include the height of the structure. These facilities shall be permitted by special administrative permit in accordance with the requirements of this chapter.

11.5.2 Cell on wheels/carrier on wheels (COW) facilities.

A. The use of COWs shall be permitted in any zoning district after special administrative permit approval and administrative review (building permit).
B. COWs may be placed for a period of not more than one hundred twenty (120) consecutive days at any location within unincorporated City of Stonecrest if used during a non-emergency or special event.
C. Placement of a COW for the purpose of providing wireless telecommunication service in connection with a special event, subject to the COW's compliance with all federal requirements, may be up to forty-five (45) consecutive days before such special event, for the duration of the event, and for up to fourteen (14) consecutive days thereafter.
D. After a declaration of an emergency or disaster by federal or state government, by City of Stonecrest, or a determination of public necessity by the director of planning, COWs are authorized without permitting. COW’s may not be placed in the right of way.

11.5.3 General standards, design requirements, and miscellaneous provisions.

A. Unless otherwise specified herein, all telecommunications facilities and support structures permitted by special administrative permit approval are subject to the applicable general standards and design requirements contained herein.

11.6 Special administrative permit review process.

All special administrative permit applications must contain the following:

A. The special administrative permit application form signed by the Applicant, and which shall include the Applicant’s name, address, telephone number, and email address, including emergency contact information, as well as names, addresses, telephone numbers, and email addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application.
B. A copy of a lease or letter of authorization from the owner of the property and/or the structure, pole or decorative pole on which the telecommunications facility and support structure are or proposed to be located evidencing the applicant's authority to pursue the application, if applicable. Such submissions need not disclose the financial lease terms.
C. For non-right of way applications, site plans detailing proposed improvements complying with the City's site plan requirements. Site plans must depict all improvements and satisfaction of all applicable

requirements contained in this Code, including property boundaries, setbacks, topography, elevation sketch, landscaping, fencing, and dimensions of improvements.

D. Proof of and/or certified copies of any required approval, registration, and/or licensure from the Commission for any Provider of Telecommunication Services to provide such services in the State of Georgia, where applicable, and any other required FAA, FCC, or otherwise state and federal approval, registration, and/or licensure required to erect, Modify, or Collocate the proposed Telecommunication Facility.

E. An affirmative declaration that the Applicant shall comply with all applicable federal, state, and local laws and regulations, including all applicable provisions of the City's Code of Ordinances and conditions imposed by the City regarding the erection and maintenance of Telecommunication Facilities.

11.6.1 New support structure on private property:

A. A statement indicating why collocation could not meet the applicant's requirements. Such statement may include justifications, including why collocation is either not reasonably available or technologically or structurally feasible, as applicable, to document the reason why collocation is not a viable option.

B. The applicant shall provide a list of all the existing structures considered by it as alternatives to the proposed location. The applicant shall provide a written explanation why the alternatives considered were either reasonably unavailable, or technologically or structurally infeasible.

C. Applications for new support structures with accompanying telecommunications facilities shall be considered together as one (1) application requiring only a single application fee.

D. A list of all towers and support structures in City of Stonecrest in which the applicant has an ownership interest or use agreement. The list shall include the location, the type of structure, the height of the structure, the number of facilities located on the same structure, and the number of facilities for which collocation would be available under existing conditions.

E. A color propagation map demonstrating the existing coverage of all telecommunications facilities owned and proposed by the applicant within the GSA.

F. Current and proposed coverage map for the proposed tower.

G. A structural integrity analysis of a tower shall be included where antennas and equipment will be attached to such existing tower, or to establish the fall zone. Such certification and structural integrity analysis shall bear the signature and seal of a professional engineer licensed in the State of Georgia.

H. A special administrative permit application fee as listed in City of Stonecrest's published fee schedule. Such fee for Small Cell Installations shall not exceed $500 for the first five locations submitted concurrently, and $100 for each additional location thereafter.

I. Any other information as the director of planning may require demonstrating full compliance with this section, all other ordinances of the City and all applicable requirements of state or federal law.

11.6.2 Procedure for private property applications.

A. Within thirty (30) days of receipt of an application for special administrative permit, or within ten (10) days if for Small Cell Installations, the director of planning shall either: (1) inform the applicant in writing of the specific reasons why the application is incomplete and does not meet the submittal requirements; or (2) deem the application complete. If the director informs the applicant that its application is incomplete within thirty (30) days, the overall timeframe for review is suspended until such time that the applicant provides the requested information necessary to complete the application. In can of Small Cell Installations, the first subsequent resubmittal shall restart the review period anew.

B. An applicant that receives notice of an incomplete application may submit additional documentation to complete the application. An applicant's failure to complete the application within sixty (60) days after receipt of written notice of incompleteness shall result in the withdrawal of the application without prejudice. An application withdrawn without prejudice may be resubmitted as a new application upon the filing of a new application fee.

C. The director of planning must issue a written decision approving, approving with conditions, or denying the application for the erection of a new Telecommunication Support Structure or Alternative Telecommunication Support Structure within one hundred fifty (150) days of the submission of the initial application, or ninety (90) days in the case of application for the erection of a new Small Cell Installation, unless the director of planning notified applicant in writing that its application was incomplete within thirty (30) days of filing. If so, the remaining time from the applicable total review time is suspended until the applicant provides the missing information.

D. Upon receipt of a completed application, the director of planning shall post a sign on the subject property with information concerning the name of the applicant, a short summary of what the application is requesting, and a deadline for decision. The same information shall also be published in the City's legal organ in the next available edition after receipt of a completed application. In addition, the application shall be forwarded to the Mayor and City Council. Upon making a decision to approve or deny the application, the director of planning shall send notice of such decision to the Mayor and City Council and publish same in the City's legal organ in the next available edition.

11.6.3 Additional Requirements for Right-of-Way Applications.

A. Applicants seeking to Modify, Collocate or erect new Small Cell Installations on any Public Right-of-Way within the municipal limits of the City shall provide the following in addition to the requirements of this subsection:

1. A general description of the proposed work and the purposes and intent of the proposed facility. The scope and detail of such description shall be appropriate to the nature and character of the physical work to be performed, with special emphasis on those matters likely to be affected or impacted by the physical work proposed
2. Detailed construction drawings regarding the proposed use of the right of way
3. To the extent the proposed installation involves co-location on a pole, decorative pole, or support structure, a structural report performed by a duly licensed engineer evidencing that the pole, decorative pole, or support structure will structurally support the co-location, or that the pole, decorative pole, or support structure may and will be modified to meet structural requirements, in accordance with applicable codes
4. Visual depictions or representations if such are not included in the construction drawings;
5. Information indicating the horizontal and approximate vertical location, relative to the boundaries of the right of way, of the Small Cell Installation for which the application is being submitted;
6. If the application is for the installation of a new pole or decorative pole, a certification that the Applicant has determined, after diligent investigation, that it cannot meet the service objectives of the permit by co-locating on an existing pole or support structure on which:
   a. The Applicant has the right to co-locate subject to reasonable terms and conditions; and
   b. Such co-location would not impose technical limitations or significant additional costs.
7. The Applicant shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and shall provide a written summary of the basis for such determination;

a. If the Applicant is not provider of wireless services, a certification that a wireless service provider has requested in writing that the Applicant co-locate the Small Cell Installation or install, modify, or replace the pole or decorative pole at the requested location

8. Any material change to information contained in an Application shall be submitted in writing to the Director of Planning within 30 days after the events necessitating the change. Failure to do so shall be a violation of this section.

11.6.4 Procedure for Right of Way Applications.

A. Within 20 days of receipt of a written application pursuant to this section, the Director of Planning shall:
   1. Notify the Applicant in writing of the commencement and completion dates of any widening, repair, reconstruction, or relocation of the applicable right of way that is scheduled to commence, or is anticipated in good faith to commence, within 24 months after the Application is filed;
   2. Notify the Applicant of any aspect of the Application that appears to be grounds for the denial of the Application pursuant to this section; and
   3. Determine whether the Application is complete and inform the Applicant of his determination in writing.

B. If the Application is deemed incomplete, the Director of Planning shall specifically identify in writing all missing information within such 20-day period.

C. If notified of incompleteness, the Applicant may submit such missing information within 20 days of the receipt of the notification from the City, and, upon resubmission, any subsequent review for completeness shall be limited to the previously missing information. If the Application remains incomplete or is materially changed other than to address the missing information, the Director of Planning shall notify the Applicant of such within 10 days of the resubmission and such notice shall constitute an official denial of the Application.

D. Within 30 days of the City's written determination that the Application is complete, or upon it becoming complete by operation of law 20 days after submission, for a co-location, and within 70 days for installation, modification or replacement of a pole or decorative pole, the Director of Planning shall make the determination whether to approve or deny the Application.

E. A decision to deny the Application shall be in writing, shall identify all reasons for denial, and shall identify the provision(s) of this section on which the denial was based.

F. If the City fails to act on an application within the review period provided in this section, the Applicant may provide the City written notice that the time period for acting has lapsed, and the Director of Planning shall then have 20 days after receipt of said notice to render a written decision. If the Director of Planning does not act within that additional 20 days, the Application shall be deemed to be approved by operation of law.

11.6.5 Standards of review for Right of Way Applications

A. The Director of Planning shall approve the Right of Way Permit Application unless the co-location of a Small Cell Installation or requested installation, modification, or replacement of a pole or decorative pole:
   1. Interferes with the operation of traffic control equipment;
   2. Interferes with the sight lines or clear zones for transportation or pedestrians;
   3. Fails to comply with the Americans with Disabilities Act, 42 U.S.C. Section 12101, et. seq., or similar laws of general applicability regarding pedestrian access or movement;
   4. Requests that ground-mounted equipment be located more than 7.5 feet in radial circumference from the base of the pole, decorative pole, or support structure to which the Antenna would be attached, provided that this shall not serve as reason for denial if the Applicant can show that the

greater distance is necessary to avoid interfering with sight lines or clear zones for transportation or pedestrians or to otherwise protect public safety;

5. Fails to comply with applicable codes;
6. Fails to comply with the maximum limitations of what is defined as a Small Cell Installation under this Section or otherwise refuses to locate the facilities underground in those areas where the City requires same of all utilities in the right of way;
7. With respect to an Application to install a pole or decorative pole, interferes with the widening, repair, reconstruction, or relocation of a public road or highway by the City or GDOT that has been advertised for bid and scheduled for completion within six months after the Application is filed;
8. With respect to an Application to install a pole or decorative pole, interferes with a public works construction project governed by Chapter 91 of Title 36 of the O.C.G.A. and scheduled for completion within six months after the application is filed;

B. Fails to comply with aesthetic requirements or alternate location requirements of this section;
C. Fails to comply with laws of general applicability that address pedestrian and vehicular traffic and safety requirements; or
D. Fails to comply with laws of general applicability that address the occupancy or management of the right of way and that are not otherwise inconsistent with this Section or the ACT.

11.7 Special land use permit review process.

A. Erection of a new telecommunications facility and new support structure, located in a medium to high density residential district, or NS and OIT, from 51 to 150 feet in Height (except for an attached wireless telecommunication facility) shall meet the requirements of this chapter and shall be approved by a special land use permit subject to:
   1. The submission requirements below;
   2. The applicable standards below; and
   3. The requirements of the special land use permit general requirements provided in this Chapter.

11.7.1 Submission requirements for special land use permit applications.

A. All special land use permit applications for telecommunications facilities, stealth and new support structures, must contain the following:
   1. The special land use permit application form signed by applicant.
   2. A copy of a lease or letter of authorization from the property owner evidencing applicant's authority to pursue the special land use permit application. Such submissions need not disclose the financial lease terms.
   3. A legal description of the parent tract, the leased parcel and any associated easements, as applicable.
   4. A scaled site plan clearly indicating the location, type and height of the proposed tower or accessory structure to be utilized, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines and residential structures (if located on adjacent property), elevation drawings of the proposed tower, design of the tower and how visible obtrusiveness is reduced, accessory structure and any other structures, topography on site and of surrounding property, existing streams, wetlands and floodplains, and other information deemed necessary by the director of planning to assess compliance with this section.
   5. A letter of intent providing a detailed narrative regarding the proposed facility, including the needs it is intended to meet, the area to be served, design characteristics, collocation alternatives,

nature of uses on adjacent properties, and any other information deemed necessary by the director of planning to provide an adequate description of the proposal.

6. A radio frequency study including a description of the area of coverage, capacity and radio frequency goals to be served by the proposed facility, and the extent to which such proposed facility is needed for coverage or capacity needs. The study shall include all planned, proposed, in-service or existing sites operated by the applicant in or near the boundaries of and a color propagation study demonstrating the existing coverage of all telecommunications facilities owned and proposed by the applicant within the GSA. The study shall also demonstrate that the proposed height is the minimum necessary to achieve the required coverage. The study shall bear the signature of a qualified radio frequency engineer.
7. Certification that the telecommunications facility, the foundation and all attachments are designed and will be constructed to meet all applicable local codes, ordinances, and regulations, including any and all applicable city, state and federal laws, rules, and regulations. A structural integrity analysis of an existing tower shall be included where antennas and equipment will be attached to such existing tower. Such certification and structural integrity analysis shall bear the signature and seal of a professional engineer licensed in the State of Georgia.
8. Line-of-sight diagram or photo simulation, showing the proposed support structure set against the skyline and viewed from at least four (4) directions within the surrounding areas.
9. A list of all towers and support structures in City of Stonecrest in which the applicant has an ownership interest or use agreement. The list shall include the location, the type of structure, the height of the structure, the number of facilities located on the same structure, and the number of facilities for which collocation would be available under existing conditions.
10. A statement indicating why collocation is not feasible. Such statement shall include:
11. Such technical information and other justifications as are necessary to indicate the reasons why collocation is not a viable option; and
12. A list of the existing structures considered by the applicant as possible alternatives to the proposed location and a written explanation why the alternatives considered were structurally deficient or otherwise unsuitable.
13. A statement certifying that the proposed stealth or new support structure will be made available for collocation to other service providers at commercially reasonable rates.
14. Notification to surrounding property owners as required by this chapter.
15. A special land use permit application fee as listed in City of Stonecrest's published fee schedule.
16. Proof of and/or certified copies of any required approval, registration, and/or licensure from the Commission for any Provider of Telecommunication Services to provide such services in the State of Georgia, where applicable, and any other required FAA, FCC, or other State and Federal approval, registration, and/or licensure required to erect the proposed new Telecommunication Support Structure or Alternative Telecommunication Support Structure.

11.7.2 Procedure for special land use permit

A. Within thirty (30) days of the receipt of an application for special land use permit, the director of planning shall either: (1) inform the applicant in writing of the specific reasons why the application is incomplete and does not meet the submittal requirements; or (2) deem the application complete. If the director informs the applicant in writing that its application is incomplete within thirty (30) days, the overall timeframe for review is suspended until such time that the applicant provides the requested information necessary to constitute a complete application.

B. If an application is deemed incomplete, the applicant may submit additional materials to complete the application. An applicant's unreasonable failure to complete the application within sixty (60) days after receipt of written notice of incompleteness shall result in the withdrawal of the application

without prejudice. An application withdrawn without prejudice may be resubmitted upon the filing of a new application fee.

C. A complete application for a special land use permit shall be scheduled for a hearing date as required by City of Stonecrest.

D. The posting of the property and public notification of the application shall be accomplished in the same manner required for any special land use permit application under this chapter.

E. The director of planning must provide the applicant with a written decision of the City Council approving, approving with conditions, or denying the request within one hundred fifty (150) days of the submission of the initial application unless the director of planning notified applicant in writing that its application was incomplete within thirty (30) days of filing. If so, the remaining time from the one hundred-fifty-day total review time is suspended until the applicant provides the missing information in writing.

11.7.3 General standards and design requirements.

A. *Design.* Support structures shall be subject to the following:
   1. Designed to accommodate a minimum number of collocations based upon their height, as follows:
   2. Support structures less than one hundred (100) feet in height shall be designed to support at least two (2) antenna arrays;
   3. Support structures between one hundred (100) and one hundred fifty feet (150) shall be designed to support at least three (3) antenna arrays; and
   4. Support structures greater than one hundred fifty (150) feet in height shall be designed to support at least four (4) antenna arrays.
   5. The compound area surrounding the support structure must be in the minimum size to accommodate accessory equipment for the appropriate number of collocations.
   6. Property leased or purchased for the purpose of a telecommunication facility is not required to have minimum road frontage or lot area of the zoning district. However, the applicant must demonstrate access to a public road via an access easement.
   7. Upon request of the applicant, the director of planning may waive the requirement that new support structures accommodate the collocation of other service providers if the director of planning determines that collocation at the site is not essential to the public interest and that the construction of a shorter support structure with fewer antennas would minimize adverse impact on the community.

B. *Setbacks.*
   1. Property lines. Unless otherwise stated herein, stealth and new support structures shall be set back from all property lines a distance of the fall zone plus twenty (20) feet, or if adjacent to property zoned residential, the greater of (a) the fall zone plus twenty (20) feet or (b) one hundred (100) feet.
   2. Residential dwellings. There shall be no setback requirement from dwellings located on the same parcel as the proposed structure.
   3. Unless otherwise stated herein, all accessory equipment shall be set back from all property lines in accordance with the minimum setback requirements in the underlying zoning district and any overlay district. Accessory equipment associated with an existing or replacement utility pole shall not be subject to setback requirements.
   4. The zoning board of appeals shall have the authority to vary any required setback upon the request of the applicant if:

5. The applicant provides a letter stamped by a certified structural engineer licensed in the State of Georgia documenting that the proposed structure's fall zone is less than the requested setback; and
6. The proposed Telecommunication Support Structure or Alternative Telecommunication Support Structure is consistent with the purposes and intent of this ordinance.

C. *Height*.
1. In non-residential districts, support structures shall be designed to be the minimum height needed to meet the service objectives of the applicant, but in no event shall exceed one hundred ninety-nine (199) feet in height as measured from the base of the structure to its highest point, excluding any appurtenances.
2. In medium and high-density residential districts, stealth support structures shall not exceed one hundred fifty (150) feet. Stealth support structures shall be measured from the base of the structure to the top of the highest point, excluding appurtenances. Any proposed stealth support structure shall be designed to be the minimum height needed to meet the service objectives of the applicant.
3. In all zoning districts, the zoning board of appeals shall have the authority to vary the height restrictions listed in this section upon the request of the applicant and a satisfactory showing of need for a greater height. With its variance request the applicant shall submit such technical information or other justifications as are necessary to document the need for the additional height to the satisfaction of the zoning board of appeals.

D. *Aesthetics*. Amateur radio Telecommunication Support Structures, or receiver-only Antennas, shall not be subject to the provisions of this subsection unless such structures exceed thirty-five (35) feet in Height.
1. Lighting and marking. Telecommunications facilities or support structures shall not be lighted or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA). If lighting is required, the City may review the available federally approved lighting alternatives and approve the design that would cause the least disturbance to the surrounding area.
2. Signage. Signs located at the telecommunications facility shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information as required by government regulation. Commercial advertising is strictly prohibited.
3. Landscaping. The visual impacts of a Telecommunication Facility and support structure shall be mitigated by landscaping. Unless located in heavily wooded areas, or on Public Rights-of-Way, Telecommunication Facilities shall be landscaped with a landscape buffer which effectively screens the view of the facility from all sides. The use of existing plant material and trees shall be preserved to the maximum extent practicable and may be used as a substitute for, or in supplement towards, meeting landscaping requirements.
4. Landscape buffers shall be a minimum of ten (10) feet in width and located outside the fenced perimeter of the Telecommunication Facility compound.
5. All landscaping shall be of the evergreen variety and shall conform to the City's buffer standards.
6. Telecommunication Support Structures and Antennas shall either maintain a galvanized steel outer shell or, subject to any applicable standards of the FAA and FCC, shall be painted a neutral color so as to reduce visual obtrusiveness.
7. All Telecommunication Support Structure sites and related structure designs shall use materials, colors, textures, screening, and landscaping that will blend the Telecommunication Facilities to the natural setting and surrounding environment.

8. For Antennas erected on an Alternative Telecommunication Support structure, the Antenna and supporting electrical and mechanical ground Equipment shall be a neutral color so as to make the Antenna and related Equipment as visually unobtrusive as is reasonable.
9. Telecommunication Support Structures in the Public Right-of-Way must be substantially similar in appearance to adjacent light poles or other similar structures so as to blend in to same, including any design requirements of the adjacent zoning or overlay district. All Equipment associated with a Telecommunication Support Structure in the Public Right-of-Way that are not placed on the Structure itself must either be located on adjacent private property, buried underground, or both. Any such Equipment placed on the Structure itself must be on the side of the Structure facing away from the Public Right-of-Way, if at all physically possible.

E. *Accessory equipment, including any buildings, cabinets or shelters.*
1. Accessory equipment shall be used only to house equipment and other supplies in support of the operation of the on-site telecommunication facility or support structure.
2. Any equipment not used in direct support of such on-site operation shall not be stored on the site.
3. Accessory equipment must conform to the setback standards of the applicable zoning districts. In the situation of stacked equipment buildings, additional screening/landscaping measures may be required by the director of planning in order to accomplish the purposes and goals of this section.

F. *Stealth design telecommunications facilities.*
1. Any telecommunications facility that otherwise complies with the requirements of this chapter, including procedural approvals, may be designed as a stealth telecommunication facility.
2. Stealth telecommunication facilities are mandatory in medium and high-density residential districts and shall not exceed one hundred fifty (150) feet in height. All towers in medium and high-density residential districts must be approved by a special land use permit.
3. Antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer

G. No sound emanating from the facility generator during normal operations shall be audible above seventy (70) decibels which would allow normal conversation within fifteen (15) feet of the compound.

11.8 Pre-existing Facilities.

A. Any pre-existing Telecommunication Facility which does not meet the requirements of this section shall be considered nonconforming and subject to the nonconforming use provisions of the zoning ordinance; provided, however, that the installation of a new Antenna on a pre-existing Telecommunication Support Structure shall not constitute the expansion of a nonconforming use provided that
1. the new Antenna does not result in a Substantial Increase in Size and
2. the resulting Height of the pre-existing Telecommunication Support Structure is less than the maximum Height the Telecommunication Support Structure previously approved by the City.

11.9 Annual Registration of Telecommunication Facilities.

A. The owner of any Telecommunication Facility shall submit an annual registration of such Facility on such forms as the director of planning shall prescribe.
1. The tax parcel identification and physical street address for the parcel on which such Telecommunication Facility is located.
2. Describe all Telecommunication Support Structures, Alternative Telecommunication Support Structures, Antennas, and other Telecommunication Equipment on the site, describe in detail any

improvements during the preceding calendar year, and, for Telecommunication Support Structures only, state the total gross income from all improvements on the site for the preceding calendar year

3. Filed with the City on or before April 1st of each year and shall be accompanied by an annual administrative fee in an amount as established by the Mayor and Council.

11.10 Principal or Accessory Use.

A. A Telecommunication Support Structure and/or Antenna is considered a principal use if located on any parcel as the sole or primary structure, and is considered an accessory use if located on a parcel shared with a different existing primary use or existing structure. An existing use or structure on the same parcel shall not preclude the installation of an antenna or Telecommunication Support Structure. For purposes of determining whether the erection of a Telecommunication Support Structure or Antenna complies with the requirements of the zoning district in which it is located (including, but not limited to, all setback and buffer requirements), the dimensions of the entire parcel shall control, even though the Antenna or Telecommunication Support Structure may be located on a leased area within the dimensions of such parcel.

11.11 Inventory of Existing Sites for New Telecommunication Support Structure or Alternative Telecommunication Support Structure Applications.

A. The City shall maintain an itemized list of all Telecommunication Support Structures or Alternative Telecommunication Support Structures, active and inactive, which are located within the municipal limits of the City. This list shall include specific information about the location (latitude and longitude coordinates), Height, design, Telecommunication Support Structure type and general suitability for Antenna co-location of each Telecommunication Support Structure and authorized Alternative Telecommunication Support Structures, and other pertinent information as may be decided by the City.

1. To facilitate collocation of Antennas, each Applicant seeking to erect a new Telecommunication Support Structure or Alternative Telecommunication Support Structure, or to modify any such existing structure, shall provide to the City an itemized list of its existing Telecommunication Support Structures and authorized Alternative Telecommunication Support Structures as provided for below. Applicants seeking to erect an amateur radio Telecommunication Support Structure or Antenna less than thirty-five (35) feet in Height shall be exempt from this provision.
2. Each Applicant seeking to erect a new Telecommunication Support Structure or Alternative Telecommunication Support Structure or to modify existing support structures shall provide the City with an itemized list, including all of the following: a complete listing of all Applicant-owned Telecommunication Support Structures that are within the municipal limits of the City or within one-quarter (1/4) mile of the municipal limits of the City; with respect to each listed Telecommunication Support Structure, specific information, including the location (latitude and longitude coordinates), Height, design, structure type, and general suitability for Antenna collocation; and other pertinent information as may be required by the director of planning. The City shall share such information with any other Applicant under this section or any other organization or governmental entity seeking to locate a Telecommunication Facility within the municipal limits of the City, provided, however, that the City shall not, by sharing such information, in any way be deemed to have represented or warranted that such sites are available or suitable.

3. An application, with the exception of an application to erect an amateur radio telecommunication support structure or Antenna less than thirty-five (35) feet in Height as set forth herein, shall not be considered complete without the itemized list required in this subsection.

11.12 Documentation from Applicable Regulatory Agencies and Review for Aviation Purposes.

A. Any applicant for the erection of a Telecommunication Facility governed by this section shall demonstrate compliance with all FAA and FCC regulations with respect to prior approval, registration and/or licensure of a proposed Telecommunication Facility. No building permit shall be issued until an Applicant has received approval from the FAA and/or registered the proposed facility with the FCC where required and provided copies of all applicable approvals, registrations, and/or licenses to the City. In the alternative, Applicants may demonstrate that such prior authorization and/or registration is not required to be accompanied by a sworn affidavit asserting same. All Telecommunication Facilities must meet or exceed current standards and regulations of the FAA, the FCC, the Commission, and any other agency of the federal government authorized to regulate such facilities.

11.13 Building Codes; Safety Standards.

A. To ensure structural integrity of Telecommunication Facilities, the owner, permittee, or subsequent lessee of a Telecommunication Support Structure or Alternative Telecommunication Support Structure shall ensure that all applicable Telecommunication Facilities on such site are maintained in compliance with standards contained in applicable local building codes. If, upon inspection, the City concludes that an applicable Telecommunication Facility fails to comply with all governing codes and standards, or constitutes a danger to persons or property, then upon receipt of written notice by the owner, permittee, or lessee of such a facility, the recipient shall have fifteen (15) days to bring the Telecommunication Facility into compliance with such standards. If the owner, permittee, or lessee fails to bring the Telecommunication Facility into compliance within the 15-day period, the City may, at the direction of the City Manager, remove the non-compliant Telecommunication Facility at the owner, permittee, or lessee's expense. Prior to the removal of any telecommunication facility, the City may consider detailed plans submitted by the owner, permittee, or subsequent lessee for repair of substandard Telecommunication Support Structures and may grant a reasonable extension of the above-referenced compliance period. Any such removal by the City shall be in the manner provided in O.C.G.A. §§ 41-2-7 through 41-2-17.

11.14 Change of Ownership or Control Notification.

A. Upon the transfer of ownership or control of any Telecommunication Facility, the party transferring such ownership or control shall notify the City of the transaction in writing within thirty (30) days.

11.15 Revocation or Termination of Permit.

A. Any authorization to erect or operate Telecommunication Facilities may be revoked for the following reasons:
   1. Erection or operation of Telecommunication Facilities at an unauthorized location;
   2. Misrepresentation or lack of candor by or on behalf of a Grantee in any representation to the City;
   3. Abandonment of applicable Telecommunication Facilities;
   4. Failure to pay required reasonable fees or costs, as may be required in this section;
   5. Failure to meet any provision of the annual registration requirement in this section;

6. Failure to pay required fees or costs for access and use of Public Rights-of-Way, as may be required in this section; and
7. Violation of a material provision of the City's Code of Ordinances or violation of a material condition set forth in any permit or authorization to erect and operate Telecommunication Facilities.

11.16 Access to the Public Right-of-Way.

A. The City shall not require any Telecommunications Facility Owner to sign an agreement of any kind as pre-condition for access to the City's Right of Way. The provisions of this section and the ACT shall serve as the only pre-conditions for location of Telecommunication Facilities in the Rights-of-Way. Any Telecommunications Facility Owner may, voluntarily, enter into any such Right of Way access agreement with terms that deviate from the provisions of the ACT or this section, so long as said agreements are available for public inspection and are non-discriminatory as to terms and conditions with different Telecommunication Facility Owners.

11.17 Limitations on Municipal Authority.

A. In regulating the erection and maintenance of Telecommunication Facilities, whether located on private lands or in Public Rights-of-Way, the City shall not:
    1. Condition the approval of any application for a new Telecommunication Support Structure or Alternative Telecommunication Support Structure on a requirement that a Modification or Collocation to such structure be subject to a review inconsistent with this section;
    2. Required the removal of an existing Telecommunication Support Structure, Alternative Telecommunication Support Structure, or Telecommunication Facility as a condition of approval of an application for a new Telecommunication Facility unless such existing Telecommunication Support Structure, Alternative Telecommunication Support Structure, or Telecommunication Facility is abandoned and owned by the Applicant;
    3. Require the Applicant to place an Antenna or other Equipment on publicly owned land or on a publicly or privately owned water tank, building, or electric transmission tower as an alternative to the location proposed by the Applicant.

11.18 Fees.

A. **Private Property Installations.** The fees levied and charged for all persons and businesses for non-Small Cell Installations subject thereto shall be set forth on a schedule which may be amended from time to time by resolution of the Mayor and Council, a copy of which shall be maintained on file in the City Clerk's office and with the director of planning. Said fees are levied and assessed in addition to any business or occupational taxes assessed and levied under the City Code. Applications for Small Cell Installations on private property, whether collocation or erection of new infrastructure, shall not be charged more than $500 for up to the first five (5) locations requested concurrently, and $100 for each additional location therefrom. The City shall not seek reimbursement from an Applicant for fees, consultation fees, registry fees, audit fees, or otherwise payment in connection with an application subject to this section on a contingency fee arrangement.

B. **Right of Way Installation.**
    1. Application Fee for co-location of a Small Cell Installation on an existing pole: $100 for each facility.
    2. Application Fee for each replacement pole with an associated Small Cell Installation: $250.00.
    3. Application Fee for each new pole with an associated Small Cell Installation: $1,000 per pole.

C. **Right of Way Occupancy Rate.**
    1. Co-Located Small Cell Installation on existing or replacement pole: $100.00 per year.
    2. New Pole with associated Small Cell Installation: $200.00 per year.
    3. Annual Attachment rate for poles owned by the City: $40.00 per year per Small Cell Installation.
    4. On January 1, 2021, each of the fees delineated above shall increase 2.5 percent annually.

11.19 Bond Requirement for new Telecommunication Support Structures.

A. Prior to the issuance of a permit for the erection of a Telecommunication Support Structure or Alternative Telecommunication Support Structure on private property, an Applicant shall procure a bond or an irrevocable letter of credit in an amount not less than twenty-five thousand dollars ($25,000.00) conditioned upon the removal of the Telecommunication Support Structure or Alternative Telecommunication Support Structure, should it be deemed abandoned under the provisions set forth in this section. Such bond or letter of credit (a) shall be renewed at least every two (2) years during the life of the Telecommunication Support Structure, (b) shall not expire unless the City is given sixty (60) calendar days' prior written notice, (c) shall include the name, address, telephone number, and contact for the provider of bond or letter of credit and (d) in the case of a bond, shall include the statement that the provider of the bond is listed in the latest issue of the U.S. Treasury Circular 570.

11.20 Non-Discrimination.

A. In evaluating any application governed by this section, the City shall not unreasonably discriminate among telecommunication providers of functionally equivalent services and technical capabilities and/or deny an application based solely on the financial status of an Applicant, type of Telecommunication Services to be provided should a prospective application be approved, and/or thee content of telecommunications to be provided by and/or through proposed Telecommunication Facilities.

11.21 Inspections.

A. Whenever inspections of the premises used for or in connection with a Telecommunication Support Structure, Alternative Telecommunication Support Structure, or Antenna are provided for or required by ordinance, or are reasonably necessary to ensure compliance with any ordinance provision or to detect violations thereof, it shall be the duty of the Applicant, or the person(s) responsible for the premises to be inspected, to admit thereto for the purpose of making the inspection any officer, agent, or employee of the City who is authorized or directed to make such inspection, at any reasonable time that admission is requested.

B. In addition to any other penalty which may be provided, the permit granted to any Applicant who refuses to allow any authorized officer, agent or employee of the City to make any inspection provided for in subsection (a) hereinabove, or who interferes with such officer or employee while in the performance of his duty in making such inspection may be suspended or revoked at the reasonable discretion of the director of planning.

11.22 Penalties for Violation.

A. In addition to the other remedies available to the City for violation of this section set forth herein or in any other applicable provisions of the City Code, the municipal court of the City, after notice to the Applicant or permittee and hearing, may impose a civil fine for failure to comply with the provisions of this section or a sentence not to exceed sixty (60) days. Such a civil fine shall not exceed one thousand dollars ($1,000.00) per day and may be enforced by the contempt power of the court. In addition, the Applicant or permittee shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing contained in this subsection shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation of this section.

11.23 Appeals of Decisions of the Mayor and Council.

A. Appeals of the decisions of Mayor and Council under this section shall be by writ of certiorari to the Superior Court of DeKalb County in accordance with State Law.

11.24 Miscellaneous provisions.

A. **Fencing.**
   1. All Telecommunication Support Structures and related Equipment shall be enclosed by fencing not less than six (6) feet in Height and shall also be equipped with appropriate anti-climbing devices. Telecommunication Support Structures on the Public Right-of-Way shall be exempt from the fencing requirement.
   2. Fencing shall be decorative, including brick or concrete columns.
   3. The director of planning may waive the requirement of subsection (j)(1)a. above if it is deemed that a fence is inappropriate or unnecessary at the proposed location in order to accomplish the purposes and goals of this section.

B. **Amateur radio Telecommunication Support Structures or receive-only** Antennas shall not be subject to the provisions of this subsection unless such structures exceed thirty-five (35) feet in Height.

C. **Neighborhood identity**. If located in residential area, Telecommunication Facilities may incorporate features that identify neighborhoods, such as banner arms or monuments.

D. **Abandonment and removal.** Any Telecommunication Support Structure or Antenna that is not operated for a continuous period exceeding six (6) months, or 12 months on right of way, shall be considered abandoned, and the owner of such Telecommunication Facility shall place the applicable Antenna or Telecommunication Support Structure into operation or remove the same. The director of planning must first provide written notice to the owner of the support structure and give the owner the opportunity to take such action(s) as may be necessary to reclaim the support structure within ninety (90) days of receipt of said written notice. In the event the owner of the support structure fails to reclaim the support structure within the ninety-day period, the owner of the support structure shall be required to remove the same within six (6) months

thereafter at the owner's expense. If said support structure is not removed within the required period of time, the City may, at the direction of the City Manager, and in the manner provided in O.C.G.A. §§41-2-7 through 41-2-17, remove such Antenna or Telecommunication Support Structure at the owner's expense, plus an additional fine of $500. If there are two or more users of a single Telecommunication Support Structure, this provision shall not become effective unless and until all users cease utilizing the Telecommunication Support Structure. Until the owner pays said expense and penalty, the owner shall not be entitled to apply for, or receive, any future permits under this section.

E. **Multiple uses on a single parcel or lot.** Telecommunications facilities and support structures may be located on a parcel containing another principal use on the same site or may be the principal use itself.

11.25 Telecommunications facilities and support structures in existence on the date of adoption of this section.

A. Telecommunications facilities and support structures that were legally permitted nonconforming uses on or before the date this chapter was enacted shall be considered a legal, lawful use, subject to the nonconforming use regulation in this chapter and state law.

B. Ordinary maintenance may be performed on a nonconforming support structure or telecommunications facility.

C. Collocation or modifications of telecommunications facilities on an existing nonconforming support structure shall not be construed as an expansion, enlargement or increase in intensity of a nonconforming structure and/or use and shall be permitted through the administrative approval of a building permit process.

11.26 Contents of Application for Right of Way Installations.

A. Applications for Right of Way Installations shall contain the following:

1. The Applicant's name, address, telephone number, and email address, including emergency contact information;
2. The names, addresses, telephone numbers, and email addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application.
3. A general description of the proposed work and the purposes and intent of the proposed facility. The scope and detail of such description shall be appropriate to the nature and character of the physical work to be performed, with special emphasis on those matters likely to be affected or impacted by the physical work proposed.
4. Detailed construction drawings regarding the proposed use of the right of way.
5. To the extent the proposed installation involves co-location on a pole, decorative pole, or support structure, a structural report performed by a duly licensed engineer evidencing that the pole, decorative pole, or support structure will structurally support the co-location, or that the pole, decorative pole, or support structure may and will be modified to meet structural requirements, in accordance with applicable codes.
    a. Visual depictions or representations if such are not included in the construction drawings.
    b. Information indicating the horizontal and approximate vertical location, relative to the boundaries of the right of way, of the Small Cell Installation for which the application is being submitted.

    c. If the application is for the installation of a new pole or decorative pole, a certification that the Applicant has determined, after diligent investigation, that

it cannot meet the service objectives of the permit by co-locating on an existing pole or support structure on which:

B. The Applicant has the right to co-locate subject to reasonable terms and conditions; and such co-location would not impose technical limitations or significant additional costs.
    1. The Applicant shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and shall provide a written summary of the basis for such determination.
    2. A certification that the Applicant has permission from the owner to co-locate on the structure or pole.
    3. If the Applicant is not provider of wireless services, a certification that a wireless service provider has requested in writing that the Applicant co-locate the Small Cell Installation or install, modify, or replace the pole or decorative pole at the requested location.
    4. Any material change to information contained in an Application shall be submitted in writing to the Community Development Director within 30 days after the events necessitating the change. Failure to do so shall be a violation of this Section.

11.27 Procedure after submission of right of way application.

A. Within 20 days of receipt of a written application pursuant to this section, the Community Development Director shall:
    1. Notify the Applicant in writing of the commencement and completion dates of any widening, repair, reconstruction, or relocation of the applicable right of way that is scheduled to commence, or is anticipated in good faith to commence, within 24 months after the Application is filed;
    2. Notify the Applicant of any aspect of the Application that appears to be grounds for the denial of the Application pursuant to this section; and
    3. Determine whether the Application is complete and inform the Applicant of his determination in writing.
B. If the Application is deemed incomplete, the Community Development Director shall specifically identify in writing all missing information within such 20-day period.
C. If notified of incompleteness, the Applicant may submit such missing information within 20 days of the receipt of the notification from the Community Development Director, and, upon resubmission, any subsequent review for completeness shall be limited to the previously missing information. If the Application remains incomplete or is materially changed other than to address the missing information, the Community Development Director shall notify the Applicant of such within 10 days of the resubmission and such notice shall constitute an official denial of the Application.

11.28 Time for Review of Right of Way Application.

A. Within 30 days of the Community Development Director's written determination that the Application is complete, or upon it becoming complete by operation of law 20 days after submission, for a co-location, and within 70 days for installation, modification or replacement of a pole or decorative pole, the Community Development Director shall make the determination whether to approve or deny the Application.

B. A decision to deny the Application shall be in writing, shall identify all reasons for denial, and shall identify the provision(s) of this section on which the denial was based.

C. If the Community Development Director fails to act on an application within the review period provided in this section, the Applicant may provide the City written notice that the time period for acting has lapsed, and the City shall then have 20 days after receipt of said notice to render a written decision. If the Community Development Director does not act within that additional 20 days, the Application shall be deemed to be approved by operation of law.

11.29 Standards of Review.

A. The Community Development Director shall approve the Application unless the co-location of a Small Cell Installation or requested installation, modification, or replacement of a pole or decorative pole:
   1. Interferes with the operation of traffic control equipment;
   2. Interferes with the sight lines or clear zones for transportation or pedestrians;
   3. Fails to comply with the Americans with Disabilities Act, 42 U.S.C. Section 12101, et. seq., or similar laws of general applicability regarding pedestrian access or movement;
   4. Requests that ground-mounted equipment be located more than 7.5 feet in radial circumference from the base of the pole, decorative pole, or support structure to which the Antenna would be attached, provided that this shall not serve as reason for denial if the Applicant can show that the greater distance is necessary to avoid interfering with sight lines or clear zones for transportation or pedestrians or to otherwise protect public safety;
   5. Fails to comply with applicable codes;
   6. Fails to comply with the maximum limitations of what is defined as a Small Cell Installation under this section or otherwise refuses to locate the facilities underground in those areas where the City requires same of all utilities in the right of way;
   7. With respect to an Application to install a pole or decorative pole, interferes with the widening, repair, reconstruction, or relocation of a public road or highway by the City or GDOT that has been advertised for bid and scheduled for completion within six months after the Application is filed;
   8. With respect to an Application to install a pole or decorative pole, interferes with a public works construction project governed by Chapter 91 of Title 36 of the O.C.G.A. and scheduled for completion within six months after the application is filed;
   9. Fails to comply with aesthetic requirements or alternate location requirements of this section;
   10. Fails to comply with laws of general applicability that address pedestrian and vehicular traffic and safety requirements; or
   11. Fails to comply with laws of general applicability that address the occupancy or management of the right of way and that are not otherwise inconsistent with this section or the ACT.

11.30 Expiration of Permit

A. The co-location, installation, modification or replacement for which a permit is issued under this section shall be completed within six (6) months after issuance, provided that the City shall grant an extension for up to an additional six (6) months upon written request made before the expiration of the initial six-month period if a delay results from circumstances beyond the reasonable control of the Applicant.

11.31 Relocation, Recondition, and Replacement.

A. If the City requires any widening, repair, reconstruction, or relocation of a public road or highway, or relocation of poles, support structures, or Small Cell Installations as a result of a public project, the Telecommunication Facility Owner shall relocate poles and support structures that have been installed in the right of way at no cost to the City in case said poles and support structures are found

to unreasonably interfere with the widening, repair, reconstruction or relocation project or the public project. The Telecommunication Facility Owner shall relocate the poles or support structures:

1. By the date designated in a written notice by the City that contains a good faith estimate of the date by which the City intends to commence work so long as the time frames are applied to all utilities in the right of way, provided, however, that the date designated for relocation shall be at least 45 days after the City provides written notice of same; or
2. Within the time frame that the Telecommunication Facility Owner estimates in good faith is reasonably needed to complete the relocation, so long as such good faith estimate is provided to the City in writing within 30 days following receipt of the City's written notice and explains in detail why such relocation cannot be reasonably completed by the date designated by the City.
3. The Telecommunication Facilities Owner shall reasonably cooperate with the City to carry out reconditioning work activities for any poles or decorative poles owned by the City in a manner that minimizes interference with the approved use of the facility. The City shall use reasonable effort to provide the Telecommunication Facility Owner with written notice of reconditioning work at least 120 days before such work begins. Upon receiving such notice, it shall be the Telecommunication Facility Owner's sole responsibility to provide adequate measures to cover, remove, or otherwise protect the facility from the consequences of the reconditioning work, including but not limited to paint and debris fallout. The City reserves the right to require removal of all facilities from the City's pole and surrounding premises during reconditioning work, provided that the requirement to remove such is contained in the written notice required herein. All costs associated with the protection measures shall be the sole responsibility of the Telecommunication Facility Owner.

B. In the case of the City needing to replace its poles or decorative poles, the City shall provide the Telecommunication Facility Owner with at least 120 days written notice of same before the City may remove the Facility. The City shall promptly notify the Telecommunication Facility Owner when the poles have been replaced and the equipment can be reinstalled. During the replacement work, the Telecommunication Facility Owner may maintain a temporary communications facility on the property, or, after approval by the City, on any land owned or controlled by the City in the vicinity of the property.
C. If the Telecommunication Facility Owner fails to relocate a support structure as required in this section, or fails to provide a good faith estimate of the time needed to relocate, the City shall have the right, ten (10) days after written notice of same, to cut power or move any support structure or pole located in the right of way as the City may determine to be necessary, appropriate, or useful in order to commence work on the public project.

11.32 Public Safety.

A. An Applicant in the Public Right-of-Way shall employ due care during the installation and maintenance process and shall comply with all safety and Public Right of Way protection requirements in the City codes and regulations and State Law.
B. An Applicant or permittee pursuant to this section shall not place any Small Cell Installations, support structures, poles or decorative poles where they will interfere with any existing infrastructure or equipment and shall locate its lines and Equipment in such a manner as not to interfere unnecessarily with the usual vehicular or pedestrian traffic patterns or with the rights or reasonable convenience of owners of property that abuts any Public Right of Way.
C. If the City determines that a Telecommunication Facility Owner's activity in the Public Right of Way pursuant to this section creates an imminent risk to public safety, the City shall provide written notice to the Facility Owner requiring the Facility Owner to address said risk. If the Facility Owner fails to

address the issue within 24 hours of the written notice, the City shall be authorized to address said issue at the Facility Owner's expense.

D. Any damage to the Public Right of Way caused by the activities of the Telecommunication Facility Owner while occupying, installing, repairing or maintaining Small Cell Installations, poles, or support structures shall be repaired promptly by the Facility Owner. If the Facility Owner fails to conduct such repairs within 90 days of receipt of a written notice from the City notifying the Facility Owner of the damage to the right of way, the City shall be authorized to correct and repair the damage at the Facility Owner's expense, plus a $500.00 penalty. Failure of the Facility Owner to pay the City's expenses under those circumstances, as well as the penalty, shall result in the Facility Owner being prohibited from applying for, or receiving, any further permits under this section until the full amount is paid to the City.

11.33 Alternate Locations.

A. For application for new poles in the Public Right of Way in areas zoned for residential use, the City may propose an alternate location in the Public Right of Way within 100 feet of the location set forth in the application, and the Applicant shall use the City's proposed alternate location unless the location imposes technical limits or significant additional costs, a fact the Applicant must certify to have determined in good faith, based on the assessment of a licensed engineer, and shall provide a written summary of the basis for such determination.

11.34 First Come First Served Requests.

A. If multiple Applications are received by the City to install two or more poles or decorative poles at the same location or to co-locate two or more Small Cell Installations on the same pole, decorative pole or support structure, the Applications shall be considered in the order they were received once deemed complete and, if a permit is granted for the first completed application, the subsequent completed applications for the same location shall be deemed to be automatically denied.

TCF | THE COLLABORATIVE FIRM

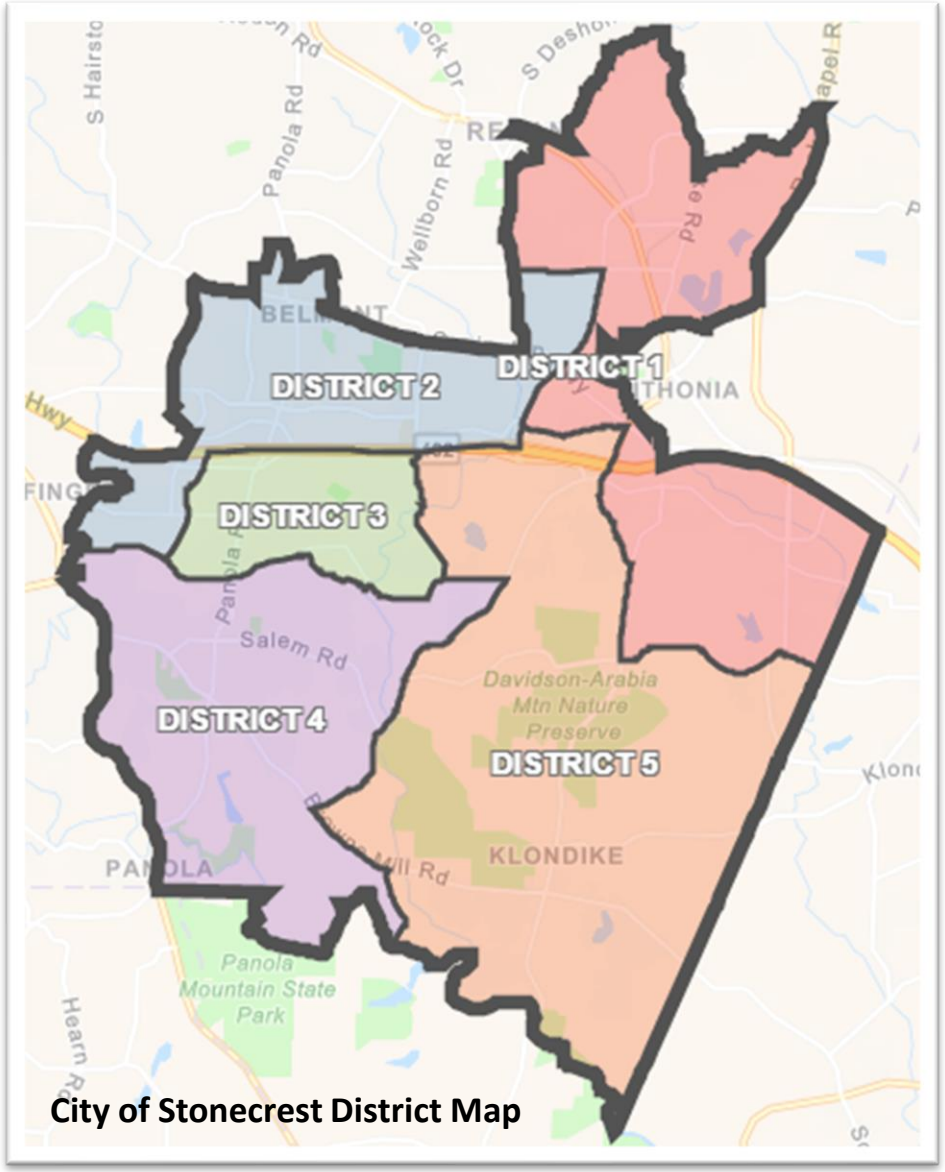
City of Stonecrest Zoning Code Update: Final Report

Final Report Outline

1. Introduction
2. Formatting and User Updates
3. Zoning Districts Updates
4. Overlay Districts Updates
5. Uses and Supplement Regulations Updates
6. Site Design and Building Form Standards Updates
7. Recommendations Takeaways

Attachments

A. User Guides
B. Public Involvement Meetings List
C. Community and Stakeholder Meeting Minutes
D. AG – Eco-Agricultural Zoning District Memo
E. Community Council Memo
F. Needs Assessment Briefing Packages



City of Stonecrest District Map

Introduction

The City of Stonecrest incorporated in 2017 and adopted a modified version of the DeKalb County Zoning Code in order to aid in the transition. Thereafter the City conducted a planning process to create a Comprehensive Plan, which the City adopted in 2019. The plan establishes a long-term vision and action plan for the future development of Stonecrest. As part of the implementation of the plan, the City commissioned The Collaborative Firm (TCF) to update the current zoning code to reflect the aspirations of the citizens of Stonecrest as well the businesses and other stakeholders within the City.

In order to ensure that the zoning code is updated to reflect the overall goals of the City, TCF conducted a series of working meetings with staff and elected officials. TCF also reviewed a range of supporting documents, including the Comprehensive Plan, the DeKalb County Zoning Code, the MARTA I-20 East Transit Plan, the documents from Stonecrest Overlay District Steering Committee, the DeKalb County Industrial Land & Economy Study, and the Stonecrest LCI Plan. Information gained from these meetings and reviews contributed to the attached Needs Briefing Packages (Attachment F) and a list of overall goals to consider throughout the update process.

A Needs and Options Assessment and a Preliminary Recommendations Report were completed based on the outlined goals. The Needs and Options Assessment presented several choices for revising the code and was reviewed by staff. Staff then provided direction to identify the most viable options and to guide the development of the Preliminary Recommendations Report. That report was presented Mayor and Council for review as well as to the community through several community and stakeholder meetings. A list of these meetings is provided in Attachment B.

After receiving community and stakeholder input, as well as feedback from Mayor and Council, the Final Report was developed. The purpose of this Final Report is to outline the specific updates that have been vetted by the community and are being considered for adoption by the City.

Overall Goals for the Update

- Maintain the character of the City's existing neighborhoods especially the large-lot residential and conservation areas in the Arabia Mountain Overlay District
- Enhance the design quality of new development citywide
- Support multi-modal transportation options and inter-parcel connections
- Create a more "user-friendly" zoning code that is accessible to both residents and developers, including an expanded definitions section
- Recognize the potential for MARTA transit stations as an opportunity to focus development
- Encourage higher density and mixed-use development in the City's centers, particularly around Stonecrest Mall
- Allowing the continued development of industrial uses within the City, while also protecting the existing residentially zoned properties

THE CITY OF STONECREST GEORGIA

Community, Commerce and Culture Working Together to be a World-Class City.

Formatting and User Updates

As part of the identified goal to create a more "user-friendly" zoning code, the entire zoning code was reviewed and updated with a consistent format that will make information easy to access. This also resulted in a new Table of Contents that can be easily updated for future changes. An excerpt from the newly create Table of Contents is included to the right.

While updating the format, the firm evaluated the arrangement of the articles and overall composition of the code. The revision process integrated several amendments that had been passed by the City since the adoption of the DeKalb County code. These amendments, such as the previous updates to the Stonecrest Overlay District and restrictions on Small Box Discount Stores, are all included in the updated version of the Zoning Code.

This revision process also resulted in the recommendation to split Article 5 into two articles – Article 5: Site Design and Building Form Standards and Article 6: Building Materials, Form, and Configuration. This separation of information will allow users to more easily locate regulations that apply to their project. More detail on this revision is included in the Site Design and Building Form Standards Updates section of this report.

The firm has also provided several administrative and user guides for particular procedures or uses that have been difficult to understand or regulate in the past. These were chosen based on staff and community input. See Appendix for these examples.

Lastly, the updated Zoning Code will be added to Municode, an online database for maintaining City Codes. The City has just begun using this resource after discussion with staff on the benefits of online access. Many of the smaller Cities around Atlanta use this service and it has proven to help maintain a consistently updated code and provide easy online access to citizens.

Table of Contents

1 Article 1. - General Requirements 15
1.1 General Provisions 15
1.1.1 Short title. 15
1.1.2 Effective date. 15
1.1.3 Purpose and intent of Code. 15
1.1.4 Minimum requirements. 16
1.1.5 Authority. 16
1.1.6 General applicability. 16
1.1.7 Applicability to all property. 16
1.1.8 General prohibition. 16
1.1.9 Interpretation and authority to administer. 17
1.1.10 Components of zoning ordinance. 17
1.1.11 Transitional provisions. 17
1.1.12 Relation to and conflict with other provisions. 19
1.1.13 Relation to private agreements. 20
1.1.14 Zoning maps. 20
1.1.15 Interpretation of zoning maps. 21
1.1.16 Rules applicable to parcels split into two or more zoning districts. 21
1.1.17 Severability. 22
1.1.18 Transition Period 22
1.2 Relationship to Comprehensive Plan 22
1.2.1 Establishment of The Comprehensive Plan 22
1.2.2 Character areas (land use categories). 22
1.2.3 Relationship between character areas and zoning districts. 23
1.2.4 Relationship between supplemental plans and zoning districts. 23
2 Article 2. - District Regulations 24
2.1 Establishment of Districts 24
2.1.1 Districts established. 24
2.1.2 Prior district classifications and conversion. 24

Zoning Districts Updates

Zoning Districts Relationship to the Comprehensive Plan

The Stonecrest Comprehensive Plan updated the Future Land Use categories within the City to more closely align with the Council's long-term vision for the community. As a result, the zoning code needs to be updated to reflect these changes. The updated land use categories are based on the recently adopted Comprehensive Plan and the Future Land Use Map. In addition, the current code contains a matrix (see below) that indicates which zoning districts are appropriate in each of the land use categories. This matrix assists staff and applicants in viewing intended zoning districts and uses for properties throughout the City. This tool can help to explain support or opposition for a rezoning or special land use permit application. The updated Zoning Code includes an updated matrix comparing the updated zoning districts with the updated future land use categories. This updated matrix is shown on the next page and was developed using information from the Comprehensive plan and the Future Land Use Map.

Land Use Category Currently Listed in Zoning Code	Updated Land Use Categories Based on Comprehensive Plan
A. Rural Residential. B. Suburban. C. Traditional Neighborhood. D. Neighborhood Center. E. Town Center. F. Regional Center. G. Industrial. H. Light Industrial. I. Institutional. J. Office Park. K. Commercial Redevelopment Corridor. L. Scenic Corridor. M. Highway Corridor.	A. Conservation/Open Space B. Institutional C. Rural Residential D. Suburban Neighborhood E. Urban Neighborhood F. Neighborhood Center G. City Center H. Regional Center I. Office Professional J. Light Industrial K. Heavy Industrial

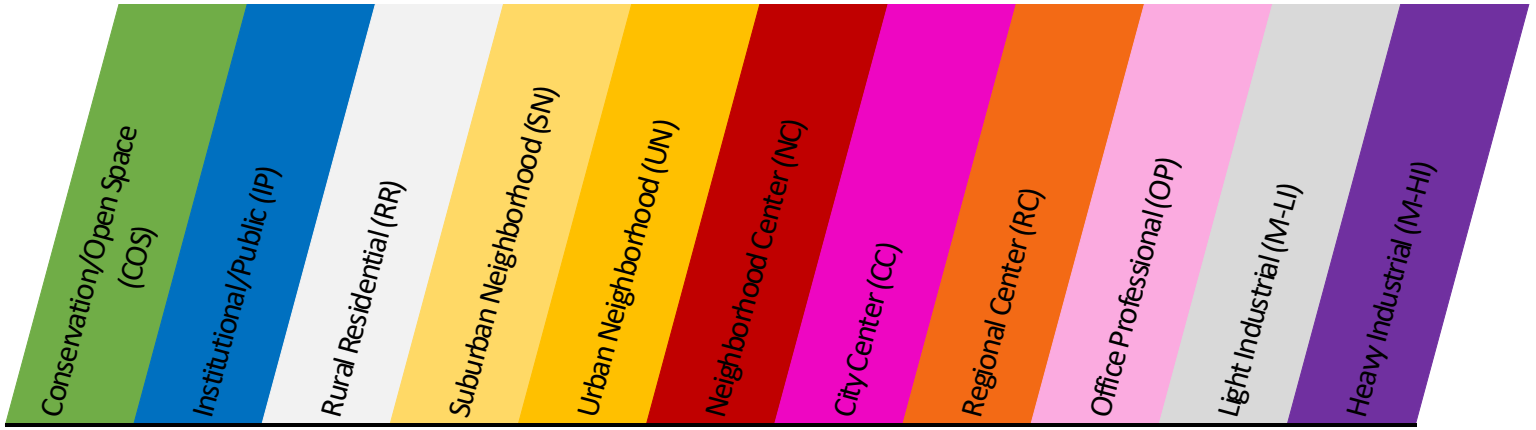
Current Matrix Comparing Future Land Use Categories and Zoning Districts

Zoning District	Rural Residential (max 4 du/a)	Suburban (max 8 du/a)	Traditional Neighborhood (max 12 du/a)	Neighborhood Center (max 24 du/a)	Town Center (max 60 du/a)	Regional Center (max 120 du/a)	Office Park (max 30 du/a)	Institutional	Industrial	Light Industrial	Commercial Redevelopment Corridor (max 18 du/a)	Highway Corridor (max 30 du/a)
	RE	RE	RE	R-60	RSM	MR-1	HR-1	R-100	M	C-2	RSM	HR-1
	RLG	RLG	RLG	RSM	MR-1	MR-2	MU-1	R-85	M-2	OD	MR-1	MU-1
	R-100	R-100	R-100	MR-1	MR-2	HR-1	MU-2	R-75	OD	OI	MR-2	MU-2
	R-85	R-85	R-85	MR-2	HR-1	HR-2	MU-3	R-60	C-2	M	MU-1	MU-3
	R-75	R-75	R-75	MU-1	HR-2	HR-3	MU-4	RSM		M-2	MU-2	MU-4
	RNC	R-60	R-60	MU-2	MU-1	MU-1	NS	MR-1			MU-3	C-1
	MHP	RNC	RNC	MU-3	MU-2	MU-2	C-1	MR-2			NS	C-2
	NS	MHP	RSM	NS	MU-3	MU-3	C-2	MU-1			C-1	OD
		RSM	MR-1	C-1	MU-4	MU-4	OIT	MU-2			C-2	OI
		MU-1	MU-1	OI	MU-5	MU-5	OI	MU-3			OI	OIT
		NS	MU-2	OIT	OI	OI	OD	OI			OD	M
		C1	NS		OIT	OIT		OIT			OIT	M-2
		OIT	C-1		C-1	C-1						
		OI	OIT		C-2	C-2						

*du/a = dwelling units per acre

Zoning Districts Recommendations

Updated Matrix Comparing FLU Categories and Zoning Districts Based on Comprehensive Plan.



Zoning District										
ALL	ALL	RNC	RNC	RNC	RSM	RSM	MU-1	MU-1	MU-5	M
		RE	R-100	R-100	MR-1	MR-1	MU-2	MU-2	C-2	M-2
		R-100	R-85	R-85	MR-2	MR-2	MU-3	MU-3	M	OD
		NS	R-75	R-75	MU-1	MU-1	MU-3	OI	OD	
			R-60	R-60	MU-2	MU-2	MU-4	NS		
			RSM	RSM	MU-3	MU-3	MU-5	C-1		
			OI	MR-1	OI	MU-4	HR-1,2,3			
			OIT	MR-2	OIT	MU-5	OI			
			NS	MU-1	NS	HR-1,2,3	C-1			
				MU-2	C-1	OI	C-2			
				MU-3		OIT				
				NS		C-1				
				C-1		C-2				

Zoning Districts Updates

After taking into consideration the current zoning map, existing uses on the ground as well as the goals outlined in the Comprehensive Plan, it appears that the City has been maintaining some un-used and undesired zoning districts. This is likely due to the direct adoption of the current code from Dekalb County, which addresses a much larger area and as a result requires more districts to meet land use needs. The City of Stonecrest is a more concentrated area, and therefore has the ability to focus in on more specific needs and manage the permitted uses of their districts more closely. Fewer zoning districts with more specific permitted uses and design requirements will make the code easier to use and more likely to meet City policy goals. As such, it is the updated zoning code eliminates the RLG and MHP zoning districts from the code.

It was previously recommended that the City also consider eliminating the OIT – Office Institutional Transitional District and the HR-1,2,3 – High Density Residential Districts. However, after further discussion with Mayor and Council as well as additional community input, it was determined that these districts still have a place in the City at this time.

Districts to be Removed in the Update

- RLG – Residential Large Lot
    - There are no parcels with this zoning in the City.
    - The RNC, RE, and R-100 Districts are already prevalent in the City and more closely provide the Estate and Conservation Residential options that are preferred in the Comprehensive Plan. The City would prefer a rezoning to one of these choices rather than RLG.
- MHP – Mobile Home Park
    - There are no parcels with this zoning in the City.
    - There is one Mobile Home Park that is partially within the City Limits at 7062 Rogers Lake Rd, Lithonia, GA 30058. Current Zoning is M – Light Industrial.
    - Mobile Homes only received 0.2% of votes for preferred housing types according to the comprehensive plan and don't appear to be desired in the City.

Current Zoning Districts

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

Zoning Districts Updates

Proposed Eco-Agricultural District

Based on stakeholders' desires for incentives to maintain and preserve large tracts of property in environmentally sensitive areas, the technical team drafted an Eco-Agricultural Zoning District for the City to consider. Stakeholders and staff requested recommendations for a zoning district or Special Land Use provisions that permit eco-friendly businesses that help sustain the preservation of very large rural and/or historic properties particularly within the Arabia Mountain Overlay. The intent is to incentivize ways to withstand future growth pressures for conventional residential subdivisions. The attached working draft (Attachment D) proposes example provisions of a new zoning district to meet this intent. It is important to keep in mind that the intensity of uses will need careful review with the Arabia Mountain Heritage Alliance to see to what degree they need controls, if allowed at all. In addition, if a Zoning District is pursued, then both SLUP and SAP requirements and standards should be provided for most uses.

Mixed-Use Zoning Districts

It was previously recommended that the City condense these districts from 5 to 3. This recommendation was based on the scales indicated by The Comprehensive Plan and shown on the Future Land Use Map. However, the City Council determined that there was still a need for the range of density provided by the current 5 districts and this recommendation was not included in the update.

Comprehensive Plan on Mixed-Use Density

- Neighborhood Scale – up to 24 units per an acre (pg. 149)
- City Scale – up to 60 units per an acre
- Regional Scale – up to 120 units per an acre (pg. 161)

Remaining Zoning Districts

The remaining zoning districts were determined to be essential to the Stonecrest's overall vision were maintained in the code with minor adjustments. For example, the update includes references to other relevant sections of the code that were added where applicable so that the user can easily maneuver through the different articles.

Zoning Mis-Matches

The assessment identified several "mis-matches" between what the recently adopted Future Land Map shows for a parcel compared to what existing zoning allows. A map showing this information in included in Attachment F. It was previously recommended that the City consider working with property owners for possible Government-Initiated Rezonings areas where "mis-matches" were identified. However, discussion with the community emphasized that each property owner should apply for rezoning individually.

Overlay Districts Updates

A review of the current overlay districts showed a desire to control permitted land uses as well as the design in specific areas of the City. This appears to be working in the Arabia Mountain Conservation Overlay District. However, the separate design guidelines involved in the current overlay regulations of the Stonecrest Area Overlay and Interstate 20 Corridor Compatible Use Overlay are much more difficult for staff to enforce and for developers to understand. Furthermore, Article 5 - Site Design and Building Form already requires most of the design standards indicated by the overlays for the entire City. Considering the small size of Stonecrest and strong desire to increase the quality of development in the City, the update includes all overlay design standards directly in the code.

In addition to design, an analysis of existing uses and future vision for each overlay was conducted. This helped to highlight what the code should strive to emphasize and what redundancies can be removed to avoid confusion.

Recommended updates for each overlay are included in the following section. These updates will provide a more functional code that will assist in achieving the City's long-term objectives.

The table and map to the right show the overlay districts and tiers that are currently in the City.

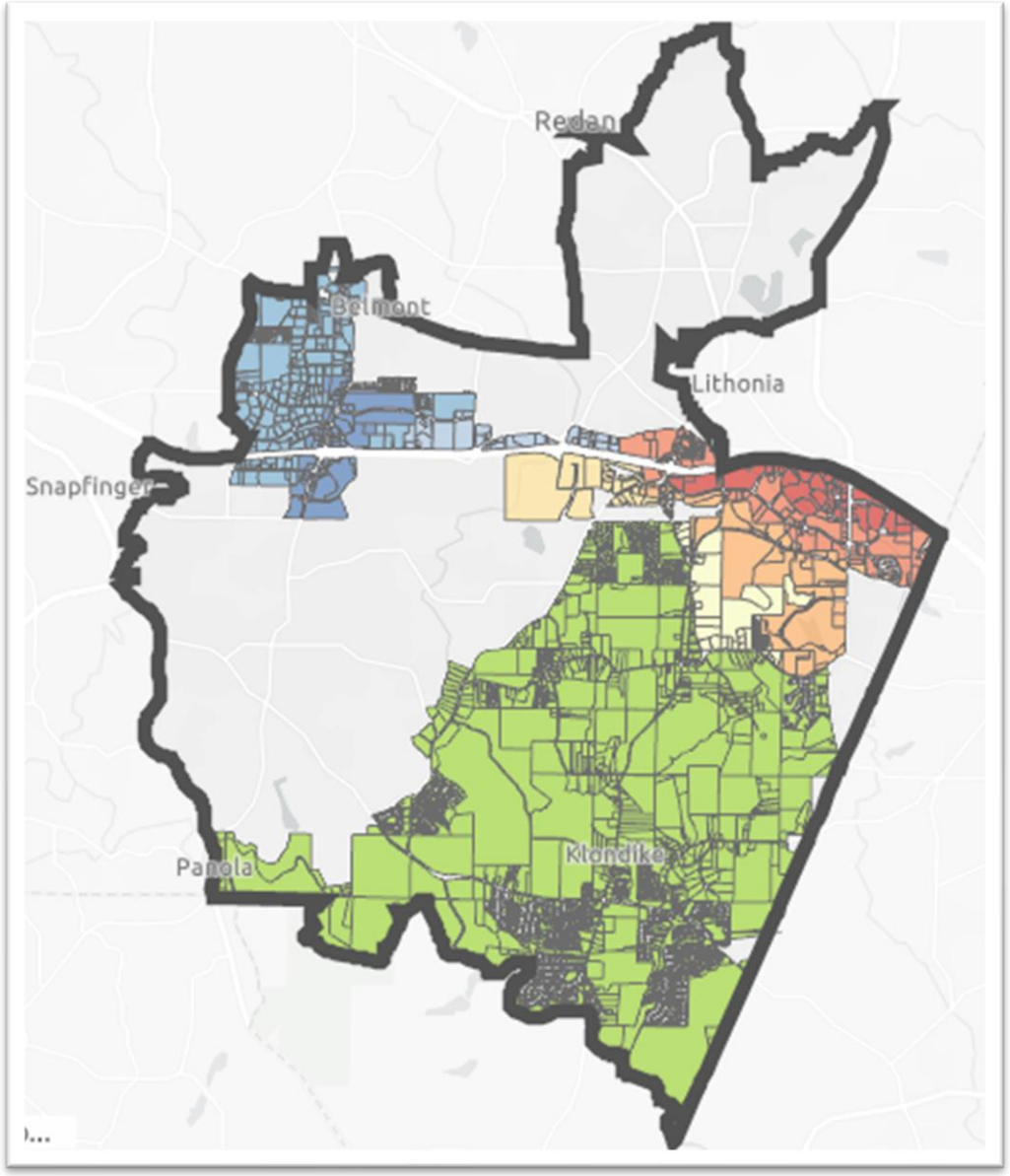
Current Overlay Districts

Arabia Mountain Conservation Overlay District (AMCOD) - Green

Stonecrest Area Overlay District
Tier I: High-Rise Mixed-Use Zone – Dark Red
Tier II: Mid-Rise Mixed-Use Zone – Light Red
Tier III: Low-Rise Mixed-Use Zone - Orange
Tier IV: Transitional Mixed-Use Zone – Light Orange
Tier V: Cluster/Village Mixed-Use Zone - Yellow
Tier VI : Viewshed Zone – Lightest Blue

Interstate 20 Corridor Compatible Use Overlay District
Tier 1: High Intensity – Dark Blue
Tier 2: Medium Intensity – Light, Bright Blue
Tier 3: Low Intensity – Not Shown

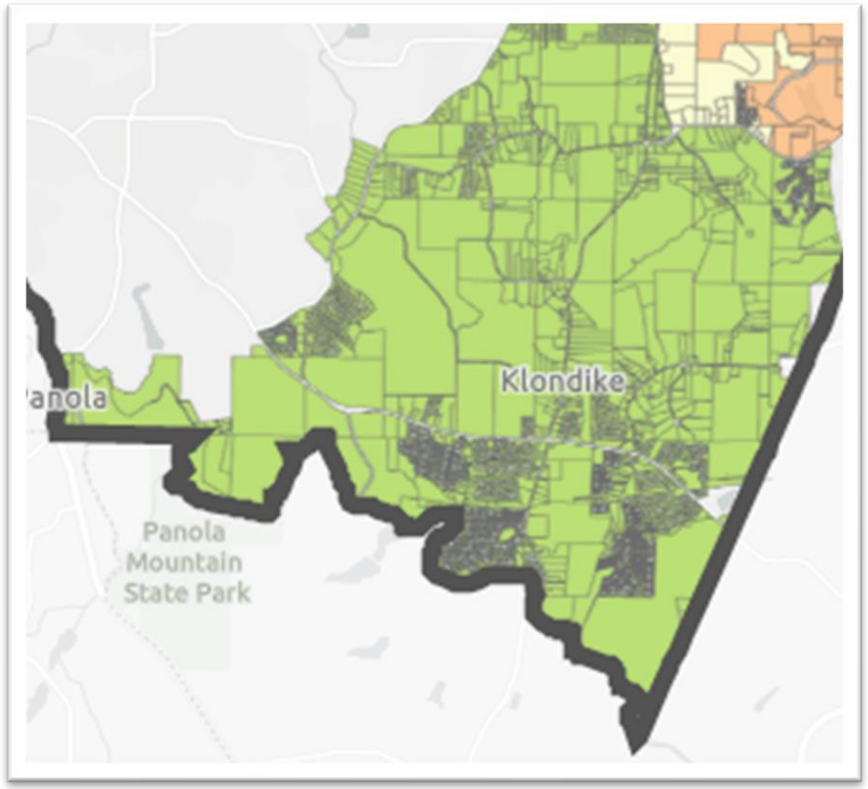
Stonecrest Overlay Map



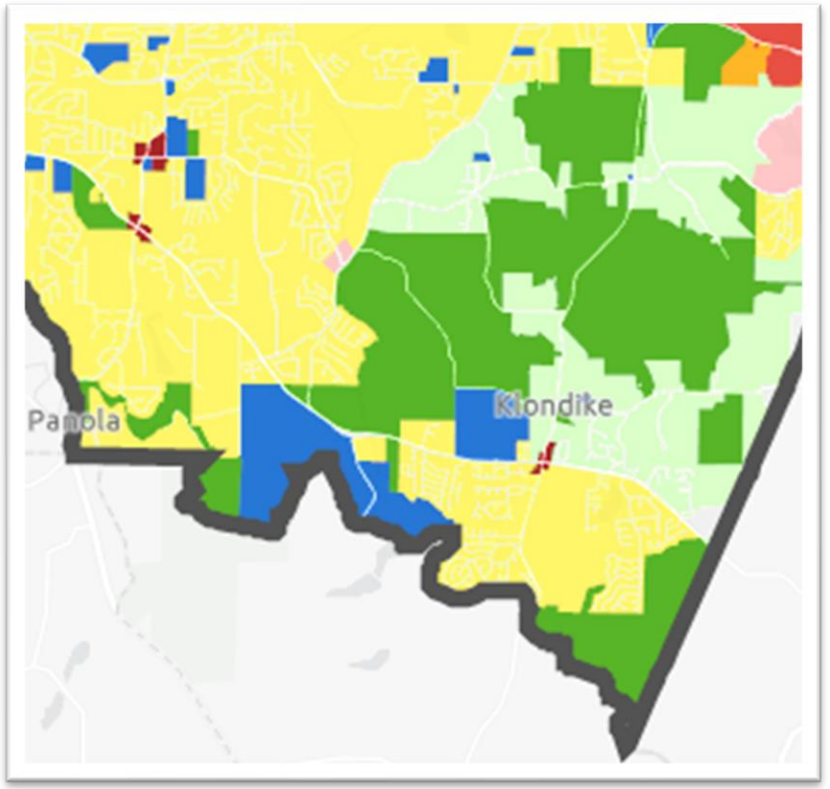
Overlay Districts Updates

Arabia Mountain Conservation Overlay District

Evaluation of the AMCOD indicated that the current overlay regulations have been preserving the intended residential usage and conservation for the area. The permitted uses in this overlay are based on the allowable uses of the underlying zoning district except for a list of prohibited uses. The overlay consists of mostly RE- Residential Estate and R-85 – Residential Medium Lot zoning districts, which are compatible with the desired large lot residential uses for this area. Most of the existing uses in the overlay include single-family homes on large lots and conservation green space associated with parks and other recreational activities, which also match the future land use intent for this area. Although the AMCOD has continued to be developed in accordance with City's intent, this area could benefit from the addition of the Eco-Agricultural District.



Arabia Mountain Overlay Map



Arabia Mountain Overlay Future Land Use Map

Stonecrest Overlay FLU Map

Regional Center - Red
Conservation – Green
City Center - Purple
Urban Residential – Gold
Suburban Residential – Light Yellow
Office Professional – Pink
Institutional – Blue
Rural Residential – Light Grey

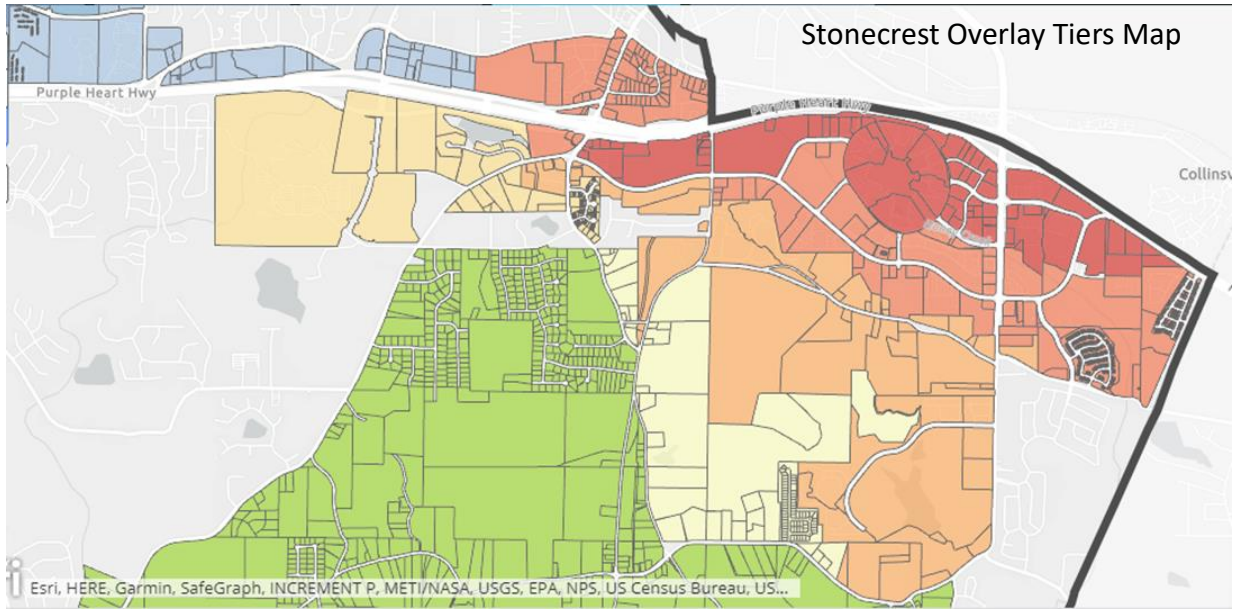
Overlay Districts Updates

Stonecrest Area Overlay District
The Stonecrest Overlay covers the Stonecrest Mall and surrounding area, which is a major regional shopping district in Metro Atlanta. Considering the location of Interstate 20 as well as the Stonecrest Mall, maintaining an overlay in this part of the City is vital to appropriate development and high-quality design. Maps showing the parts of the City under the overlay and comparing the future land use map are shown to the right.

The Stonecrest Overlay has helped to guide development along the I20 corridor leading to the Mall and provide design guidelines that contribute to a unified look and feel in the City of Stonecrest. However, the current overlay guidelines have been difficult for staff to maintain and enforce due to some outdated details, redundancies in language, and excessive administrative provisions. These obstacles can be combated with several updates to the Zoning Code that will still maintain the intentions and structure of the Overlay.

Stonecrest Overlay Tiers Map

Tier I - Dark Red
Tier II - Light Red
Tier III - Orange
Tier IV - Light Orange
Tier V - Yellow
Tier VI - Light Blue



Stonecrest Overlay Tiers Map

Stonecrest Overlay FLU Map

Regional Center - Red
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City Center - Purple
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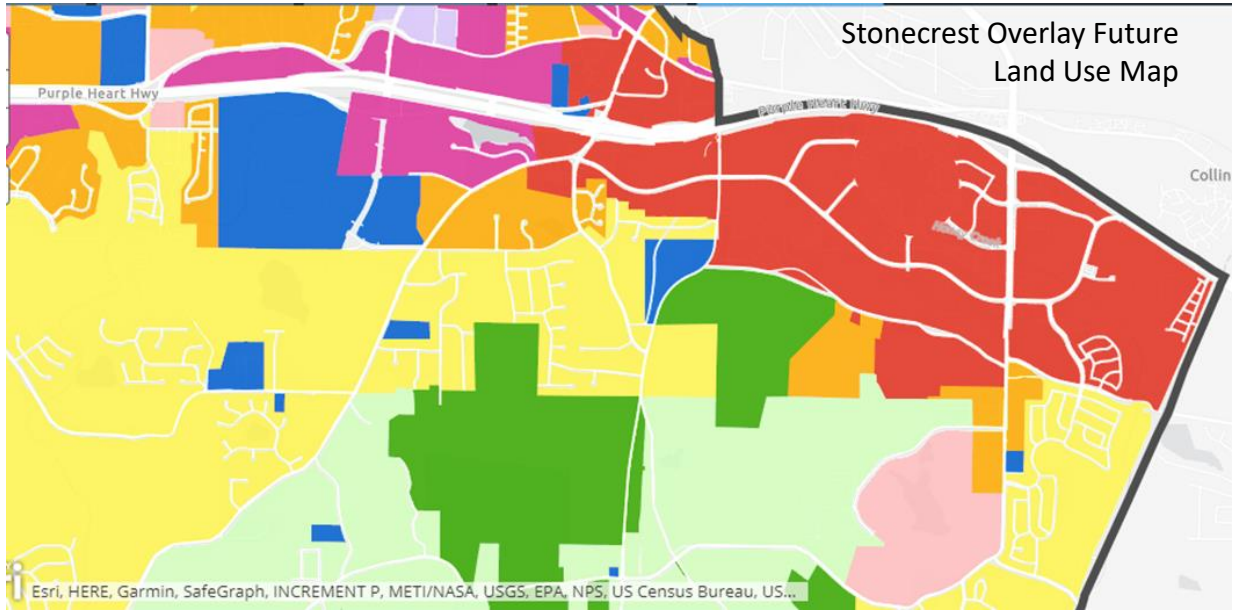
Institutional – Blue
Rural Residential – Light Grey



Stonecrest Overlay Future Land Use Map

Overlay Districts Updates

Stonecrest Area Overlay District Continued

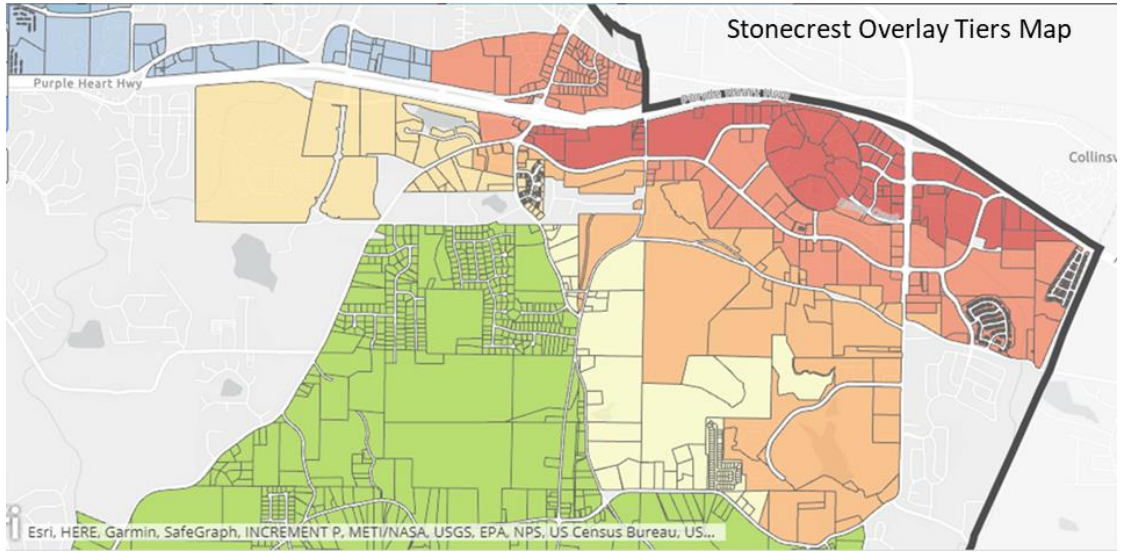
First, the updated code incorporates the design guidelines into the code as overlay standards rather than maintained as a separate document. This will help both maintain the standards and institutionalize their use by both staff and applicants, rather then having to track and update a separate document independent from the Zoning Code. Originally, the design guidelines were housed in a different document to keep the code from becoming cumbersome. However, most of the extra design standards required by the overlay area also included in Article 5 – Building Form and Standards and are enforced for the entire City. Due to the City's incorporation from Dekalb County, the staff can require a higher quality of design for every development, not just ones in the overlays. In addition, the City only includes three overlay districts rather than the twenty-plus included in all of Dekalb County. This provides an opportunity to have more detail within the Zoning Cod without creating an overly cumbersome document. Overall, the additional requirements for the overlays that were housed in separate documents and were not included in Article 5 have been be added directly into Article 3 – Overlay Districts. In the Stonecrest Overlay, the design guidelines were added as Section 3.3.16.

Another update to the Overlay Districts included eliminating repeated administrative language within each of the sections specific to each Overlay. This administrative language is already included in Section 3.1 – Overlay Districts as general requirements for any development within any overlay. This was particularly noted within the Stonecrest Overlay section of the code. All regulations specific to the Stonecrest Overlay were compared to the overall overlay regulations to ensure that no requirements were lost.

It was previously recommended that the number of Stonecrest Overlay Tiers be reduced from six to three tiers. This recommendation would have included the combining of Tier 1 and 2, the combining of Tiers 3 and 4, the elimination of Tier 5, and the maintenance of Tier 6 (Viewshed Tier).

However, after holding additional stakeholder meetings and gathering input from elected officials, **it was determined that the City desires to maintain all six tiers of the Stonecrest Overlay at this time**.

Although not included in this update, the firm recommends that the City further research the consideration of adjusting or removing Tier 5 (light yellow area below) of the Stonecrest Overlay. The underlying base zoning of Tier 5 is residential and community feedback indicates that is the desired land use. Residential land use in this area is also consistent with the policy in the Comprehensive Plan. The current Tier 5 Stonecrest Overlay allows several commercial uses by right that might not be desired in this area. The firm brought this to the attention of staff, city officials, and other important stakeholders for this area of the City. After discussion, **leadership in the community requested additional time to meet with property owners and other potentially impacted residents.**



Overlay Districts Updates

Interstate 20 Overlay District

The I-20 Overlay District consists of three tiers, however, there are only two tiers represented on the official zoning map. This is likely due to the adoption of the original code of DeKalb County. The updated code removes all reference to "Tier 3" in the code. Tiers 1 and 2 are appropriate to keep in this overlay as they identify high density around the City Center and medium density in the surrounding area. The intention of these tiers is indicated to be to promote more mixed-use and walkable commercial development, however the mixed zoning districts are not included in the principal uses and structures. The updated code has added clearer language to permit and promote mixed-use development within the I-20 Overlay.

The evaluation of the I-20 Overlay District also explored how to strategically situate the City as a targeted location desired by the Film Industry; this area has attracted interest for these specific uses. As a result, it would be in the City's best interest to expand some of the allowed uses in this overlay to incentivize these types of businesses to come to Stonecrest.

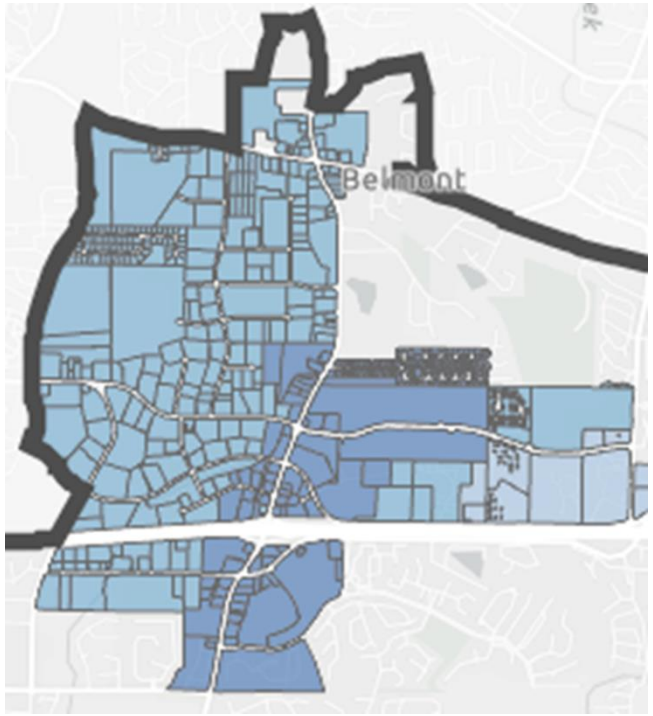
Current Overlay Tiers	Updated Overlay Tiers
Tier 1	Tier 1
Tier 2	Tier 2
Tier 3	Remove

The updated code includes language that was added to allow uses specific to the Film Industry, such as short-term production housing and temporary and mobile housing . Explicitly permitting specific film uses in this overlay may attract more of these businesses to the City, which could stimulate additional investment in commercial and service amenities.

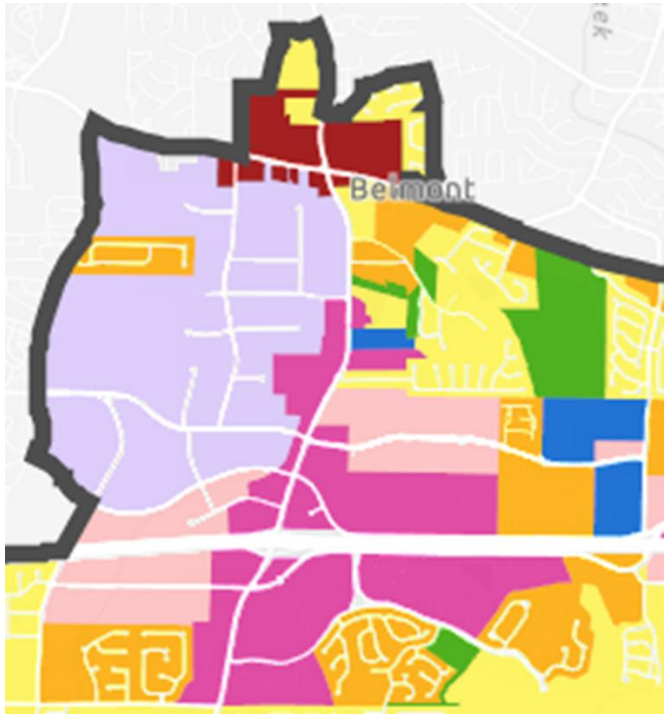
Interstate 20 Corridor Compatible Use Overlay District

Tier 1 – Dark Blue
Tier 2 – Light, Bright Blue
Tier 3 – Not Shown

Similarly, to the Stonecrest Overlay, this overlay also references separate design guidelines, which are historically difficult to maintain. Adding these design guidelines directly into the code eliminates the need to adopt and maintain a separate document. This would help to prevent the design from becoming outdated and help to establish continuity between this area and the Stonecrest Overlay. The creating of similar design guidelines for these overlays will contribute to an overall unified feel and promote a sense of place within Stonecrest.



Stonecrest Overlay Tiers Map



Stonecrest Overlay Future Land Use Map

Uses and Supplemental Regulations Updates

An evaluation of the Use Table and the Supplemental Regulations provided in Article 4 of the Zoning Code revealed some mismatched wording which can lead to difficulty in locating the correct regulations for each use. As a result, it is the updated altered wording for each use to match the wording in the supplemental regulations as well as the definitions listed in Article 9 (now Article 10). Some examples of these are shown in the table to the right. The matching of the Use Table and supplemental regulations will ensure that the it is clear to Staff and citizens which regulations apply to each specific use, and the matching to the definitions will guarantee a clear meaning for each use.

Moreover, as seen in the alcohol outlet example, the updated condenses the uses in the table to minimize confusion. Alcohol outlets, package stores, and liquor stores each have a slightly different definition but are all prohibited and permitted in the same districts and can therefore be considered one use in the table.

In addition, the updated code includes the section number for the supplemental regulations in the last column of the table in replacement of the current checkmark. For example, the supplemental regulations for "keeping of livestock" are in Section 4.2.4, so that section number will appear in the last box of the use table as shown in the provided excerpt. This will make the additional regulations for each use easy to find and provide clarity on which section will apply.

Use Table Language	Supplemental Regs Language	Definitions Language	Matching Update
Dog grooming or dog day care	Pet grooming or pet day care	Dog grooming or Dog day care	Pet grooming or Pet day care
Home occupation, no customer contact	Home occupation type 1	Home occupation	Home occupation type 1, no customer contact
Alcohol outlet – package store	Alcohol outlets, retail, package liquor store	• Alcohol outlet • Package store • Liquor store	Alcohol outlet including package store or liquor store

Use	RE	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section
AGRICULTURAL																							
Agriculture, Forestry and Animal Related Uses																							
Keeping of livestock	P	P	P	P						P							P						4.2.4
RESIDENTIAL																							
Dwellings																							
Accessory buildings, uses or structures	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	4.2.1
Dwelling, cottage home					P	P	P	P		P														4.2.20
INSTITUTIONAL/PUBLIC																							
Community Facilities																							
Cemetery, columbarium, mausoleum	SP	SP	SP	SP	SP	SP	SP	SP			P					P	P							4.2.13

Uses and Supplement Regulations Recommendations

Light Industrial Permitted Uses Evaluation

The Planning Staff requested that the M1 – Light Industrial and M2 – Heavy Industrial Districts permitted uses be evaluated based on their intensity. Due to the highly industrial nature of the City, there are several areas in which incompatible zonings are located adjacent to one another. For example, there are a few places in the City that have R-100 – Residential Zoning adjacent to M1 – Light Industrial Zoning. As a result, the update requires a Special Land Use Permit for particular uses when they are adjacent to residential zoning districts. This will help to limit the highest intensity uses to the heavier industrial areas in the City. Additionally, some uses that were not previously permitted in M1 were added to as permitted by right. These uses are included in the chart to the right as well as the uses that were previously permitted by right in the M1 district and now require a SLUP if the property is immediately adjacent to a residential zoning.

Updated Definitions

Light Industrial: Any use not listed in the Use Table that involves processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise, or equipment that is conducted wholly within a building or other enclosed structure. The operations do not generate any measurable noise, dust, vibrations, odor, glare or emissions beyond the property on which said building or structure is located.

Heavy Industrial: Any use not listed in the Use Table that involves processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise, or equipment that is **not** conducted wholly within a building or other enclosed structure. The operations do generate an amount of measurable noise, dust, vibrations, odor, glare or emissions beyond the property on which said building or structure is located.

Uses to Add as Permitted in M1	Uses to Require SLUP when Adjacent to Residential in M1
• Agricultural produce stands • Beekeeping • Riding academies or stables • Structures used in production and processing of fruits, tree nuts and vegetables • Shelters for homeless persons or battered persons, 7-20 • Transitional housing facilities for no more than six (6) persons • Transitional housing facilities, 7-20 • Cemetery, columbarium, mausoleum • Commercial indoor or outdoor recreation and entertainment • Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building • Art gallery • Sporting goods or bicycle sale • Variety store (with the exception of Small Box Discount Stores)	• Alternative energy production • Compressed gas fuel station • Heavy Construction, outside storage • Transportation equipment storage or maintenance (vehicle) • Heavy equipment repair service or trade • Outdoor storage, industrial (stand alone) • Railroad car classification yards or team truck yards • Recovered materials facility wholly within a building • Recovered materials processing wholly within a building • Recycling collection • Recycling plant Rubber or plastics manufacture • Tire retreading or recapping • Towing or wreckage service • Fuel dealers, manufactures • Truck stop or terminal (stand alone with no other operations) • Vehicle storage yard

Uses and Supplemental Regulations Updates

The Use Table and Supplemental Regulations in Article 4 were also reviewed extensively with the Planning Staff. Throughout this review process several uses were flagged by the staff as ambiguous or difficult to enforce. These uses are provided in the in chart below with the updates that were made to mitigate confusion and ease future implementation. In addition, the firm has provided "user guides" (Attachment A) to assistance in the regulation of several uses.

Flagged Use and Current Challenge	Updates
Bed and Breakfast versus Short Term Vacation Rental (STVR) Regulations	• Clear definitions were added to designate that Bed and Breakfast establishments are **"owner occupied"** and the owner is present during any guest visits • STVR are defined as all other short-term rentals that are not owner occupied and require SLUP in any district they are permitted because the owner is not required to be present during guest visits • "Short term" - rentals less than 30 consecutive days more than 3 times a year.
Fuel Pumps or Gas Station	• Location criteria for fuel pumps and/or gas station was removed and now a SLUP is required in all districts regardless of location. • This update will only allow future fuel pumps where the Council deems appropriate.
Mini-warehouses	• Add "self storage" to supplemental regs, definitions, and use table to make the intent of "mini-warehouse" more clear. • Small scale storage is allowed in residential districts as a temporary accessory use (portable storage pods, moving pods, etc.) • Large-scale self storage facilities or mini-warehouse are allowed in commercial and industrial districts. • Add small scale storage as an accessory use for residential in the supplemental regulations.
Wireless Communications (Cell Tower)	• These regulations were moved out of the zoning code. • Due to the State of Georgia's new regulations, this is less of a zoning issue and would be more appropriating housed with building and construction regulations. Additionally, this section will continue to have edits in the future as this is an evolving market.

Uses and Supplemental Regulations Updates

Flagged Use and Current Challenge	Updates
Solid Waste and Recycling Services	• Specific definitions were added for the different types of recovered materials processing • These uses are now only permitted in the most intense district: M2 – Heavy Industrial and require a SLUP in M – Light Industrial when adjacent to a residentially zoned property.
Drive Through Facilities (Restaurants, Dry Cleaner, etc.)	• The updated code removes criteria in supplemental regulations for different character areas and limits drive through establishments by requiring a SLUP for all restaurant drive through • Prohibit drive through facilities in Tiers 1 and 2 Stonecrest Overlay District in order to promote walkability and pedestrian friendly environment near the Stonecrest Mall
Child/Day Care	• Incorporate the State of Georgia recently made changes to create consistency for both Staff and applicants • Definitions were updated to match the State regulations: two types of childcare programs: Family Child Care Learning Home (can be in a private residence, up to 6 children) and Child Care Learning Centers (more than 7 children, commercial only). • The supplemental regulations were modified to clearly outline the requirements for a childcare in a private residence. • A “user guide” was created for this particular use to guide applicants in what is permitted.
Personal Care Homes/Facilities	• The update incorporated the State of Georgia definitions to clearly define the difference between a Personal Care Home, a Community Living Arrangement, and a Personal Care Facility. • The supplemental regulations were updated to require owner-occupied homes for a Personal Care Home in a private residence. • The distance requirement from other personal care or childcare homes was increased. • A flow chart guide was created to assist staff and applicants in determining which category best matches their proposed use

Uses and Supplement Regulations Updates

Below is a list of uses that are not addressed in the code but have been requested by business license applicants. In order to properly manage these operations, it is necessary to construct the appropriate guidelines. These uses have been added into the updated code with definitions and supplemental regulations when necessary.

Uses Included in Updated Table	Background Information and Updates
Towing Service	• Staff indicated that this particular use has been popular within the City and requires some additional regulations due to the intensity associated with the operations. It is currently allowed in the M and M-2 Districts. • The updated code requires a landscape buffers to screen car storage from the right-of-way as well as a distinction indicating that cars associated with a towing service may only be stored on-site for up to 14 days.
Non-Emergency Transportation	• Staff has received multiple requests for businesses licenses to operate non-emergency transportation services as a home-based business. There are concerns about these activities taking place in residential areas due to the possibility of utilizing commercial vehicles and hours of operation. • The updated code adds clarity in the home occupation section as well as adding a supplemental regulations section.
Brewery/Winery	• The updated code added this distinction to use table and permitted in commercial and mixed-use districts • Late-night establishment regulations apply if the business is proposing to be open late-night hours
Hookah/Cigar Lounge	• Definitions and supplemental regulations were added into the updated code. • Georgia prohibits indoor smoking except for bars and restaurants that deny access to any person under the age of 18 and that do not employ individuals under the age of 18. In addition, DeKalb County County's Clean Indoor Air ordinance prohibits the smoking of tobacco in all enclosed places that are open to the public with a few exceptions including "freestanding bars" and "retail tobacco stores". • A "cheat sheet" on Hookah and Tobacco Stores is attached for reference.
Solar Energy Systems	• Considering Stonecrest's commitment to conservation, it is appropriate to adopt specific regulations regarding the management of solar energy. • TCF constructed a specific supplemental regulations section for solar energy systems using the model solar zoning ordinance developed by Georgia Institute of Technology, Emory University, and the University of Georgia • The different levels of solar energy systems were also added to the use table.

Site Design and Building Form Standards Updates

Article 5 of the current zoning code provides standards for design within the City. This article should be utilized to guarantee the City receives the high-quality products it desires. Although this article already contains most of the City's desired design standards, it is just as important for these standards to be completely clear on exactly what is required for each development. To minimize any ambiguity, the updated code split Article 5 into two articles – Article 5: Site Design and Building Form Standards and Article 6: Building Materials, Form, and Configuration. This separation of information will allow users to more easily locate regulations that apply to their project. Below are some examples of how this update increasing clarity and will improve enforcement.

Subject	Updates	Subject	Updates
Enclosed Porches	Updated language that clarifies: • "enclosed does not include roofed or covered structures" • Sunrooms are an example of "enclosed" • Enclosed are treated as an addition to the main structure	Materials	• These regulations were moved to Article 6 in the update. • The new article outlines which requirements apply to each type of development: residential, commercial, or industrial.
Projections Into Yards	• An open, unenclosed porch, patio, balcony or hard-surfaced terrace, steps, stoops and similar fixtures of a building may project into front and rear yards and into a side yard. • Enclosed porches may encroach into front and rear yards, but the structure and all associated fixtures should meet the side yard setback designated by the zoning district.	Arrangement of Materials	• These regulations were moved to Article 6 in the update. • Some specifics were removed to make more user-friendly to both follow and enforce by designating where these requirements apply
Height measurement requirements and thresholds	• The update removes the requirements in this section that were developed based on established neighborhoods throughout DeKalb County. Staff indicated that Stonecrest does not have the same residential infill concerns as other areas in the County. • This will allow new single-family homes to build to the maximum height requirements for the zoning district	Setback Averaging	• This section was broken down into more user-friendly bullet points that indicant when setback averaging would apply and the exceptions to it.

Zoning Code Update Takeaways

The substantive updates to the Zoning Code include the following:

- Updating the Code with information from the Comprehensive Plan (Articles 1 and 2)
- Removing RLG – Residential Large Lot District and MHP – Mobile Home Park District (Article 2)
- Adding film industry uses the list of permitted uses in the I-20 Overlay District (Article 3)
- Adding all overlay design standards from separate documents directly into the code (Article 3)
- Removing the current criteria in the code that allows for gas stations without a SLUP at certain locations and therefore requiring a SLUP for ALL proposed gas (Article 4)
- Adjusting the M1 – Light Industrial zoning district permitted uses in the Use Table to require a SLUP when adjacent to residentially zoned property (Article 4)
- Creating regulations for Hookah/Smoke/Cigar Lounges (Article 4)
- Creating regulations for Towing Services (Article 4)
- Adjusting regulations for Personal Care Homes (Article 4)
- Increasing the Public Notification distance requirement (Article 8)

The Updates to the Stonecrest Zoning Code include numerous administrative and organizational updates:

- Integrating of new ordinances that adopted since incorporation (Articles 3, 4, 7, 8, 10)
- Generating a comprehensive and clickable Table of Contents that was previously lacking
- Removing redundancies especially in administrative procedures (Articles 3 and 8)
- Creating all-inclusive formatting throughout the entire document for standardization
- Splitting Article 5 into two articles - Article 5: Site Design and Building Form Standards and Article 6: Building Materials, Form, and Configuration
- Adding and clarifying definitions (formally Article 9, now Article 10)

Other recommendations that emerged as a result of the update include:

- Maintaining and protecting the character of the AMCOD Overlay
- Reaching out to property owners where zoning does not match Future Land Use policy to help guide development to align with the Future Land Use Map
- Adjusting or removing Tier 5 of the Stonecrest Overlay because the underlying base zoning is residential and that is the desired land use policy in the Comprehensive Plan.
- Adding a new zoning district: AG – Eco-Agricultural District. Stakeholders in the City have expressed an interest in holding meetings to discuss this option. Attachment D.
- Creating a Community Council or Neighborhood Meeting requirement. Attachment E.

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Attachment A: User Guides

- Childcare Guide
- Hookah and Smoke Lounge Guide
- Personal Care Guide
- Rezoning and Special Land Use Permit Process Guide
- Solar Energy Systems Guide
- Specialized Housing Facilities Determination Gudie
- Variance Process Guide

City of Stonecrest Childcare Guide

The City of Stonecrest regulates childcare in accordance with the State of Georgia Bright from the Start Program. Any childcare program within the City is required to have a license from Bright from the Start. There are two different types of possible childcare programs to provide childcare services. *A childcare service watching less than three (3) children is not regulated by the State and does not required permitting by the City of Stonecrest.*

1. A Child Care Learning Center is a program operated by a person, society, agency, corporation, institution, or group that receives pay for group care. It provides care for **seven (7) or more children** under the age of 18 for **less than 24 hours per day**.
    - A childcare center is permitted in most commercial districts and must be in a commercially designated space within a mixed-use development. See the use table excerpt below.
    - Childcare centers are **NOT** permitted in any residential district.

2. A Family Child Care Learning Home is a program that operates in a private residential home for **less than 24 hours per day**. It provides care for **three (3)** children, but **no more than six (6)**, under the age of 18 for pay. This service may be open for 24 hours but cannot care for an individual child for 24 hours.
    - A childcare home requires a special land use permit in all residential districts.
    - A childcare home must be in a standalone private residence.
    - To prevent institutionalizing residential neighborhoods, childcare homes located in residential zoning districts may not be operated within one thousand five hundred (1,500) feet of any other personal care home or childcare home.
    - The residence is required to be at least 1,600 square feet in total square footage.

Use	RE	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR 1,2,3	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5
Childcare Learning Center, 7 or more											P	P	SP	P	P	P			P	P	P	P
Childcare Learning home, up to 6	SP	SP	SP	SP	SP	SP	SP	SP		SP		P	P						SP	SP	SP	

Childcare FAQ

1. **How do I get a zoning approval that is required for my State License?**
    a. Zoning must be approved by the Planning Department for childcare centers in commercial districts. For a childcare home in a residential district, a Special Land Use Permit is required from Mayor and Council for zoning to be approved.

2. **How many children can I watch without getting a State License?**
    a. The state does not require licenses for watching two or less children.

3. **How many children can I watch in my home?**
    a. Childcare homes are permitted to watch up to 6 children. These require a special land use permit from Mayor and Council in order to operate in the City of Stonecrest.

4. **Can I use my house as a childcare center?**
    a. No. Childcare centers that serve 7 or more children are not permitted in any residential district.

5. **Can I open a childcare home in my apartment? Townhome?**
    a. No. Childcare homes must be in stand-alone private residences and are not permitted in any attached dwelling.

6. **If my neighbor has a childcare home, can I also open a childcare home?**
    a. Childcare homes are not permitted within 1,500 feet of another childcare home or personal care home.

7. **What are the other rules for having a childcare home?**
    a. Childcare homes must be operated in a manner that does not alter the residential character of the neighborhood. There cannot be any signage on the property and must be ample parking for pick-up and drop off operations.

Hookah, Smoke, and Cigar Lounge Guide

Due to the recent increase in the number of Hookah and Smoke Lounge establishments throughout DeKalb County and Metro Atlanta, the City of Stonecrest has created this guide as a resource to citizens and business owners on the management of Hookah, Smoke, and/or Cigar Lounges.

Tobacco Use is regulated at the Federal, State, and County level. The following apply to Hookah operations in the City of Stonecrest:

- Federal law prohibits the sale of tobacco products to anyone under the age of 21.
- The State of Georgia prohibits indoor smoking except for bars and restaurants that **deny access to any person under the age of 18** and that **do not employ individuals under the age of 18**.
- Dekalb County's Clean Indoor Air ordinance, Chapter 16 Article VI, **prohibits the smoking of tobacco in all enclosed places that are open to the public**. The ordinance specifically includes "restaurants" as a type of establishment where smoking is prohibited. However, the ordinance has **exemptions** including, but not limited to, **"freestanding bars" and "retail tobacco stores"** so the smoking of tobacco is allowed in these types of establishments.
    - A **restaurant** is defined as any establishment or area which is primarily devoted to the serving of food to the public or guests and which contains a dining area. The term "restaurant" shall not include a cocktail lounge or tavern if said cocktail lounge or tavern is a freestanding bar area as previously defined. The term "restaurant" shall include any dining area located within a health care, educational, or childcare facility. Food courts within enclosed shopping malls shall be treated as restaurants under this division.
    - A **"retail tobacco store"** is defined in Code Section 16-102 as a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental. For the purposes of this code, the department allows either on site or off-site consumption.
    - A **Freestanding Bar** is defined an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and which derives at least fifty (50) percent of its total annual gross food and beverage sales from the sale of beverages, including but not limited to taverns, nightclubs, cocktail lounges, and cabarets.

In accordance with the above, Hookah, Smoke, or Cigar Lounges are permitted in the City of Stonecrest only as an accessory use to either a "retail tobacco store" or a "freestanding bar".

- Retail Tobacco Store
    - Allows the sale and smoking of tobacco products on site
    - Cannot sell food or alcohol
    - Cannot sell tobacco products to anyone under the age of 21
    - Cannot be a "late night establishment" as defined by the City Zoning Ordinance
- Freestanding Bar
    - Allows the smoking of tobacco products
    - Cannot be a "restaurant" as defined by the City Zoning Ordinance - must meet alcohol sales requirement of a free-standing bar
    - Cannot employ or admit anyone under the age of 18
    - Can be a "late-night establishment" with permission of the City Planning Department

Personal Care Home, Community Living Arrangement and Personal Care Facility Guide

The City of Stonecrest regulates these operations in accordance with State of Georgia regulations. The designation between Community Living Arrangements (CLA) and Personal Care homes (PCH) is that for CLAs the funds are designated through an organization at the State level, whereas PCHs can be funded through any means. Also see the Specialized Housing Facilities Determinations Guide.

"Community Living Arrangement" means

- Any residence, whether operated for profit or not, that undertakes through its ownership or management to provide or arrange for the provision of daily personal services, supports, care, or treatment exclusively for two or more adults who are not related to the owner or administrator by blood or marriage
- And whose residential services are financially supported, in whole or in part, by funds designated through the Department of Human Resources, Division of Mental Health, Developmental Disabilities, and Addictive Diseases.
- The licensed capacity of a Community Living Arrangement **shall not exceed six (6) residents** except under specific circumstances of the State. Should a CLA meet these circumstances and offer services to more than 6 persons it will be regulated as a personal care **facility**.

"Personal Care Home", "home" or "facility" means

- Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage.
- A **"home"** shall be limited to **6 persons** and a **"facility"** shall be **7 or more persons** in which the maximum capacity would be determined by the State License.

Use Regulations

- Personal care facilities are only allowed in commercial and mixed-use districts and a SLUP is required in limited residential districts.
- CLAs and PCHs up to 6 persons require a SLUP in residential single-family homes and are permitted in commercial and mixed-use districts.

Use	RE	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR 1,2,3	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5
Personal Care Facility, 7 or more persons						SP	SP	P			P	P	SP	P	P	P			P	P	P	P
Personal Care Home, up to 6 persons	SP	SP	SP	SP	SP	SP	SP	P		SP	P	P	SP	P	P				P	P	P	P
Community Living Arrangement, up to 6 persons	SP	SP	SP	SP	SP	SP	SP	P		SP	P	P	SP	P	P				P	P	P	P

City of Stonecrest
Rezoning or Special Land Use Permit
Application Process

Schedule a Pre-Application Meeting with Planning Staff

Plan a Community Meeting

- Choose a Date and Time; Location will be City Hall
- Place a sign on the subject property with the meeting information
- Notify nearby property owners of the meeting

Submit all application materials to Planning Staff

- Complete application forms and owner's authorization
- Letter of Intent
- Survey, Site Plan, Renderings, etc.
- Public Participation Report
- Pay required fee

Notification Process

- Staff will mail notifications to all property owners within 1000 feet
- Staff will have a sign posted on the property with meeting dates
- Staff will run a legal ad in the local newspaper

Planning Commission Meeting

- Prepare a brief presentation of your application and be prepared to answer questions
- PC will make a recommendation to Mayor and Council for Approval, Denial, or Deferral

Mayor and Council Meeting

- Prepare a brief presentation of your application and be prepared to answer questions
- Council will Approve, Deny, or Defer the application

Approval Next Steps

- Follow up with Planning Staff to get documentation of the decision

Denial Next Steps

- Cannot return to Council for 2 years
- Can request to withdrawal

Deferral Next Steps

- Submit any additional information needed
- Prepare for the next Council meeting date

Solar Energy Systems Guide

The Stonecrest Zoning Ordinance defines three types of ***Solar Energy Systems (SESs).*** The requirements for SESs can be found in **Section 4.2.46**. There are several requirements that apply to any type of SES and additional requirements for intermediate and large-scale ground mounted systems. Some districts require a Special Land Use Permit from Mayor and Council or Special Administrative Permit from staff. There may be additional requirements for a Special Land Use Permit application for an SES.

1. ***Integrated Solar Energy System*** means an SES where solar materials are incorporated into building materials, such that the two are reasonably indistinguishable, or where solar materials are used in place of traditional building components, such that the SES is structurally an integral part of a house, building, or other structure. An Integrated SES may be incorporated into, among other things, a building facade, skylight, shingles, canopy, light, or parking meter.
2. ***Rooftop Solar Energy System*** means an SES that is structurally mounted to the roof of a house, building, or other structure and does not qualify as an Integrated SES.
3. ***Ground Mounted Solar Energy System*** means an SES that is structurally mounted to the ground and does not qualify as an Integrated SES. For purposes of the Stonecrest zoning code, any solar canopy that does not qualify as an Integrated SES shall be considered a Ground Mounted SES, regardless of where it is mounted.
    a. Ground Mounted SESs shall be delineated by size as follows:
        i. ***Small Scale Ground Mounted Solar Energy System (Small Scale SES)*** means a Ground Mounted SES with a Footprint of less than two [2] acres.
        ii. ***Intermediate Scale Ground Mounted Solar Energy System (Intermediate Scale SES)*** means a Ground Mounted SES with a Footprint of between [2 – 15] acres.
        iii. ***Large Scale Ground Mounted Solar Energy System (Large Scale SES)*** means a Ground Mounted SES with a Footprint of more than [15] acres.

Use	RE	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section
SOLAR ENERGY SYTEMS																							
Integrated SES	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	
Rooftop SES	Pa	SA	SA	SA	SA	SA	SA	SA	SA	Pa	SA	SA	Sa	SA	SA	SA	Pa	Pa	SA	SA	SA	SA	
Ground Mounted SES, Small Scale	Pa	SP	SP	SP	SP	SP	SP	SP	SP	SP	Pa	Pa	Pa	Pa	Pa	Pa	P	P	SA	SA	SA	SA	
Ground Mounted SES, Intermediate Scale	SP	SP	SP							SP							P	P					
Ground Mounted SES, Large Scale	SP	SP								SP							SP	SP					

Specialized Housing Facilities Determination Guide

Below are the definitions of the different specialized housing facilities allowed within the City of Stonecrest. Please use the attached Flow Chart to determine which facility applies to you, and then refer to the Use Table to review what is permitted in each zoning district.

Definitions

Boarding/Rooming house: A building containing one (1) or more lodging units but not more than twenty (20) lodging units, all of which offer non-transient lodging accommodations, available only at weekly or longer rental rates to the general public (not for specific programs). Meals may only be provided from a single central kitchen and compensation for such meals, if provided, shall be included in the weekly or longer rental rate. No restaurant, meeting, reception, or banquet facilities shall be provided.

Community living arrangement: A residence(s) through its ownership or management that provides or arranges for the provision of daily personal services, supports, care, or treatment for two (2) or more adults who are not related to the owner or administrator by blood or marriage and whose residential services are financially supported by funds designated through the Georgia Department of Behavioral Health and Developmental Disabilities. See Personal care home, personal care facility.

Homeless shelter: A building or buildings in which is provided overnight housing and sleeping accommodations for one (1) or more persons who have no permanent residence and are in need of temporary, short-term housing assistance on a nightly basis. These facilities may also provide meals and social services including counseling services. Compare with Transitional housing facility.

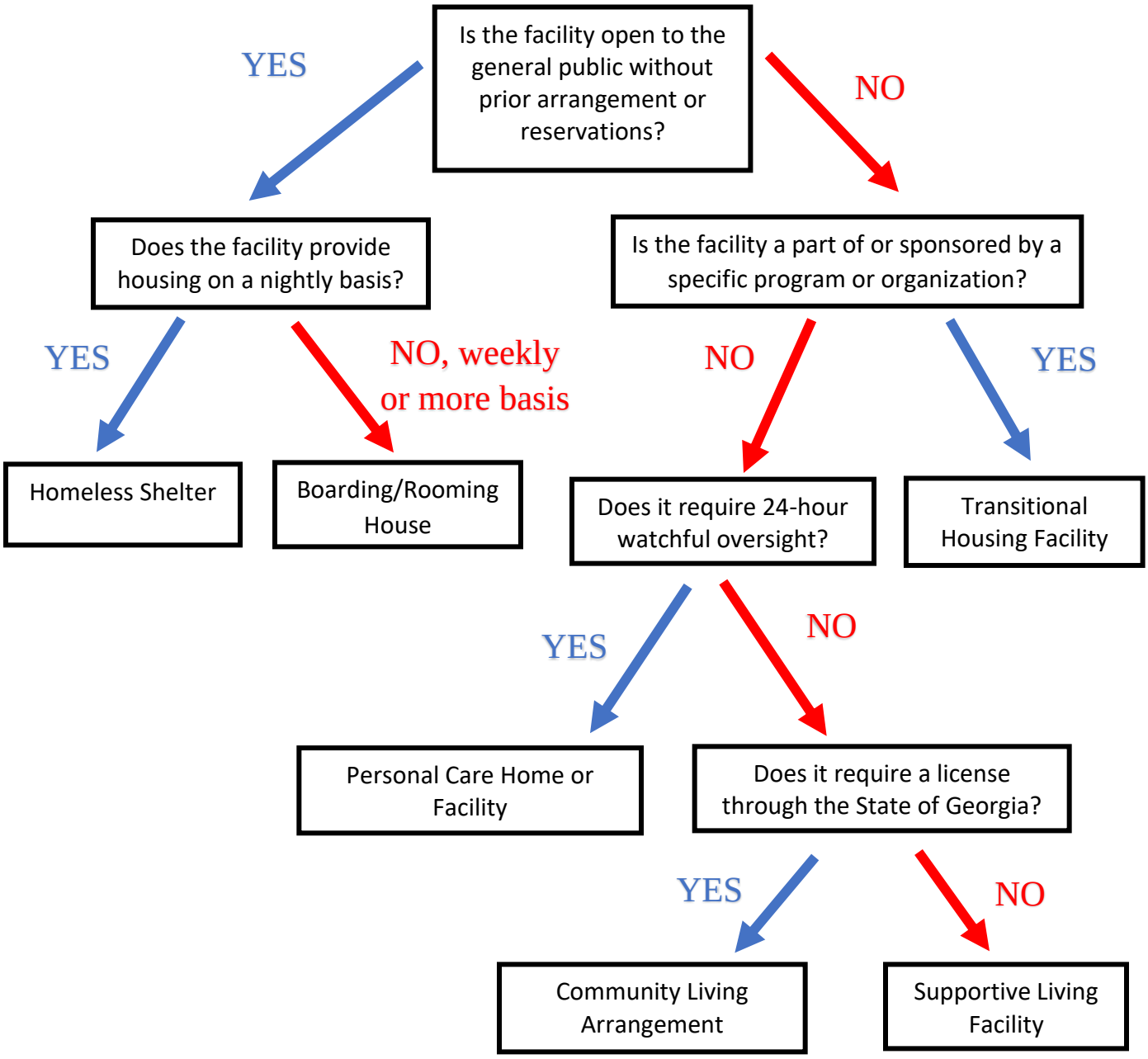
Personal care home: A building(s) in which housing, meals, personal assistance services, and twenty-four-hour continuous watchful oversight to up to six (6) persons are provided, and which facility is licensed or permitted as a personal care home by the State of Georgia.

Personal care facility: A building(s) in which housing, meals, personal assistance services, and twenty-four-hour continuous watchful oversight to seven (7) or more persons are provided, and which facility is licensed or permitted as a personal care home by the State of Georgia.

Supportive living: Dwelling units in a single building or group of buildings which are designed for independent living for persons with disabilities of any kind and in which are provided supportive services to the residents, but which supportive services do not constitute continuous twenty-four-hour watchful oversight, and which does not require licensure as a personal care home by the Office of Regulatory Services of the State of Georgia Department of Human Resources.

Transitional housing facility: A building or buildings in which is provided long-term but no permanent living accommodations for persons who have no permanent residence and are in need of long-term housing assistance on at least a monthly basis. This includes all sponsored programs such as housing for previously jailed or criminally convicted persons, persons recovering from addiction, and/or persons suffering other hardship. These facilities may also provide meals and social services including counseling services. These are permitted in two categories including 6 or less persons and 7-20 persons. Compare with *homeless shelter, personal care home, and Multi-family dwelling, supportive living.*

Specialized Housing Facilities
Determination Flow Chart



Specialized Housing Facilities Determination Guide

Excerpt from Use Table 4.1 from the City Zoning Ordinance

KEY:	P - Permitted use									SA - Special administrative permit from Community Development Director													
	Pa - Permitted as an accessory use									SP - Special land use permit (SLUP)													
Use	**RE**	**R-100**	**R-85**	**R-75**	**R-60**	**RSM**	**MR-1**	**MR-2**	**HR-1,2,3**	**RNC**	**OI**	**OIT**	**NS**	**C-1**	**C-2**	**OD**	**M**	**M-2**	**MU-1**	**MU-2**	**MU-3**	**MU-4,5**	**See Section**
Specialized Housing Facilities																							
Boarding/Rooming house							SP	SP															
Community living arrangment	SP	SP	SP	SP	SP	SP	SP	P		SP	P		SP	P	P				P	P	P	P	4.2.38
Homeless shelter, up to 20 persons								SP			SP			P	P		P						4.2.45
Personal care facility, 7 or more						SP	SP	P			P	P	SP	P	P	P			P	P	P	P	4.2.38
Personal care home, up to 6	SP	SP	SP	SP	SP	SP	SP	P		SP	P	P	SP	P	P				P	P	P	P	4.2.38
Supportive living facilites								P		P									P	P	P	P	
Transitional housing facilities, 6 or less persons	SP					SP	SP	SP			SP			P	P		P						4.2.45
Transitional housing facilities, 7-20 persons							SP	SP			SP			P	P		P						4.2.45

City of Stonecrest
Variance Application Process

Schedule a Pre-Application Meeting with Planning Staff

Submit all application materials to Planning Staff

- Complete application forms and owner's authorization
- Letter of Intent
- Survey, Site Plan, Renderings, etc.
- Pay required fee

Notification Process

- Staff will mail notifications to all property owners within 1000 feet
- Staff will have a sign posted on the property with meeting date
- Staff will run a legal ad in the local newspaper

Zoning Board of Appeals Meeting

- Prepare a brief presentation of your application and be prepared to answer questions
- ZBA will Approve, Deny, or Defer the application

Approval Next Steps

- Follow up with Planning Staff to get documentation of the decision

Denial Next Steps

- Cannot present same request for 2 years
- Can request to withdrawal

Deferral Next Steps

- Submit any additional information needed
- Prepare for the next ZBA meeting date

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Attachment B: Public Involvement Meeting List

MEETING	DATE
Stakeholder Meeting with Industrial Group from Lithonia Industrial Park and Snapfinger Industrial Park	September 30th, 2020
Stakeholder Meeting with Arabia Alliance	October 12th, 2020
Stakeholder Meeting with Stonecrest Business Alliance	October 15th, 2020
Stakeholder Meeting with HOA Representatives (No Attendees)	October 15th, 2020
Community Meeting with Stonecrest Residents	October 22nd, 2020
Stakeholder Meeting with Industrial Group from Lithonia Industrial Park and Snapfinger Industrial Park	October 28th, 2020
Stakeholder Meeting with Business Stakeholders	November 5th, 2020
Brief City Council on status of the Stonecrest Zoning Ordinance Update.	November 9th, 2020
Workshop with City Council	December 3rd, 2020
Stakeholder Meeting with HOA Representatives	December 9th, 2020
Stakeholder Meeting with Stonecrest Business Alliance	December 16th, 2020
Stakeholder Meeting with Neighborhood Leadership	January 8th, 2021
Stakeholder Meeting with Arabia Alliance	January 11th, 2021
Workshop with City Council	January 13th, 2021

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Attachment C: Community and Stakeholder Meeting Minutes

- 9/30 Industrial Stakeholder Meeting
- 10/15 Business Alliance Meeting
- 10/22 Community Meeting
- 11/6 Business Stakeholder Meeting
- 12/9 HOA Stakeholder Meeting

Meeting Summary: Stonecrest Zoning Ordinance Update
Date/Time: 9/30/2020
Location: Zoom
Prepared By: Michelle M. Alexander, The Collaborative Firm (TCF)

Subject: Focus Group: Stonecrest Industrial Property Stakeholders

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◯ In-Person Meeting ☒ Virtual Meeting

Meeting Participants

First Name	Last Name	Email
Mayor Jason	Lary	JLary@stonecrestga.gov
Councilman Jimmy	Clanton	Jclanton@stonecrestga.gov
Chris	Wheeler	Cwheeler@stonecrestga.gov
Clarence	Boone	cboone@stonecrestga.gov
Michelle	Alexander	malexander@tcfatl.com
Nikki	Washington	nwashington@tcfatl.com
Chris	Alexander	chrisa@americansc.com
Craig	Blase	cblase@encorerecycling.net
Daniel	Kelly	daniel82647@gmail.com

First Name	Last Name	Email
James W Kelly Jr.	Kelly	nonojimbo60@gmail.com
Bernard	Knight	bknightattorney@att.net
Steve	Levetan	stevel@pullapart.com
brack	maggard	brackm@americansc.com
Christopher	Phillips	ACEBEFOREJACK@GMAIL.COM
Jack	Phillips	harleygirl33062@yahoo.com
Mike	Pitt	mike@mastclimbers.com
Jesse	Tillman	variablegrp@gmail.com
Greg	Wright	gregwright@masterwall.com

Items/Notes

1. Mayor Jason Lary convened the meeting with opening remarks regarding the project and process.
2. Michelle Alexander from TCF discussed how the public involvement plan would proceed and how stakeholders would inform the actual drafting of ordinance updates as the project entered that phase.
3. Chris Wheeler, Director of Planning & Zoning discussed the purpose and approach.
4. Michelle Alexander and Nicolette Washington presented an overview of the project approach and analysis, including mitigating intense uses when adjacent to residential and adding uses like film studio and production. The consultants emphasized that the project had only generated *reports* to date; the drafting of the ordinances would initiate only after the public involvement phase.
5. Group Discussion: The discussion began with a concern about the process to date. Comments **regarding industrial uses** addressed in the Zoning Ordinance Update reports to date included the following:

- Members expressed concerns about buffers and increasing these adjacent to residential. Mr. Knight suggested the consultant assess the differences between the Snapfinger Woods area and the Lithonia Industrial Blvd area and potentially treat them differently given context. That was the reason Metro Green had such an impact
    - The former has more residential type development.
    - Where the latter abuts residential, there exist protections from zoning conditions on record. He will provide these for the consultant to consider.

Meeting Summary: Stonecrest Zoning Ordinance Update
Date/Time: 9/30/2020
Location: Zoom
Prepared By: Michelle M. Alexander, The Collaborative Firm (TCF)

- Gravel parking. Members of the group spoke strongly to maintain a provision in the code to allow gravel parking. They indicated that it was supported 2 years ago.
- The members do not want to see truck parking as a stand-alone use removed.
- Several members have businesses that depend on outside storage for their operations and business.
    - Construction subcontractors need a laydown yard, which is outdoor storage. They also need to store equipment.
    - These existing outdoor storage cases are well buffered by trees and fences.
- Similarly recycling – if scrap metal falls into this category; this use should not be an issue if operations are done entirely within an enclosed structure.
- Requested to see written concerns about industrial uses if any from the community; that way as a group they can consider and offer compromise
- Incompatible/Compatible Uses.
    - Adding residential type uses appears incompatible. When you inject incompatible uses into the industrial zone, it will end badly.
    - Same concerns with theater and outside recreation. Do we need to add them and will they work?
    - Adding Technology Park, Research or Business Park as an allowed use may be alright but not at the expense of losing the more intense, existing industrial uses being discussed.
- Meeting closed with assurance that the members of the group were partners in the development of the ordinance update.

Action Items/Next Steps

- The consultant team will send out notice for the next meeting.
- Mr. Knight will provide conditions for certain properties zoned industrial that abut residential and contain protections for the adjacent residential properties.

Meeting Summary: Stonecrest Zoning Ordinance Update – Stonecrest Business Alliance
Date/Time: 10/15/2020
Location: Video Conference (Zoom platform)
Prepared By: Michelle M. Alexander, The Collaborative Firm (TCF); Nicolette Washington (TCF)

Stonecrest Zoning Ordinance Update Discussion

◯ In-Person Meeting ☒ Virtual Meeting

Meeting Participants Registered

Edwina Clanton	edwina328@gmail.com	Revonda Cosby	revonda@arabiaalliance.org
Stacey Thibodeaux	staceythibodeaux@gmail.com	Bernard Knight	bknightattorney@att.net
Jetha Wagner	jwagner@aviladevelopment.com	Jason Lary	jlary@stonecrestga.gov
Kimia Amin	kamin@aviladevelopment.com	Plez Joyner	pjoyner@stonecrestga.gov
Jim Kelly	nonojimbo60@gmail.com	Iris Settle	isettle@stonecrestga.gov
Jim Kelly	1kat@bellsouth.net	Tee Foxx	tfoxx@stonecrestga.gov
Steve Halle	shall@clipperpetroleum.com	Clarence Boone	cboone@stonecrestga.gov
Matt Hampton	matt.hampton@aeiinternational.com	Will Settle	wsettle@stonecrestga.gov
Christopher Seabrook	christopher.seabrook@countryfinancial.com	Chris Wheeler	cwheeler@stonecrestga.gov
Sam Stewart	sstewart@cameronandroberts.com		

Items/Notes

1. Edwina Clanton convened the meeting
2. Bernie Knight conducted a presentation on the recent history of land use planning and work of the group and Overlay committee conducted to analyze zoning text, Overlay boundaries and generate amendments.
3. The Collaborative Firm (TCF) discussed the project approach and City intent, including considerations for making the code easier to use, less complicated and clearer regarding uses and use definitions; not a complete re-write.
4. Bernie Knight presented recommendations from the group regarding the zoning update considerations.
5. Discussion from the Alliance membership included:
   - In addition to overlay standards, the private development Cadillac Fairview enforces additional standards
   - East Metro DeKalb CID – except for the ULI TAP study, this group/effort did not play a role in the Stonecrest Overlay
   - A lot of work was done on the Stonecrest Overlay but not all of the group's recommendations were adopted
   - Overlay Task Force spent two years working on the effort
   - Wholesale revision of the Cell Tower also performed
   - Arabian Mountain Woods – out of the overlay

Meeting Summary: Stonecrest Zoning Ordinance Update – Stonecrest Business Alliance
Date/Time: 10/15/2020
Location: Video Conference (Zoom platform)
Prepared By: Michelle M. Alexander, The Collaborative Firm (TCF); Nicolette Washington (TCF)

- Remove mixed-use requirements in the overlay to meet market realities; make it permitted but not required
- Make sure the Design Guidelines are available on the web page; not necessary to have in code
- It may be useful to have the Design Guidelines in the zoning code itself
- Members have been on the Overlay effort project since the very beginning
    - Overlay with private guidelines - there were property owners that volunteered to adopt the guidelines onto the title of their property
    - The development included the 250 acres south of the mall; been through DRI
    - Contact the family owning the 100 acres (member will provide contact to TCF)
    - 1,500 apartment units
    - Overlay – to control quality standards
- Recommendations from the Board
    - Sign guidelines – reduce these; a little too much detail with this
    - Make no revisions to Overlay text or map
    - Make no revisions to SLUP 6 convenience stores/gas stations
        - Review Turner Hill Road and Covington Hwy Southeast property (BP at Turner Hill)
        - From “M” to “C2”
        - Owners Matthew Hampton and Mr. Allen impacted by any changes
        - Annexation effort; examine how code impacts redevelopment efforts
- Townhomes on Chuck Road – near industrial
    - Would like the subdivision plat process to require a public hearing (Development Code)
- Establish an advisory committee to recommend an overall housing plan for the City
- Establish a log of Overlay interpretations by Staff
- Want to move forward with grants from the ARC to update the LCI plan

Stonecrest Zoning Code Update Project

Comments, Questions & Answers

Community Meeting – Virtual Platform

Thursday = October 22, 2020

Over 130 participants joined the community meeting. The Project Team thanks all participants for attending and providing comment. The Team provides answers to zoning code questions below in colored font.

Questions from the "chat" box:

I would like to see a project that gathered input from residents, landowners, civic associations, business owners, industrial park landowners and other stakeholder BEFORE spending a year developing the revisions.

> Correct, no revisions to the code will begin until stakeholder input continues to be gathered and discussed with officials and policy direction received.

100 ft should be the minimum between residents and commercial/industrial.....IMO

[Buffer is] Not sufficient as it does not deal with noise.

That supplemental planting should be specific - types of trees and at what age for the vegetation. Also are the buffers undisturbed?

> Yes. The code requires undisturbed buffers, allowed to be enhanced if existing plantings are insufficient for screening. The code currently requires:
>
> C. *Buffer planting and materials*….
>
> 1. *Planting height*. Proposed planting as part of an enhanced transitional buffer shall have a height of at least six (6) feet at the time of planting and planted in a minimum of two (2) rows, with staggered on center spacing such that a continuous opaque screen is created within two (2) years of planting.
> 2. *Plant types*. Plant species in an enhanced transitional buffer shall be evergreen, native, naturalized or other species well-adapted to the local climate and rainfall patterns, disease and pest-free, healthy and vigorous, and meet standard for American Nursery Stock, ANSI Z60.1.

3. *Plant functions*. Plants shall be approved from a list made available from the planning department, but shall not be exclusive of other plants which may be suitable, provided they can provide a continuous opaque screen.

Much of area shown in box is also buffered by Swift Creek tributary, so there's a minimum 150+ foot buffer there.

My question is the proposal recommended getting rid of Tier 5. A lot of us in district 4 prefer less suburban and more rural life due to traffic and environmental issues. In particular Brownsmill and Panola intersection and south river. My question is what happens to tier 5 area once removed to ensure resident aren't having undesired real estate property without circumventing residence voice.

> If these properties were removed from the overlay, then the rules that govern their use follow the R-100 (large lot residential) zoning designation. Any other, non-residential use would require a rezoning and go through the public notice and hearing process, which is not the case now. Currently, retail and office are allowed – without resident comment – because the overlay grants these uses.

How can the poll of a sampling of people account for a needs study, which would presumably be based on a thorough and approved economic development plan?

> In addition to stakeholder input, polling, and interviews, the project relies on research and analysis. While market trends inform the Update - such as the demand for film industry sites - the scope of the project is really limited to refining the functionality of the ordinance and not intended to substantially re-direct land use or development.

The comprehensive plan requires that we create an Economic Development Plan by the end of 2019?

> The City continuously studies economic trends and analyses and is in the process of developing an economic development strategic plan. However, the scale of the current economic downturn makes historic trends unreliable predictors. A plan from 2019 would not really speak to today's context. In response to the economic uncertainty, since March 2020, the City shifted Economic Development priorities to Business Recovery, Business Stabilization, Business Retention, Business Development, Business Recruitment and Business Attraction in that order.

The Design Guidelines are already part of the Zoning Code. They just need to be posted on the City website, and included with the Municode standard code.

Yes, the zoning code requires compliance with the design guidelines. However, the actual standards are in a separate document. The City does not currently use Municode for the codification of the zoning ordinance. The proposal is to incorporate the standards into the body of the code so applicants and staff have all the requirements in one place.

Are there any companies who represent a potential public private partnership on the call? were any invited?

The notice for the meeting did not target specific developers. We will share your comment with the Economic Development office.

Will there be different zoning restriction around opportunity zones

The City of Stonecrest has no Opportunity Zones.

Have we looked at the current use table and evaluated the need to reclassify current uses designated for commercial and industrial?

Yes, this is part of the analysis process. We seek your input regarding this.

Have we looked at what uses require certain permits and which ones do not to re-evaluate those?

We will work with Staff to assess, based on community input.

Will the Arabian Mountain Overlay change?

There does not appear a need to change the Overlay. The Future Land Use Map of the Comprehensive Plan identifies an intersection where neighborhood-scale (small scale) retail might be appropriate within the Overlay. If that is the policy desire, the zoning would need to be amended to allow that use. Feedback to date has not supported this.

Why would the zoning regulations be more "user friendly for developers when we are experiencing issues with polluting industries coming in or near residential areas?

A user-friendly code should make it easier to enforce rules and make sure developers comply with city ordinances.

Question: what changes have you recommended to the rezoning and SLUP processes to ensure more public knowledge about applications and hearings and meetings?

The Team will prepare options for expanding public participation in the rezoning and SLUP process.

Q: There isn't sufficient clarity on the Airbnb, Bed and Breakfast, etc. We need more information on how the existing land use would be impacted. While there is a proposed change, the actual impact on the zoning isn't visual in any way.

Short Term Vacation Rentals (Airbnb) were recently reviewed. There was some concern presented about the differences between these and Bed and Breakfast establishments (if any). It might be helpful to have clearer definitions for these two uses.

With regard to development, has anyone looked at the development in Decatur at North Decatur Rd and Church street as an example of how Stonecrest may want to develop to enhance its commercialization?

The Team will review these examples.

I totally agree with you. It appears that Stonecrest is preparing the way for industrial businesses to be near residential areas.

The City inherited zoning decisions from the County that allow some residential near some industrial. The presentation aimed to make attendees aware of those existing conditions, not to promote that practice.

Have we looked at the current process for SLUPs and rezoning to re-evaluate the requirements for community engagement and developers requirements alike? I.e notifying residents (city and county residents included) within a longer distance than we currently require?

The Team will prepare options for expanding public participation in the rezoning and SLUP process.

Q: The current zoning doesn't appear to deal with transit ways to and from a lot of the various lots. Where is the road capacity with respect to the roads that pass through these various zoning areas. How do we deal with road standards to handle the zoning standards.

The City's Transportation Master Plan takes the land use into account when planning for infrastructure needs. This link takes you to the assessment and plan: https://www.stonecrestga.gov/ViewTransportationMasterPlan.aspx

Unless I missed it, have we identified who is on the team that has evaluated this process up to this point?

The project is an update to address definitions, organization and compliance with the Future Land Use map, not a comprehensive rewrite. As such, City Staff directs the project Team. The process includes meeting with stakeholder groups, Planning Commission, and interviews with elected officials.

Just curious does anyone go out to examine the physical zone of an application to see what the changes the applicant wants prior to the board's approval ? Like a claims adjuster is there a way a zoning adjuster could go out to the live location prior to just approval or is this already apart of the process?

Yes, a field visit to the subject property is part of the process.

Where are the requirements for sidewalks and lighting in the area with respect to zoning.

Article V of the Zoning Ordinance addresses sidewalk and lighting requirements. Chapter 14 Land Development also addresses street improvement standards.

Is there any zoning for proposed green space anywhere?

Yes for private development, the code requires a certain percent of each property to be dedicated to open space.

If a property required a Slup when it was in unincorporated DeKalb, how can that property not require a slup when it came in to Stonecrest?

The Zoning Ordinance had some amendments made at the time of adoption and has been amended several times since incorporation.

Additional Comments from the "chat" box to Consider:

Some specifics of the changes we need are: - force developers to publicly advertise community meetings and send notices to a greater than 250 foot radius - require the planning department to create a web site with all applications and to post them within 48 hours of receipt, including all paperwork - use Community Councils the way DeKalb does - expand the areas subject to the already-adopted Stonecrest Overlay design guidelines to other commercial areas. These have kept the mall area attractive and kept signage attractive and not over-large - do not water down the design guidelines - make sure that we don't have any more problems like Metro Green. Increase buffer size to ensure that sound, dust, and pollution do not travel into residential areas. - do nothing to make it easier to have retail or commercials in the Arabia Overlay - require much more in the way of public spaces, green spaces, and public art in

commercial, retail, or mixed use - make it easier to have a sit down restaurant and harder to have

The current Stonecrest Overlay District ordinance was adopted by City Council in November of last year. It's brand new.

There are a lot of yes/no type questions when this is really a complex process. There needs to be much, much more committee type interactive meetings to explore the background and really involve all stakeholder (residents, business owners and the likes). What specifically is not working and why it needs changing. Considering unintended outcomes. This needs a very thorough review.

One thing that definitely needs to be discussed is putting in proper notifications for residents. This should include anyone who is near a proposed site regardless if they are in Stonecrest.

Well said George-I'm certain that more than 1/2 of resident, business owner concerns and advancement goals for the city are not fully represented here

That's why a broader audience is needed here. I would add to transit parks and rec

Why is there only 10 minutes given to proponents, and 10 to opponents for developments that may impact the quality of life for hundreds or more of residents.

You're right about notification, but it should go both ways -- there should be a joint agreement with the County to assure that Stonecrest residents and businesses are notified about development in nearby areas of unincorporated DeKalb.

I am concerned about the residents. We were not notified with Metro Green. Decatur AND Stonecrest residents were left in the dark. Putting signs down desolate roads, and ads in obscure papers, is not sufficient.

I agree with you that better means of notifying of all adjacent and nearby property owners should be instituted. To start, City Council should adopt Community Council as part of zoning procedure. DeKalb has community councils. They were not included in Stonecrest's zoning code. That was a mistake. Community councils would help get the word out.

This work is such a heavy lift that I would want to make sure that citizens get more than this opportunity to ask questions and get answers.

Why not just ask for feedback in the city organ and on the city website?

It might be a good idea to shift some uses from light industrial to heavy industrial. For example, Metro Green Recycling-type operations should be heavy industrial. But to Pyper Bunch's point about notice, every current light industrial property owner should be notified individually that this shift is being considered.

Metro Green is most definitely a heavy industrial business. How they were classified as "light" is a mystery to me. The Metro Green disaster should be a lesson learned for Stonecrest. South DeKalb residents are watching everything that Stonecrest does now.

Let me propose something not yet discussed here, which is that individual notice should be sent to adjacent and nearby property owners about every land disturbance permit application, and every granted land disturbance permit. Subject property should be posted too, with big signs. Those measures would go a long way toward ensuring that residents and businesses won't be surprised when the bulldozers show up.

I think classifying Metro Green Recycling's type of operation as light industrial was a mistake.

“Green Space” question is great!

I'd love to preserve the amount of greenspace. the amount of development happening on Browns Mill Rd between Panola Rd and Evans Mill Rd is concerning. I see a lot of homes that will increase the traffic.

We should be notified prior to permits. As soon as any business wants to come near residences, the people should be notified. it should not be when bulldozers arrive. The community should have sufficient notice so that we can fight if necessary. I also really want Stonecrest to please take into account that we want more green space in Stonecrest. There is plenty of undeveloped land that could be used for the community.

Existing industrial areas have been zoned that way for decades. There has been no expansion of industrial areas since Stonecrest was established, and not for long before that. City Council has added much green space since the City was created, on top of what we already had, including Arabia Mountain.

It doesn't matter if it was zoned that way already. Some industrial businesses should not be allowed, or stricter restrictions should be added which will deter those types of businesses from coming near our homes.

We don't want Stonecrest to be a dumping ground for industries. Take that somewhere else.

Additional Information Provided in the Chat:

If people want a browsable way to see that map, view it in the stonecrest GIS: https://stonecrestga.maps.arcgis.com/apps/MapSeries/index.html?appid=a2541fc698b64334a63f4cf36f4aefa0&entry=4

Here's the link to the 2016 Urban Land Institute study - Link: https://ulidigitalmarketing.blob.core.windows.net/ulidcnc/2019/06/ULI-Atlanta-East-Metro-DeKalb-Final-Report.pdf

Another study (not mentioned by Ms. Alexander): DeKalb County Industrial land & Economy Study. Here's the link: https://www.decidedekalb.com/core/fileparse.php/112/urlt/DeKalb-Industrial-Land-and-Economy-Study-Full-Document.pdf

Hi everyone. Thank you to all who have attended. If we were not able to answer your question tonight, please visit the project webpage: https://www.stonecrestga.gov/StonecrestZoningOrdinanceUpdate.aspx

And email any questions to Nikki Washington, nwashington@tcfatl.com

Meeting Summary: Stonecrest Zoning Ordinance Update
Date/Time: 11/05/2020
Location: Virtual - Zoom Platform
Prepared By: Michelle M. Alexander, The Collaborative Firm (TCF)

Subject: Business Stakeholder Interview – Zoning Code Update

◯ In-Person Meeting ☒ Virtual Meeting

Meeting Participants

Jetha Wagner, Stonecrest Business Alliance Member	jwagner@aviladevelopment.com
Chris Wheeler, Planning and Zoning Director	cwheeler@stonecrestga.gov
Michelle Alexander, Project Manager, TCF	malexander@tcfatl.com

Items/Notes

1. Discussed how the scope of the project was to consider limited, targeted modifications so that code functioned better. The consultant team was asked to identify areas in the code that the city and stakeholders may want improved. Response to date suggests that business community stakeholders find code works well as is, particularly with the recent amendments made to the Stonecrest Overlay.
2. Ms. Wagner reviewed the extensive work that the Stonecrest Overlay committee had conducted. This work included intensive review of specific provisions of the code over many months.
4. The committee also examined and dealt with the design guidelines. The desire is for quality development. Extending the density of Tier 1 from the Mall area does not seem necessary because the market not likely to support that kind of density in the next 10 maybe even 20 years. No need to change these tiers.
5. Discussed how requiring a certain percent of mixed-use in multi-family projects does not work. This is observed across the region. There are many examples where built product with required non-residential/commercial components experience vacancies of that space. In fact, having this sort of requirement in the code actually hinders development.
6. It may work if properly incentivized. Discussed that the mixed-use district in the current code has a list of bonus criteria; this should be distributed to stakeholders to see if the criteria makes sense for Stonecrest and if it is sufficient to actually invite investment (follow up action item: TCF to pull from code and provide to stakeholders for review and comment).
7. Consider needs of property owners, like Mr. Allen and the Fosters.
8. Would like a hands-on type of working meeting with the Alliance members, similar to that which was conducted in the Overlay work.
9. Follow up action: coordinate with Chair regarding additional, working meeting.

Meeting Summary: Stonecrest Zoning Ordinance Update – HOA Stakeholders
Date/Time: 12/9/2020
Location: Video Conference (Zoom platform)
Prepared By: Michelle M. Alexander, The Collaborative Firm (TCF); Nicolette Washington (TCF)

Stonecrest Zoning Ordinance Update Discussion

◯ In-Person Meeting ☒ Virtual Meeting

Attendees

- Marty Garrison
- Sheadrick Stevenson
- Lakina Evans
- Lillian Lowe
- Cheryl Mathis
- Lori Brown

NOTES/ITEMS

Experience with the Code

- Little experience for Evans, Stevenson
- One member had a situation where a residential property wanted to be commercial
- Thought the meeting and process went well and their concerns were heard
- Was able to get the information and notice easily and participate
- Another situation where a gas station was developed without their knowledge
    - Developer said they were going to do some things that they ended up not doing
    - Still trying to get this done
    - In this situation the property was already zoned for this use
- Cheryl Mathis explained she worked with DeKalb County before Stonecrest
    - Would like to see some more notification and information
    - Klondike area was getting additional notice from DeKalb more

Notifications

- Notifying for LDPs based on size and impact
- Klondike area was getting more notification with DeKalb County, usually when permits were approved or coming
- Developers would contact these community members and organize meetings to present plans

Land Use

- Marty Garrison asked if they have the right to degrade the property?
    - Did not receive the 60-foot buffer
    - Added a fence at the entrance of the subdivision

    - Lighting is aimed at houses to the rear of the development
    - Didn't plant trees correctly or as designed
    - Trash that has come up with business
    - Cove Lake Subdivision – Covington Road and Cove Lake Road
- User Guides to help make it clearer what is required
    - Maybe a landscape and development code one!
- Chris – Monthly zoning meeting where they go to HOA meetings or neighborhood meetings
- Adrion – notify on the website in case they aren't in the radius
    - Brought up being against an application that is far away from a development
    - Who has the right and reasonable way to provide input?
    - This is way having a "reasonable" distance is needed
- Dollar General or Family Dollar size to trigger notification for permits – think this is a good size so 20,000 ft works.
- Webpage get that out and inform everyone that they can search for permits

What rights to the residents have if a permit is approved?

- Can communicate preferences and check to make sure that the code is being met
- There is no recourse if they meet all requirements
- Lori Brown – Arabian Woods Subdivision, Mall Pkwy
    - Want to be notified so that they can make sure that they get the right buffers and the code is enforced correctly
    - How did you know that you were zoned? Was on a committee and got an assessment done when she purchased the property

Zoning Districts Questions

- OIT – this district allows residential properties to change into offices
- Arabia Mountain Alliance – allow additional businesses for large lots.

Use Standards

- Gas Stations – require all gas stations to get a SLUP – yes
    - Limit amount of gas stations allowed within a certain distance of each other
- Industrial Uses – if you are next to residential then require a SLUP – yes
- Youtube question: what about health issues or impacts? Will have to get a permit from EPD
    - Rewrite the code so that environmental health impact can be used as a way to deny
- Hookah/Tobacco – clean air act at the county level applies

Destruction to Streets from Industrial Uses

- Is there any possible recourse? Is that a zoning issue?
- Put into compliance that they have to be on a truck route?

Traffic Studies - 200 units to conduct traffic study and Transportation Master Plan – look at this for criteria to deny an application

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Attachment D: Eco-Agricultural Zoning District Technical Memo

To: Chris Wheeler, Planning & Zoning Director
Fr: Michelle M. Alexander, AICP
Da: 01/27/2021
Re: Eco-Agricultural District for Environmentally Sensitive Areas (Arabia Mountain)
Action: For review and discussion

Purpose. Staff and Arabia Mountain area stakeholders requested recommendations for a zoning district or Special Land Use (SLUP) provisions and/or amendments to the existing Overlay district that permit **eco-friendly businesses** that help sustain the **preservation of very large rural and/or historic properties** within the Arabia Mountain Overlay. The intent is to incentivize ways to withstand future growth pressures for conventional residential subdivisions, by allowing limited commercial uses that help keep the configuration of rural properties more financially feasible.

If the City pursues this, Arabia Mountain Alliance leadership would work with property owners and residents to discuss the various options and determine interest and/or appetite for it.

Options. The following working draft proposes example provisions for the City of Stonecrest community to discuss regarding a new zoning district that could meet this intent. Alternatively, elements of the example provisions below could be used to craft standards for new SLUP categories.

The intensity of uses will need careful review with the Arabia Mountain Heritage Alliance and property owners within the Overlay to see to what degree they need controls, if allowed at all.

If a Zoning District is pursued, then permitting standards would still need to be developed for most uses. Future dedicated community and property owner discussions will help determine which approach is preferred. Finally, some uses that have low-impacts are included as they will generate no or little environmental impact, such as small residential or limited lodging/guest operations, yet allow owners to generate revenues to support their rural holdings.

AG-ECO DISTRICT/SLUP EXAMPLE PROVISIONS:

Definitions (note: a complete set of definitions will depend on what uses are desired)

Rural Setting Event. A celebration, ceremony, wedding, reception, corporate function or similar activity for the benefit of someone other than the property owner that takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of attending a special event. This definition does not include uses that are accessory to a single-family residential use, such as private parties, gatherings and similar activities. In addition, onetime, private events can be specifically excluded from regulation.

Agricultural Tourism or ag-tourism. The practice of visiting an agribusiness, horticultural or agricultural operation including but not limited to a farm, orchard, greenhouse, or animal preserve for the purpose of recreation or education or active involvement in the operation.

On-farm market. Sales of agricultural products or value-added agricultural projects directly to consumer from a site operating any agricultural or horticultural operations.

U-Pick. A fruit or vegetable-growing farm that provides the opportunity for customers to pick their own produce.

Purpose. The Eco-Agricultural District provides large tracts of rural, environmentally sensitive and/or scenic-view properties with incentives to maintain acreage in natural or rural conditions by permitting limited and environmentally sensitive commercial activities such as working arms or periodic, rural events or recreation

Dimensional Standards.
Lot size: 2 acre minimum
Front setback: 35 feet
Side setback: 20 feet
Rear setback: 100 feet. Accessory structures: 50 feet from any property line.
Buffer class (Sec 5.2.b): "C" – 50 feet.
Building Height: Residential 35 (need for structures, e.g. Barn/ storage sheds/milk house)

Uses. (for discussion only) (Use Standards would be developed for those uses determined to be appropriate)

1. Residential dwelling unit
2. Accessory dwelling unit
3. Small Residential Community Care Facility (no more than 4-6 clients)
4. Bed and Breakfast not to exceed 8? 10? Guests – Add provision that SAP and 10 notice subject to appeal and public hearing if appealed

5. Agricultural and Animal Oriented Agriculture (all uses in these categories in Art 4 Use Table, provided compliance with Use Standards are met)
6. Husbandry projects for farming organizations (e.g. 4-H, FFA)
7. Crop, orchard, horticulture and floriculture operations: The outdoor growing and harvesting of shrubs, plants, flowers, trees, vines, fruits, vegetables, hay, grain and similar food and fiber crops, including wholesale nurseries.
8. Retail nurseries. Or…Commercial nurseries NOT allowed on-farm sales
9. Greenhouses – same as above …Or only with Seasonal Permit (will need to define 'growing seasons' in practical manner)
10. Forestry and Minor Tree farms (need to define "minor")('Christmas tree farms')
11. Seasonal "U-Pick" activities and on-farm sales
12. Pet fancier (domestic pet hobbyist or otherwise animal breeder)
13. Rural related entertainment activities: petting farms, wagon rides, baling, corn mazes, bonfires, picnics, general playground equipment
14. Outdoor physical training centers? Outdoor wall climbing? May need to establish a larger minimum acre size and gravel parking.
15. Outdoor excursion education and guide services with limited retail sales; limit parking, gravel
16. Occasional Food, arts, wine and cultural entertainment events provided complies with Use Standards for Special Administrative Permit.
17. **Temporary or seasonal sales and promotion** of agricultural products grown or processed on site (including sampling of non-alcoholic products processed onsite, tours, educational visits, limited tasting rooms that sell or serve alcoholic beverages or consumption of alcoholic beverages by retail consumers or the public) and incidental storage of crops which are grown on site;
18. **Temporary or seasonal sales and promotion** of livestock which have been raised on site;
19. Solar and small wind energy systems (establish height and sound restrictions…may be too much)
20. May be acceptable, if scaled and a large site: Processing of agricultural products grown or produced on site, and bottling, canning, or storage of agricultural products grown and processed on site, and subject to the following conditions: (1) The combined square footage of all buildings in which the processing or storage occurs shall not exceed 2,500 square feet on parcels of five acres or less in size, and shall not exceed 5,000 square feet on parcels greater than five acres in size.
21. Outdoor event center
22. Equestrian center without shows or competition
23. Equestrian center with shows or competition

Additional Administrative Requirements

Rezoning, SLUP and Home Occupation Procedures. In addition to the rezoning [or SLUP/or other Permitting] criteria provided in 7.x.x, applicants petitioning for the Eco-Ag District shall include in their Letter of Intent documentation of the controls on operations that they will employ to avoid, minimize and/or mitigate environmental impacts.

Special Administrative Permit (SAPS), Standards and Public Appeal.

1. Applicants shall include in their application conformance with the following limitations:
    a. Hours of operation shall not extend past 10:00 p.m., except weekends with permit
    b. No amplification of music or sound aloud, except as granted under a Special Events Permit
    c. Month and date of seasonal operations, not to exceed 3 months total
    d. Occasional cultural or ceremonial events: provide all required submittal documentation as the Special Events Permit for review by all the same departments.
2. SAPs that require public notification and hearing determination by City Council include: Occasional cultural event permits and Bed and Breakfast (not currently allowed in residential districts)
3. Applicants for SAP shall comply with the following notification standards.
    a. Applicant shall post a sign on the property with a written notice stating "The City of Stonecrest Planning & Zoning Department will issue an administrative permit for uses requiring permit according to the Use standards (state nature and duration) on this property if a written appeal is not received within ten (10) days from the date of this notice"
    b. Sign shall be posted on the property at least ten (10) days prior to issuance of the permit.
    c. If no appeal has been received from any interested person, and provided that approval is secured from the following departments: sheriff, fire marshal and building inspection.
    d. In the event of an appeal, a public hearing on the project shall be conducted by the City Council for determination of compliance with policy intent and standards, as informed by Staff findings of fact report regarding standards and applicant proposal.

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Attachment E: Community Council Technical Memo - Discussion Only

To: Chris Wheeler, Planning & Zoning Director
From: Michelle M. Alexander
Date: January 27th, 2021
Re: Community Council
Action: For review and discussion

Stakeholders and staff requested recommendations for a Community Council to be required by the Zoning Code. The intent is to allow for more communication and outreach prior to an application going before Mayor and Council. If the City chooses this option, several administrative and legal steps are required. The following memo offers the city guidance for the next steps needed for adoption and example language to be added to the Zoning Code.

Next Steps to Appoint a Community Council

- Review the Example Language below and make any desired changes.
- Write Community Council Bylaws as a separate document for adoption.
- Establishment administrative instructions and procedures for applicant.
- Hold a Public Hearing for Adoption of the Language and include the effective date of the Community Council.
- Appoint Community Councilmembers (can be at the same meeting as above).
- Establish Schedule for Community Council Meetings.

Draft Zoning Code Language from DeKalb County

Add to Section 8.1.2 – Governing Bodies.

- Community council.
    - There is hereby established a separate volunteer community council for each council district 1 through 5. Each community council shall consist of _____ members, each of whom shall be a resident of The City of Stonecrest, shall reside in the same district for which the community council is established, and who shall be appointed as follows:
        - The district councilperson shall appoint ____ members to the community council located in his or her district;
    - Members of each community council shall serve at the pleasure of the district councilperson making the appointment or until their successor is appointed and qualified, unless such term ends sooner in a manner set forth herein. If the community council member is still serving at the time the appointing

councilperson vacates his/her office, the community council member shall continue to serve until a successor is appointed and qualified by the incoming district councilperson. Community council members may be reappointed to successive terms without limitation. Any vacancy in the membership of the community council shall be filled in the same manner as the initial appointment. If a community council member moves outside the district for which the community council is established, that action shall constitute an immediate resignation from the council, effective immediately.

- The community councils are created to review applications for rezonings, land use plan amendments, special land use permits and text amendments, and to report their recommendations to the planning commission. A community council may consider such ordinances and applications in relation to the applicable standards and criteria contained in this chapter, the adopted comprehensive plan and any of the community's quality of life issues.
- No person shall serve or continue to serve as a community council member until they have been certified by the director as having completed a training session sponsored by the county.

Next Steps to Improve Administrative Processes without a Community Council Appointment

- Establishment of administrative instructions and procedures for applicant.
- Increase public notification to 1,000 feet of surrounding properties.
- The Planning Department currently requires the applicant to conduct a community meeting.
    - Clearly outline this requirement in the application package for applicants seeking a zoning decision (rezoning, SLUP, modification, etc).
    - Require they conduct a community meeting to allow for public participation prior to the submittal of an applications.
    - Require the applicants place a temporary sign on the subject property (or approved alternative site) advertising the date, time, and location of the community meeting.
    - Require the location of the meeting to be at Stonecrest City Hall and coordinated with the Planning Department to be a fixed date monthly.
    - Require a Public Participation Report with a sign-in sheet, count of participants and a summary of comments or concerns received from the community.
    - Require the Public Participation Report to be included with the application.

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Attachment F: Needs Assessment Briefing Packages

- 4/17 Needs Assessment Briefing Package
- 4/24 Needs Assessment Briefing Package

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Needs Assessment Briefing Memo

Stonecrest Zoning Ordinance Review - Status Date: 4/17/20

After reviewing the current zoning code, adopted amendments, and comprehensive plan, the Collaborative has identified several needs for revision. The purpose of this memo is to present findings to date and open a discussion concerning the City's vision and intent. This valuable insight will help ensure future recommendations are meeting expectations and streamline the revision process.

A. Formatting Adjustments

1. The consolidation of all amendments revealed some inconsistencies in formatting that should be addressed in order to have a clear and comprehensive Zoning Code.
2. Although time intensive, consistent formatting is essential for the requested Table of Contents and user-friendly version of the Zoning Code.
3. Please see Attachment A labeled Housekeeping for recommendations.

B. Stonecrest Planning Staff Fix It List and Responses

1. The planning staff provided suggestions for revisions to the current code. The firm has reviewed these and would like to discuss each request in order to gain a clearer intent from the staff and ensure proper execution.
2. Please see Attachment B labeled Stonecrest Fix It List for discussion points.

C. Article 4 Preliminary Recommendations

1. Several of the "Fix It List" Items from staff were revisions to Article 4.
2. Please see Attachment C labeled Article 4 Preliminary Recommendations.

D. Zoning and Future Land Use Mismatches

1. A review of the Zoning Map and Future Land Use Map revealed several "Mismatches" that we would like to address.
2. Depending on guidance from staff, it is possible to pursue a government-initiated rezoning of particular parcels to an appropriate zoning district if the current use already matches the future land use intent.
3. Please see Attachment D on Zoning and FLU Mismatches for reference.

E. Remaining Articles for Assessment

1. Priority Articles: Article 2 (dependent upon feedback from staff), Article 3, and Article 5

F. Set Regular Meetings for Review

1. Establishing set meetings will help to move the project forward as we work to stay in close communication under the current circumstances.
2. TCF is available at daily at 1pm and is open to suggestions based on the client's preferences.

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Attachment A: Stonecrest Zoning Ordinance Housekeeping

1. Both Stonecrest Overlay District and Arabia Mountain Overlay District were passed after the Small Box Discount Store Ordinance, but revisions do not include the changes – ie small box discount stores are not prohibited in these overlays as intended

2. Some wording in the Overlay Prohibited Uses changed "shall be" to "are". Should all language referring to prohibited uses say "are"?

3. Both Short Term Vacation Rental Ordinance and Party House Ordinance were passed as Sec 4.2.58. STVR was first so assuming Party Houses should be 4.2.59

4. Use table was originally in alphabetical order under each main heading – should it be or were revisions made with different intent?

5. Does Section 4.2.19 not apply to "child care home"? also wording of these is inconsistent between article 9 and 4. Important that they are the same. Believe intent is to have "child care home", "child care facility", and "child day care center".

6. Cell tower section is really long after revision – would recommend pulling out of Division 2 and making its own Division under Article 4 or its own article completely

7. Numbers and Letters are different throughout the revisions
    a. This is especially true of the Cell Tower Ordinance and Overlay Rewrites
    b. This can cause confusion when referring to sections of the code and would help to unify for a Table of Contents
    c. Would recommend choosing the outline pattern below as it seems the most consistent throughout currently:

Sec ____

A. Capital A
    1. Number One
        a. Small letter a
        b. Small letter b
            i. Small roman numeral
    2. Number Two
B. Capital B
    1. Number One

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Attachment B: Stonecrest Fix It List

☐ Create Supplemental regulations for Trucking parking (Sec.4.2.54)

Discussion: What needs regulated? Standards about location on site? Construction standards? Truck Parking requirements be added to Article 6 and then references added in Article 4 where appropriate.

☐ Create supplemental regulations for private swimming pools (Sec.4.2.50)

Discussion: There are setback regulations in supplemental regulations for accessory uses. Is it sufficient to reference in this section to be clear there are different requirements?

☐ Add self-storage to mini-warehouse supplemental regulations (Sec.4.2.35)

Discussion: As allowed or prohibited?

☐ Removed criteria from D in Sec.4.2.28 all gas stations must obtain SLUP

Discussion: Article 4 update

☐ Add elevations requirements for emission stations (Sec.4.2.25)

Discussion: What type of requirements are desired? Different architectural standards than Article 5?

☐ Prohibit the use of bars chains roll downs doors or similar security devices in certain areas of the city. (Around the mall and Panola area)

Discussion: This can be added to certain Overlays? If this is purely an aesthetic preference, then are there other security devices that would be allowed?

☐ Add supplemental regulations for Lyft and Uber

Discussion: What are we trying to control for? If a licensing issues, then enforcement is also something to consider. If parking is an issue that can be more easily regulated.

☐ Remove redundancy in Sec.4.2.2 - Accessory Buildings....remove number 3.

Discussion: Suggest removing number 2 rather than number 3 because this will allow the property owner use of their yard for accessory uses rather than only allowing smaller scale structures within the building envelope.

☐ Add a mandatory architectural requirement for all single-family homes.

Discussion: These are addressed in Article 5. Are there more specifics needed?

☐ Add a staggering requirement for townhome developments.

Discussion: These are addressed in Article 5. Are there more specifics needed?

☐ Add 75% or 50% brick or stone requirement for all commercial buildings not located in Light or Heavy Industrial.

Discussion: These are addressed in Article 5. Are there more specifics needed?

☐ Parking requirements...I'm not sure if I want to eliminate the max or min requirements...I want to move the city toward more walkable development less on cars.

Discussion: Article 6. Remove parking minimums if meet certain criteria. Examples: need minimum where residential street parking is only other option, can remove minimum where alternative modes of transportation exist.

☐ Create a table of contents for Zoning Ordinance (makes it's easy to find info)

Discussion: The firm will create this in final document and provide word and PDF versions. We will also include directions for future updates so that it is maintained properly.

☐ Define a "mix use development" and architectural standards.

Discussion: Add standards to Article 5 and Article 9 – just general definition

☐ Create form base codes

Discussion: Improve Article 5 to make sure Architecture and Feel are realized in practice

☐ Add agricultural uses to the use table according to the supplemental regulations.

Discussion: Looks like beekeeping is the only ag use listed in supplemental regulations that is not in the use table.

☐ Clearly define telecommunications and wireless stores in the zoning ordinance.

Discussion: What are we trying to regulate? Number of them? Distance requirements?

☐ Create a zoning classification for "Hookah/Cigar Lounge". It is trending, and we need to regulate this particular use.

Discussion: Article 4 update, plus licensing requirement if issue is tobacco smoke – check with DeKalb on this, look for other examples, did the County adopt anything?

☐ Need to add "Non-emergency transportation" to the use table and supplemental regulations.

Discussion: Article 4 New Section, assume you mean medical transportation? Is it the parking and dispatching that's an issue? Vehicle storage?

☐ Require yard sale applicants to get permit and pay $10 application fee (we can use SA app).

Discussion: Article 4 update

☐ Create and add supplemental regulation for Towing service.

Discussion: Article 4 New Section. Looking to regulate parking, buffers, setbacks, of these?

☐ Define solar energy and solar panels in the code (trending).

http://www.energy.gatech.edu/sites/default/files/documents/2018-07-30_mso_guide_final.pdf

It's something to think about, because we issue a few permits with no code to reference.

Discussion: Article 4 New Section or better somewhere else? Could get long because might need own definitions and such similar to Telecommunications Code. What are the current permits for? Just residential? Does commercial look different?

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Attachment C: Article 4 Preliminary Recommendations

General Comments

- Renumber so in alphabetical order? Reasoning being sexually oriented businesses being 4.2.6? Was renamed from Adult entertainment establishments, adult services facility?
- Is there a better way to include the "rationale" in Sec 4.2.6 B?
- Any additions to use table will added under appropriate heading in alphabetical order.
- Eliminate Neighborhood Shopping District – only one parcel in the City is zoned NS.
- Consider eliminating OD District – not a lot in the City now and most uses can be accommodated in other zoning districts such as OI, C-1, and C-2. More analysis needed on current uses.

Recommended Changes by Section

Sec 4.2.2 C - Accessory buildings, structures and uses: location, yard and building restrictions.

Current	Recommended
2. Accessory structures must not encroach in the minimum yard setbacks for the district in which they are located. 3. Accessory buildings or structures shall meet the minimum side yard setback for the district or ten (10) feet, whichever is less, and shall not be located closer than ten (10) feet to a rear lot line in any district.	Delete number 2 ~~3~~. 2. Accessory buildings or structures shall meet the minimum side yard setback for the district or ten (10) feet, whichever is less, and shall not be located closer than ten (10) feet to a rear lot line in any district. Renumber C 4 and 5 to 3 and 4

Section 4.2.15 – Bed and Breakfast and Section 4.2.58 Short term vacation rentals

Current	Recommended
Difference between bed and breakfast and STVR . B.3 No individual other than the owner or an employee shall stay for longer **than seven (7) consecutive days.** Current Definitions: Bed and breakfast: Accessory use of **a single-family detached dwelling** by the homeowner who resides in the dwelling, to provide sleeping accommodations to customers. Breakfast may also be provided to the customers at no extra	More clarity is needed on the difference between these and where/how they should be permitted. Important to have tight regulations on this as it is a growing business. Need policy insight from City on how they want this regulated. Why are they different? Is a person living on site the main difference?

cost. For the purpose of this definition, the term "customer" means a person who pays for the sleeping accommodations for **fewer than thirty (30) consecutive days.** Short Term Vacation Rental: any dwelling unit, single-family dwelling, multi-family dwelling unit, two-family dwelling, three-family dwelling, duplex, triplex, urban single-family dwelling, condominium, townhouse, cottage development, dwelling unit, and structure used for residential dwelling that permits any portion of the premises or dwelling unit to be used for the accommodation of transient guests, for a fee, for less than 30 consecutive days. This is also identified as "STVR". (Amended xx.xx.2018)	Both require a SLUP in residential districts. Neither are permitted in any residential districts. Bed and Breakfast is permitted in OI, OIT, C-1, C-2, MU-2,3,4,5 – these would typically not be single family homes, are bed and breakfast required to be single family homes? Can an accessory dwelling unit be used as a bed and breakfast space? As a STVR space?

Section 4.2.24 – Dwellings: cottage, mobile home, townhouse, urban single-family, and condominium.

Current	Recommended
C. Townhouse and urban single-family (U-SF). Notwithstanding any other provision to the contrary, a townhouse or U-SF development may be subdivided into individual lots that do not meet the minimum street frontage requirements and may be treated as fee simple or condominium lots.	C. Same text 1. Townhomes developments must incorporate a staggering aspect to be approved by the Director of Planning.

Section 4.2.25 – Emission stations

Current	Recommended
Emission stations shall be setback no less than thirty-five (35) feet from the public right-of-way. A metal building may be used if it has a brick base at least three (3) feet high. No fabric structures may be used. Large planters for landscaping must be installed around any building.	Add elevation requirements??

Section 4.2.28 – Fuel pumps, accessory

Current	Recommended
D. Fuel pumps associated with convenience stores, gas stations, and service stations require a special land use permit in activity centers. In all other character areas a special land use permit is	Remove criteria 1-4, all gas stations must obtain a SLUP New wording:

required unless that facility can meet at least three of following criteria: 1. Facility is located within four hundred (400) feet of an intersection of a major arterial street and a major or minor arterial street, or located within on thousand (1,000) feet of an intersection within an interstate highway. 2. Facility is accessible via direct and secondary access, either through a secondary street or by inter-parcel or other shared access. 3. Facility is a new building of at least five thousand (5,000) square feet or facility is part of a major redevelopment as defined in Section 27-8.1.16. 4. Facility includes at least two (2) bathrooms capable of serving at least three (3) persons at a time, open to the public, and compliant with the Americans with Disabilities Act. E. Distance shall be measured from the right-of-way of the exit or entrance ramp, or street corner (middle of the radius), along the intersecting street right-of-way, to the nearest property line.	D. Fuel pumps associated with convenience stores, gas stations, and service stations require a special land use permit in all character areas. *Consider making this part A and renumbering other requirements for clarity* Remove part E – not needed without criteria

Section 4.2.31 – Home occupations and private educational uses

Current	Recommended
Provision added in 2019 - E. Child care homes and personal care homes are considered Home Occupations and must adhere to these provisions in addition to Section 4.2.41. (Amended xx.xx.2019)	Concerns about the requirement that only 25% of the dwelling unit is to be used for home occ, not sure this provision should apply to child care homes and personal care homes?

Section 4.2.35 – Mini-warehouses

Current	Recommended
A. Outside storage for mini-warehouses shall be limited to vehicles such as boats, RV's etc. and shall only be allowed in side and rear yards. B. Storage units may not be used for the following uses: the operation of a business or service enterprise; personal activities such as hobbies, arts and crafts, woodworking, repair,	Add self-storage to A or B? or Take out C?

restoration or maintenance of machinery or equipment; hazardous or toxic material storage; and/or living or sleeping quarters. C. Wares, goods and/or personal property stored therein shall not include explosives, paint, flammable chemicals or other materials which might be corrosive or hazardous.	

Section 4.2.50 – Swimming pool, community. And Section 4.2.2

Current	Recommended
Community swimming pools and their customary accessory buildings and structures shall be set back at least fifteen (15) feet from all side and rear lot lines and be enclosed by a wall or fence, not less **than four (4) feet** nor more than six (6) feet in height. Setback is measured from the pool decking except where established elsewhere. H. Setbacks for swimming pools, as accessory structures in a residential district, shall be measured from the edge of the decking to the applicable property line. No part of the decking for an accessory swimming pool shall be within five (5) feet of a side or rear property line. (See section 13-181 et seq. of the City of Stonecrest Code.)	Private swimming pools are listed as accessory uses which section 4.2.2. H it establishes a 5-foot setback. Do we want additional regs on this? Chapter 13 Article 8 of the Code regulates both private and public swimming pools. It would be appropriate to use reference these guidelines. **Contradiction** - Change barrier requirement in 4.2.50 from 4 feet to 5 feet to match Section 13-202 Only thing that really needs to be addressed for pools are setbacks. Currently 15 feet for public pools and 5 feet for private pools. Need policy guidance on if there is a specific issue to regulate.

Section 4.2.52 - Tennis court, accessory to residential.

Current	Recommended
Tennis courts on individual residential lots shall be located in rear yards and shall be set back at least fifteen (15) feet from all side and rear property lines and be enclosed by a fence or freestanding wall at least eight (8) feet high. Lighting for the private tennis court shall not be permitted, except by a special administrative permit. Section 4.2.1 A - Accessory structures allowed in all residential districts may include, but are not	Tennis courts are in 4.2.1 as accessory structures and Section 4.2.2 establishes setbacks for accessory structures. Section 4.2.52 – establishes different setbacks for tennis courts specifically - should be clear they have their own rules or get rid of section 4.2.52 and list them as accessory structures in 4.2.2 similar to swimming pools.

limited to: garages, storage sheds, and personal recreational facilities such as swimming pools and tennis courts. Regs for public tennis courts: Sec. 4.2.21. - Commercial recreation and entertainment. G - Tennis centers, clubs and facilities. The following provisions shall apply to tennis centers, clubs and facilities: 1.Such uses shall be enclosed by a screening fence six (6) feet in height or a twenty-five-foot wide planted buffer to screen adjacent property. 2.Central loudspeakers shall be prohibited. 3.Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.	Either way – for residential accessory uses, these should be in the same place for clear different between residential and public. Public have to meet setbacks for district in which they are located.

Section 4.2.54 – Truck stop

Current	Recommended
No parking referenced	Create Supplemental regulations for Trucking parking (Sec.4.2.54) – should this actually be address in Article 6 with a provision in this section to refer to 6.1._ - Truck Parking

Section 4.2.57 – Wireless telecommunications (cell tower)

Current	Recommended
Revised in 2019 as Section 4.2.57	Consider making this section Article 10 of the zoning code? It is now 34 pages (almost half of Article 4). Will probably continue to have edits in the future as this is an evolving market.

Section 4.3.2 - Duration, frequency and hours of operation of temporary outdoor uses.

Current	Recommended
No SA required for Yard Sales Farmer's Market Listed in Table but requirements listed in 4.2.27	Change table 4.3 to Yes for required SA Contradictory on hours of operations.

Section 4.3.6 – Yard Sales

Current	Recommended

A. Yard sales may be conducted without a permit on private property, but shall not be conducted within the public right-of-way.	A. Yard sales require a special administrative permit issued from the planning department for a fee not to exceed 10 dollars. B. No yard sale operations shall be conducted within the public right-of-way Renumber current B to C

NEW Section – Towing Service

Current	Recommended
None	Add supplemental regulations for towing service as follows:

NEW Section – Non-Emergency Transportation

Current	Recommended
None	Add supplemental regulations for non-emergency transportation as follows:

NEW Section – Solar Energy Systems

Current	Recommended
None	Add supplemental regulations for energy and solar panels as follows: Look at Georgia Model Solar Ordinance. Consider adopting with some specific revisions.

NEW Section – Hookah/Smoke Lounge

Current	Recommended
None	Add supplemental regulations for hookah/smoke lounge as follows: Use Regulations A. Distance Requirements. All e-cigarette lounges, hookah bars, vapor bars, and

	smokers' lounges shall be located at least 500 feet from other e-cigarette lounges, hookah bars, smokers' lounges, smoke shops, and tobacco shops. All e-cigarette lounges, hookah bars, vapor bars, and smokers' lounges shall be located at least 1,000 feet from the following: 1. Public or private K-12 schools and day cares. 2. Libraries. 3. Churches. 4. Community and recreation centers. 5. Parks. 6. Residential zones. B. The establishments shall operate in compliance with all federal, state, county, and local laws and regulations. C. Minors Prohibited. No persons under 18 years of age shall be permitted within the establishment, including as employees, and business owners or operators shall require proof of identification to verify the age of customers, visitors, and employees. This means that all employees must be at least 18 years of age. D. Parking Standards. Parking shall be provided under the standards established for bars and nightclubs. E. Hours of Operation. Operating hours shall be limited to ___ to ___ F. Indoor Operation Only. All business-related activity, including smoking, shall be conducted entirely within a building. Outdoor seating, operating outdoor barbecues or braziers, and/or lighting coals outdoors shall not be permitted. G. Entertainment and Admission Charges Prohibited. No live entertainment, including dancers, singers, disc jockeys, or comedians shall be permitted within the business. No admission charges, including a cover charge or minimum purchase requirement, shall be permitted. H. Visibility and Illumination. No window coverings or signage shall prevent

	visibility of the interior of the establishment from the outside during operating hours. The interior of the establishment shall have lighting adequate to make the conduct of patrons within the establishment readily discernible to people of normal visual capabilities. I. Ventilation. Adequate ventilation must be provided in accordance with all standards imposed by the building official and fire department, and those establishments by state or federal laws. The requirements imposed by the building official or fire department may be more comprehensive than current building codes to prevent negative health and nuisance impacts on neighboring properties, including a requirement for a separate system to prevent smoke and vapors from migrating to adjoining suites or buildings. The ventilation shall, at a minimum, prevent smoke and vapors from migrating into adjacent buildings and/or suites and to outdoor public areas. A mechanical exhaust hood system shall be required if an establishment heats coals indoors. J. Security. Uniformed security guard(s) shall be provided, as deemed necessary by the chief of police or his/her designee.

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Planning, Program Management & Development

Attachment D: MisMatch List for Stoncrest Zoning/FLU

Parcel	Address	Zoning	FLU	Current Use	Government Rezone?
MULTIPLE	WEST END OF SNAPFINGER WOODS DR	C-1, OI	Light Industrial	empty office building, carpet depot, post office, medical offices, vancant land	possible - changing to M zoning would create non-confomring uses however, current properties are unlikely to be affected by M Zoning Uses
MULTIPLE	SUBDIVSION ON MCKENNA SQUARE DR	OIT	Urban	townhouses, place of worship, vacant land	yes - MU 1-3 would allow for both these uses, larger range for vacant land
MULTIPLE	SUBDIVSION ON DAVIDSON DRIVE/COURT	R-100	Regional Center	single family homes	no options that would not create non-conforming use
MULTIPLE	SOUTHSIDE OF PANOLA INDUSTRIAL BLVD	OD	Office Professional	office buildings, medical services, vacant land, hotel	Yes - OI would accomate these uses
MULTIPLE	SOUTH GODDARD ROAD	R-85	Rural Residential	single family homes, vacant land	Yes - R-100 would work
3 PARCELS	SPANGLE WAY	C-1	NO FLU		
3 PARCELS	SPANGLE WAY	R-100	NO FLU		
23 PARCELS	MINOLA DRIVE	M	Office Professional	Georgia Power, Gymastics, logistics/shipping, trojan battery, chruch, storage, child care	Possible - depends on actual use of building, if just office space then OI or OIT would work for most uses
16 188 01 003	1801 ROCK CHAPEL ROAD	C-1 (CZ-88029)	Light Industrial		

16 165 03 014	7083 MADDOX ROAD	RE (CZ-79090)	Heavy Industrial	industrail type uses, car repair, vacant land	Yes - rezone to M-2 to meet future land use, most will fit into this category and if not unlikely to be negatively impacted by change
16 165 03 013	7157 MADDOX ROAD	RE	Light Industrial		
16 165 03 013	7059 MADDOX ROAD	RE (CZ-79090)	Heavy Industrial		
16 165 03 011	7093 MADDOX ROAD	RE (CZ-79090)	Heavy Industrial		
16 165 03 010	7067 MADDOX ROAD	RE (CZ-79090)	Heavy Industrial		
16 165 03 009	7141 MADDOX ROAD	RE (CZ-79090)	Light Industrial		
16 165 03 008	7045 MADDOX ROAD	RE (CZ-79090)	Heavy Industrial		
16 165 03 007	7075 MADDOX ROAD	RE (CZ-79090)	Heavy Industrial		
16 165 03 006	6965 MADDOX ROAD	RE (CZ-79090)	Heavy Industrial		
16 165 03 005	6975 MADDOX ROAD	RE (CZ-79090)	Heavy Industrial		
16 165 03 003	7135 MADDOX ROAD	RE (CZ-79090)	Light Industrial		
16 165 02 024	7056 MADDOX ROAD	RE (CZ-79090)	Heavy Industrial		
16 165 02 014	6978 MADDOX ROAD	RE (CZ-79090)	Heavy Industrial		
16 165 02 013	7088 MADDOX ROAD	RE (CZ-79090)	Heavy Industrial		
16 165 02 012	7078 MADDOX ROAD	RE (CZ-79090)	Heavy Industrial		
16 165 02 009	6964 MADDOX ROAD	RE (CZ-79090)	Heavy Industrial		
16 165 02 007	6972 MADDOX ROAD	RE (CZ-79090)	Heavy Industrial		
16 156 03 012	7117 MADDOX ROAD	RE (Z-82107, CZ-79090)	Heavy Industrial		
16 155 03 007	2046 ROGERS LAKE ROAD	RE (CZ-79090)	Light Industrial		Possibly - would be tough with current residential uses. Possible to change to M zoning, mobile home permitted as acessory use.
16 155 01 016	2095 ROGERS LAKE ROAD	RE (CZ-79090)	Heavy Industrial	single family home, trailers, vacant land	
16 155 01 015	2087 ROGERS LAKE ROAD	RE (CZ-79090)	Heavy Industrial		
16 155 01 014	2081 ROGERS LAKE ROAD	RE (CZ-79090)	Heavy Industrial		
16 155 01 013	2071 ROGERS LAKE ROAD	RE (CZ-79090)	Heavy Industrial		
16 155 01 012	2067 ROGERS LAKE ROAD	RE (CZ-79090)	Heavy Industrial		
16 155 01 011	2057 ROGERS LAKE ROAD	RE (CZ-79090)	Heavy Industrial		
16 155 01 008	2035 ROGERS LAKE ROAD	RE (CZ-79090)	Heavy Industrial	church	
16 155 01 004	2005 ROGERS LAKE ROAD	RE (CZ-79090)	Heavy Industrial	single family home	
16 155 01 003	6945 CHAPMAN ROAD	RE (CZ-79090)	Heavy Industrial		
16 155 01 002	2101 ROGERS LAKE ROAD	RE (CZ-79090)	Heavy Industrial		
16 154 02 029	6985 RAILROAD STREET	R-75	Light Industrial	a few single family homes, vacant land, solar farm possibly?	Possibly - tough with current residential uses
16 154 02 028	2270 ROCK STREET	R-75	Light Industrial		
16 154 02 025	6977 RAILROAD STREET	R-75	Light Industrial		
16 154 02 023	6965 RAILROAD STREET	R-75	Light Industrial		
16 154 02 022	6969 RAILROAD STREET	R-75	Light Industrial		
16 154 02 021	6981 RAILROAD STREET	R-75	Light Industrial		
16 154 02 020	6983 RAILROAD STREET	R-75	Light Industrial		
16 154 02 019	6987 RAILROAD STREET	R-75	Light Industrial		
16 154 02 018	7009 RAILROAD STREET	R-75	Light Industrial		
16 154 02 013	0 RAILROAD STREET	R-75	Light Industrial		

16 137 10 008	6760 OLD COVINGTON ROAD	OI (CZ-88104)	Urban		
16 137 10 004	6784 MAIN STREET	OIT (CZ-07-11313, CZ-03086)	Urban		
16 137 05 036	2801 KLONDIKE ROAD	MR-2	Regional Center		
16 137 05 005	7645 COVINGTON HIGHWAY	MR-2	Regional Center		
16 137 05 002	7671 COVINGTON HIGHWAY	MR-2	Regional Center		
16 137 05 001	7693 COVINGTON HIGHWAY	MR-2	Regional Center		
16 137 04 007	2795 EVANS MILL ROAD	MR-2	Regional Center		
16 137 03 015	7467 COVINGTON HIGHWAY	R-75	City Center		
16 137 03 010	7511 COVINGTON HIGHWAY	R-75	City Center		
16 137 03 008	6760 CHUPP ROAD	R-75	Office Professional		
16 137 03 007	6754 CHUPP ROAD	R-75	Office Professional		
16 137 03 005	6742 CHUPP ROAD	R-75	Office Professional		
16 137 03 003	6734 CHUPP ROAD	R-75	Office Professional		
16 137 03 002	6722 CHUPP ROAD	R-75	Office Professional		
16 137 03 001	6716 CHUPP ROAD	R-75	Office Professional		
16 125 01 152	2156 SOUTH STONE MOUNTAIN LITHONIA ROAD	C-2	Suburban		
16 124 02 016	2241 SOUTH STONE MOUNTAIN LITHONIA ROAD	C-1 (CZ-04056)	Suburban		
16 124 01 005	2206 SOUTH STONE MOUNTAIN LITHONIA ROAD	C-1 (CZ-83188)	Light Industrial		
16 121 05 015	7257 COVINGTON HIGHWAY	RSM (CZ-04019)	Light Industrial		
16 121 05 012	7337 COVINGTON HIGHWAY	R-75	City Center		
16 121 05 010	7319 COVINGTON HIGHWAY	R-75	City Center		
16 121 05 006	7285 COVINGTON HIGHWAY	R-75	City Center		
16 121 05 005	7279 COVINGTON HIGHWAY	R-75	City Center		
16 120 02 012	6659 CHUPP ROAD	M	City Center		
16 120 02 010	6543 CHUPP ROAD	M	City Center		
16 120 02 009	6553 CHUPP ROAD	M	City Center		
16 120 02 007	6557 CHUPP ROAD	M	City Center		
16 120 02 005	6600 OLD HILLANDALE DRIVE	M	City Center		
16 120 02 005	6400 CHUPP ROAD	M	City Center		
16 120 02 004	6547 CHUPP ROAD	M	City Center		
16 120 02 002	6517 CHUPP ROAD	M	City Center		
16 120 02 001	6579 CHUPP ROAD	M	City Center		
16 113 04 015	6744 BROWNS MILL ROAD	C-2	Neighborhood Center		
16 113 04 013	4570 KLONDIKE ROAD	C-2	Neighborhood Center		
16 113 04 012	4540 KLONDIKE ROAD	C-2	Neighborhood Center		
16 113 04 007	6768 BROWNS MILL ROAD	C-2(S-15-19933, S-15-19935, S-15-19937)	Neighborhood Center		

16 113 03 013	4579 KLONDIKE ROAD	C-2	Neighborhood Center		
16 108 02 002	3610 EVANS MILL ROAD	C-2 (CZ-76082)	Rural Residential		
16 105 05 003	2601 MACEDONIA ROAD	RSM (CZ-04019)	Light Industrial		
16 105 05 003	2601 MACEDONIA ROAD	C-1 (CZ-04019)	Light Industrial		
16 105 05 003	7247 COVINGTON HIGHWAY	C-1 (CZ-04019)	Light Industrial		
16 105 04 004	2738 LITHONIA INDUSTRIAL BOULEVARD	M	City Center		
16 105 04 002	2800 LITHONIA INDUSTRIAL BOULEVARD	M	City Center		
16 105 03 003	6243 HILLANDALE DRIVE	OD	City Center		
16 105 03 002	6257 HILLANDALE DRIVE	OD (CZ-97061)	City Center		
16 105 03 001	6231 HILLANDALE DRIVE	OD (CZ-98020)	City Center		
16 105 01 018	6380 HILLANDALE DRIVE	M	City Center		
16 105 01 013	6350 HILLANDALE DRIVE	M	City Center		
16 104 04 011	6165 HILLVALE ROAD	MR-1	Suburban		
16 104 04 004	6200 HILLVALE ROAD	MR-1	Suburban		
16 103 02 002	6355 MARBUT ROAD	M	Suburban		
16 103 02 001	2200 PHILLIPS ROAD	M	Suburban		
16 101 03 027	1705 REDAN EAST	M (CZ-88070)	Suburban		
16 101 03 026	1719 REDAN EAST	M (CZ-88070)	Suburban		
16 089 02 004	6745 COVINGTON HIGHWAY	OI (CZ-95053)	Urban		
16 088 02 009	6033 HILLANDALE DRIVE	M	City Center		
16 088 02 008	6085 HILLANDALE DRIVE	M	City Center		
16 088 02 006	5991 HILLANDALE DRIVE	M	City Center		
16 088 02 005	6029 HILLANDALE DRIVE	M	City Center		
16 088 02 004	6201 HILLANDALE DRIVE	R-100	City Center		
16 088 02 003	6129 HILLANDALE DRIVE	R-100	City Center		
16 088 02 002	6039 HILLANDALE DRIVE	M	City Center		
16 088 02 001	5999 HILLANDALE DRIVE	M	City Center		
16 088 01 075	6000 HILLANDALE DRIVE	M (RZ-75036)	Office Professional		
16 088 01 013	6034 HILLANDALE DRIVE	M	Office Professional		
16 088 01 009	6100 HLLANDALE DRIVE	MR-1	Office Professional		
16 088 01 007	6086 HILLANDALE DRIVE	MR-1	Office Professional		
16 088 01 002	6030 HILLANDALE DRIVE	M	Office Professional		
16 088 01 001	2654 DEKALB MEDICAL PARKWAY	M (RZ-75036)	Office Professional		
16 073 01 008	0 DEKALB MEDICAL PARKWAY	MR-1	Office Professional		
16 073 01 007	2745 DEKALB MEDICAL PARKWAY	MR-1	Office Professional		
16 058 02 013	2336 PANOLA ROAD	C-1	Suburban		
16 058 02 012	2348 PANOLA ROAD	C-1	Suburban		
16 058 02 011	2358 PANOLA ROAD	C-1	Suburban		
16 058 02 007	2330 PANOLA ROAD	C-1 (CZ-96097)	Suburban		

16 058 01 011	6206 COVINGTON HIGHWAY	MU-4	Neighborhood Center		
16 057 02 046	5587 MILLER GROVE ROAD	OD (CZ-01025)	Suburban		
16 057 02 014	2590 PANOLA ROAD	OD (CZ-88028)	City Center		
16 056 01 007	5480 HILLANDALE DRIVE	M (Z-73008)	City Center		
16 056 01 005	5620 HILLANDALE DRIVE	M	City Center		
16 039 03 036	6087 COVINGTON HIGHWAY	C-2(CZ-94063)	Neighborhood Center		
16 039 03 018	2293 PANOLA ROAD	C-2	Neighborhood Center		
16 039 03 013	6125 COVINGTON HIGHWAY	C-2 (Z-87074)	Neighborhood Center		
16 039 03 002	2301 PANOLA ROAD	C-2(CZ-84191)	Neighborhood Center		
16 039 02 009	6139 COVINGTON HWY	C-2	Neighborhood Center		
16 039 02 008	6167 COVINGTON HWY	C-2	Neighborhood Center		
16 039 02 007	2300 PANOLA ROAD	C-2	Neighborhood Center		
16 039 02 005	2332 PANOLA ROAD	C-1	Suburban		
16 039 02 004	2324 PANOLA ROAD	C-1	Suburban		
16 039 02 003	2316 PANOLA ROAD	C-1 (CZ-96097)	Suburban		
16 039 02 001	6151 COVINGTON HWY	C-2	Neighborhood Center		
16 039 01 021	6156 COVINGTON HIGHWAY	C-2	Neighborhood Center		
16 039 01 020	6138 COVINGTON HIGHWAY	C-2	Neighborhood Center		
16 015 04 008	6420 OLD HILLANDALE DRIVE	M	City Center		
16 015 04 006	6440 OLD HILLANDALE DRIVE	M	City Center		
16 015 04 003	6450 OLD HILLANDALE DRIVE	M	City Center		

ADOPTED AUGUST 7th 2017

OFFICIAL ZONING MAP

STONECRESTT, GEORGIA

Zoned - RE
FLU - Industrial

Zoned - RE
FLU - Industrial

Zoned - OIT
FLU - Urban

Zoned - R-75
FLU - Industrial

Zoned - C-1, OI
FLU - Industrial

Zoned - OD
FLU - Office Professional

Zoned - M
FLU - Office Professional

Zoned - R-100
FLU - Regional Center

Zoned - R-85
FLU - Rural Residential

Zoned - C-2
FLU - Neighborhood Center

Data Source:
DeKalb County GIS
Parcels
City Boundary
August 7, 2017

N

ZONING DISTRICTS

- NS - Neighborhood Shopping
- C-1 - Local Commercial
- C-2 - General Commercial
- OIT - Office-Institutional-Transitional
- OI - Office-Institutional
- OD - Office-Distribution
- M - Light Industrial
- M-2 - Heavy Industrial
- MU-4 - Mixed-Use High Density
- RE - Residential Estate
- R-100 - Residential Med Lot
- R-85 - Residential Med Lot
- R-75 - Residential Med Lot
- R-60 - Residential Small Lot
- RSM - Small Lot Residential Mix
- MR-1 - Med Density Residential
- MR-2 - Med Density Residential

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Miles

DEKALB COUNTY

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Needs Assessment Briefing Memo

Stonecrest Zoning Ordinance Review – Status Date: 4/24/2020

The purpose of this memo is to present progress on the Zoning Ordinance Review. The sections below display updated since the 4/17/2020 meeting.

A. Formatting Adjustments

1. Staff input from the 4/17/2020 meeting has been recorded and revisions will take place throughout the rewriting process.
2. Note: No Attachment A as these have all been resolved.

B. Stonecrest Planning Staff Fix It List

1. During the 4/17/2020 meeting discussion, more clarity from staff was needed on a few "fix it list" items.
2. Please see the updated Attachment B for discussion points.

C. Article 4 Preliminary Recommendations

1. With direction from staff, TCF will move forward with sample ordinances for solar energy and hookah.
2. Please see Attachment C with updates from previous meeting.

D. Zoning and Future Land Use Mismatches

1. Each of the identified mismatches was evaluated based on the current use of the property and surrounding zonings and preliminary recommendations provided.
2. Based on direction from staff on which Government Initiated Rezones would be reasonable to pursue, the firm will provide more detailed reasoning and recommendation.
3. Please see Attachment D on Zoning and FLU Mismatches for reference.

E. Article 1 and 2 Preliminary Recommendations

1. After reviewing these articles along with the Comprehensive Plan, it is recommended that the mixed-use districts be condensed, and several zoning districts and character areas be eliminated.
2. Please see Attachment E for these Preliminary Recommendations.

F. Article 3 Preliminary Recommendations

1. There is a possible opportunity to condense the current overlays by adding provisions to Article 5 and increasing general zoning district standards.
2. Preliminary Recommendations for this Article to be completed by May 15, 2020.

G. Set Regular Meetings for Review

1. Proposed Next Meeting: **Friday, May 1, 2020 from 1-3pm.**

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Attachment B: Stonecrest Fix It List – 4/24 Update

☐ Create Supplemental regulations for Trucking parking (Sec.4.2.54)

Discussion: Parking on gravel allowed, need this updated ordinance

☐ Add supplemental regulations for Lyft and Uber

Discussion: Need more information from staff as to what we are wanting to regulate

☐ Clearly define telecommunications and wireless stores in the zoning ordinance.

Discussion: Need more information from staff as to what we are wanting to regulate

☐ Create a zoning classification for "Hookah/Cigar Lounge". It is trending, and we need to regulate this particular use.

Discussion: Need more information on concerns and how to regulate, different from late-night?

☐ Need to add "Non-emergency transportation" to the use table and supplemental regulations.

Discussion: Need more information from staff as to what we are wanting to regulate, we know that this cannot be a home occupation. Is there anything else here to add?

☐ Define solar energy and solar panels in the code (trending).

http://www.energy.gatech.edu/sites/default/files/documents/2018-07-30_mso_guide_final.pdf

It's something to think about, because we issue a few permits with no code to reference.

Discussion: Need more information on what permits have been received and what staff imagines allowing for this.

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Attachment C: Article 4 Preliminary Recommendations – Update 4/24

Recommended Changes by Section

Sec 4.2.2 C - Accessory buildings, structures and uses: location, yard and building restrictions.

Current	Recommended
2. Accessory structures must not encroach in the minimum yard setbacks for the district in which they are located. 3. Accessory buildings or structures shall meet the minimum side yard setback for the district or ten (10) feet, whichever is less, and shall not be located closer than ten (10) feet to a rear lot line in any district.	Delete number 2 ~~3~~. 2. Accessory buildings or structures shall meet the minimum side yard setback for the district or ten (10) feet, whichever is less, and shall not be located closer than ten (10) feet to a rear lot line in any district. Renumber C 4 and 5 to 3 and 4

Section 4.2.15 – Bed and Breakfast and Section 4.2.58 Short term vacation rentals

Current	Recommended
Difference between bed and breakfast and STVR . B.3 No individual other than the owner or an employee shall stay for longer **than seven (7) consecutive days.** Current Definitions: Bed and breakfast: Accessory use of **a single-family detached dwelling** by the homeowner who resides in the dwelling, to provide sleeping accommodations to customers. Breakfast may also be provided to the customers at no extra cost. For the purpose of this definition, the term "customer" means a person who pays for the sleeping accommodations for **fewer than thirty (30) consecutive days.** Short Term Vacation Rental: any dwelling unit, single-family dwelling, multi-family dwelling unit, two-family dwelling, three-family dwelling, duplex, triplex, urban single-family dwelling, condominium, townhouse, cottage development, dwelling unit, and structure used for residential	More clarity is needed on the difference between these and where/how they should be permitted. Important to have tight regulations on this as it is a growing business. Need policy insight from City on how they want this regulated – allow Bed and Breakfast only in single family home districts with different being that a homeowner lives on sight. Both require a SLUP in residential districts. Neither are permitted in any residential districts. Bed and Breakfast is permitted in OI, OIT, C-1, C-2, MU-2,3,4,5 – these would typically not be single family homes, are bed and breakfast required to be single family homes? Can an accessory dwelling unit be used as a bed and breakfast space? As a STVR space?

dwelling that permits any portion of the premises or dwelling unit to be used for the accommodation of transient guests, for a fee, for less than 30 consecutive days. This is also identified as "STVR". (Amended xx.xx.2018)	

Section 4.2.24 – Dwellings: cottage, mobile home, townhouse, urban single-family, and condominium.

Current	Recommended
C. Townhouse and urban single-family (U-SF). Notwithstanding any other provision to the contrary, a townhouse or U-SF development may be subdivided into individual lots that do not meet the minimum street frontage requirements and may be treated as fee simple or condominium lots.	Recommending a reference to Article 5 building standards here.

Section 4.2.25 – Emission stations

Current	Recommended
Emission stations shall be setback no less than thirty-five (35) feet from the public right-of-way. A metal building may be used if it has a brick base at least three (3) feet high. No fabric structures may be used. Large planters for landscaping must be installed around any building.	• Emission stations shall be setback no less than thirty-five (35) feet from the public right-of-way. • A metal building may be used if it has a brick base at least three (3) feet high and is placed in the rear yard, not visible from the public right of way. • No fabric structures may be used. • Large planters for landscaping must be installed around any building.

Section 4.2.28 – Fuel pumps, accessory

Current	Recommended
D. Fuel pumps associated with convenience stores, gas stations, and service stations require a special land use permit in activity centers. In all other character areas a special land use permit is required unless that facility can meet at least three of following criteria: 1. Facility is located within four hundred (400) feet of an intersection of a major arterial street and a major or minor arterial street, or located within on thousand (1,000) feet of an intersection within an interstate highway.	Remove criteria 1-4, all gas stations must obtain a SLUP New wording: D. Fuel pumps associated with convenience stores, gas stations, and service stations require a special land use permit in all character areas. *Consider making this part A and renumbering other requirements for clarity*

2. Facility is accessible via direct and secondary access, either through a secondary street or by inter-parcel or other shared access. 3. Facility is a new building of at least five thousand (5,000) square feet or facility is part of a major redevelopment as defined in Section 27-8.1.16. 4. Facility includes at least two (2) bathrooms capable of serving at least three (3) persons at a time, open to the public, and compliant with the Americans with Disabilities Act. E. Distance shall be measured from the right-of-way of the exit or entrance ramp, or street corner (middle of the radius), along the intersecting street right-of-way, to the nearest property line.	Remove part E – not needed without criteria

Section 4.2.31 – Home occupations and private educational uses

Current	Recommended
Provision added in 2019 - E. Child care homes and personal care homes are considered Home Occupations and must adhere to these provisions in addition to Section 4.2.41. (Amended xx.xx.2019)	Concerns about the requirement that only 25% of the dwelling unit is to be used for home occ, not sure this provision should apply to child care homes and personal care homes?

Section 4.2.35 – Mini-warehouses – Change to self-storage facilities?

Current	Recommended
A. Outside storage for mini-warehouses shall be limited to vehicles such as boats, RV's etc. and shall only be allowed in side and rear yards. B. Storage units may not be used for the following uses: the operation of a business or service enterprise; personal activities such as hobbies, arts and crafts, woodworking, repair, restoration or maintenance of machinery or equipment; hazardous or toxic material storage; and/or living or sleeping quarters. C. Wares, goods and/or personal property stored therein shall not include explosives, paint, flammable chemicals or other materials which might be corrosive or hazardous.	Add self-storage to definition to Article 9

Section 4.2.50 – Swimming pool, community. And Section 4.2.2

Current	Recommended
Community swimming pools and their customary accessory buildings and structures shall be set back at least fifteen (15) feet from all side and rear lot lines and be enclosed by a wall or fence, not less **than four (4) feet** nor more than six (6) feet in height. Setback is measured from the pool decking except where established elsewhere. H. Setbacks for swimming pools, as accessory structures in a residential district, shall be measured from the edge of the decking to the applicable property line. No part of the decking for an accessory swimming pool shall be within five (5) feet of a side or rear property line. (See section 13-181 et seq. of the City of Stonecrest Code.)	Private swimming pools are listed as accessory uses which section 4.2.2. H it establishes a 5-foot setback. – reference this in community pools section. Chapter 13 Article 8 of the Code regulates both private and public swimming pools. It would be appropriate to use reference these guidelines. **Contradiction** - Change barrier requirement in 4.2.50 from 4 feet to 5 feet to match Section 13-202 Only thing that really needs to be addressed for pools are setbacks. Currently 15 feet for public pools and 5 feet for private pools. Need policy guidance on if there is a specific issue to regulate.

Section 4.2.52 - Tennis court, accessory to residential.

Current	Recommended
Tennis courts on individual residential lots shall be located in rear yards and shall be set back at least fifteen (15) feet from all side and rear property lines and be enclosed by a fence or freestanding wall at least eight (8) feet high. Lighting for the private tennis court shall not be permitted, except by a special administrative permit. Section 4.2.1 A - Accessory structures allowed in all residential districts may include, but are not limited to: garages, storage sheds, and personal recreational facilities such as swimming pools and tennis courts. Regs for public tennis courts: Sec. 4.2.21. - Commercial recreation and entertainment. G - Tennis centers, clubs and facilities.	Tennis courts are in 4.2.1 as accessory structures and Section 4.2.2 establishes setbacks for accessory structures. Section 4.2.52 – establishes different setbacks for tennis courts specifically - should be clear they have their own rules or get rid of section 4.2.52 and list them as accessory structures in 4.2.2 similar to swimming pools. Either way – for residential accessory uses, these should be in the same place for clear different between residential and public. Public have to meet setbacks for district in which they are located.

The following provisions shall apply to tennis centers, clubs and facilities: 1.Such uses shall be enclosed by a screening fence six (6) feet in height or a twenty-five-foot wide planted buffer to screen adjacent property. 2.Central loudspeakers shall be prohibited. 3.Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.	

Section 4.2.54 – Truck stop

Current	Recommended
No parking referenced	Create Supplemental regulations for Trucking parking (Sec.4.2.54) – should this actually be address in Article 6 with a provision in this section to refer to 6.1._ - Truck Parking

Section 4.2.57 – Wireless telecommunications (cell tower)

Current	Recommended
Revised in 2019 as Section 4.2.57	Consider making this section Article 10 of the zoning code? It is now 34 pages (almost half of Article 4). Will probably continue to have edits in the future as this is an evolving market.

Section 4.3.2 - Duration, frequency and hours of operation of temporary outdoor uses.

Current	Recommended
No SA required for Yard Sales Farmer's Market Listed in Table but requirements listed in 4.2.27	Change table 4.3 to Yes for required SA Contradictory on hours of operations.

Section 4.3.6 – Yard Sales

Current	Recommended
A. Yard sales may be conducted without a permit on private property, but shall not be conducted within the public right-of-way.	A. Yard sales require a special administrative permit issued from the planning department for a fee not to exceed 10 dollars. B. No yard sale operations shall be conducted within the public right-of-way

	Renumber current B to C

NEW Section – Towing Service

Current	Recommended
None	Add supplemental regulations for towing service as follows:

NEW Section – Non-Emergency Transportation

Current	Recommended
None	Add supplemental regulations for non-emergency transportation as follows:

NEW Section – Solar Energy Systems

Current	Recommended
None	Add supplemental regulations for energy and solar panels as follows: Look at Georgia Model Solar Ordinance. Consider adopting with some specific revisions.

NEW Section – Hookah/Smoke Lounge

Current	Recommended
None	Add supplemental regulations for hookah/smoke lounge as follows: Use Regulations A. Distance Requirements. All e-cigarette lounges, hookah bars, vapor bars, and smokers' lounges shall be located at least 500 feet from other e-cigarette lounges, hookah bars, smokers' lounges, smoke shops, and tobacco shops. All e-cigarette lounges, hookah bars, vapor bars, and smokers' lounges shall be located at least 1,000 feet from the following:

	1. Public or private K-12 schools and day cares. 2. Libraries. 3. Churches. 4. Community and recreation centers. 5. Parks. 6. Residential zones. B. The establishments shall operate in compliance with all federal, state, county, and local laws and regulations. C. Minors Prohibited. No persons under 18 years of age shall be permitted within the establishment, including as employees, and business owners or operators shall require proof of identification to verify the age of customers, visitors, and employees. This means that all employees must be at least 18 years of age. D. Parking Standards. Parking shall be provided under the standards established for bars and nightclubs. E. Hours of Operation. Operating hours shall be limited to ___ to ___ F. Indoor Operation Only. All business-related activity, including smoking, shall be conducted entirely within a building. Outdoor seating, operating outdoor barbecues or braziers, and/or lighting coals outdoors shall not be permitted. G. Entertainment and Admission Charges Prohibited. No live entertainment, including dancers, singers, disc jockeys, or comedians shall be permitted within the business. No admission charges, including a cover charge or minimum purchase requirement, shall be permitted. H. Visibility and Illumination. No window coverings or signage shall prevent visibility of the interior of the establishment from the outside during operating hours. The interior of the establishment shall have lighting adequate to make the conduct of patrons within the establishment readily

	discernible to people of normal visual capabilities. I. Ventilation. Adequate ventilation must be provided in accordance with all standards imposed by the building official and fire department, and those establishments by state or federal laws. The requirements imposed by the building official or fire department may be more comprehensive than current building codes to prevent negative health and nuisance impacts on neighboring properties, including a requirement for a separate system to prevent smoke and vapors from migrating to adjoining suites or buildings. The ventilation shall, at a minimum, prevent smoke and vapors from migrating into adjacent buildings and/or suites and to outdoor public areas. A mechanical exhaust hood system shall be required if an establishment heats coals indoors. J. Security. Uniformed security guard(s) shall be provided, as deemed necessary by the chief of police or his/her designee.

The Collaborative Firm, LLC
Planning, Program Management & Development

Attachment D: MisMatch List for Stoncrest Zoning/FLU - Update 4/24

Parcel	Address	Zoning	FLU	Current Use	Recommendation
MULTIPLE	WEST END OF SNAPFINGER WOODS DR	C-1, OI	Light Industrial	empty office building, carpet depot, post office, medical offices, vancant land	Consider a Government Initiated rezone to M - Industrial: would create a few non-conforming uses however, current properties are unlikely to be negatively affected by M Zoning Uses
MULTIPLE	SUBDIVSION ON MCKENNA SQUARE DR	OIT	Urban	townhouses, place of worship, vacant land	Consider a Government Initiated rezone to MU 1-3: would allow for both these uses and a larger range of options for vacant land
MULTIPLE	SUBDIVSION ON DAVIDSON DRIVE/COURT	R-100	Regional Center	single family homes	Further review need: no options that would not create non-conforming use
MULTIPLE	SOUTHSIDE OF PANOLA INDUSTRIAL BLVD	OD	Office Professional	office buildings, medical services, vacant land, hotel	Consider a Government Initiated rezone to OI: would accomate these uses
MULTIPLE	SOUTH GODDARD ROAD	R-85	Rural Residential	single family homes, vacant land	Consider a Government Initiated rezone to R-100
3 PARCELS	SPANGLE WAY	C-1	NO FLU		
3 PARCELS	SPANGLE WAY	R-100	NO FLU		
23 PARCELS	MINOLA DRIVE	M	Office Professional	Georgia Power, Gymastics, logistics/shipping, trojan battery, chruch, storage, child care	Possible Government Initiated rezone. Depends on actual use of buildings, if just office space then OI or OIT would work for most current uses
16 188 01 003	1801 ROCK CHAPEL ROAD	C-1 (CZ-88029)	Light Industrial	gas station	Consider a Government Initiated rezone to M: required to get a SLUP in C-1 and M

16 165 03 014	7083 MADDOX ROAD	RE (CZ-79090)	Heavy Industrial	industrail type uses, car repair, vacant land	Consider a Government Initiated rezone to rezone to M-2 to meet future land use, most will fit into this category and if not unlikely to be negatively impacted by change
16 165 03 013	7157 MADDOX ROAD	RE	Light Industrial		
16 165 03 013	7059 MADDOX ROAD	RE (CZ-79090)	Heavy Industrial		
16 165 03 011	7093 MADDOX ROAD	RE (CZ-79090)	Heavy Industrial		
16 165 03 010	7067 MADDOX ROAD	RE (CZ-79090)	Heavy Industrial		
16 165 03 009	7141 MADDOX ROAD	RE (CZ-79090)	Light Industrial		
16 165 03 008	7045 MADDOX ROAD	RE (CZ-79090)	Heavy Industrial		
16 165 03 007	7075 MADDOX ROAD	RE (CZ-79090)	Heavy Industrial		
16 165 03 006	6965 MADDOX ROAD	RE (CZ-79090)	Heavy Industrial		
16 165 03 005	6975 MADDOX ROAD	RE (CZ-79090)	Heavy Industrial		
16 165 03 003	7135 MADDOX ROAD	RE (CZ-79090)	Light Industrial		
16 165 02 024	7056 MADDOX ROAD	RE (CZ-79090)	Heavy Industrial		
16 165 02 014	6978 MADDOX ROAD	RE (CZ-79090)	Heavy Industrial		
16 165 02 013	7088 MADDOX ROAD	RE (CZ-79090)	Heavy Industrial		
16 165 02 012	7078 MADDOX ROAD	RE (CZ-79090)	Heavy Industrial		
16 165 02 009	6964 MADDOX ROAD	RE (CZ-79090)	Heavy Industrial		
16 165 02 007	6972 MADDOX ROAD	RE (CZ-79090)	Heavy Industrial		
16 156 03 012	7117 MADDOX ROAD	RE (Z-82107, CZ-79090)	Heavy Industrial		
16 155 03 007	2046 ROGERS LAKE ROAD	RE (CZ-79090)	Light Industrial	single family home, trailers, vacant land	Possibly - would be tough with current residential uses. Possible to change to M zoning, mobile home permitted as acessory use.
16 155 01 016	2095 ROGERS LAKE ROAD	RE (CZ-79090)	Heavy Industrial		
16 155 01 015	2087 ROGERS LAKE ROAD	RE (CZ-79090)	Heavy Industrial		
16 155 01 014	2081 ROGERS LAKE ROAD	RE (CZ-79090)	Heavy Industrial		
16 155 01 013	2071 ROGERS LAKE ROAD	RE (CZ-79090)	Heavy Industrial		
16 155 01 012	2067 ROGERS LAKE ROAD	RE (CZ-79090)	Heavy Industrial		
16 155 01 011	2057 ROGERS LAKE ROAD	RE (CZ-79090)	Heavy Industrial		
16 155 01 008	2035 ROGERS LAKE ROAD	RE (CZ-79090)	Heavy Industrial	church	
16 155 01 004	2005 ROGERS LAKE ROAD	RE (CZ-79090)	Heavy Industrial	single family home	
16 155 01 003	6945 CHAPMAN ROAD	RE (CZ-79090)	Heavy Industrial		
16 155 01 002	2101 ROGERS LAKE ROAD	RE (CZ-79090)	Heavy Industrial		

16 154 02 029	6985 RAILROAD STREET	R-75	Light Industrial	a few single family homes, vacant land, solar farm possibly?	Possibly - tough with current residential uses
16 154 02 028	2270 ROCK STREET	R-75	Light Industrial		
16 154 02 025	6977 RAILROAD STREET	R-75	Light Industrial		
16 154 02 023	6965 RAILROAD STREET	R-75	Light Industrial		
16 154 02 022	6969 RAILROAD STREET	R-75	Light Industrial		
16 154 02 021	6981 RAILROAD STREET	R-75	Light Industrial		
16 154 02 020	6983 RAILROAD STREET	R-75	Light Industrial		
16 154 02 019	6987 RAILROAD STREET	R-75	Light Industrial		
16 154 02 018	7009 RAILROAD STREET	R-75	Light Industrial		
16 154 02 013	0 RAILROAD STREET	R-75	Light Industrial		
16 137 10 008	6760 OLD COVINGTON ROAD	OI (CZ-88104)	Urban	single family home	Consider a Government Initiated rezone to R-75
16 137 10 004	6784 MAIN STREET	OIT (CZ-07-11313, CZ-03086)	Urban	single family home	Consider a Government Initiated rezone to R-75
16 137 05 036	2801 KLONDIKE ROAD	MR-2	Regional Center	vacant land	Consider a Government Initiated rezone to OI or C-1
16 137 05 005	7645 COVINGTON HIGHWAY	MR-2	Regional Center	single family home	No change - unless single family homes are vacant
16 137 05 002	7671 COVINGTON HIGHWAY	MR-2	Regional Center	apartment complex	Consider a Government Initiated rezone to HR-1 to encourage higher density if ever redeveloped
16 137 05 001	7693 COVINGTON HIGHWAY	MR-2	Regional Center	single family home	No change - unless single family homes are vacant
16 137 04 007	2795 EVANS MILL ROAD	MR-2	Regional Center	apartment complex	Consider a Government Initiated rezone to HR-1 to encourage higher density if ever redeveloped
16 137 03 015	7467 COVINGTON HIGHWAY	R-75	City Center	single family home	Can't tell if vacant or not, if so consider rezone to C-1
16 137 03 010	7511 COVINGTON HIGHWAY	R-75	City Center	single family home	Can't tell if vacant or not, if so consider rezone to C-1
16 137 03 008	6760 CHUPP ROAD	R-75	Office Professional	single family homes	Established homes, would leave as is for now.
16 137 03 007	6754 CHUPP ROAD	R-75	Office Professional		
16 137 03 005	6742 CHUPP ROAD	R-75	Office Professional		
16 137 03 003	6734 CHUPP ROAD	R-75	Office Professional		
16 137 03 002	6722 CHUPP ROAD	R-75	Office Professional		
16 137 03 001	6716 CHUPP ROAD	R-75	Office Professional		

16 125 01 152	2156 SOUTH STONE MOUNTAIN LITHONIA ROAD	C-2	Suburban	towing service	This looks like a mistake on the FLU Map
16 124 02 016	2241 SOUTH STONE MOUNTAIN LITHONIA ROAD	C-1 (CZ-04056)	Suburban	vacant land	
16 124 02 001	2261 SOUTH STONE MOUNTAIN ROAD	MR-1 (CZ-07-13333, CZ-04056)	Suburban	vacant land	Rezone to RSM
16 101 03 011	1780 PHILLIPS Road	MR-1 (CZ-07-13333, CZ-04056)	Suburban	vacant land	Rezone to RSM
16 124 01 005	2206 SOUTH STONE MOUNTAIN LITHONIA ROAD	C-1 (CZ-83188)	Light Industrial	gas station	Consider a Government Initiated rezone to M: required to get a SLUP in C-1 and M
16 121 05 015	7257 COVINGTON HIGHWAY	RSM (CZ-04019)	Light Industrial	vacant land	Rezone to M
16 121 05 012	7337 COVINGTON HIGHWAY	R-75	City Center	possible single family home	No change - unless single family homes are vacant
16 121 05 010	7319 COVINGTON HIGHWAY	R-75	City Center	possible single family home	
16 121 05 006	7285 COVINGTON HIGHWAY	R-75	City Center	single family home	
16 121 05 005	7279 COVINGTON HIGHWAY	R-75	City Center	single family home	

16 120 02 012	6659 CHUPP ROAD	M	City Center	vacant land	Consider government initated rezone to C-2 in order to gain the right uses in the vacant places. Most of current uses will fit in C-2 and non-conforming single family homes will remain non-conforming
16 120 02 010	6543 CHUPP ROAD	M	City Center	construction equpiment sales	
16 120 02 003	6508 OLD HILLANDALE ROAD	M	City Center	vacant land	
16 120 02 011	6478 OLD HILLANDALE DRIVE	M	City Center	vacant land	
16 120 02 005	6600 OLD HILLANDALE DRIVE	M	City Center	vacant land	
16 120 02 005	6400 CHUPP ROAD	M	City Center	woodworking	
16 120 02 004	6547 CHUPP ROAD	M	City Center	single family home	
16 120 02 002	6517 CHUPP ROAD	M	City Center	single family home	
16 105 04 008	6420 OLD HILLANDALE DRIVE	M	City Center	restaurant	
16 105 04 006	6440 OLD HILLANDALE DRIVE	M	City Center	motocycle shop	
16 105 04 004	2738 LITHONIA INDUSTRIAL BOULEVARD	M	City Center		
16 105 04 002	2800 LITHONIA INDUSTRIAL BOULEVARD	M	City Center		
16 105 04 003	6450 OLD HILLANDALE DRIVE	M	City Center	auto body shop	
16 120 02 001	6479 CHUPP ROAD	M	City Center	motocycle shop	

16 113 04 015	6744 BROWNS MILL ROAD	C-2	Neighborhood Center	vacant building	Consider government initated rezone to C-1 in order to gain the right uses in the vacant places. Gas station needs SLUP anyway and dollar general now prohibited so legal non-conforming regardless
16 113 04 013	4570 KLONDIKE ROAD	C-2	Neighborhood Center	dollar general	
16 113 04 012	4540 KLONDIKE ROAD	C-2	Neighborhood Center	gas station	
16 113 04 007	6768 BROWNS MILL ROAD	C-2(S-15-19933, S-15-19935, S-15-19937)	Neighborhood Center	gas station	
16 113 03 013	4579 KLONDIKE ROAD	C-2	Neighborhood Center	vacant building	
16 108 02 002	3610 EVANS MILL ROAD	C-2 (CZ-76082)	Rural Residential	vacant land	Rezone to R-100, unless zoning case says otherwise?
16 105 05 003	2601 MACEDONIA ROAD	RSM (CZ-04019)	Light Industrial	vacant land	Consider rezoning to M
16 105 05 003	2601 MACEDONIA ROAD	C-1 (CZ-04019)	Light Industrial	vacant land	
16 105 05 003	7247 COVINGTON HIGHWAY	C-1 (CZ-04019)	Light Industrial	vacant land	
16 105 03 003	6243 HILLANDALE DRIVE	OD	City Center	vacant land	Rezone to C-2 - will attract the appropriate uses here
16 105 03 002	6257 HILLANDALE DRIVE	OD (CZ-97061)	City Center	vacant land	
16 105 03 001	6231 HILLANDALE DRIVE	OD (CZ-98020)	City Center	self storage	
16 105 01 018	6380 HILLANDALE DRIVE	M	City Center	vacant land	
16 105 01 013	6350 HILLANDALE DRIVE	M	City Center	vacant land	
16 104 04 011	6165 HILLVALE ROAD	MR-1	Suburban	apartment complex	leave as is or change FLU to urban
16 104 04 004	6200 HILLVALE ROAD	MR-1	Suburban		
16 103 02 002	6355 MARBUT ROAD	M	Suburban	high school	Rezone to OI
16 103 02 001	2200 PHILLIPS ROAD	M	Suburban		
16 101 03 027	1705 REDAN EAST	M (CZ-88070)	Suburban	townhomes	Rezone to RSM
16 101 03 026	1719 REDAN EAST	M (CZ-88070)	Suburban		
16 089 02 004	6745 COVINGTON HIGHWAY	OI (CZ-95053)	Urban	can't tell	C-1 would probaly be best fit
16 088 02 009	6033 HILLANDALE DRIVE	M	City Center	gas station	Rezone to OI
16 088 02 008	6085 HILLANDALE DRIVE	M	City Center	dialyasis center	
16 088 02 006	5991 HILLANDALE DRIVE	M	City Center	day care?	
16 088 02 005	6029 HILLANDALE DRIVE	M	City Center		
16 088 02 004	6201 HILLANDALE DRIVE	R-100	City Center	cemetary	
16 088 02 003	6129 HILLANDALE DRIVE	R-100	City Center	cemetary	
16 088 02 002	6039 HILLANDALE DRIVE	M	City Center	gas station	
16 088 02 001	5999 HILLANDALE DRIVE	M	City Center	vacant land	
16 088 01 075	6000 HILLANDALE DRIVE	M (RZ-75036)	Office Professional	urgent care center	Rezone to OI
16 088 01 013	6034 HILLANDALE DRIVE	M	Office Professional	urgent care center	
16 088 01 009	6100 HLLANDALE DRIVE	MR-1	Office Professional	vacant land	
16 088 01 007	6086 HILLANDALE DRIVE	MR-1	Office Professional	vacant land	
16 088 01 002	6030 HILLANDALE DRIVE	M	Office Professional	urgent care center	

16 088 01 001	2654 DEKALB MEDICAL PARKWAY	M (RZ-75036)	Office Professional	senior living	Rezone to OI - needs a SLUP regardless
16 073 01 008	0 DEKALB MEDICAL PARKWAY	MR-1	Office Professional	vacant land	Rezone to OI
16 073 01 007	2745 DEKALB MEDICAL PARKWAY	MR-1	Office Professional	doctors office	Rezone to OI
16 058 02 013	2336 PANOLA ROAD	C-1	Suburban	vacant land	consider changing FLU here to urban instead
16 058 02 012	2348 PANOLA ROAD	C-1	Suburban	restaurant	
16 039 02 005	2332 PANOLA ROAD	C-1	Suburban		
16 039 02 004	2324 PANOLA ROAD	C-1	Suburban		
16 058 02 011	2358 PANOLA ROAD	C-1	Suburban	vacant land	
16 039 02 003	2316 PANOLA ROAD	C-1 (CZ-96097)	Suburban	restaurant	
16 058 02 007	2330 PANOLA ROAD	C-1 (CZ-96097)	Suburban	single family home?	
16 058 01 011	6206 COVINGTON HIGHWAY	MU-4	Neighborhood Center	vacant land	looking into the densities of Mixed Use disstricts, rezone to one that works here
16 057 02 046	5587 MILLER GROVE ROAD	OD (CZ-01025)	Suburban	vacant	rezone to C-1, matches FLU and surrounding zoning
16 057 02 014	2590 PANOLA ROAD	OD (CZ-88028)	City Center	self storage	rezone to C-1, matches FLU and use allowed
16 056 01 007	5480 HILLANDALE DRIVE	M (Z-73008)	City Center	apartment complex?	need to dig deeper on what the actual use is here
16 056 01 005	5620 HILLANDALE DRIVE	M	City Center	funeral home	rezone to C-1, matches FLU and use allowed

16 039 03 036	6087 COVINGTON HIGHWAY	C-2(CZ-94063)	Neighborhood Center	several car uses here, gas stations and fast food	could consider rezoning to C-1, but would create non-conforming uses. Have to determine if these uses are a nusance here or if this is an appropriate location
16 039 03 018	2293 PANOLA ROAD	C-2	Neighborhood Center		
16 039 03 013	6125 COVINGTON HIGHWAY	C-2 (Z-87074)	Neighborhood Center		
16 039 03 002	2301 PANOLA ROAD	C-2(CZ-84191)	Neighborhood Center		
16 039 02 009	6139 COVINGTON HWY	C-2	Neighborhood Center		
16 039 02 008	6167 COVINGTON HWY	C-2	Neighborhood Center		
16 039 02 007	2300 PANOLA ROAD	C-2	Neighborhood Center		
16 039 02 001	6151 COVINGTON HWY	C-2	Neighborhood Center		
16 039 01 021	6156 COVINGTON HIGHWAY	C-2	Neighborhood Center		
16 039 01 020	6138 COVINGTON HIGHWAY	C-2	Neighborhood Center		

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Attachment E: Article 1 and 2 Preliminary Recommendations

It is important to address the overarching aspects of Article 1 based on the Assessment and Recommendations for Articles 2 and 3. Therefore, it is recommended that more detailed wording and structure be revised after the Preliminary Recommendations for Articles 2 and 3 are reviewed and direction is agreed upon by the Collaborative Firm and the City of Stonecrest.

The Comprehensive Plan was revised in July of 2019 and was updated to more accurately capture the vision for the City of Stonecrest. As a result, it recommended that the Zoning Code be updated to reflect these changes.

Sec. 1.1.11. - Transitional provisions.

Table 1.1 Prior Zoning District Conversion to Established New Districts - This table should be revised based on following recommendations to reevaluate zoning districts.

Sec. 1.1.14. - Zoning maps. - Zoning Map Change Recommendations

- See attached Zoning and FLU Spreadsheet.
- The firm will provide more detailed recommendations after receiving direction from Staff on which rezoning options are reasonable to pursue if any.

Sec. 1.2.1. - Relationship to comprehensive plan.

Future Land Use Districts

Current in Zoning Code	Recommended Based on Comprehensive Plan
A. Rural Residential.	A. Conservation/Open Space
B. Suburban.	B. Institutional
C. Traditional Neighborhood.	C. Rural Residential
D. Neighborhood Center.	D. Suburban Neighborhood
E. Town Center.	E. Urban Neighborhood
F. Regional Center.	F. Neighborhood Center
G. Industrial.	G. City Center
H. Light Industrial.	H. Regional Center
I. Institutional.	I. Office Professional
J. Office Park.	J. Light Industrial
K. Commercial Redevelopment Corridor.	K. Heavy Industrial
L. Scenic Corridor.	
M. Highway Corridor.	

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

Current: Table 1.2: Character Areas and Permitted Zoning Districts

Zoning District	Rural Residential (max 4 du/a)	Suburban (max 8 du/a)	Traditional Neighborhood (max 12 du/a)	Neighborhood Center (max 24 du/a)	Town Center (max 60 du/a)	Regional Center (max 120 du/a)	Office Park (max 30 du/a)	Institutional	Industrial	Light Industrial	Commercial Redevelopment Corridor (max 18 du/a)	Highway Corridor (max 30 du/a)
	RE	RE	RE	R-60	RSM	MR-1	HR-1	R-100	M	C-2	RSM	HR-1
	RLG	RLG	RLG	RSM	MR-1	MR-2	MU-1	R-85	M-2	OD	MR-1	MU-1
	R-100	R-100	R-100	MR-1	MR-2	HR-1	MU-2	R-75	OD	OI	MR-2	MU-2
	R-85	R-85	R-85	MR-2	HR-1	HR-2	MU-3	R-60	C-2	M	MU-1	MU-3
	R-75	R-75	R-75	MU-1	HR-2	HR-3	MU-4	RSM		M-2	MU-2	MU-4
	RNC	R-60	R-60	MU-2	MU-1	MU-1	NS	MR-1			MU-3	C-1
	MHP	RNC	RNC	MU-3	MU-2	MU-2	C-1	MR-2			NS	C-2
	NS	MHP	RSM	NS	MU-3	MU-3	C-2	MU-1			C-1	OD
		RSM	MR-1	C-1	MU-4	MU-4	OIT	MU-2			C-2	OI
		MU-1	MU-1	OI	MU-5	MU-5	OI	MU-3			OI	OIT
		NS	MU-2	OIT	OI	OI	OD	OI			OD	M
		C1	NS		OIT	OIT		OIT			OIT	M-2
		OIT	C-1		C-1	C-1						
		OI	OIT		C-2	C-2						

*du/a = dwelling units per acre

Recommended Table 1.2 Based on Comprehensive Plan and Recommendations

Zoning District	Conservation/Open Space (COS)	Institutional/Public (IP)	Rural Residential (RR)	Suburban Neighborhood (SN)	Urban Neighborhood (UN)	Neighborhood Center (NC)	City Center (CC)	Regional Center (RC)	Office Professional (OP)	Light Industrial (M-LI)	Heavy Industrial (M-HI)
	ALL	ALL	RE	R-100	R-100	RSM	RSM	MU-1	MU-1	MU-4	C-2
			R-100	R-85	R-85	MR-1	MR-1	MU-2	MU-2	MU-5	M
				R-75	R-75	MR-2	MR-2	MU-3	MU-3	C-2	M-2
				R-60	R-60	MU-1	MU-1	MU-4	OI	M	
				RSM	RSM	MU-2	MU-2	MU-5	OIT		
				OI	MR-1	MU-3	MU-3	HR-1	C-1		
				OIT	MR-2	OI	MU-4	HR-2			
					MU-1	OIT	MU-5	HR-3			
					MU-2	C-1	HR-1	OI			
					MU-3		HR-2	OIT			
					C-1		OI	C-1			
					C-2		OIT	C-2			
							C-1				
							C-2				

Sec. 2.1.1. - Districts established. - Zoning Districts Diet Recommendations

A. Districts to be Removed from the Zoning Code

- NS – Neighborhood Shopping
    - There is only one parcel in the City with this zoning, C-1 or OI can easily replace
- OIT – Office Intuitional Transitional
    - There are only 5 parcels in the City zoned OIT.
    - The original intent of the District was to provide a commercial use in buildings no longer viable for residential use
    - Considering the Comprehensive Plan focuses on redevelopment of properties to meet particular character – this district does not appear to be desired within the City
- RLG – Residential Large Lot
    - There are no parcels with this zoning in the City
- RNC – Residential Neighborhood Conservation
    - There are no parcels with this zoning in the City
- MHP – Mobile Home Park
    - There are no parcels with this zoning in the City
    - There is one Mobile Home Park that is partially within the City Limits at 7062 Rogers Lake Rd, Lithonia, GA 30058. Current Zoning is M – Light Industrial.
    - Mobile Homes only received 0.2% of votes for preferred housing types according to the comprehensive plan.

B. Mixed Use Districts

Condense Mixed Use Districts from 5 to 3 – considering the size of Stonecrest and the goals outlined in the Comprehensive Plan. It is reasonable to have 3 Mixed Use Districts of varying densities.

- For reference: there are no parcels in the City currently zoned MU 1,2,3 or 5. There is one parcel zoned MU-4.
- A neighborhood scale (up to 3 acres or less; 2 stories max height; density max 8/12 range) – comp plan wants up to 24 units per an acre (pg 149)
- A city scale – up to 60 units per an acre
- A regional scale – up to 120 units per an acre (pg 161)

These would line up with the Land Use Designations of Neighborhood Center, City Center, and Regional Center. TCF would like to request direction from staff on the following:

- The current use of the mixed-use districts within the City
- Density preferences
- Land uses where these districts should be allowed

Current Table for Reference and Discussion

Zoning District Name		Density (units/acre)	Eligible Character Areas
Mixed-Use Low Density	MU-1	4—8	Suburban Traditional Neighborhood

			Neighborhood Center Town Center Institutional Commercial Redevelopment Corridor
Mixed-Use Low-Medium Density	MU-2	8—12	Traditional Neighborhood Neighborhood Center Town Center Regional Center Institutional Commercial Redevelopment Corridor
Mixed-Use Medium Density	MU-3	12—24	Neighborhood Center Town Center Regional Center Institutional Commercial Redevelopment Corridor
Mixed-Use High Density	MU-4	24—40	Town Center Regional Center Office Park
Mixed-Use Very High Density	MU-5	40—60	Town Center Regional Center: additional bonus up to 120

C. Medium and High Density Mixed Residential

- Condense Medium and High-Density Districts. The Comprehensive Plan indicates a desire for high density mixed use, but not necessarily high density stand alone residential. Eliminating the higher density uses here has the potential to encourage development of mixed use.
- For example: Maybe the City actually only wants to allow up to a 120 units in a Mixed Use District
- For reference: there are no parcels in the City zoned HR-1,2, or 3.

Current Table for Reference and Discussion

Zoning District Name		Density (units/acre)	Eligible Character Areas
Small Lot Residential Mix	RSM	4—8	Suburban Traditional Neighborhood Neighborhood Center Town Center Institutional Commercial Redevelopment Corridor
Medium Density Residential-1	MR-1	8—12	Traditional Neighborhood Neighborhood Center Town Center Regional Center Institutional Commercial Redevelopment Corridor
Medium Density Residential-2	MR-2	12—24	Neighborhood Center Town Center Regional Center

			Institutional Commercial Redevelopment Corridor
High Density Residential-1	HR-1	24—40	Town Center Regional Center Office Park Highway Corridor
High Density Residential-2	HR-2	40—60	Town Center Regional Center Office Park Highway Corridor
High Density Residential-3	HR-3	60—120	Regional Center

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Transmittal Memo

To: Plez Joyner, City Manager

Chris Wheeler, Director of Planning and Zoning

Fr: Michelle M. Alexander, Director of Planning, TCF

Nicolette Washington, Senior Planner, TCF

Da: January 27, 2021

RE: Stonecrest Zoning Ordinance Update – First Read

Based upon the consolidation of all City text amendments, an assessment of the current zoning code and adopted comprehensive plan, and intensive stakeholder conversations, the Collaborative Firm has prepared updates to improve the current Zoning Ordinance, as attached. Work was performed under instruction from City Staff and with advisement by the City Attorney.

The purpose of this memo is to present the First Read of the Ordinance and allow for review and comment of the proposed changes. The following items are included in the review package:

A. First Read Zoning Ordinance Showing Changes
- Text in **ORANGE** has been altered by Text Amendments **passed** by Stonecrest City Council since the adoption of the original 2017 ordinance and consolidated by TCF into the code.
- Track Changes is on for **NEW UPDATES** to the ordinance
- Comments indicate where formatting changes have been instituted to create more user-friendly content

B. First Read Zoning Ordinance Clean Version
- This is a "clean" version of the code with all changes accepted.

C. Final Report
- The final report is an overview of the updates presented in the first read of the zoning ordinance.
- This report also includes the following attachments:
  - User Guides
  - Public Involvement Meetings List
  - Community and Stakeholder Meeting Minutes
  - AG – Eco-Agricultural Zoning District Memo
  - Community Council Memo
  - Needs Assessment Briefing Package

Community, Commerce and Culture
Working Together to be a World-Class City.

FIRST READ
CITY OF STONECREST
ZONING ORDINANCE

Approved: _____

User Review Information!

- Text in ORANGE has been altered by Text Amendments passed by Stonecrest City Council since the adoption of the original ordinance and consolidated into the code.
- Track Changes is on for NEW UPDATES to the ordinance
- Comments indicate where *formatting changes* have been instituted to create more user-friendly content.

Prepared by The Collaborative Firm
Planning, Program Management & Development

Table of Contents

1 Article 1. - General Requirements 17
1.1 General Provisions 17
1.1.1 Short title. 17
1.1.2 Effective date. 17
1.1.3 Purpose and intent of Code. 17
1.1.4 Minimum requirements. 18
1.1.5 Authority. 18
1.1.6 General applicability. 18
1.1.7 Applicability to all property. 18
1.1.8 General prohibition. 18
1.1.9 Interpretation and authority to administer. 19
1.1.10 Components of zoning ordinance. 19
1.1.11 Transitional provisions. 19
1.1.12 Relation to and conflict with other provisions 21
1.1.13 Relation to private agreements. 22
1.1.14 Zoning maps. 22
1.1.15 Interpretation of zoning maps. 23
1.1.16 Rules applicable to parcels split into two or more zoning districts. 23
1.1.17 Severability. 24
1.1.18 Transition Period 24
1.2 Relationship to Comprehensive Plan 24
1.2.1 Establishment of The Comprehensive Plan 24
1.2.2 Character areas (land use categories) 24
1.2.3 Relationship between character areas and zoning districts. 25
1.2.4 Relationship between supplemental plans and zoning districts. 25
2 Article 2. - District Regulations 26
2.1 Establishment of Districts 26
2.1.1 Districts established. 26
2.1.2 Prior district classifications and conversion. 27
2.1.3 Additional regulations. 27
2.1.4 Appropriate zoning districts for character area designations. 27
2.1.5 Permitted uses. 27

2.2 Residential Zoning Districts: Dimensional Requirements 27
2.2.1 Dimensional requirements. 27
2.3 RE - Residential Estate District 29
2.3.1 Statement of purpose and intent. 29
2.3.2 Permitted and special land uses. 29
2.3.3 Dimensional requirements. 29
2.3.4 Site and building design standards. 29
2.4 R-100 - Residential Large Lot District 30
2.4.1 Statement of purpose and intent. 30
2.4.2 Permitted and special land uses. 30
2.4.3 Dimensional requirements. 31
2.4.4 Site and building design standards. 31
2.5 R-85 - Residential Medium Lot District 31
2.5.1 Statement of purpose and intent. 31
2.5.2 Permitted and special land uses. 31
2.5.3 Dimensional requirements. 31
2.5.4 Site and building design standards. 31
2.6 R-75 - Residential Medium Lot District 31
2.6.1 Statement of purpose and intent. 31
2.6.2 Permitted and special land uses. 32
2.6.3 Dimensional requirements. 32
2.6.4 Site and building design standards. 32
2.7 R-60 - Residential Small Lot District 32
2.7.1 Statement of purpose and intent. 32
2.7.2 Permitted and special land uses. 33
2.7.3 Dimensional requirements. 33
2.7.4 Site and building design standards. 33
2.8 RNC - Residential Neighborhood Conservation District 33
2.8.1 Scope of provisions. 33
2.8.2 Statement of purpose and intent. 33
2.8.3 Permitted and special land uses. 33
2.8.4 Scaled site plan. 34
2.8.5 Calculation and design of greenspace. 34

2.8.6 Development standards and permitted uses. 35
2.8.7 Minimum lot width and size, building setbacks, street and private drive width..... 36
2.8.8 Maximum height of buildings. 38
2.8.9 Maximum lot coverage. 38
2.8.10 Ownership, control, and maintenance of required greenspace. 38
2.8.11 Off-street parking requirements. 39
2.8.12 Relation of RNC District regulations to subdivision or other regulations. 40
2.9 Residential Medium/High Density Zoning Districts: Dimensional Requirements 40
2.9.1 Medium density ranges. 40
2.9.2 Dimensional requirements. 41
2.10 RSM - Small Lot Residential Mix District 44
2.10.1 Statement of purpose and intent. 44
2.10.2 Permitted and special land uses. 44
2.10.3 Dimensional requirements. 44
2.10.4 Site and building design standards. 44
2.10.5 Density and location criteria. 44
2.10.6 Amenity proximity requirements. 46
2.10.7 Bonus density qualifying standards. 47
2.11 MR-1 - Medium Density Residential District. 48
2.11.1 Statement of purpose and intent. 48
2.11.2 Permitted and special land uses. 48
2.11.3 Dimensional requirements. 48
2.11.4 Site and building design standards. 48
2.11.5 Density and location criteria. 48
2.12 MR-2 - Medium Density Residential District. 49
2.12.1 Statement of purpose and intent. 49
2.12.2 Permitted and special land uses. 50
2.12.3 Dimensional requirements. 50
2.12.4 Site and building design standards. 50
2.12.5 Density and location criteria. 50
2.12.6 Building heights. 51
2.13 HR-1 - High Density Residential District 51
2.13.1 Statement of purpose and intent. 51

2.13.2 Permitted and special land uses. 51
2.13.3 Dimensional requirements. 51
2.13.4 Site and building design standards. 52
2.13.5 Density and location criteria. 52
2.13.6 Building heights. 52
2.14 HR-2 - High Density Residential District 53
2.14.1 Statement of purpose and intent. 53
2.14.2 Permitted and special land uses. 53
2.14.3 Dimensional requirements. 53
2.14.4 Site and building design standards. 53
2.14.5 Density and location criteria. 53
2.14.6 Building heights. 54
2.15 HR-3 - High Density Residential District 54
2.15.1 Statement of purpose and intent. 54
2.15.2 Permitted and special land uses. 55
2.15.3 Dimensional requirements. 55
2.15.4 Site and building design standards. 55
2.15.5 Density and location criteria. 55
2.15.6 Building heights. 56
2.16 Mixed-Use Zoning Districts 56
2.16.1 Statement of purpose and intent. 56
2.16.2 Mixed-use district densities. 57
2.16.3 Mixed-Use dimensional requirements 57
2.17 MU-1 - Mixed-Use Low-Density District 60
2.17.1 Dimensional requirements. 60
2.17.2 Site and building design standards. 61
2.17.3 Rezoning to the MU-1 (Mixed-Use Low Density) District. 61
2.17.4 MU-1 - Mixed-Use Low-Density District rezoning submittal requirements. 61
2.17.5 Mixed-use building restrictions. 62
2.17.6 Density and location criteria. 62
2.17.7 MU-1 retail size restrictions. 64
2.18 MU-2 Mixed-Use Low-Medium Density District 64
2.18.1 District requirements, standards and criteria. 64

2.19 MU-3 - Mixed-Use Medium Density District 65
2.19.1 District requirements, standards and criteria. 65
2.20 MU-4 - Mixed-Use High-Density District 65
2.20.1 District requirements, standards, and criteria. 65
2.21 MU-5 - Mixed-Use Very High-Density District 65
2.21.1 District requirements, standards and criteria. 66
2.22 Non-Residential Zoning Districts: Dimensional Requirements 66
2.22.1 Dimensional requirements. 66
2.23 NS - Neighborhood Shopping District 68
2.23.1 Statement of purpose and intent. 68
2.23.2 Intensity limitations. 68
2.23.3 Permitted and special land uses. 69
2.23.4 Dimensional requirements. 69
2.23.5 Site and building design standards. 69
2.24 C-1 - Local Commercial District 69
2.24.1 Statement of purpose and intent. 69
2.24.2 Permitted and special land uses. 69
2.24.3 Dimensional requirements. 69
2.24.4 Site and building design standards. 69
2.25 C-2 - General Commercial District 69
2.25.1 Statement of purpose and intent. 69
2.25.2 Permitted and special land uses. 70
2.25.3 Dimensional requirements. 70
2.25.4 Site and building design standards. 70
2.26 OD - Office-Distribution District 70
2.26.1 Statement of purpose and intent. 70
2.26.2 Permitted and special land uses. 70
2.26.3 Dimensional requirements. 70
2.26.4 Site and building design standards. 70
2.27 OI - Office-Institutional District 71
2.27.1 Statement of purpose and intent. 71
2.27.2 Permitted and special land uses. 71
2.27.3 Dimensional requirements. 71

2.27.4 Site and building design standards. 71
2.28 OIT - Office-Institutional-Transitional District 71
2.28.1 Statement of purpose and intent. 71
2.28.2 Permitted and special land uses. 72
2.28.3 Dimensional requirements. 72
2.28.4 Site and building design standards. 72
2.29 M - Light Industrial District 72
2.29.1 Statement of purpose and intent. 72
2.29.2 Permitted and special land uses. 72
2.29.3 Dimensional requirements. 73
2.29.4 Site and building design standards. 73
2.29.5 Multi-family use provisions for industrial conversion. 73
2.30 M-2 - Heavy Industrial District 73
2.30.1 Statement of purpose and intent. 73
2.30.2 Permitted and special land uses. 73
2.30.3 Dimensional requirements. 73
2.30.4 Site and building design standards. 74
2.30.5 Solid waste facility/landfill use provisions. 74
3 Article 3. - Overlay District Regulations 74
3.1 Overlay Districts 74
3.1.1 Overlay districts generally. 74
3.1.2 Purpose and intent. 75
3.1.3 Plan submittal, review, and approval 75
3.1.4 Conceptual plan package review. 75
3.1.5 Final design package. 77
3.2 Arabia Mountain Conservation Overlay District 78
3.2.1 Applicability of regulations. 78
3.2.2 Purpose and intent. 78
3.2.3 District boundaries. 78
3.2.4 Principal uses and principal structures. 79
3.2.5 Accessory uses and accessory structures. 80
3.2.6 General Development Standards 80
3.2.7 Residential Development Standards. 80

3.2.8 Non-Residential Development Standards. 82
3.2.9 Height limitation. 84
3.2.10 Conservation Easements. 84
3.2.11 AMCOD Advisory Committee 85
3.3 Stonecrest Area Overlay District 85
3.3.1 Applicability of regulations. 85
3.3.2 Purpose and intent 85
3.3.3 District boundaries. 86
3.3.4 High-Rise Mixed-Use Zone (Tier 1) 86
3.3.5 Mid-Rise Mixed-Use Zone (Tier 2) 88
3.3.6 Low-Rise Mixed-Use Zone (Tier 3) 90
3.3.7 Transitional Mixed-Use Zone (Tier 4) 93
3.3.8 Cluster Village Mixed-Use Zone (Tier 5). 96
3.3.9 Viewshed Zone. 98
3.3.10 Transitional buffer zone requirements. 99
3.3.11 Inter-parcel access. 99
3.3.12 Multi-modal access plans required. 99
3.3.13 Shared parking. 99
3.3.14 Open space 99
3.3.15 Greenspace requirements. 100
3.3.16 Design Guidelines 101
3.4 Interstate 20 Corridor Compatible Use Overlay District 103
3.4.1 Applicability of regulations. 103
3.4.2 Purpose and intent 103
3.4.3 District boundaries. 104
3.4.4 Principal uses and structures. 105
3.4.5 Accessory uses and structures. 108
3.4.6 Special permits. 108
3.4.7 Development standards. 108
3.4.8 Transitional buffer zone and transitional height requirements. 110
3.4.9 Inter-parcel access. 110
3.4.10 Multi-modal access plans required. 110
3.4.11 Shared parking. 110

3.4.12 Open space requirements. 110
3.4.13 Sign regulations. 111
3.4.14 Design Guidelines. 112
4 Article 4. - Use Regulations 116
4.1 Overview of Use Categories and Use Table 116
4.1.1 Overview. 116
4.1.2 Interpretation of unlisted uses. 116
4.1.3 Use table. 117
4.2 Supplemental Use Regulations 118
4.2.1 Accessory buildings, dwellings, structures, and uses. 118
4.2.2 Adult daycare. 120
4.2.3 Adult and Sexually oriented businesses. 120
4.2.4 Agriculture, forestry, and animal related uses 121
4.2.5 Alcohol outlets and liquor stores. 123
4.2.6 Ambulance, taxi, and limousine services, dispatch, and storage. 124
4.2.7 Animal care facilities. 124
4.2.8 Antennas, satellite dishes, television receivers. 125
4.2.9 Automotive sales and service; boat, trailer sales and service. 125
4.2.10 Automobile wash service, principal, accessory, detail or mobile. 128
4.2.11 Bed and breakfast 128
4.2.12 Building and construction office, landscape contractors 129
4.2.13 Cemetery, columbarium, mausoleum. 129
4.2.14 Check cashing. 129
4.2.15 Childcare homes and centers 129
4.2.16 Coliseum, stadium, amphitheater 130
4.2.17 Commercial recreation and entertainment. 130
4.2.18 Crematoriums 132
4.2.19 Drive-through facilities, restaurant. 132
4.2.20 Dwellings: cottage, mobile home, townhouse, urban single-family, and condominium. 133
4.2.21 Emission stations 134
4.2.22 Extended stay hotel/motel 134
4.2.23 Fuel pumps, accessory. 135
4.2.24 Heliport, general aviation airport. 136

4.2.25 Home occupations and private educational uses. 136
4.2.26 Hookah or Cigar Lounge 137
4.2.27 Industrial uses requiring a SLUP or Rezoning 137
4.2.28 Late-night establishments and nightclubs. 139
4.2.29 Live-work unit. 139
4.2.30 Mines or mining operations, quarries, asphalt plants, gravel pits, soil pits, borrow pits, and sand pits. 140
4.2.31 Mini-warehouses and "self-storage" facilities. 141
4.2.32 Non-Emergency Transportation 141
4.2.33 Outdoor display and seating, permanent. 141
4.2.34 Outdoor storage of materials, supplies, equipment or vehicles. 142
4.2.35 Parking, commercial lot. 142
4.2.36 Party Houses. 143
4.2.37 Pawn shops or title loan agency 143
4.2.38 Personal care homes/facilities and Community living arrangements 144
4.2.39 Places of worship, convents; monasteries; temporary religious meetings. 145
4.2.40 Private kindergarten, elementary, middle, and high school. 146
4.2.41 Requirements for Moving Buildings 146
4.2.42 Salvage yard, junkyard. 146
4.2.43 Specialized and vocational schools. 146
4.2.44 Senior housing: independent and assisted living, nursing, and continuing care. 147
4.2.45 Shelters for homeless and transitional housing facilities. 148
4.2.46 Short Term Vacation Rental 148
4.2.47 Solar energy systems. 149
4.2.48 Solid waste facility regulations. 150
4.2.49 Towing service 151
4.2.50 Transit shelters 151
4.2.51 Truck stop 152
4.2.52 Urban or community gardens. 152
4.2.53 Utility structure necessary for transmission or distribution of service. 154
4.3 Temporary Use Regulations 154
4.3.1 Duration, frequency, and hours of operation of temporary outdoor uses. 154
4.3.2 General Requirements for Temporary Outdoor Uses 155

4.3.3 Farmers markets; temporary, seasonal or long-term. 156
4.3.4 Outdoor seasonal activities and sales. 157
4.3.5 Outdoor events 158
4.3.6 Outdoor retail sales and displays. 158
4.3.7 Yard sales. 159
5 Article 5. – Site Design and Building Form Standards 159
5.1 Block and Lot Requirements 160
5.1.1 Blocks. 160
5.1.2 Lots. 160
5.1.3 Lots, access. 160
5.1.4 Lots, corner. 161
5.1.5 Lots, double frontage. 162
5.1.6 Every use must be upon a lot of record. 162
5.1.7 Buildings on single family and duplex lots. 162
5.1.8 Multiple principal buildings on a lot. 162
5.1.9 Minimum lot size and minimum lot width. 162
5.1.10 Maximum lot coverage. 162
5.1.11 Street frontage for lots. 162
5.1.12 Lots served by wells and septic tanks; sewer and water connections. 163
5.2 General Yard and Measurement Provisions 163
5.2.1 Minimum required yards and building setbacks. 163
5.2.2 Minimum floor area per dwelling unit. 165
5.2.3 Compatibility of new and existing subdivisions. 165
5.2.4 Transitional height plane. 165
5.2.5 Height measurement requirements and thresholds. 166
5.3 Supplemental Street Regulations and Traffic Impact 168
5.3.1 Design standards by street type. 168
5.3.2 Street connectivity. 168
5.3.3 Sight visibility triangles. 168
5.3.4 Traffic impact study. 169
5.3.5 Traffic calming features. 169
5.4 Streetscape and Landscaping Requirements 169
5.4.1 Purpose and intent. 169

5.4.2 Applicability. 170
5.4.3 Streetscape elements and dimensions. 170
5.4.4 Site and parking area landscaping. 176
5.4.5 Transitional buffers. 177
5.4.6 Screening. 180
5.4.7 Walls, fences, and retaining walls. 181
5.5 Open Space Standards 183
5.5.1 Applicability. 183
5.5.2 Maintenance, management and ownership. 184
5.5.3 Standards and design. 185
5.6 Supplemental Site Improvements 191
5.6.1 Outdoor lighting. 191
5.6.2 Stormwater detention facilities. 192
6 Article 6. – Building Materials, Form and Configuration Standards 192
6.1 Application of standards. 192
6.2 Exemptions and variances. 193
6.3 Conflict with other standards and review 193
6.4 Detached houses. 195
6.5 Single-family attached buildings. 198
6.6 Multi-family, non-residential, live/work and mixed-use buildings. 203
6.7 Large-scale retail—Additional standards. 208
7 Article 7. - Parking 210
7.1 Introduction. 210
7.1.1 Interpretation. 210
7.2 Parking regulations, off-street parking. 211
7.2.1 Off-street parking ratios. 213
7.2.2 Off-street parking reduction for shared parking. 219
7.3 Shared driveways and inter-parcel access. 220
7.4 Number of handicapped parking spaces required. 221
7.5 On-street parking. 221
7.6 Parking structures. 221
7.7 Paving surfaces. 221
7.8 Stacking spaces. 222

7.9 Valet parking requirements. 222
7.10 Off-street loading requirements. 222
7.10.1 Design and arrangement of off-street loading areas. 223
7.11 Parking of trailers in residential districts. 223
7.12 Alternative fuel vehicles parking. 224
7.13 Bicycle/moped parking requirements. 224
8 Article 8. - Administration 225
8.1 Governing Bodies and Authority 225
8.1.1 Purpose and intent; compliance with law. 225
8.1.2 Governing bodies. 225
8.2 General Procedures 229
8.2.1 Applications and public hearing. 229
8.2.2 Applications. 230
8.2.3 Public hearings. 231
8.2.4 Community Impact Notification. 232
8.3 Zoning and Comprehensive Plan Amendments and Procedures 233
8.3.1 Initiation of proposals for text and map amendments. 233
8.3.2 Consistency with comprehensive plan. 233
8.3.3 Staff analysis, findings of fact, and recommendations. 233
8.3.4 Proposed amendments to the comprehensive plan map. 234
8.3.5 Proposed amendments to the official zoning map. 234
8.3.6 Action by the planning commission. 234
8.3.7 Action by the city council. 235
8.3.8 Conditions of zoning. 235
8.3.9 Modifications and changes to approved conditions of zoning. 236
8.4 Special Land Use Permits 237
8.4.1 Special land use permits generally. 237
8.4.2 Initiation of applications and public hearing requirements. 237
8.4.3 Initiation of ordinance for application for special land use permit. 237
8.4.4 Staff analysis, findings of fact, and recommendation on each application. 237
8.4.5 Special land use permit; criteria to be considered. 238
8.4.6 Additional criteria for specified uses. 239
8.4.7 Action by the planning commission. 240

8.4.8 Action by the city council. 240
8.4.9 Appeals of decisions of the city council. 241
8.4.10 Limitations of special land use permits. 241
8.4.11 Transfer of special land use permits. 241
8.5 Variances and Appeals to The Zoning Board of Appeals 242
8.5.1 Testimony and burden of proof. 242
8.5.2 Appeals of decisions of administrative officials. 242
8.5.3 Applications for variances; and criteria for deciding applications for variances. 243
8.5.4 Applications for variances to reduce or waive off-street parking or loading space requirements. 244
8.5.5 Limitations of authority of the zoning board of appeals. 245
8.5.6 Decision by the zoning board of appeals. 245
8.5.7 Compliance with standards upon denial. 246
8.5.8 Appeals of decisions of the zoning board of appeals. 246
8.5.9 Fair Housing Act accommodation variance. 246
8.6 Special Administrative Permits; Waivers and Variances 246
8.6.1 Special administrative permits generally. 246
8.6.2 Standards for special administrative permits, criteria to be applied. 246
8.6.3 Time limitations. 246
8.6.4 Administrative variances, administrative waivers: authority. 247
8.6.5 Procedures for applications for administrative variances and administrative waivers. 247
8.6.6 Criteria for deciding administrative variances and administrative waivers. 248
8.6.7 Persons entitled to appeal to the zoning board of appeals. 248
8.7 Enforcement, Violations, and Penalties 249
8.7.1 Administration and enforcement; granting of permits. 249
8.7.2 Permit requirements. 249
8.7.3 Issuance of development permits. 250
8.7.4 Duration of validity of development permits. 250
8.7.5 Building inspection. 250
8.7.6 Certificates of occupancy. 251
8.7.7 Records. 252
8.7.8 Fees. 252
8.7.9 Violations of this chapter. 252

8.7.10 Notice to stop work; revocation of permits. 252
8.7.11 Penalties. 253
8.7.12 Repeal of conflicting ordinances; validity of prior approvals and actions. 253
9 Article 9. - Nonconformities 253
9.1 Applicability, purpose, intent. 253
9.1.1 Applicability. 253
9.1.2 Purpose and intent. 255
9.2 Nonconforming regulations. 255
9.2.1 Legal nonconforming lot. 255
9.2.2 Legal nonconforming single-family lots; lot merger requirements. 255
9.2.3 Nonconforming use. 256
9.2.4 Nonconforming structures. 256
9.2.5 Nonconforming parking. 257
9.2.6 Prior nonconformities. 257
9.2.7 Nonconforming signs. 257
9.2.8 Nonconformities caused by government action. 257
9.2.9 Rezoning that results in nonconforming structures. 257
9.2.10 Nonconforming uses requiring a special administrative or special land use permit. 257
9.2.11 Buildings and structures where construction has begun. 257
9.2.12 Reconstruction of damaged or destroyed nonconforming structures. 258
9.2.13 Expansion, redevelopment or improvement of legal nonconforming buildings, structures and/or sites. 258
9.2.14 Prior variances, special exceptions, and special permits authorized. 258
10 Article 10. - Definitions 259
10.1 Statement of intent and purpose. 259
10.2 Interpretation. 259
10.3 Defined terms. 259
11 Article 11. - Wireless telecommunications (cell tower). 314
11.1 Purpose and goals. 314
11.2 Definitions. 315
11.3 Approvals required for telecommunications facilities, stealth, and new support structures. 319
11.3.1 Exemptions. 319
11.4 Telecommunications facilities, and modifications permitted by administrative review (building permit). 320

11.4.1 Telecommunications facilities located on existing structures. 320
11.5 Erection of new Small Cell Installations and support structures and certain other Telecommunication Support Structures permitted by special administrative permit. 321
11.5.1 New support structures. 321
11.5.2 Cell on wheels/carrier on wheels (COW) facilities. 321
11.5.3 General standards, design requirements, and miscellaneous provisions. 321
11.6 Special administrative permit review process. 321
11.6.1 New support structure on private property: 322
11.6.2 Procedure for private property applications. 322
11.6.3 Additional Requirements for Right-of-Way Applications. 323
11.6.4 Procedure for Right of Way Applications. 324
11.6.5 Standards of review for Right of Way Applications 324
11.7 Special land use permit review process. 325
11.7.1 Submission requirements for special land use permit applications. 325
11.7.2 Procedure for special land use permit 326
11.7.3 General standards and design requirements 327
11.8 Pre-existing Facilities 329
11.9 Annual Registration of Telecommunication Facilities. 329
11.10 Principal or Accessory Use. 330
11.11 Inventory of Existing Sites for New Telecommunication Support Structure or Alternative Telecommunication Support Structure Applications. 330
11.12 Documentation from Applicable Regulatory Agencies and Review for Aviation Purposes. 331
11.13 Building Codes; Safety Standards 331
11.14 Change of Ownership or Control Notification. 331
11.15 Revocation or Termination of Permit. 331
11.16 Access to the Public Right-of-Way. 332
11.17 Limitations on Municipal Authority. 332
11.18 Fees. 332
11.19 Bond Requirement for new Telecommunication Support Structures. 333
11.20 Non-Discrimination. 333
11.21 Inspections. 333
11.22 Penalties for Violation. 334
11.23 Appeals of Decisions of the Mayor and Council. 334
11.24 Miscellaneous provisions. 334

11.25 Telecommunications facilities and support structures in existence on the date of adoption of this section. 335
11.26 Contents of Application for Right of Way Installations. 335
11.27 Procedure after submission of right of way application. 336
11.28 Time for Review of Right of Way Application. 336
11.29 Standards of Review. 337
11.30 Expiration of Permit 337
11.31 Relocation, Recondition, and Replacement. 337
11.32 Public Safety. 338
11.33 Alternate Locations. 339
11.34 First Come First Served Requests. 339

1 Article 1. - General Requirements

1.1 General Provisions

1.1.1 Short title.

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

1.1.2 Effective date.

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

Commented [NW1]: Fill this in!

1.1.3 Purpose and intent of Code.

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

A. To guide and regulate the orderly growth, development, redevelopment and preservation of the City of Stonecrest in accordance with a well-considered comprehensive plan and with long-term objectives, principles and standards deemed beneficial to the interest and welfare of the people;
B. To protect the established character of both private and public property;
C. To promote, in the public interest, the wise utilization of land;
D. To provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers;
E. To reduce or prevent congestion in the public streets;
F. To facilitate the creation of a convenient, attractive, and harmonious community;
G. To encourage an aesthetically attractive environment, both built and natural, and to provide for regulations that protect and enhance these aesthetic considerations;
H. To expedite the provision of adequate police and fire protection, safety from crime, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements;
I. To protect against destruction of, or encroachment upon, historic areas;
J. To protect against overcrowding of land, overcrowding of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, and loss of life or health or property from fire, flood, or other danger;
K. To encourage economic development activities that provide desirable employment and enlarge the tax base;
L. To promote the preservation of the unique natural and physical resources of the City including forested areas, riverbeds, stream beds, and archaeological sites;
M. To achieve compliance with all applicable state and federal regulations;
N. To protect the public welfare by protecting approach slopes and other safety areas of licensed airports;
O. To provide for and promote housing for all income groups and all citizens within the city;
P. To implement the authority, powers and duties of the planning commission and the zoning board of appeals pursuant to state and local law, including but not limited to Ga. Const. art. IX, section II, ¶ IV;

Q. To reduce or eliminate the secondary effects of sexually oriented businesses and other establishments that create such secondary effects while protecting legitimate constitutional rights of said establishments; and
R. To provide for protection of the constitutional rights and obligations of all citizens within the city.

1.1.4 Minimum requirements.

In their interpretation and application, the provisions of this chapter shall be considered minimum requirements for the promotion of the public health, safety, morals and general welfare, as set forth in section 1.1.3 hereof establishing the intent and purpose of this chapter. Within each zoning district, the regulations set forth shall be minimum requirements and shall apply uniformly to each class or kind of building, structure or land, except as may be altered through conditions of zoning applied to specific properties or variances or waivers, as provided for in article 8~~7~~.

1.1.5 Authority.

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

1.1.6 General applicability.

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

1.1.7 Applicability to all property.

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

1.1.8 General prohibition.

No building or structure, and no use of any building, structure, land, or property, and no lot of record, now or hereafter existing, shall hereafter be established, constructed, expanded, altered, moved, diminished, divided, eliminated or maintained in any manner except in conformity with the provisions of this chapter. No use of any land, building, structure, or property shall be permitted unless expressly and specifically authorized in the district or districts within which said use is located or by the supplemental regulations contained in article 4 of this chapter. When a use is not explicitly mentioned, the director of planning may determine that the proposed use is functionally similar to an allowed land use, as listed in Table 4.1, Use Regulations. The city council subsequently amends the applicable definition(s) in article 10~~9~~, pursuant to the amendment procedures in article 8~~7~~.

1.1.9 Interpretation and authority to administer.

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

1.1.10 Components of zoning ordinance.

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

1.1.11 Transitional provisions.

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

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

C. **Transition to new zoning districts**. The zoning district names in effect under DeKalb County's prior version of its zoning ordinance are converted as shown in Table 1.1. To the extent other sections of the Code of City of Stonecrest refer to such previous district names, unless and until such other sections are amended to reflect a new intent, any reference to such previous district names shall be deemed to refer to both the previous district name and the new district name to which it is converted in this zoning ordinance.

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

E. **Completed applications prior to effective date of this zoning ordinance.**
    1. Any proper and complete application (as defined in article 109) for a permit, license, rezoning, variance, or other approval that was submitted to and accepted by the planning department prior to the effective date of this zoning ordinance shall be evaluated based on the applicable law, rules, regulations and development standards in place at the time the application was submitted.
    2. Applicants who submitted an application prior to the effective date of this zoning ordinance but who wish to proceed under the standards of this zoning ordinance may withdraw their application and submit a new application in accordance with the standards in this zoning ordinance and pay any fee required under this zoning ordinance.

F. **Prior approvals.**
    1. **Zoning conditions.**
        a. Any project that was approved prior to the effective date of this chapter by DeKalb County may be developed according to the provisions of the previously

approved development, program, or plan. Where conditions were attached to such prior approval and such conditions conflict with a standard or requirement of this zoning ordinance, the previously approved zoning condition shall apply. If a previously approved development, program, plan, or condition does not address a particular development standard or requirement of this zoning ordinance, the new standard or requirement of this zoning ordinance shall apply.

b. If an owner or applicant desires to have the standards and requirements of this chapter to apply instead of standards and requirements established by previously approved zoning conditions, the owner or applicant must apply for a zoning condition amendment, as provided in article 8~~7~~.

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

2. **Development applications.** Projects with valid approvals or permits issued prior to the effective date of this zoning ordinance may be developed in accordance with the applicable law, rules, regulations and development standards in effect at the time of the approval or permit issuance, provided the permit or approval is valid and has not lapsed. Any reapplication for an expired approval or permit shall meet the standards of this zoning ordinance.
3. **Special land use permits**. Properties subject to a special land use permit that was approved prior to the effective date of this zoning ordinance shall continue to be subject to the terms of the special land use permit and previous zoning regulations even if the zoning district classification is amended to a new zoning district as part of the adoption of this zoning ordinance.

Table 1.1 Previous Zoning Districts Comparison to New Established Districts

Previous Zoning Districts	New Established Zoning Districts
Residential Single-Family Districts RE - Residential Estate RLG - Residential Large Lot R-100 - Residential Large Lot R-85 - Residential Medium Lot R-75 - Residential Medium Lot R-60 - Residential Small Lot MHP - Mobile Home Park RNC - Neighborhood Conservation	**Residential Single-Family Districts** RE - Residential Estate R-100 - Residential Large Lot R-85 - Residential Medium Lot R-75 - Residential Medium Lot R-60 - Residential Small Lot RNC - Neighborhood Conservation

Medium/High-Density Residential Districts RSM - Small Lot Residential Mix MR-1 - Medium Density Residential MR-2 - Medium Density Residential HR-1 - High Density Residential HR-2 - High Density Residential-2 HR-3 - High Density Residential-3	**Medium/High-Density Residential Districts** RSM - Small Lot Residential Mix MR-1 - Medium Density Residential MR-2 - Medium Density Residential HR-1 - High Density Residential HR-2 - High Density Residential-2 HR-3 - High Density Residential-3
Mixed Use Districts MU-1 - Mixed-Use Low Density MU-2 - Mixed-Use Low-Medium Density MU-3 - Mixed-Use Medium Density MU-4 - Mixed-Use High Density MU-5 - Mixed-Use Very High Density	**Mixed Use Districts** MU-1 - Mixed-Use Low Density MU-2 - Mixed-Use Medium Density MU-3 - Mixed-Use High Density MU-4 - Mixed-Use High Density MU-5 - Mixed-Use Very High Density
Non-Residential Districts NS - Neighborhood Shopping C-1 - Local Commercial C-2 - General Commercial OD - Office-Distribution OI - Office-Institutional OIT - Office-Institutional-Transitional M - Light Industrial M-2 - Heavy Industrial	**Non-Residential Districts** NS - Neighborhood Shopping C-1 - Local Commercial C-2 - General Commercial OD - Office-Distribution OI - Office-Institutional OIT - Office-Institutional-Transitional M - Light Industrial M-2 - Heavy Industrial

1.1.12 Relation to and conflict with other provisions.

The provisions of this chapter shall be interpreted and applied to constitute the minimum requirements for the promotion of the public health, safety, morals, and general welfare. Whenever any provision of this chapter imposes a greater requirement or a higher standard than is required by any federal or state law or other city ordinance, resolution or regulation, the provision of this chapter shall govern unless preempted by said federal or state law. Whenever any provision of any federal or state law or other city ordinance, resolution or regulation imposes a greater requirement or a higher standard than is required by this chapter, the provision of such state or federal statute or other city ordinance or regulation shall apply. Whenever any conflict arises between this chapter and Chapter 14 of the Code of City of Stonecrest, the provisions of this zoning ordinance shall prevail, except for *Chapter 14, article 2, Environmental Control*. Compliance with the provisions of this chapter shall not be interpreted to obviate the

requirements for compliance with any and all other provisions of federal or state law, or the Code, including but not limited to the requirements for licenses or permits of any kind.

1.1.13 Relation to private agreements.

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

1.1.14 Zoning maps.

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

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

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

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

E. Verifications of the current zoning status of property shall be the responsibility of the director of planning. To verify the current zoning status of a particular parcel, an individual may obtain a certified copy of the official zoning maps, or a portion thereof, from the director of planning. Certified copies of the official zoning maps, or portions thereof, shall be certified by the director of planning with his signature and the date on which the portions were certified. The director of

planning shall be the final authority as to the current zoning status of all land, buildings and structures located in the city, except for: (1) amendments enacted by the city council but not yet depicted on the official zoning maps, and (2) uncertainties to be clarified by the city council as described in section 1.1.15. Any inaccuracy on the official zoning maps that is reasonably determined to be a scrivener's error may be corrected by the planning director.

1.1.15 Interpretation of zoning maps.

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

A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow centerlines of rights-of-way or prescriptive easements. In case of closure of a street or alley, or vacation of any easement, the boundary shall be construed as remaining at its prior location unless ownership of the closure or vacated area is divided other than at the center, in which case the boundary shall be construed as moving to correspond with the ownership, but not beyond any previous right-of-way or easement line.
B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
C. Boundaries indicated as approximately following city limit lines shall be construed as following such city limits.
D. Boundaries indicated as approximately following railroad lines shall be construed to be midway in the right-of-way.
E. Boundaries indicated as approximately following shorelines of bodies of water shall be construed to follow such shorelines. Boundaries indicated as approximately following the centerlines of creeks, streams, rivers, or other predominantly linear bodies of water shall be construed to follow such centerlines.
F. Boundaries indicated as parallel to or concentric with, or extensions of features indicated in paragraphs A. through E. above, shall be so construed. Distances and dimensions not specifically indicated on the official zoning map shall be determined from the official zoning map by the director of planning.
G. Where areas appear to be unclassified on the official zoning map, and classification cannot be established by the above rules, such areas shall be considered to be classified Residential Estate (RE) until action is taken by the city council to amend the official zoning map.
H. Where territory is added to the jurisdictional area, it shall be considered to be classified Residential Estate (RE) until action is taken by the city council to amend the official zoning map.
I. Where uncertainties continue to exist or further interpretation is required beyond that provided for in the above paragraphs, the question shall be presented by the director of planning to the city council to enact a clarifying resolution and said action shall be recorded on the official zoning map as is provided herein.

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

Where a parcel of land is split into two (2) or more zoning districts, each such portion of said parcel may only be used for purposes allowed within the zoning district to which each respective portion is classified. No principal or accessory use of land, buildings or structures, and no use or building or structure authorized by special administrative permit, special land use permit, or special exception, shall be

authorized unless said use or building or structure is authorized or permitted within the applicable zoning district.

1.1.17 Severability.

The several provisions of this chapter shall be separable in accordance with the following rules:

A. Should any court of competent jurisdiction adjudge any section or provision of this chapter to be invalid, such judgment shall not affect the validity or continued application of this chapter as a whole or any section or provision thereof other than the section(s) or provision(s) specifically adjudged invalid.
B. Should any court of competent jurisdiction adjudge invalid the application of any section or provision of this chapter to a particular property, building or structure, such judgment shall not affect the application of said section or provision to any other property, building or structure.

1.1.18 Transition Period

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

1.2 Relationship to Comprehensive Plan

1.2.1 Establishment of The Comprehensive Plan

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

A. Rural Residential.
B. Suburban.
C. Urban Neighborhood.
D. Neighborhood Center.
E. City Center.
F. Regional Center.
G. Industrial.
H. Light Industrial.
I. Institutional.
J. Office Professional
K. Conservation/Open space

The comprehensive plan shall refer to City of Stonecrest Comprehensive Plan 2038 dated July 8, 2019.

1.2.2 Character areas (land use categories).

The boundaries of the various character areas (land use categories), as shown on the future development map and described within the policy narrative of the comprehensive plan, are made a part of this chapter. The official description of these character area boundaries shall be maintained by the director of planning.

Where uncertainty regarding character area boundaries exists, the rules set forth in section 1.1.15 shall apply. All such maps and all notations, references and information shown thereon shall be as much a part of this chapter as if all the matter and information set forth by the maps were fully described herein. All other writings concerning the comprehensive plan, including technical documents and appendices adopted simultaneously with the comprehensive plan, are for guidance and information purposes only, and are not made a part of this chapter.

1.2.3 Relationship between character areas and zoning districts.

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

1.2.4 Relationship between supplemental plans and zoning districts.

Section 1.4 Local Plans of the comprehensive plan references all other plans that focus on areas, situations, or issues of importance to City of Stonecrest. These plans include, but not limited to, redevelopment plans, neighborhood plans, city wide plans, corridor plans, or plans for conservation management. Where the city council has adopted a plan's policies and development standards, these policies and development standards will serve as guidelines to support the existing future development plan and character area policies.

Table 1.2 Character Areas and Permitted Zoning Districts

Zoning District	Conservation/Open Space (COS)	Institutional/Public (IP)	Rural Residential (RR)	Suburban Neighborhood (SN)	Urban Neighborhood (UN)	Neighborhood Center (NC)	CityCenter (CC)	Regional Center (RC)	Office Professional (OP)	Light Industrial (M-LI)	Heavy Industrial (M-HI)
	ALL	ALL	RNC RE R-100	RNC R-100 R-85 R-75 R-60 RSM OI NS	RNC R-100 R-85 R-75 R-60 RSM MR-1 MR-2 MU-1 NS C-1	RSM MR-1 MR-2 MU-1 OI NS C-1	RSM MR-1 MR-2 MU-1 MU-2 OI C-1 C-2	MU-1 MU-2 MU-3 OI C-1 C-2	MU-1 MU-2 OI NS C-1	MU-3 C-2 M OD	M M-2 OD

2 Article 2. - District Regulations

2.1 Establishment of Districts

2.1.1 Districts established.

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

Table 2.1: Zoning Districts Established

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

2.1.2 Prior district classifications and conversion.

The zoning district classifications established prior to the effective date of this zoning ordinance that are no longer active shall be treated as follows. There are no parcels in the city limits zoned RLG - Residential Large Lot or MHP - Mobile Home Park.

2.1.3 Additional regulations.

Additional regulations for a variety of development and building types can be found in article 4 (use regulations), article 5 (site development regulations), and article 7~~6~~ (parking). Street type classifications for front setback requirements are set forth in Chapter 14.

2.1.4 Appropriate zoning districts for character area designations.

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

2.1.5 Permitted uses.

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

2.2 Residential Zoning Districts: Dimensional Requirements

2.2.1 Dimensional requirements.

Dimensional requirements, such as overall site requirements, individual lot dimensions, and setbacks for residential zoning districts are established in Table 2.2, "Residential Zoning Districts Dimensional Requirements." Residential infill development may also be subject to compatibility regulations as specified in sections 5.2.3 and 5.2.4. RNC District Requirements are outlined in Section 2.9 of this Article.

Table 2.2 Residential Zoning Districts Dimensional Requirements

Element	RE	R-100	R-85	R-75	R-60	RNC
Lot area (square feet)	43,560	15,000	12,000	10,000	6,000 Cottage: 3,500	*
Lot width, street frontage (feet)	(1 acre)	100	85	75	60	*
Lot width at building line (feet)	150	100	85	75	60	*
Lot width fronting cul-de-sac (feet)	150	35	35	35	35	*

Lot coverage (maximum %)	35	35	35	35	35	*
Front thoroughfares (feet)	60	50	50	45	30	*
Front arterials (feet)	50	40	40	35	20	*
Front collector and all other streets (feet)	45	35	35	30	RC/CC/NC: 15 SUB: 20	*
Front with alley access (feet)	N/A	25	25	25	10	*
Side - interior building setback (feet)	20	10	8.5	7.5	7.5	*
Side - corner lot on public street (feet)**	Same as district indicates front setback, following street type along the corner side property line					
Rear (feet)	40	40	40	40	30	*
Minimum Unit Size (square feet)	2,000	2,000	1,800	1,600	1,200 Cottage: 800	*
Max Height Main Building (feet)	35	35	35	35	35	*
Max Height Accessory (feet)	24	24	24	24	24	*
Open Space Minimum Percent***	20%	20%	20%	20%	20%	*

*See Section 2.8 – RNC – Residential Neighborhood Conservation
**See article 5, corner lots section for reduction eligibility
***Open space requirement applies to new subdivisions if project is > 5 acres or > 36 units (chapter 14)

2.3 RE - Residential Estate District

2.3.1 Statement of purpose and intent.

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

A. To preserve rural and estate residential character and to provide for very low density rural residential uses.
B. To provide for the protection of neighborhoods within the city where lots have a minimum area of one (1) acre.
C. To provide protections for existing development as new subdivisions are created.
D. To assure that the uses and structures authorized in the RE (Residential Estate) District are those uses, and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood.
E. To provide for appropriately sized accessible and useable open space in new developments for the health, recreational and social opportunities for city citizens.
F. To provide areas for agricultural uses as appropriate.
G. To implement the future development map of the city's comprehensive plan.

2.3.2 Permitted and special land uses.

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

2.3.3 Dimensional requirements.

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

2.3.4 Site and building design standards.

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

~~**27-2.4 DIVISION 4. - RLG (RESIDENTIAL LARGE LOT) DISTRICT**~~

~~Sec. 2.4.1. - Statement of purpose and intent.~~

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

~~A. To provide for the protection of neighborhoods within City of Stonecrest where lots have a minimum area of twenty thousand (20,000) square feet, but may have narrow lot widths;~~
~~B. To provide for compatible infill development in neighborhoods;~~
~~C. To provide protections for existing development as new subdivisions are created;~~
~~D. To respond to existing site development conditions and patterns;~~

E. To assure that the uses and structures authorized in the RLG (Residential Large Lot) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood;
F. To provide for appropriately sized accessible and useable open space in new developments for health, recreational and social opportunities for city residents;
G. To implement the future development map of the city's comprehensive plan.

Sec. 2.4.2. - Permitted and special land uses.

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

Sec. 2.4.3. - Dimensional requirements.

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

Sec. 2.4.4. - Site and building design standards.

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

2.4 R-100 - Residential Large Lot District

2.4.1 Statement of purpose and intent.

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

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

2.4.2 Permitted and special land uses.

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

2.4.3 Dimensional requirements.

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

2.4.4 Site and building design standards.

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

2.5 R-85 - Residential Medium Lot District

2.5.1 Statement of purpose and intent.

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

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

2.5.2 Permitted and special land uses.

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

2.5.3 Dimensional requirements.

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

2.5.4 Site and building design standards.

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

2.6 R-75 - Residential Medium Lot District

2.6.1 Statement of purpose and intent.

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

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

2.6.2 Permitted and special land uses.

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

2.6.3 Dimensional requirements.

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

2.6.4 Site and building design standards.

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

2.7 R-60 - Residential Small Lot District

2.7.1 Statement of purpose and intent.

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

A. To provide for the protection of neighborhoods within the city where lots have a minimum area of six thousand (6,000) square feet or three thousand five hundred (3,500) square feet if developed for cottage houses.
B. To provide for compatible infill development in neighborhoods.
C. To provide protections for existing development as new subdivisions are created.
D. To provide flexibility in design within new development while protecting surrounding development.
E. To assure that the uses and structures authorized in the R-60 District are designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood.
F. To provide for appropriately sized accessible and useable open space in new developments for the health, recreational and social opportunities for city residents.
G. To implement the future development map of the city's comprehensive plan.

2.7.2 Permitted and special land uses.

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

2.7.3 Dimensional requirements.

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

2.7.4 Site and building design standards.

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

2.8 RNC - Residential Neighborhood Conservation District

2.8.1 Scope of provisions.

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

2.8.2 Statement of purpose and intent.

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

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

2.8.3 Permitted and special land uses.

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

2.8.4 Scaled site plan.

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

A. Size of each lot proposed to be developed within the district;
B. Housing types (e.g., single-family detached, single-family detached condominium);
C. Amount of land in greenspace areas to be held in joint ownership, common ownership, or control in perpetuity;
D. Connections between greenspaces within the project and to greenspace areas on adjacent properties where possible;
E. Building envelopes for fee simple lots;
F. Building and driveway footprint for each single-family detached condominium;
G. Maximum lot coverage;
H. All streams and water bodies, including state and city stream buffer limits;
I. Vehicular and pedestrian circulation and connections within the project and to amenities and features on adjacent property;
J. Any above-ground detention areas serving as an amenity feature;
K. Underground detention facilities;
L. Flood hazard areas, wetlands, springheads, and all environmentally sensitive areas, if any;
M. Access to public sewer;
N. All easements;
O. Right-of-way intended to be dedicated;
P. Amount of land area and non-buildable areas as identified in subsection B.; and
Q. Tree survey in compliance with Chapter 14 of this Code.

2.8.5 Calculation and design of greenspace.

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

A. The allotted greenspace shall comprise at least thirty (30) percent of the total land area excluding the undevelopable areas as identified in subsection B. No part of any single-family detached residential lot, private street, private drive, or street right-of-way, front yard setback, nor any area utilized for side-to-side building separation except when used for a path or sidewalk connection to greenspace, shall count towards greenspace.
B. Land containing any of the following features shall not be included for the purposes of calculating whether a site plan and any subsequent development meets the greenspace requirement:
    1. Streams and stream buffers;
    2. Wetlands;
    3. Rock outcroppings;
    4. Slopes steeper than 1:2 slope;
    5. Sites of archaeological significance;
    6. Floodplains; or
    7. Areas intended to be dedicated for right-of-way as shown on the scaled site plan submitted in compliance with section 2.8.4.

C. For properties ten (10) acres or less, at least fifty (50) percent of the allotted greenspace shall be in an area or areas that each measure a minimum two hundred (200) square feet. For properties greater than ten (10) acres, at least fifty (50) percent of the allotted greenspace shall be contiguous and shall be a minimum width of fifty (50) feet. Paths, bike paths and trails do not have to comply with the minimum width requirements set forth in this subsection.

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

E. No impervious surface, except (1) areas used for active recreation, (2) historic building(s) or historic site(s), and (3) asphalt or concrete bike paths and paths with a maximum width of eight (8) feet, may be considered in the greenspace calculation. Paths that require grading must not damage critical root zones of specimen trees.

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

G. All dwelling units shall be provided with safe, convenient access to all greenspaces throughout the development in the form of a pedestrian circulation system consisting of structurally improved pedestrian path(s) and/or sidewalk(s), which shall be a minimum width of five (5) feet and shall be connected so that there are no breaks in the walkable surface of the pedestrian circulation system, except where the path or sidewalk connects to a greenspace. All greenspaces shall have a minimum of two points of pedestrian access.

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

I. Active recreation areas may be included in greenspace and shall be required in any RNC (Residential Neighborhood Conservation) District that contains one hundred (100) or more units. A conservation subdivision located in an RNC (Residential Neighborhood Conservation) District that contains between one hundred (100) and two hundred (200) units, inclusive, shall include an active recreation area of at least one (1) acre in size. A conservation subdivision located in an RNC (Residential Neighborhood Conservation) District that contains more than two hundred (200) units, shall include a minimum of either a single active recreation area of at least two (2) acres in size or two (2) active recreation areas that are each at least one (1) acre in size. No active recreation area may be located within any wetland, stream buffer, or rock outcropping.

2.8.6 Development standards and permitted uses.

A. Property within a RNC (Residential Neighborhood Conservation) District shall have a minimum of seven (7) acres.

B. Specimen trees located outside of the buildable area of a lot shall be preserved subject to the review of the city arborist.
C. Active recreation areas, greenspace, stormwater management facilities, trails, bikeways, and paths, as approved, shall be installed prior to the recording of the conservation subdivision final plat.
D. There shall be no impervious surfaces within the seventy-five-foot stream buffer, except as provided for above in sections 2.8.5.D. 4., 5., and 6. Such encroachments into the stream buffer shall only be permissible in accordance with variances as allowed by chapter 14 of this Code.

2.8.7 Minimum lot width and size, building setbacks, street and private drive width.

A. The following standards shall apply to all single-family detached dwellings, other than condominiums and fee simple condominiums, located in RNC (Residential Neighborhood Conservation) District:
    1. Maximum density: Eight (8) dwelling units per acre of total land area, excluding undevelopable areas as identified in section 2.8.5.B.
    2. Minimum lot width: At least sixty (60) feet as measured at the required front building setback line; except for a lot on a cul-de-sac, which lot shall have a minimum width of thirty-five (35) feet.
    3. Minimum lot area: Six thousand (6,000) square feet, except that each lot on the periphery of a development within property zoned RNC (Residential Neighborhood Conservation) District that abuts adjacent property zoned and used for single-family residential purposes shall contain a lot area that is at least eighty (80) percent of the minimum lot area required by the adjoining residential zoning.
    4. Minimum building setback adjacent to public or private street(s):
        a. From thoroughfares: Thirty (30) feet.
        b. From arterials: Thirty (30) feet.
        c. From collector streets: Thirty (30) feet.
        d. From local streets: Twenty (20) feet.
    5. Minimum interior lot side building setback: Seven and one-half (7.5) feet.
    6. Minimum periphery lot side building setback: Lots on the periphery of any RNC (Residential Neighborhood Conservation) District development shall maintain a minimum twenty-foot side yard setback from any adjacent parcel located outside of the boundary of such development.
    7. Minimum rear building setback: Twenty (20) feet.
B. The following standards shall apply to single-family detached condominiums and fee simple condominiums located in RNC (Residential Neighborhood Conservation) District:
    1. Maximum density: Eight (8) dwelling units per acre on total land area, excluding undevelopable areas as identified in section 2.8.5.B.
    2. Minimum building setback from all peripheral property lines: Twenty (20) feet, except that when a peripheral property line adjoins public or private streets, the building setback shall be as required in section 2.8.7.A.4.
    3. Minimum distance between building structures: Fifteen (15) feet.
    4. Minimum building setback from a private drive or private street: Ten (10) feet, except that where a garage door or carport entrance faces the street, in which case the minimum

setback shall be twenty (20) feet. The building setback shall be measured from back of curb, or, where a sidewalk is provided, from back of sidewalk.

5. Minimum travel lane width, private drive or private streets internal to the development: Twenty-four (24) feet. Where on-street parking is provided, it shall be provided in the form of a parking lane located between the travel lane and the curb, which lane shall be no less than ten (10) feet wide, measured from the edge of the travel lane to front of curb.
6. Sidewalks shall be provided on both sides of private drive(s) or private street(s) that are internal to the development, as provided for in Chapter 14 of this Code.
7. Street tree species shall cause minimal interference with underground utilities, subject to approval by the city arborist.
8. Driveways shall be a minimum of twenty (20) feet long, measured from back of curb or, where sidewalks are provided, from the back of sidewalk, in order to prevent vehicular encroachment on areas intended for vehicular or pedestrian circulation.
9. A public access and utility easement for electric, gas, telephone, and cable television utilities, in the form of a joint utility trench, shall be located on each side of the internal private street(s) or internal private drive(s), and shall be a minimum width of six (6) feet, five (5) inches.

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

1. Maximum density: Four (4) dwelling units per acre on total land area excluding undevelopable areas as identified in section 2.8.5.B.
2. Minimum lot width: At least sixty (60) feet as measured at the required front building setback line, except for a lot on a cul-de-sac, which lot shall have a minimum width of thirty-five (35) feet.
3. Minimum lot area: Eight thousand (8,000) square feet, except that each lot on the periphery of a development within property zoned RNC (Residential Neighborhood Conservation) District that abuts adjacent property zoned and used for single-family residential purposes shall contain a lot area that is at least eighty (80) percent of the minimum lot area required by the adjoining residential zoning.
4. Minimum building setback adjacent to public or private street(s):
    a. From thoroughfares: Thirty (30) feet.
    b. From arterials: Thirty (30) feet.
    c. From collector streets: Thirty (30) feet.
    d. From local streets: Twenty (20) feet.
5. Minimum interior lot side building setback: Seven and one-half (7.5) feet.
6. Minimum periphery lot side building setback: Lots on the periphery of any RNC (Residential Neighborhood Conservation) District development shall maintain a minimum twenty-foot side yard setback from any adjacent parcel located outside of the boundary of such development.
7. Minimum rear building setback: Forty (40) feet.

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

1. Maximum density: Four (4) dwelling units per acre on total land area excluding undevelopable areas as identified in section 2.8.5.B.
2. Minimum building setback from all peripheral property lines: Twenty (20) feet, except that when a peripheral property line adjoins public or private streets, the building setback shall be as required in section 2.8.7.A.4.
3. Minimum distance between building structures: Fifteen (15) feet.
4. Minimum building setback from a private drive or private street: Ten (10) feet, except that where a garage door or carport entrance faces the street, in which case the minimum setback shall be twenty (20) feet. The building setback shall be measured from back of curb, or, where a sidewalk is provided, from back of sidewalk.
5. Minimum travel lane width, private drive or private streets internal to the development: Twenty-four (24) feet. Where on-street parking is provided, it shall be provided in the form of a parking lane located between the travel lane and the curb, which lane shall be no less than ten (10) feet wide, measured from the edge of the travel lane to front of curb.
6. Sidewalks shall be provided on both sides of private drive(s) or private street(s) that are internal to the development, as provided for in Chapter 14 of this Code.
7. Street tree species shall cause minimal interference with underground utilities, subject to approval by the city arborist.
8. Driveways shall be a minimum of twenty (20) feet long, measured from back of curb or, where sidewalks are provided, from the back of sidewalk, in order to prevent vehicular encroachment on areas intended for vehicular or pedestrian circulation.
9. A public access and utility easement for electric, gas, telephone, and cable television utilities, in the form of a joint utility trench, shall be located on each side of the internal private street(s) or internal private drive(s), and shall be a minimum width of six (6) feet, five (5) inches.

2.8.8 Maximum height of buildings.

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

2.8.9 Maximum lot coverage.

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

2.8.10 Ownership, control, and maintenance of required greenspace.

A. **Unified control of parcel.** Any applicant for rezoning or for issuance of a land disturbance permit for property within an RNC (Residential Neighborhood Conservation) District shall be required to provide evidence of a legal mechanism for unified control of the entire parcel to be developed for review and approval by the city attorney prior to the issuance of any land disturbance or building permit. During the development process, more than one (1) builder may participate in the development of the approved plan so long as each parcel of land remains subject to:
    1. Any zoning conditions imposed on the property; and
    2. Terms and conditions associated with any special land use permit or any special administrative permit.

B. **Maintenance and protection of land held in common.** Prior to the issuance of any land disturbance permit, every applicant for development within an RNC (Residential Neighborhood

Conservation) District must provide evidence of a legal mechanism under which all land to be held in common and used for greenspace purposes within the development shall be protected in perpetuity. Such legal mechanism may include deed restrictions, a homeowner association, common areas held in common ownership or control, or conservation easements held by a land trust meeting the requirements of state law, which assure in perpetuity each of the following mandatory requirements:

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

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

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

2.8.11 Off-street parking requirements.

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

A. Detached single-family dwelling: Three (3) spaces.
B. Personal care home, group: Four (4) spaces.
C. Child caring institution, group: Four (4) spaces.
D. Child day care facility: Three (3) spaces.

E. Convent or monastery: One (1) space for each two hundred (200) square feet of floor area within the principal structure.
F. Neighborhood recreation club: One (1) space for each five (5) club members but in no case less than ten (10) spaces.
G. Place of worship: Where fixed seats are used, one (1) space for each three (3) seats in the largest assembly room used for public worship, or, where fixed seats are not utilized, one (1) space for each twenty-five (25) square feet of floor space in the largest assembly room used for public worship.
H. Private elementary, middle and high school:
    1. Elementary and middle school: Two (2) spaces for each classroom.
    2. High school: Five (5) spaces for each classroom.
I. Other uses: One (1) space for each two hundred (200) square feet of floor area within the principal structure.

2.8.12 Relation of RNC District regulations to subdivision or other regulations.

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

2.9 Residential Medium/High Density Zoning Districts: Dimensional Requirements

2.9.1 Medium density ranges.

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

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

Zoning District Name		Density (units/acre)	Eligible Character Areas
Small Lot Residential Mix	RSM	4—8	Suburban Neighborhood ~~Traditional~~ Urban Neighborhood Neighborhood Center City ~~Town~~ Center Institutional/Public ~~Commercial Redevelopment Corridor~~
Medium Density Residential-1	MR-1	8—12	~~Traditional~~ Urban Neighborhood Neighborhood Center City~~Town~~ Center Regional Center Institutional/Public ~~Commercial Redevelopment Corridor~~

Medium Density Residential-2	MR-2	12—24	Neighborhood Center ~~Town~~ City Center Regional Center Institutional/Public ~~Commercial Redevelopment Corridor~~
High Density Residential-1	HR-1	24—40	~~Town~~ City Center Regional Center Office Professional ~~Park~~ ~~Highway Corridor~~
High Density Residential-2	HR-2	40—60	~~Town~~ City Center Regional Center Office ~~Park~~Professional ~~Highway Corridor~~
High Density Residential-3	HR-3	60—120	Regional Center

2.9.2 Dimensional requirements.

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

Table 2.4 Medium/High Density Residential Zoning District Dimensional Requirements

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

Lot Requirements (minimum, unless otherwise specified)					
Single-Family Detached Conventional (SFD)**					
Lot area (square feet)	5,000/2,000 cottage	5,000/2,000 cottage	5,000/2,000 cottage	Not permitted	Not permitted
Lot width, street frontage (feet)	50/20 cottage and detached townhome	45/20 cottage and detached townhome	40/20 cottage and detached townhome	Not permitted	Not permitted
Lot coverage (maximum % per lot or total parcel acreage)	50	60	65	Not permitted	Not permitted
Single-Family Attached (SFA)					
Lot area (square feet)	1,000	1,000	1,000	1,000	1,000
Lot width (feet)	25	25	20	20	20
Lot coverage (maximum % per lot or total parcel acreage)	70	80	85	85	85
Urban Single-Family (detached)					
Lot area (square feet)	1,350	1,350	1,000	1,000	1,000
Lot width (feet)	25	25	20	20	20
Lot coverage (maximum % per lot or total parcel acreage)	70	80	85	85	85
Two/Three-Family (TTF)					
Lot area (square feet)	4,000	4,000	4,000	Not permitted	Not permitted
Lot width (feet)	60	55	50	Not permitted	Not permitted
Lot coverage (maximum % per lot or total parcel acreage)	50%	55%	55%	Not permitted	Not permitted
Multi-Family (MF) and Mixed-Use (MU)					
Lot width, street frontage (feet)	Not permitted	100	100	100	100
Lot coverage (maximum % of total parcel acreage)	Not permitted	65%	75%	85%	85%
Building Setbacks: SF and SFA for Individual Internal Lots; MF, SFA, MU for Overall Site****					
From thoroughfares and arterials (min. and max. feet)	All: min. 20, max. 30	SFD: min. 15, max. 25 Other: 10—20	All: min. 10, max. 20	All: min. 10, max. 20	All: min. 10, max. 20

Front - all other streets by character area (min. feet)	RC/NC/TC: 15 SUB: 20	0 - Determined only by utility placement, ROW, and streetscape (article 5)			
Front with alley access (min. feet)	10	SFD & TTF: 10 SFA & MF: 5	SFD & TTF: 10 SFA & MF: 5	5	5
Side - interior lot (feet)****	SFD & TTF: 3 ft. with minimum 10 ft. separation between buildings; SFA; N/A; MF & MU; N/A; U-SF; 0 ft. side setback with minimum 3 ft. separation between building				
Side - corner lot on public street (feet)	Same as front setback (see also article 5, corner lot)				
Rear without alley (feet)	SFD: 20; SFA: 15; TTF: 15; All others: 20	SFD: 20; SFA: 15; MF & MU: 20; MF: 20; CM/OF/MU: 15 (see also transitional buffers, article 5)			
Rear with alley (feet)	10	10	10	10	10
Unit Size, heated living area (square feet, minimum)					
Single-Family Detached (SFD)-Conventional	1,200	1,200	1,000	Not permitted	Not permitted
Single-Family Detached (SFD)-Cottage	800	800	800	Not permitted	Not permitted
Single-Family Attached (SFA)***	1,200	1,200	1,000	1,000	Not permitted
Urban Single-Family (U-SF) Detached	1,100	1,100	1,100	1,100	Not permitted
Two/Three-Family (TTF)	1,000	1,000	1,000	1,000	Not permitted
Multi-Family (MF)***	Not permitted for new developments	650	650	650	650
Height (maximum and whichever is less when indicated as stories or feet)					
Single-Family Detached (SFD) Except Res Infill Overlays = 28 feet	35 feet	35 feet	35 feet	Not permitted	Not permitted
Single-Family Attached (SFA) and Urban Single-Family (U-SF)	3 stories or 45 feet	3 stories or 45 feet	3 stories or 45 feet	Not permitted	Tables 2.13 and 2.15
Two/Three-Family (TTF)	35 feet	35 feet	3 stories or 45 feet	Not permitted	Not permitted
Multi-Family (MF)***	N/A	4 stories or 60 feet	Table 2.9	Tables 2.13 and 2.15	Tables 2.13 and 2.15

Mixed-Use (MU)	N/A	4 stories or 60 feet	Table 2.9	Table 2.11	Tables 2.13 and 2.15

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

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

***See article 5 for building separation and minimum multi-family unit size details; Urban-SF with 0' side setback must meet fire walls, sprinklers and any other fire code applicable to attached townhouse dwellings.

2.10 RSM - Small Lot Residential Mix District

2.10.1 Statement of purpose and intent.

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

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

2.10.2 Permitted and special land uses.

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

2.10.3 Dimensional requirements.

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

2.10.4 Site and building design standards.

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

2.10.5 Density and location criteria.

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

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

Character Area	RSM Dwelling Units per Acre	
	Base Max	Bonus Max
Suburban	4	8
Urban Neighborhood	4	8
Neighborhood Center	4	8
City Center	4	8

B. Density determination of each RSM (Small Lot Residential Mix) property:
   1. Existing RSM properties: For existing properties converted to RSM (Small Lot Residential Mix) District classification at the effective date of this chapter:
      a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established in such conditions.
      b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the "Base Max" described in Table 2.5 unless administratively reviewed and approved for bonus increases, according to the criteria set forth in subsection C. below.
   2. New RSM properties: For property rezoned to the RSM (Small Lot Residential Mix) District classification after the effective date of this chapter, density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. below.

C. Density bonus eligibility and calculations. Density bonuses are allowed only for subdivisions as defined in this chapter and are expressly not allowed for individual infill lots. The maximum allowed density on RSM (Small Lot Residential Mix) District zoned property may be increased above the "Base Max" by application of density bonuses as indicated by Table 2.6 and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.6. In no case shall density exceed the bonus maximum established by Table 2.5.

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

Density bonus % increase by amenity, location, or other provision	
20% greater than base	
Public Improvements	Applicant provides any of the following improvements: transit facilities (bus shelter, ride-share), public art, structured parking, trail with public access, sidewalks and/or road improvements beyond project.
Transit Proximity	Existing park-n-ride or ride-share facility is located within ¼ mile of the property boundary.
Amenity Proximity	Existing amenities, such as healthcare facilities, senior and/or civic centers, public schools, public libraries, recreational facilities, personal service establishments, grocery stores, or shopping centers. (See section 2.11.7.)
50% greater than base	

Sustainability Elements	Certification that proposed buildings, if built as designed, would be accredited by LEED, Earth Craft, or other similar national accreditation organization, for energy- and water-efficient site and building design.
Mixed Income or Mixed Age	30-year enforceable commitment approved by the city attorney and recorded on the deed records that total number of units will be reserved to be occupied as follows: 10% by very low income households, or 20% by low income households, or 25% for senior citizens. Household income level shall be as established by the Atlanta Regional Commission.
Additional Enhanced Open Space	Additional enhanced open space (with standards established by article 5) comprise 20% of the overall development site.
100% greater than base	
Additional Enhanced Open Space	Enhanced open space comprises 35% or more of the overall development site.
MARTA Rapid Transit Station	Existing MARTA rapid transit station is located within ¼ mile of the property boundary.
Reinvestment Areas	Property is located within an Enterprise Zone or Opportunity Zone.

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

Character Area (example): *Neighborhood Center Character Area*

Bonus types in example project: *Sustainability Elements and Amenity Proximity*

Method: *Multiply the Base x % = additional units eligible*

Step 1: Calculate density gained by bonus type:

Sustainability Element Bonus:	*Amenity Proximity Bonus:*
Base density: 4	*Base density: 4*
% Bonus = 50%	*% Bonus = 20%*
Base x 50% = 4 x 50% = 2	*Base x 20% = 4 x 20% = 0.8*
+ 2 bonus du/acre	*+ 0.8 bonus du/acre*

Step 2: Add bonus density to Base density

4 (Base) + *(2 + .8)* (Cumulative **Bonus**) = *6.8 du/acre max density* (Total project density allowed)

2.10.6 Amenity proximity requirements.

For proposed development within one-quarter (0.25) mile of an existing public school, park, library, trail or greenway network, a pedestrian facility linking to the amenity shall be provided, or a stub-out for linking to a future amenity shall be provided. Measurement of distance to a qualifying amenity shall be

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

2.10.7 Bonus density qualifying standards.

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

A. Qualifying public improvements.
    1. Bus shelter. To qualify as eligible for bonus density, proposed bus shelter facilities shall include at a minimum a shelter structure, bench and paved access and be designed according to MARTA or GRTA standards, based upon ridership thresholds and as documented as acceptable by either agency.
    2. Park-n-ride and/or ride-share. To qualify as eligible for bonus density, proposed ride-share facilities shall provide for a minimum of one hundred (100) parking spaces, and park-n-ride amenities shall provide a minimum of three hundred (300) parking spaces, unless the station warrants fewer, as documented by MARTA or other transit service provider.
    3. Public art. To qualify for bonus density, a proposed work of art shall be subject to approval by the planning commission, be located on the development site or in a public place off site, and have a value of at least one-half of one percent (.005) of the total construction valuation of the building permit. The maximum required value shall not exceed two hundred fifty thousand dollars ($250,000.00).
        a. Options for providing public art are: Purchase an existing piece of artwork or have a specific piece of artwork commissioned.
        b. For commissioned work, a deposit with the planning department of one hundred fifteen (115) percent of the value of the public art is required prior to the issuance of a building permit.
        c. Public art or public works of art is defined as the creative application of skill and taste by artists to production of permanent tangible objects according to the aesthetic principles, including but not limited to:
            i. Paintings; Sculptures; Site specific installations; Engravings; Carvings; Frescos; Mobiles; Murals; Collages; Mosaics; Statutes; and Base-reliefs.
        d. Public art or public works of art shall also include the creative application of skill and taste by artists according to the aesthetic principals to the architectural embellishment of a building or structure. Architects and landscape architects are not considered artists under this definition.
        e. The following shall not be considered public art or public works of art:
            i. Reproductions or unlimited copies of original artwork;
            ii. Art objects which are mass produced;
            iii. Works that are decorative, ornamental or functional elements of the architecture or landscape design, except when commissioned from an artist as an integral aspect of a structure or site; and
            iv. Architectural rehabilitation or historical preservation.
    4. Structured parking. Developments that provide vertical, structured parking shall be eligible for the residential density bonus, provided:

a. Parking decks not integrated into other buildings shall be located internal to the site.
b. Structures are either at least two (2) stories above ground or greater; and/or
c. Alternatively, at least one (1) story is underground.
d. Parking decks visible from a public right-of-way shall incorporate similar architectural materials as the primary building(s).
e. Trail with public access. Minimum length of new trail or multi-use path shall be one-quarter (0.25) mile and shall connect to a greenway/trail or sidewalk network external to the site.

B. Qualifying amenity clarifications.
1. Health or medical services: include clinics and offices for health, dental and/or medical services, as defined in article 10~~9~~, including pharmacies with diagnostic services.
2. Recreational facilities: include private or public exercise gymnasiums, fitness centers, sports fields, parks, and swim centers.

2.11 MR-1 - Medium Density Residential District

2.11.1 Statement of purpose and intent.

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

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

2.11.2 Permitted and special land uses.

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

2.11.3 Dimensional requirements.

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

2.11.4 Site and building design standards.

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

2.11.5 Density and location criteria.

A. Use of bonuses shall permit a development to exceed the maximum base density established for the district in which the development property is located, provided that in no case shall a development exceed the maximum density allowed by the character area in which the property

is located, according to the future development map adopted at the time of land disturbance permit application. Table 2.7 describes the maximum allowed dwelling unit density after application of any bonuses.

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

Character Area	MR-1 Dwelling Units per Acre	
	Base Max	Bonus Max
Urban Neighborhood	8	12
Neighborhood Center	8	12
City Center	8	12
Institutional	8	12
Regional Center	8	12

B. Density determination of each MR-1 property:
   1. Existing MR-1 properties: For existing properties converted to MR-1 District classification at the effective date of this chapter:
      a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established.
      b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the "Base Max" described in Table 2.7, unless administratively reviewed and approved for bonus increases, according to the criteria set forth in subsection C. below.
   2. New MR-1 properties: For property rezoned to the MR-1 District classification after the effective date of this chapter, density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. below.

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

2.12 MR-2 - Medium Density Residential District

2.12.1 Statement of purpose and intent.

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

A. To encourage primarily residential, planned developments that allow accessory retail, office, institutional, and civic uses;
B. To provide for residential neighborhoods with a mix of single-family and multi-family housing types that maintain harmony of scale, intensity, and design with surrounding development;

C. To provide for connectivity of streets and communities and reduce the dependence on automobile uses by increasing the ease of movement and opportunities for alternative modes of travel;
D. To implement the future development map of the city's comprehensive plan;
E. To provide districts that allow appropriate development transitions within the edges and transitional areas of the Town Center and Regional Center character areas.

2.12.2 Permitted and special land uses.

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

2.12.3 Dimensional requirements.

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

2.12.4 Site and building design standards.

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

2.12.5 Density and location criteria.

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

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

Character Area	MR-2 Dwelling Units per Acre	
	Base Max	Bonus Max
City Center	12	24
Neighborhood Center	12	24
Institutional	12	24

B. Density determination of each MR-2 property:
   1. Existing MR-2 properties: For existing properties converted to MR-2 District classification at the effective date of this chapter:
      a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established.
      b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the "Base Max" described in Table 2.8, unless administratively reviewed and approved for bonus increases according to the criteria set forth in subsection C. below.
   2. New MR-2 properties: For property rezoned to the MR-2 District classification after the effective date of this chapter density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. below.

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

2.12.6 Building heights.

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

Table 2.9 MR-2 Building Height

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

* Whichever is less

2.13 HR-1 - High Density Residential District

2.13.1 Statement of purpose and intent.

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

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

2.13.2 Permitted and special land uses.

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

2.13.3 Dimensional requirements.

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

2.13.4 Site and building design standards.

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

2.13.5 Density and location criteria.

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

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

Character Area	HR-1 Dwelling Units per Acre	
	Base Max	Bonus Max
City Center	24	40
Regional Center	24	40
Office Professional	24	30

B. Density determination of each HR-1 (High Density Residential-1) property:
   1. Existing HR-1 properties: For existing properties converted to the HR-1 (High Density Residential-1) District classification at the effective date of this chapter:
      a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established.
      b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the "base max" described in Table 2.10, unless administratively reviewed and approved for bonus increases according to the criteria set forth in subsection C. below.
   2. New HR-1 properties: For property rezoned to the HR-1 (High Density Residential-1) District classification after the effective date of this chapter, density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. below.

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

2.13.6 Building heights.

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

Table 2.11 HR-1 Building Height

Density above 24 and up to 40 dwelling units per gross acre		
Building Use	**Base Max Height**	**Height if Density Achieved by Bonus**
Single-family Attached	3 stories or 45 feet *	3 stories or 45 feet *

Multi-family	4 stories or 60 feet *	6 stories or 75 feet *
With Accessory Non-Res	6 stories or 75 feet *	8 stories or 100 feet *
Density up to 24 dwelling units per gross acre		
Building Use	**Base Max Height**	**Height if Density Achieved by Bonus**
Single-family Attached	3 stories or 45 feet *	3 stories or 45 feet *
Multi-family	3 stories or 45 feet *	4 stories or 60 feet *
With Accessory Non-Res	4 stories or 60 feet *	5 stories or 70 feet *

* Whichever is less

2.14 HR-2 - High Density Residential District

2.14.1 Statement of purpose and intent.

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

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

2.14.2 Permitted and special land uses.

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

2.14.3 Dimensional requirements.

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

2.14.4 Site and building design standards.

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

2.14.5 Density and location criteria.

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

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

Character Area	**HR-2 Dwelling Units per Acre**	
	Base Max	**Bonus Max**

City Center	40	60
Regional Center	40	60

B. Density determination of each HR-2 (High Density Residential-2) property:
   1. Existing HR-2 properties: For properties converted to the HR-2 (High Density Residential-2) District classification at the effective date of this chapter:
      a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established.
      b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the "base max" described in Table 2.12, unless administratively reviewed and approved for bonus increases according to the criteria set forth in subsection C. below.
   2. New HR-2 properties: For property rezoned to the HR-2 (High Density Residential-2) District classification after the effective date of this chapter, density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. below.

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

2.14.6 Building heights.

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

Table 2.13 HR-2 Building Height

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

* Whichever is less

2.15 HR-3 - High Density Residential District

2.15.1 Statement of purpose and intent.

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

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

B. To provide for high density, high-rise residential neighborhoods with a mix of single-family and multi-family housing types that maintain harmony of scale, intensity, and design with surrounding development;
C. To provide for connectivity of streets and communities and reduce the dependence on automobile use by increasing the ease of movement and opportunities for alternative modes of travel;
D. To implement the future development map of the city's most current comprehensive plan.

2.15.2 Permitted and special land uses.

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

2.15.3 Dimensional requirements.

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

2.15.4 Site and building design standards.

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

2.15.5 Density and location criteria.

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

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

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

B. Density determination of each HR-3 (High Density Residential-3) property:
   1. Existing HR-3 properties: For existing properties converted to HR-3 (High Density Residential-3) District classification at the effective date of this chapter:
      a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established.
      b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the "Base Max" described in Table 2.14, unless administratively reviewed and approved for bonus increases according to the criteria set forth in subsection C. below.
   2. New HR-3 properties: For property rezoned to the HR-3 (High Density Residential-3) District classification after the effective date of this chapter, density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. below.
C. Density bonus eligibility and calculations. Density bonuses are intended for subdivisions as defined in this chapter, not for individual infill lots. The maximum allowed density on HR-3 (High

Density Residential-3) District zoned property may be increased above the "base max" by application of density bonuses as indicated by Table 2.6, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.6. In no case shall density exceed the bonus maximum established by Table 2.14.

2.15.6 Building heights.

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

Table 2.15 HR-3 Building Height for Density

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

* Whichever is less

2.16 Mixed-Use Zoning Districts

2.16.1 Statement of purpose and intent.

The purpose and intent of the City Council in establishing all districts designated as Mixed-Use (MU-1, MU-2, MU-3, MU-4 and MU-5) Zoning Districts are as follows:

A. To encourage the development of master or comprehensively planned, mixed-use developments;
B. To permit flexible and compatible arrangements of residential, commercial, office, institutional, and civic uses;
C. To offer a variety of housing options, including multi-family residential and single-family attached housing of various densities, upper-floor residential units over non-residential space, or active adult and/or senior housing;
D. To implement the future development map of the city's most current comprehensive plan;
E. To maintain harmony of scale, intensity, and design of character areas with varying housing options;
F. To accommodate and promote mixed-use buildings with amenities and services provided by a variety of non-residential uses; as appropriate in the activity centers established by the comprehensive plan;
G. To promote the health and well-being of residents through the development of living environments that accommodate pedestrians and bicyclists;
H. To encourage a sense of community through design that promotes social interaction; and
I. To reduce automobile traffic and congestion and promote the use of transit by encouraging appropriate development densities.

2.16.2 Mixed-use district densities.

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

Table 2.16 Summary of Mixed-Use Zoning District Densities

Zoning District Name		Density (units/acre)	Eligible Character Areas
Mixed-Use Low Density	MU-1	4—8	Suburban Neighborhood Urban Neighborhood Neighborhood Center City Center Institutional/Public
Mixed-Use Low-Medium Density	MU-2	8—12	Urban Neighborhood Neighborhood Center City Center Regional Center Institutional/Public
Mixed-Use Medium Density	MU-3	12—24	Neighborhood Center City Center Regional Center Institutional/Public
Mixed-Use High Density	MU-4	24—40	City Center Regional Center Office Professional
Mixed-Use Very High Density	MU-5	40—60	City Center Regional Center: additional bonus up to 120

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

2.16.3 Mixed-Use dimensional requirements.

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

Table 2.17 Mixed-Use Zoning Districts Dimensional Requirements

Mixed-Use Districts
KEY: **Development Types: SFD: Single-Family Detached, SFA: Single-Family Attached, TTF: Two/Three-Family, MF: Multi-Family, U-SF: Urban Single-Family, MU: Mixed-Use, CM: Commercial, OF: Office**

Character Areas: SUB: Suburban, TN: Traditional Neighborhood, NC: Neighborhood Center, TC: Town Center, RC: Regional Center				
Element	**MU-1**	**MU-2**	**MU-3**	**MU-4 and MU-5**
Overall Site Requirements (minimum, unless otherwise specified)				
Dwelling units per acre (with bonus)	4—8	8—12	12—24	MU-4=24—40; MU-5=40—60
Minimum street frontage for site (feet)	75	75	50	50
Minimum site size	0	0	0	0
Overall site setback rear (feet)	20	20	20	10
Overall site setback side (feet)	15	15	15	N/A (Art. V buffers apply)
Open space required (minimum %)*	10% of total parcel acreage	10% of total parcel acreage	10% of total parcel acreage	10% of total parcel acreage
Transitional buffers (feet)	See article 5			
Required minimum mix of uses				
Non-residential (percentage square footage of building)	10%	15%	20%	20%
Residential (percentage square footage of building)	15%	10%	0	0
Individual Lot Dimensions by Residential Type (minimum, unless specified)				
Single-Family Detached (SFD) **				
Lot area (square feet)	3,500	3,500/2,000 cottage	3,500	Not permitted
Lot width (feet)	35	35/20	35	Not permitted
Lot coverage (maximum percentage)	55	55	55	Not permitted
Single-Family Attached (SFA) and Urban Single-Family				
Lot area (square feet)	1,000	1,000	1,000	1,000
Lot width (feet)	20	16	16	20
Lot coverage (maximum % per lot or total parcel acreage)	50%	75%	80%	90%
Two/Three-Family (TTF)				
Lot area (square feet)	4,000	4,000	4,000	4,000
Lot width (feet)	55	55	55	55

Lot coverage (maximum % per lot or total parcel acreage)	55	55	75	75
Multi-Family (MF) - See Building Type Standards in article 5				
Lot area (square feet)	12,500	12,500	12,500	12,500
Lot width (feet)	1 bldg: 50 2 or more bldgs: 100	1 bldg: 50 2 or more bldgs: 100	1 bldg: 50 2 or more bldgs: 100	1 bldg: 50 2 or more bldgs: 100
Lot coverage (maximum percentage)	N/A	N/A	N/A	N/A
Building Setbacks (minimum, unless specified)				
Single-Family Detached and Two-Family				
Front (feet)	Min. 10/Max. 25	Min. 5/Max. 20	Min. 5/Max. 20	Not permitted
Side - interior lot (feet)	7.5	7.5	7.5	Not permitted
Side - corner lot on public street (feet)	15	15	15	Not permitted
Rear (feet)	10	10	10	Not permitted
Rear - w/alley (feet)	15	10	10	Not permitted
Single-Family Attached and Urban Single-Family				
Front (feet)	Min. 10/Max. 20, Min. 5/Max. 10 with alley garage	Min. 10/Max. 20, Min. 5 with alley garage	No Min./Max	No Min./Max.
Side - interior lot (feet)	N/A	N/A	No Min./Max.	No Min./Max.
Side - corner lot on public street (feet)	Min. 10/Max. 20	Min. 10/Max. 20	10	5
Rear (feet)	20	15	10	10
Rear - w/alley (feet)	15	10	5	5
Mixed-Use/Commercial/Multi-Family* **				
Front (feet)	Min. 10/Max. 50	Min. 10/Max. 50	No Min./Max.	No Min./Max.
Side - interior lot (feet)	Min. 10./Max. 20	Min. 10./Max. 20	No Min./Max.	No Min./Max.
Side - corner lot on public street (feet)	20	15	No Min./Max.	No Min./Max.
Rear (feet)	15, 0 if parking deck, liner building or party wall present	10, 0 if parking deck, liner building or party wall present	10, 0 if parking deck, liner building or party wall present	10, 0 if parking deck, liner building or party wall present

Rear - w/alley (feet)	10	10	5	5
Unit Size, heated living area (minimum, unless specified)				
Single-Family Detached (square feet)	1,200	1,200/800 cottage	1,200/800 cottage	Not permitted
Single-Family Detached, Urban (square feet)	1,000	1,000	1,000	1,000
Two- and Three-Family (square feet)	1,000	1,000	1,000	Not permitted
Single-Family Attached (square feet)	850	850	850	850
Multi-Family - one bedroom (square feet)	550	500	500	500
Multi-Family - two bedroom (square feet)	700	650	650	650
Multi-Family - three bedroom (square feet)	850	800	800	800
Accessory Unit (square feet)	650	650	Not permitted	Not permitted
Live/Work (residential portion square feet)	400	400	400	400

* See article 5 for enhanced open space requirements
** SFD Cottage type exempt; see article 5 for standards
*** See article 5 for building separation and minimum multi-family unit size details.

2.17 MU-1 - Mixed-Use Low-Density District

2.17.1 Dimensional requirements.

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

2.17.2 Site and building design standards.

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

2.17.3 Rezoning to the MU-1 (Mixed-Use Low Density) District.

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

2.17.4 MU-1 - Mixed-Use Low-Density District rezoning submittal requirements.

A. The following standards only apply to rezoning applications initiated by the owner(s) of the subject property or the authorized agent of the owner(s). In the interest of economic development and to spur redevelopment, applications initiated by the city are not required to comply with the standards in this section.
B. Prior to the submittal of an application for a land disturbance permit or building permit, an applicant for development of a city-initiated MU-zoned property, shall comply with the following standards. The application will be reviewed administratively by the director.
C. **Pre-application meeting.** Before submitting an application for rezoning to the MU-1 (Mixed-Use Low Density) District, the applicant shall confer with the director of planning to discuss the feasibility of the proposed plan and its relationship to the comprehensive plan and city ordinances.
D. **Submittal of master development plan.** The submittal package for rezoning to the MU-1 (Mixed-Use Low Density) District shall include all items indicated by the application and instruction form established by the planning department. The master development plan shall include:
    1. *Pre-application meeting minutes.* Applicants shall provide documentation showing that the required pre-application meeting occurred.
    2. *Master development plan.* A master development plan shall illustrate the project showing the location of proposed uses identified by type, site functions, and internal vehicular and pedestrian circulation, along with proposed access points (note: prefer multi-modal access plan as specified in the overlays).
    3. *Master development standards.* An applicant for rezoning to the MU-1 (Mixed-Use Low Density) District shall submit the following with the rezoning application:
        a. A set of tables, matrices, and/or diagrams shall document the proposed standards that will regulate the permitted use, density, lot dimensions, setbacks, site and building form for each area identified in the master concept plan, and indicate all instances where proposed standards vary from this ordinance.
        b. Documentation regarding eligibility for density bonus(es) sought by the applicant (see section 2.16.6).
        c. A summary of the anticipated maintenance and ownership of streets and open spaces.

d. Proposed gross and net non-residential floor area, maximum number of residential dwelling units by type and minimum lot size, and amount of enhanced open space.

4. *Master development plan architectural standards.* An applicant for rezoning to the MU-1 (Mixed-Use Low Density) District shall include with the master development plan a set of binding and enforceable architectural standards that will be utilized by the developer to ensure aesthetic continuity throughout the life of the project.
    a. At a minimum, the architectural standards shall address lighting, signage, fences, landscaping, building materials, and other architectural features proposed to be included by the applicant.
    b. A master sign plan may be proposed for approval at the time of rezoning with dimensions that vary from the sign ordinance, provided that the proposed plan demonstrates pedestrian-oriented scale.

2.17.5 Mixed-use building restrictions.

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

2.17.6 Density and location criteria.

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

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

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

B. Density determination of each MU-1 (Mixed-Use Low Density) property:
    1. Existing MU-1 properties: For properties converted to the MU-1 (Mixed-Use Low Density) District classification at the effective date of this chapter:
        a. Where conditions of zoning regulate density on the property, the maximum density shall remain as established in any conditions of zoning attached to the property.
        b. Where no conditions of zoning regulating density have been attached to the property, the maximum density shall be the "Base Max" described in Table 2.18

unless administratively reviewed and approved for bonus increases, according to the criteria set forth in subsection C. below.

2. New MU-1 districts: For property rezoned to the MU-1 (Mixed-Use Low Density) District classification after the effective date of this chapter, density shall be established by the City Council at the time of approval of the MU-1 District, based upon the criteria set forth in subsection C. below.

C. Density bonus eligibility and calculations. Density bonuses are intended for subdivisions as defined in this chapter, not for individual infill lots. The maximum allowed density on MU-1 (Mixed-Use Low Density) zoned property may be increased above the "base max" by application of density bonuses as indicated by Table 2.19, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.19. In no case shall density exceed the bonus maximum established by Table 2.18.

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

Density bonus % increase by amenity, location, or other provision	
20% greater than base	
Public Improvements	Applicant provides any of the following improvements: transit facilities (bus shelter, ride-share), public art, structured parking, trail with public access, sidewalks and/or road improvements beyond project.
Transit Proximity	Existing park-n-ride or ride-share facility is located within ¼ mile of property boundary.
Non-residential and Residential Mix of Uses	Total gross square footage of all buildings occupied by non-residential uses is between 10—25%.
Amenity Proximity	Existing amenities such as health care facilities, senior and/or civic centers, public schools, public libraries, recreational facilities, personal service establishments, grocery stores, or shopping centers.
50% greater than base	
Sustainability Elements	Certification that proposed buildings, if built as designed, would be accredited by LEED ®, EarthCraft, or other similar national accreditation organization, for energy- and water-efficient site and building design.
Mixed Income or Mixed Age	30-year enforceable commitment approved by the city attorney and recorded on the deed records that total number of units will be reserved to be occupied as follows: 10% by very low income households, or 20% by low-income households, or 25% by senior citizens. Household income level shall be as established by the Atlanta Regional Commission.
Non-residential and Residential Mix of Uses	Non-residential uses occupy more than 25% of total gross square footage of all buildings.
Additional Enhanced Open Space	Additional enhanced open space (with standards established by article 5) comprise 20% of the overall development site.
100% greater than base	
Additional Enhanced Open Space	Additional enhanced open space comprises 35% or more of the overall site development.

MARTA Rapid Transit Station	Existing MARTA rapid transit station is located within ¼ mile of property boundary.
Reinvestment Areas	Property is located within an Enterprise Zone or Opportunity Zone.

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

Character Area (example): *Neighborhood Center Character Area*

Bonus types in example project: *Sustainability Elements and Amenity Proximity*

Method: *Multiply the Base x % = additional units eligible*

Step 1: Calculate density gained by bonus type:

Sustainability Element Bonus:	*Amenity Proximity Bonus*:
Base density: 4	*Base density: 4*
% Bonus = 50%	*% Bonus = 20%*
Base x 50% = 4 x 50% = 2	*Base x 20% = 4 x 20%*
+ 2 bonus du/acre	*+ .8 bonus du/acre*

Step 2: Add bonus density to Base density

4 Base + *(2 + .8)* Cumulative **Bonus** = *6.8 du/acre max density* **Total project density allowed**

2.17.7 MU-1 retail size restrictions.

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

2.18 MU-2 Mixed-Use Low-Medium Density District

2.18.1 District requirements, standards and criteria.

A. All provisions found in the MU-1 (Mixed Use Low Density) District shall apply to the MU-2 (Mixed-Use Low-Medium Density) District, except that the reference to Table 2.19 for MU-1 density shall be to Table 2.20 for MU-2 density.

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

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

2.19 MU-3 - Mixed-Use Medium Density District

2.19.1 District requirements, standards and criteria.

A. All provisions found in the MU-2 (Mixed-Use Medium Density) District shall apply to the MU-3 (Mixed-Use Medium Density) District, except that:
   1. The reference to Table 2.20 for MU-2 density shall be to Table 2.21 for MU-2 density.

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

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

B. Section 2.16.8 regarding retail size restrictions shall not apply.
C. Height restrictions apply to the MU-3 (Mixed-Use Low-Medium Density) District based on a relationship of density, as achieved through bonuses, in accordance with Tables 2.9 or 2.11, as applicable.

2.20 MU-4 - Mixed-Use High-Density District

2.20.1 District requirements, standards, and criteria.

A. All provisions found in the MU-3 (Mixed-Use Medium Density) District shall also apply to the MU-4 (Mixed-Use High Density) District, except that:
   1. The reference to Table 2.21 for MU-3 density shall be to Table 2.22 for MU-4 density.

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

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

B. Height restrictions apply to the MU-4 (Mixed-Use High Density) District in accordance with Table 2.9, 2.11, or 2.13, as applicable.

2.21 MU-5 - Mixed-Use Very High-Density District

2.21.1 District requirements, standards and criteria.

A. All provisions found in the MU-3 (Mixed-Use Medium Density) District shall also apply to the MU-5 (Mixed-Use Very High Density) District, except as identified below:
   1. The reference to Table 2.21 for MU-3 density shall be to Table 2.23 for MU-5 density.

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

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

B. Height restrictions apply to MU-5 in accordance with Table 2.13 and 2.15, as applicable.

2.22 Non-Residential Zoning Districts: Dimensional Requirements

2.22.1 Dimensional requirements.

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

Table 2.24 Non-Residential Zoning Districts Dimensional Requirements

Non-Residential Districts							
Element	**OI**	**NS**	**C-1**	**C-2**	**OD**	**M**	**M2**
Overall Site Requirements (minimum, unless otherwise specified)							
Dimensional Requirements							
Lot area (min. square feet)	20,000	20,000	20,000	30,000	30,000	30,000	2 acres for heavy ind. & uses req SLUP, 1 acre for all other uses
Lot width, street frontage (feet)	100	100	100	100	100	100	150
Lot coverage (maximum percentage)	80	80	CC/RC: 90 All other: 80	CC/RC: 90 All other: 80	80	80	80
Open Space Requirements							

Sites with 5,000—39,999 sq. ft. gross floor area (minimum %)	15	15	10	10	15	15	15
Sites with 40,000 [sq. ft.] gross floor area (minimum %)	20	20	20	20	20	20	20
Transitional buffer (feet)	Article 5, division 4						
Building Setback Requirements (minimum, unless otherwise specified)							
Urban Character Areas (City Center, Regional Center)							
Front thoroughfares and arterials (min./max. feet)	20/50*	10/60	20/60	20/60	Not permitted	Not permitted	Not permitted
Front - all other streets (min./max. feet)	10/60*	5/60	10/60	10/60	Not permitted	Not permitted	Not permitted
Side - interior lot (feet)	20*	20	15	15	Not permitted	Not permitted	Not permitted
Side - corner lot on public streets (feet)	15*	15	30	30	Not permitted	Not permitted	Not permitted
Rear (feet)	20*	20	20	20	Not permitted	Not permitted	Not permitted
All Other Character Areas							
Front thoroughfares and arterials (feet)	60*	30	60	60	75	60	60
Front - all other streets (feet)	50*	20	50	50	75	60	60
Side - interior lot (feet)	20*	20	20	20	20	20	20
Side - corner lot on public streets (feet)	50*	15	50	50	50	60	60
Rear (feet)	30*	20	30	30	30	30	30
Unit Size (residential: heated living area)							
Floor area of attached dwelling unit of	1,000	Not permitted	Not permitted	Not permitted	Not permitted	1,000	Not permitted

Multi-Family (min. sq. ft.)							
Floor area of live/work dwelling unit (residential portion only - min. sq. ft.)	650	650	650	Not permitted	Not permitted	650	Not permitted
Floor area per individual building (maximum sq. ft.) (non-res)	N/A	50,000	No maximum	No maximum	No maximum	No maximum	No maximum
Height (maximum without a special land use permit (SLUP)) **							
Height (feet)	5 story/70 feet	2 story/35 feet	2 story/35 feet	2 story/35 feet	2 story/35 feet	**	**
Transitional height plane (see article 5)	Yes	No	No	No	Yes	Yes	Yes

* If located next to single-family residential and the building will exceed 35 feet, the building setback from SF residential shall be increased 50%.
** Fire department and rescue services must approve over 3 stories to assure adequacy of fire protection facilities.
*** 5 story/70 feet if in an activity node, 2 story/35 feet outside an activity node, unless obtaining a SLUP for up to 5 story/70 feet.

2.23 NS - Neighborhood Shopping District

2.23.1 Statement of purpose and intent.

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

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

2.23.2 Intensity limitations.

A. In a building that contains more than one (1) business establishment, no single business establishment shall occupy more than fifteen thousand (15,000) square feet, whether owned or leased.
B. No building occupied by a single business establishment shall exceed fifty thousand (50,000) square feet.

2.23.3 Permitted and special land uses.

A. Permitted uses and uses requiring special land use permits shall be as provided in Table 4.1. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4, such regulations shall also apply and must be complied with.

2.23.4 Dimensional requirements.

A. Dimensional requirements for the NS (Neighborhood Shopping) District shall be as provided in Table 2.24, "Non-Residential Zoning Districts Dimensional Requirements."

2.23.5 Site and building design standards.

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

2.24 C-1 - Local Commercial District

2.24.1 Statement of purpose and intent.

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

A. To provide convenient local retail shopping and service areas within the city for all residents;
B. To provide for auto-oriented needs outside of the Neighborhood Center, Town Center and Regional Center character areas, but to focus on the pedestrian oriented development within these districts;
C. To provide for quality control in development through materials and building placement;
D. To assure that the uses authorized within the C-1 (Local Commercial) District are those uses which are designed to serve the convenience shopping and service needs of groups of neighborhoods;
E. To implement the future development map of the city's comprehensive plan.

2.24.2 Permitted and special land uses.

A. Permitted uses and uses requiring special land use permits shall be as provided in Table 4.1. In cases where a use is permitted, but there are supplemental use regulations for that use specified in article 4, such regulations shall also apply and must be complied with.

2.24.3 Dimensional requirements.

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

2.24.4 Site and building design standards.

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

2.25 C-2 - General Commercial District

2.25.1 Statement of purpose and intent.

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

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

2.25.2 Permitted and special land uses.

A. Permitted uses and uses requiring special land use permits shall be as provided in Table 4.1. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4, such regulations shall also apply and must be complied with.

2.25.3 Dimensional requirements.

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

2.25.4 Site and building design standards.

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

2.26 OD - Office-Distribution District

2.26.1 Statement of purpose and intent.

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

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

2.26.2 Permitted and special land uses.

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

2.26.3 Dimensional requirements.

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

2.26.4 Site and building design standards.

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

2.27 OI - Office-Institutional District

2.27.1 Statement of purpose and intent.

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

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

2.27.2 Permitted and special land uses.

A. Permitted uses and uses requiring special land use permits shall be as provided in Table 4.1. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4, such regulations shall also apply and must be complied with.

2.27.3 Dimensional requirements.

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

2.27.4 Site and building design standards.

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

2.28 OIT - Office-Institutional-Transitional District

2.28.1 Statement of purpose and intent.

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

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

2.28.2 Permitted and special land uses.

A. Permitted uses and uses requiring special land use permits shall be as provided in Table 4.1. In cases where a use is permitted, but there are supplemental use regulations for that use specified in article 4, such regulations shall also apply and must be complied with.

2.28.3 Dimensional requirements.

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

2.28.4 Site and building design standards.

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

2.29 M - Light Industrial District

2.29.1 Statement of purpose and intent.

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

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

2.29.2 Permitted and special land uses.

A. Permitted uses and uses requiring special land use permits shall be as provided in Table 4.1. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4, such regulations shall also apply and must be complied with.
B. In cases where a permitted use in the M District is adjacent to a residential zoning, the use may have to obtain a SLUP from City Council. See Article 4 Use Table and Supplemental Regulations.

2.29.3 Dimensional requirements.

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

2.29.4 Site and building design standards.

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

2.29.5 Multi-family use provisions for industrial conversion.

A. The conversion of industrial buildings to residential use shall be permitted by a special land use permit. The following shall be considered:
    1. Whether the building is located on the interior or periphery of an established industrial park or area;
    2. Whether the building or area should no longer be used for industrial uses;
    3. Adequate parking is provided in accordance with article 7~~6~~, for multi-family or live- work.

2.30 M-2 - Heavy Industrial District

2.30.1 Statement of purpose and intent.

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

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

2.30.2 Permitted and special land uses.

A. Permitted uses and uses requiring special land use permits shall be as provided in Table 4.1. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4, such regulations shall also apply and must be complied with.

2.30.3 Dimensional requirements.

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

2.30.4 Site and building design standards.

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

2.30.5 Solid waste facility/landfill use provisions.

Any solid waste facility, solid waste handling facility, or landfill must obtain a special land use permit from the City Council and a modification or addition of zoning conditions that specifically authorizes and identifies all necessary zoning requirements for each such facility. If granted, the zoning district classification for such property shall be identified as M-2 (Conditional Landfill).

3 Article 3. - Overlay District Regulations

3.1 Overlay Districts

3.1.1 Overlay districts generally.

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

A. All development and building permits for lots located, in whole or in part, within any overlay district shall meet all of the regulations of the underlying zoning district in which they are located as well as all of the regulations of the applicable overlay district.
B. For new development after the effective date of this chapter, when no complete application for a land disturbance or building permit has been filed with respect to a property located within an overlay district and the property has conditions of zoning that were approved prior to, and in conflict with the overlay district regulations contained in this article, the overlay district regulations shall prevail. If a condition of zoning does not conflict with the overlay district regulations, the condition of zoning shall remain applicable to the property.
C. For existing development, if overlay district regulations conflict with the conditions of zoning applicable to property within in an overlay district, the existing zoning conditions remain applicable to the property.
D. If a use is permitted in the overlay district, but the underlying zoning requires a special land use permit for the same use, the overlay shall govern, and no special land use permit is required.
E. If overlay district regulations conflict with other regulations contained in this chapter, the overlay district regulations shall prevail.
F. The use of property may be permitted without rezoning if listed as allowed by the overlay. Uses allowed by the underlying zoning in article 4, shall also be permitted in the overlay district, unless they are listed as prohibited within the overlay district.
G. Each application for a business license, land disturbance permit, building permit or sign permit, which involves the development, use, exterior alteration, exterior modification or addition of any structure, must demonstrate compliance with all overlay district regulations, subject to article 8, nonconforming uses, structures and buildings.
H. The zoning district designations contained in article 3, titled Overlay District Regulations, were not revised to reflect the new zoning district designations utilized in the updated zoning ordinance. Any discontinued zoning district references contained in this article 3 shall therefore be construed using the conversion chart contained in Table 1.1 of article 1 of the zoning ordinance and applied as appropriate to the updated provision of the zoning ordinance.

3.1.2 Purpose and intent.

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

3.1.3 Plan submittal, review, and approval

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

B. **Conceptual plan submittal requirements.** As part of any land-disturbance permit, building permit, or sign permit application, the applicant shall submit to the director of planning a conceptual plan package and a final design package. Each package must include full architectural and landscape plans and specifications. The submitted plans must include a site plan, architectural elevations and sections; renderings depicting the building design including elevations and architectural details of proposed buildings, exterior materials and colors, and plans and elevations of all hardscape, landscape and signs, all of which shall demonstrate that the proposed design is in compliance with all the requirements of the applicable overlay district and the underlying zoning classification. If the proposed development is also located in an historic district as designated in the Code, the development shall also comply with the regulations established for the historic district in chapter 13.5 of the Code.

C. **Review by staff.** Staff will review the conceptual plans for compliance with specifications and design guidelines contained in this zoning ordinance. If the application fails to comply with any section in this zoning ordinance, the application shall be marked "failed compliance," shall be returned to the applicant with any comments and/or redlines for revisions, and may be re-submitted with corrections addressing the staff's comments and/or redlines for further consideration. Once the application is found to comply, the final design shall be forwarded to the director of planning for approval.

   1. Where the director of planning determines that said plans comply with the requirements of the overlay district, the director of planning shall approve the plans for compliance as part of the application for land disturbance, building or signs permits.
   2. Where the director of planning determines that submitted conceptual plans do not comply with the requirements of this chapter, then the director of planning shall notify the applicant in writing of the manner in which the conceptual plans fail to comply with such requirements. All applications shall be considered and decided by the director of planning within thirty (30) days of receipt of a complete application.
   3. Any appeal to vary overlay district development standards shall be to the zoning board of appeals pursuant to article ~~8~~7.

D. **Fees.** Plans shall be accompanied by an application and payment of a fee in an amount determined by the city council.

3.1.4 Conceptual plan package review.

A. The conceptual plan package shall include the following:

   1. A narrative addressing the proposed development explaining how it meets the purpose, intent, and standards of this article. The narrative shall include a tabulation of the approximate number of acres for each different land use type within the project, the approximate number of dwelling units by type, the approximate gross residential density, the approximate commercial density as well as square feet, the common open space

acreage, the approximate open space acreage, the anticipated number, type and size of recreational facilities and other public amenities, and the legal mechanism for protecting and maintaining common/public open, as required in article 5;

2. A site location map showing the proposed development, abutting properties, the access connections of the proposed development to surrounding and existing development, and transitional buffer zones, if required;
3. A multimodal access plan, prepared at a scale not greater than one inch equals one hundred feet (1"=100'), to demonstrate a unified plan of continuous access to and between all structures in the proposed development and adjacent properties where connections are appropriate.
    a. The multimodal access plan shall cover the entire proposed development along with public right-of-way of adjoining streets and any other property lying between the subject property and any primary or secondary streets. Safe and convenient pathways shall be provided from sidewalks along streets to each structure entrance, including pedestrian access routes across parking lots and between adjacent buildings within the same development. Connections to available transportation nodes, such as driveways, sidewalks, and bike paths shall be shown along adjacent streets and those entering adjoining properties.
    b. Where an existing or planned public transportation station or stop is within one thousand two hundred fifty (1,250) feet from the nearest boundary of the subject property, the access plan shall show how pedestrians may safely travel from such station or stop to the subject property.
    c. Where an existing or planned bike path is located within one thousand five hundred feet (1,500) feet from the nearest boundary of the subject property, the access plan shall show how safe, continuous and convenient bicycle access shall be provided to the subject property.
4. Two (2) copies of a plan drawn to a designated scale of not less than one inch equals one hundred feet (1"=100'), certified by a professional engineer or land surveyor licensed by the state, presented on a sheet having a maximum size of twenty-four (24) inches by thirty-six (36) inches, and one (1) eight and-one-half (8.5) inches by eleven (11) inches reduction of the plan. A ".jpg" copy of the plan shall be e-mailed to the director of planning. If presented on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. Such plan shall contain the following information:
    a. Boundaries of the entire property proposed to be included in the development, with bearings and distances of the perimeter property lines;
    b. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics;
    c. Location and approximate dimensions in length and width, for landscape strips and required transitional buffers, if any;
    d. Existing topography with a maximum contour interval of five (5) feet and a statement indicating whether it is an air survey or field run;
    e. Delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or City of Stonecrest;

f. Delineation of any jurisdictional wetlands as defined by Section 404 of the Federal Clean Water Act;
g. Approximate delineation of any significant historic or archaeological feature, grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact it;
h. Delineation of all existing structures and whether they will be retained or demolished;
i. General location, in conceptual form, of proposed uses, lots, buildings, building types and building entrances;
j. Height and setback of all existing and proposed buildings and structures;
k. Location, size and number of all on-street and off-street parking spaces, including a shared parking analysis, if shared parking is proposed;
l. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets;
m. Conceptual plans for drainage with approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed;
n. Development density and lot sizes for each type of use;
o. Areas to be held in joint ownership, common ownership or control;
p. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets;
q. Location of proposed sidewalks and bicycle facilities, trails, recreation areas, parks, and other public or community uses, facilities, or structures on the site;
r. Conceptual layout of utilities and location of all existing and proposed utility easements having a width of ten (10) feet or more;
s. Standard details of signs, sidewalks, streetlights, driveways, medians, curbs and gutters, landscaped areas, fencing, street furniture, bicycle lanes, streets, alleys, and other public improvements demonstrating compliance with the design guidelines for the overlay district; and
t. Seal and signature of the professional preparing the plan.

5. Two (2) copies of the conceptual building designs including elevation drawings drawn to a scale of not less than one-sixteenth-inch equals one (1) foot showing architectural details of proposed building, exterior materials, all of which demonstrate that the proposed design is in compliance with the Subarea Overlay District in which it is located. Drawings shall be presented on a sheet having a maximum size of twenty-four (24) inches by thirty-six (36) inches, along with one (1) eight and-one-half (8½) inches by eleven (11) inches reduction of each sheet. A ".pdf" copy of the drawings shall be e-mailed to the director of planning. If the drawings are presented on more than one (1) sheet, match lines shall clearly indicate where the several sheets join.
6. Lighting plan. See article 5.
7. Traffic study. See article 5.

3.1.5 Final design package.

Upon receiving and addressing the city's comments with respect to the conceptual design package, the applicant must submit the final design package, including color ".pdf" copies, for review and approval. The

final design package must contain full architectural and landscape plans, site plan, elevations, section renderings depicting the building design containing elevations and architectural detailing of proposed buildings, exterior materials and color, and plans and elevations of hardscape landscape and signs all of which must demonstrate compliance with overlay district regulations. All items and specifications necessary for obtaining land disturbance and building permits must be submitted with the final design package. The applicant may submit the final design package simultaneously with the land disturbance or building permit application, as applicable.

3.2 Arabia Mountain Conservation Overlay District

3.2.1 Applicability of regulations.

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

3.2.2 Purpose and intent.

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

A. To provide for the protection of natural resources and of scenic views of areas within the boundaries of the AMCOD, so as to protect and enhance the public welfare associated with these natural resources and the aesthetic qualities within this area, consistent with the policies of the Stonecrest Comprehensive Plan;
B. To provide reasonable and creative planning and development within the AMCOD while preserving the natural landform and features, trees and tree canopy, and the views to and from Arabia Mountain as indicated on the adopted map;
C. To assure that all activities and authorized uses of land allowed within the AMCOD, whether allowed uses or permitted uses, are activities or uses which are designed so as not to detract from or damage the protected natural resources and scenic beauty of this district;
D. To encourage and promote the dedication of conservation easements to appropriate public and not-for-profit entities established and authorized to hold easements in perpetuity pursuant to the Georgia Uniform Conservation Easement Act (O.C.G.A. 44-10 and 12-6A) , for the purposes of protecting historical and arch logical areas, the habitat of endangered or threatened animal and plant species (as defined in the federal Endangered Species Act U.S.C. 1531 and the Endangered Wildlife Act of 1973), providing passive recreational and educational opportunities, preserving the cultural history of the area, protecting open space within the city, and protecting scenic views to and from Arabia Mountain; and
E. To provide consistent development standards that will adhere to common design characteristics that include but are not limited to: deep setbacks from the main road; strategic buffer zones; home “clustering”; shorter streets within a development and shared open spaces connected by trails, walkways and paths.

3.2.3 District boundaries.

The boundaries of the AMCOD shall be depicted on the official zoning maps entitled "Official Zoning Map, City of Stonecrest, Georgia, Arabia Mountain Conservation Overlay District” (the “AMCOD overlay maps”).

The Official Zoning Map, City of Stonecrest, Georgia, Arabia Mountain Conservation Overlay District, to be adopted contemporaneously with this chapter, together with all explanatory information contained or referenced thereon, is hereby adopted by reference and declared to be a part of this chapter.

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

3.2.4 Principal uses and principal structures.

A. The principal uses of land and structures which are allowed in the AMCOD are as is provided by the applicable underlying zoning district, except for those listed in B below, subject to the limitations and standards contained within this district. Additional permitted uses are as follows:
    1. Recreation, passive and Nature preserve
    2. Dog Parks
    3. Bed and Breakfast homes
    4. Outdoor Concert halls
    5. Urban Gardens

B. Prohibited uses. The following principal uses of land and structures shall be prohibited within the AMCOD:
    1. Adult and Sexually oriented businesses
    2. Ambulance service facility, Private ambulance service, Dispatch office
    3. Automobile and truck rental and leasing, Automobile brokerage, Automobile mall, Automobile recovery and storage, Automobile rental and leasing, Automobile repair and maintenance, major, Automobile repair and maintenance, minor, Automobile sales, Automobile service station, Automobile upholstery shop, Automobile wash/wax service, Recreational vehicle/boat sales and service, Freight service, Transportation equipment and storage or maintenance (vehicle), and Vehicle storage yard
    4. Bus station or terminal
    5. Check cashing facility
    6. Coliseum or stadium, except for outdoor Concert Halls
    7. Commercial parking garage/structure; Commercial parking lots
    8. Convenience store
    9. Drive-in Theater
    10. Drive-through facilities
    11. Fairground or Amusement Park
    12. Fuel Dealers, Fuel Pumps and Accessory Fuel Pumps (Gas Stations)
    13. Heavy equipment storage
    14. Liquor Store
    15. Mortuary or Crematorium
    16. Motel or Extended Stay Motel
    17. Nightclub or late-night establishment
    18. Outdoor storage, mini-warehouses, and storage buildings
    19. Pawn shops
    20. Salvage yards and junk yards
    21. Shelter for homeless persons
    22. Solid waste disposal, Private industry solid waste disposal facility

Commented [NW2]: Listed these in alphabetical order

23. Small box discount stores
24. Transitional housing facility
25. Truck stops
26. Warehouses

3.2.5 Accessory uses and accessory structures.

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

3.2.6 General Development Standards

The following apply to all development in the AMCOD.

A. **Lot coverage** within the AMCOD shall not exceed twenty-five (25) percent of net lot area. This does not apply to any lot in the R-100, R-85, R-75, or R-60 zoning district if a certificate of occupancy for the house thereon was issued prior to August 7, 2017, and if the lot is less than one-half (1/2) acre.
B. **Clearing and grading of lots**. No lot shall be cleared and graded to an extent exceeding thirty-five (35) percent of the net lot area. Said limitation is intended to permit twenty-five (25) percent lot coverage as allowed in section 3.4.7 above, and to permit appropriate slopes from the remaining natural land contours to the finished site grades. This does not apply to any lot in the R-100, R-85, R-75, or R-60 zoning district if a certificate of occupancy for the house thereon was issued prior to August 7, 2017, and if the lot is less than one-half (1/2) acre.
C. **Protection of steep slopes**. No lot or portion of a lot having a grade more than fifteen (15) percent shall be altered.
D. **Driveways.** The director of planning is authorized to approve shared driveways for two (2) or more dwellings within the Arabia Mountain Natural Resource Protection Overlay District to minimize lot coverage and tree removal within the district.
E. **Lighting.** No light standard shall be installed that extends above the height of the tree canopy. No lighting element of any kind shall be placed upon any structure so as to extend above the height of the tree canopy. No light spillage of any kind is permitted above said tree canopy except as may be otherwise required by any applicable requirement of federal, state or local law.
F. **Tree removal and replacement.** No trees other than dead, dangerous or diseased trees shall be removed from any lot except within areas of permissible grading as provided in subsection B above. Removal of trees should be certified by an arborist and/or by city permit.

3.2.7 Residential Development Standards.

A. Residential Infill. Single homes should be built to the underlying zoning district standards.
B. Conservation Communities (residential/subdivisions)
    1. **Maximum density.** Eight (8) dwelling units to the acre of total land area excluding undevelopable areas listed below:
        a. Streams and stream buffers
        b. Wetlands
        c. Rock outcroppings
        d. Slopes steeper than 1:2 slope
        e. Sites of archaeological significance
        f. Floodplains

g. Areas intended to be dedication for right of way

2. **Density Bonus**. The director of planning is authorized to approve an increase of up to twenty-five (25) percent in housing density within the district for any parcel of land having a single-family residential zoning classification.
    a. In making application to the director of planning the applicant shall present a site plan in which required lot coverage limitations are met. The site plan shall further demonstrate that the tree canopy will be preserved and protected. In approving any such plan, the director of planning is authorized to approve gravel or other permeable surface for driveways and parking areas where it is demonstrated that such permeable surface will aid in minimizing damage to the root system of trees and will prevent the impaction of soil under the canopies of trees. It is the intent of these regulations that houses be spread out rather than clustered in the effort to protect and preserve the tree canopy which is essential to the maintenance of the character of the district.
3. **District Standards.**
    a. Minimum lot width: Seventy (70) feet as measured from the front building setback line; except for a lot on a cul-de-sac, which shall have a measurement of thirty-five (35) feet
    b. Minimum lot area: Seven thousand five hundred (7,500) square feet, except that each lot on the periphery of the development is at least ten thousand (10,000) square feet.
    c. Minimum side-yard setback: 10 ft.
    d. Maximum single-family dwelling lot coverage: 50%
4. **Greenspace:** Thirty (30) percent of the total land area must be designated greenspace. Sixty (65) percent of the greenspace should be in a contiguous tract.
    a. Green Space may consist of:
        i. Natural undisturbed areas
        ii. Passive recreational areas
        iii. Trails and Green ways
        iv. Bikeways and paths
        v. Mature wooded areas
    b. Greenspaces shall be preserved and maintained by one of the following:
        i. Establishment of a mandatory homeowner's association (HOA) to own and maintain the common green space.
        ii. Dedication of legally described and platted "greenspace" to a land trust.
5. Minimum building setback adjacent to public or private street(s):
    a. From thoroughfares, arterials, and collectors: 30 ft.
    b. Local streets: 20 ft.

C. **Road Specifications**. All roads shall be built in accordance with Chapter 14. In the event of a conflict, the provisions of this section shall control. The design of the streets must be designed as noted below with the approval of the City Engineer:
    1. Minimal amount of cul-de-sac streets by providing more than one entrance to the to the development and interconnect streets as much as possible.

2. Cul-de-sac streets must minimize the amount of impervious surface by limiting the internal radius to thirty (35) feet and the width of the paved lane to sixteen (16) feet. Use grass and vegetation for the inner circle of turnarounds, rather than paving the whole area. Declare the HOA responsible for the maintenance of the grassy area in the neighborhood bylaws.
3. Omit curbs where possible.
4. As an alternative to curbs and gutters, allow run off from roofs and pavements to pass immediately through grass swales or infiltration basins. Use plant materials that will absorb rainwater and act as a natural filter to oil and pollution.
5. Provide marked, paved paths for non-vehicular traffic within the development and connecting neighboring residential and commercial areas.

D. **Buffer Requirements.** An exterior boundary buffer is required (per community/subdivision). The land area designated to the exterior buffer may be used as part of the required greenspace. The buffer area shall not be included as part of any platted residential lot within the community/subdivision.
   1. Lots less than 10,000 sq. ft. = 25 ft.
   2. Lots between 10,000-15,000 sq. ft. = 30 ft.
   3. Lots greater than 15,000 sq. ft.= 50 ft.

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

3.2.8 Non-Residential Development Standards.

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

B. **Design Standards.** New commercial buildings and renovations in the AMCOD shall conform to the guidelines noted below.
   1. **Pedestrian Amenities.** All buildings shall be configured to allow safe, convenient, direct and continuous access for pedestrians to all primary building entrances. Principle building entry shall open directly on to the public right-of-way**.**
   2. **"Build-to" line (i.e. "Building façade line").** The building shall be setback five (5) feet from the buildable areas as indicated with in their approved site plan. Awnings and canopies are not counted in building façade line determination. Permanent structures other than buildings, such as ATMs and similar elements, shall not be located closer to the street than the building façade lines.
   3. **Building height.** All new buildings shall be no more than two (2) stories, maximum height thirty (35) feet.
   4. **Façade articulation**. Street-facing building facades shall be horizontally divided by floors using architectural means such as string courses, recesses, reveals or the like. They shall also be vertically divided utilizing Major and Minor Articulations to create visual interest and avoid monotony.
      a. Major Articulations shall occur at least every sixty (60) feet of horizontal façade length and may be accomplished through: a change of façade materials extending from grade through the cornice; change in storefront systems; physical off-sets; and/or similar means intended to convey the impression of separate buildings.

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

5. **Entrances.** All first story uses adjacent to a sidewalk shall have a primary pedestrian entrance, which faces, is visible from, and is directly accessible from said sidewalk. All first story businesses with more than sixty (60) feet of frontage along sidewalks shall provide one (1) pedestrian entrance for every sixty (60) linear feet of frontage or fraction thereof.
6. **Parking.** Parking areas should be located to the side or rear of the building. When parking areas are in front of the building, a buffer of 10 feet of shrubbery or landscape trees is required. All vegetation should be native to the region.
7. **Cross Access.** In order reduce traffic conflicts, cross access drives with adjacent properties must be considered. This may include the interconnection of parking areas or a shared drive between properties.
8. **Storefront canopies.** Canopies of at least five (5) feet in depth extending over the sidewalk are recommended at all retail frontage for relief from inclement weather and for shade. These should be roofed with glass, metal, or fabric wholly supported by brackets or cables attached to the building façade. Columns to support canopies are not permitted in the public right of way (hereafter called "R.O.W."). Awnings and canopies shall not include signage on them, except when such signage is located within an apron that is less than twelve inches in height and is subject to all other applicable sign requirements of this document.
9. **Awnings**. Awnings shall be of canvas and similar fabrics, fixed metal, or similar materials. Internally lit awnings and canopies that emit light through the awning or canopy material are prohibited.
10. **Building Finish Materials**. Each street-facing building facade shall have an exterior finish skin primarily of Lithonia tidal grey granite. Material that may be combined with the granite is limited to wood, exterior brick, cementitious stucco, rustic or cut stone, architectural cast concrete, and glass panels. No more than two additional materials may be used. Concrete masonry units or artificial materials having the appearance of wood, and/or stone are not permitted as a finish material.
    a. Decorative embellishments shall be permanent in nature and shall be of the following materials: copper, brass, bronze, cast concrete, formed exterior plaster, porcelain tile, terracotta, formed metals, glass, wood. No artificial materials having the appearance of wood, and/or stone should be used.
    b. Primary building façade materials shall be combined only horizontally, with the heavier appearing one(s) below the lighter appearing (ones). This shall not apply to embellishments, storefronts systems, or windows frames.
11. **Lighting.** Building facades facing a public R.O.W. shall be illuminated for safety and aesthetics. Lighting shall be designed to avoid producing glare in the public R.O.W. Lighting should be downcast with a zero-degree tilt. Fixtures should not exceed 15 feet in height. Light spillage onto adjacent residential properties shall be minimized by cutoff luminaires.
12. **Utility service lines.** Must be provided via underground conduit or pipes. Overhead utility service is not permissible in the Overlay. New construction on existing sites within Overlay

must include replacement of all above-ground utility service lines with underground service or otherwise fully concealed utility service to buildings and sites.

13. **Building Numbering.** Building numbering shall be located above or beside primary entrances of building. Numbering shall be clearly visible from sidewalks. All numbering shall be 6 inches in height.
14. **Dumpsters, Loading Areas and Mechanical Electrical and Plumbing Features** shall be screened so as not to be visible from any public plaza, outdoor dining area, public R.O.W., or residential area. All dumpsters shall be located behind buildings and shall be enclosed by opaque fences or walls made of stone, brick, wood, or stucco; and these enclosures shall have opaque gates made of wood or metal. Chain-link gates are not permitted.
15. **Rooftop Mechanical** features shall be set at least ten (10) feet from the edges of roofs and screened vertically from view through use of parapet walls or similar features. Additionally, all such features greater than five (5) feet in height shall be set at least twenty (20) feet behind front building façades.

3.2.9 Height limitation.

A. Except as provided in section 5.2.5, and in subsection B., no building or structure within the Arabia Mountain Natural Resource Protection Overlay District shall exceed a height of thirty-five (35) feet, all other requirements of this chapter notwithstanding.

B. If the placement of a telecommunications tower or antenna within this overlay district in excess of thirty-five (35) feet in height is mandated by federal law, said tower or antenna, in addition to meeting all other standards and criteria applicable thereto, shall meet the following design requirements:

1. No portion of any such tower or antenna shall extend a distance of more than ten (10) feet above the top of the tree canopy existing on the lot upon which the tower or antenna is placed. If no tree canopy exists on said lot, then no portion of such tower or antenna shall extend a distance of more than ten (10) feet above the top of the tree canopy closest to such tower or antenna.
2. All portions of a tower or antenna that extend above the top of the existing mature tree canopy pursuant to subsection B.1., shall consist of an alternative tower structure that is designed and colored in a way that blends said tower or antenna with the closest tree canopy to a degree that renders said tower or antenna indistinguishable from said tree canopy at a distance of two hundred (200) feet measured horizontally from said tower or antenna.

3.2.10 Conservation Easements.

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

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

3.2.11 AMCOD Advisory Committee

The Mayor and City Council may create an AMCOD advisory committee pursuant to Chapter 2. The AMCOD advisory committee may meet with applicants for variances, rezoning and special land use permit applications prior to the submission of the application to the Planning Commission or Board of Zoning Appeals. The AMCOD advisory committee shall act in an advisory capacity only and may present its recommendations on each application in writing to the Planning Commission or Board of Zoning Appeals, applying the standards or criteria contained in Article 8~~7~~. The failure of the AMCOD to make a recommendation on an application shall not invalidate any zoning decision or decision on a variance and shall not be a condition precedent to final action on the application.

3.3 Stonecrest Area Overlay District

3.3.1 Applicability of regulations.

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

3.3.2 Purpose and intent.

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

A. To preserve, protect and enhance existing and proposed open space networks that are adjacent to or within the Stonecrest Area;
B. To enhance the long-term economic viability of this portion of City of Stonecrest by encouraging new commercial and residential developments that increase the tax base and provide jobs to the citizens of City of Stonecrest;
C. To implement the policies and objectives of the comprehensive plan and the policies and objectives of the design guidelines for the Stonecrest Overlay District;
D. To establish and maintain a balanced relationship between industrial, commercial, and residential growth to ensure a stable and healthy tax base in City of Stonecrest;
E. To provide a balanced distribution of regional and community commercial and mixed- use office centers;
F. To support high density housing in office and mixed-use centers which have the appropriate location, access, and infrastructure to accommodate it;
G. To encourage mixed-use developments that meet the goals and objectives of the Atlanta regional commission's smart growth and livable centers initiatives;
H. To allow flexibility in development standards in order to encourage the design of innovative development projects that set high standards for landscaping, greenspace, urban design, and public amenities;
I. To encourage an efficient land use and development plan by forming a live-work-play environment that offers employees and residents the opportunity to fulfill their daily activities with minimal use of single-occupant automobiles;
J. To allow and encourage development densities and land use intensities that are capable of making productive use of alternative transportation modes such as bus transit, rail transit, ridesharing, bicycling and walking;

K. To focus and encourage formation of a well-designed, pedestrian-friendly activity centers with high-density commercial and residential development that increases vitality and choices in living environments for the citizens of the City of Stonecrest;
L. To protect established residential areas from encroachment of uses which are either incompatible or unduly cause adverse impacts on such communities;
M. To protect the health, safety and welfare of the citizens of the City of Stonecrest;
N. To promote uniform and visually aesthetic architectural features which serve to unify the distinctive visual quality of the Stonecrest Area Overlay District.

3.3.3 District boundaries.

A. The boundaries of the Stonecrest Area Overlay District composed of Tiers ~~I, II, III, IV, V, and VI~~ 1, 2, 3, 4, 5 and a Viewshed Zone as described in the subparagraph B below, shall be depicted on the official zoning maps entitled "Official Zoning Map, Stonecrest, Georgia, Stonecrest Area Overlay District" (the "Stonecrest Overlay Maps"). The Stonecrest Overlay Maps are to be adopted contemporaneously with this chapter, together with all explanatory information contained or referenced thereon, is hereby adopted by reference, and declared to be a part of this chapter.
B. The boundaries of the Stonecrest Area Overlay District shall be divided into three (3) development tiers as follows:
    1. Tier 1: High-Rise Mixed-Use Zone;
    2. Tier 2: Mid-Rise Mixed-Use Zone;
    3. Tier 3: Low-Rise Mixed-Use Zone;
    4. Tier 4: Transitional Mixed-Use Zone;
    5. Tier 5: Cluster/Village Mixed-Use Zone
    6. Viewshed Zone
C. The Stonecrest Overlay Maps shall be adopted contemporaneously with this chapter in digital format to be maintained in its original, unedited, and unaltered form by the clerk to the city council. A printed copy of the Stonecrest Area Overlay maps on the date of its initial adoption shall also be maintained in its original, unedited, and unaltered form by the clerk to the city council.

Formatting Change – originally there were sections here including open space, greenspace requirements, street standards, streetlights that are now in the design guidelines section.

Commented [NW3]: Acknowledge formatting change – but no content changes.

3.3.4 High-Rise Mixed-Use Zone (Tier 1).

A. **Permitted principal uses and structures.** The principal uses of land and structures allowed in the Tier 1: High Density Mixed-Use Zone of the Stonecrest Area Overlay District are as provided below:
    1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, O-D (Office-Distribution) District, and MU-1,2,3,4,5 (Mixed Use Districts) except those listed in B., below.

B. **Prohibited uses**. The following principal uses of land and structures are prohibited within Tier 1:

Commented [NW4]: Changes to alphabetical order

    1. Adult and Sexually oriented businesses.
    2. Automobile emission testing facilities
    3. Automobile sales.
    4. Automobile title loan establishments.
    5. Automobile repair and maintenance, major.
    6. Automobile and truck rental and leasing.

7. Automobile wash/wax service.
8. Commercial parking lots.
9. Check cashing facility.
10. Drive-through facilities.
11. Extended Stay Motel.
12. Farm equipment and supplies sales establishment
13. Flea Markets
14. Gasoline stations/Fuel Pumps
15. Kennels.
16. Outdoor amusement services facilities.
17. Outdoor storage.
18. Pawn shops.
19. Repair, small household appliance.
20. Salvage yards.
21. Small Box Discount Stores
22. Tire retreading and recapping

C. **Accessory uses and structures**. The following accessory uses of land and structures are permitted in the Tier I: High-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:
   1. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
   2. Parking lots and parking garages.
   3. Open space, clubhouse or pool amenity area.
   4. Signs, in accordance with the provisions of chapter 21 and this chapter.

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

E. **Height of buildings and structures**.
   1. A building or structure in Tier 1 may exceed the five-story height limit without the necessity of obtaining a special land use permit.
   2. A parking deck may exceed five (5) stories in height; however, a parking deck cannot exceed ten (10) stories in height either as a separate deck structure or as part of an office building.

F. **Density.** No development in Tier I may exceed a FAR of three and one-half (3.5), unless it also provides additional public space or other amenities singly, or in combination as provided in subsection G below.
   1. Bonus density: In exchange for providing one (1) or more of the amenities shown in Table 3.1 an applicant may receive a density bonus as provided in Table 3.1, not to exceed a total FAR of six (6.00).

Table 3.1. Bonus FAR: Tier 1

Additional Amenity	Increased FAR
Increase public space to 25 percent while providing connectivity	0.75
Increase public space to 30 percent while providing connectivity	1.50

Mixed-use building that combines office-institutional with commercial retail uses. Each mixed-use building shall include one principal use and at least one secondary use. No primary or secondary use shall constitute less than ten percent (10%) of the gross floor area of the building.	0.25
Mixed-use building that includes multifamily residential units constituting at least 8 units per acre of land, and constructed in the same building with office, institutional, commercial or retail uses.	0.5

G. **Required parking**. Required parking may be provided through a combination of off-street, on-street, or shared parking provided that all required parking is located within seven hundred (700) feet of the principal entrance of buildings which it is intended to serve. The minimum number of required parking spaces shall be as provided in article 7~~6~~, except as follows:
   1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four (4) spaces per one thousand (1,000) square feet of gross floor area.
   2. Office and clinic uses: Minimum of three (3) spaces per one thousand (1,000) square feet of gross floor area.
   3. Hotel and motel uses: Minimum of one (1) space per unit.
   4. Multifamily residential uses: Minimum of one and one-quarter (1.25) spaces per dwelling unit.

H. **Sidewalks.** Sidewalks must be provided on all public streets. Sidewalks must be at least five (5) feet in width except for sidewalks along streets and in front of proposed high-rise buildings which must be at least ten (10) feet in width

3.3.5 Mid-Rise Mixed-Use Zone (Tier 2).

A. **Permitted principal uses and structures.** The principal uses of land and structures allowed in the Tier 2: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay District are as provided below:
   1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, O-D (Office-Distribution) District, and MU-1,2,3,4, (Mixed Use Districts) except those listed in B., below.

B. **Prohibited uses**. The following principal uses of land and structures are prohibited within Tier 2:

   1. Adult and Sexually oriented businesses.
   2. Automobile emission testing facilities
   3. Automobile sales.
   4. Automobile title loan establishments.
   5. Automobile repair and maintenance, major.
   6. Automobile and truck rental and leasing.
   7. Automobile wash/wax service.
   8. Commercial parking lots.
   9. Check cashing facility.
   10. Drive-through facilities,
   11. Extended Stay Motel.

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12. Farm equipment and supplies sales establishment
13. Flea Markets
14. Gasoline stations/Fuel Pumps
15. Kennels.
16. Late-night establishments
17. Liquor stores
18. Nightclubs
19. Outdoor amusement services facilities.
20. Outdoor storage.
21. Pawn shops.
22. Repair, small household appliance.
23. Salvage yards.
24. Self-storage facilities
25. Small Box Discount Stores
26. Tire retreading and recapping

C. **Accessory uses and structures**. The following accessory uses of land and structures are permitted in the Tier 2: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:
   1. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
   2. Parking lots and parking garages.
   3. Open space, clubhouse or pool amenity area.
   4. Signs, in accordance with the provisions of chapter 21 and this chapter.

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

E. **Height of buildings and structures.** A building or structure in Tier II can have a maximum height of ten (10) stories. A parking deck may exceed five (5) stories in height; however, a parking deck may not exceed ten (10) stories either as a separate deck structure or as part of an office building.

F. **Density:** No development in Tier II may exceed a FAR of two and one half (2.5), unless it also provides additional public space or other amenities singly, or in combination as provided in subsection G, below.

G. **Bonus density**: In exchange for providing one (1) or more of the amenities shown in Table 3.2 an applicant may receive a density bonus as provided in Table 3.2, not to exceed a total FAR of four (4.00).

Table 3.2. Bonus FAR: Tier 2

Additional Amenity	Increased FAR
Increase public space to 25 percent while providing connectivity	0.75
Increase public space to 30 percent while providing connectivity	1.50
Mixed-use building that combines office-institutional with commercial retail uses. Each mixed-use building shall include one principal use and at least one secondary use. No primary or secondary use shall constitute less than ten percent (10%) of the gross floor area of the building.	0.25

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

H. **Required parking**. Required parking may be provided through a combination of off-street, on-street, or shared parking provided that all required parking is located within seven hundred (700) feet of the principal entrance of buildings which it is intended to serve. The minimum number of required parking spaces shall be as provided in article 7~~6~~, except as follows:

1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four (4) spaces per one thousand (1,000) square feet of gross floor area.
2. Office and clinic uses: Minimum of three (3) spaces per one thousand (1,000) square feet of gross floor area.
3. Hotel and motel uses: Minimum of one (1) space per unit.
4. Multifamily residential uses: Minimum of one and one-quarter (1.25) spaces per dwelling unit.

I. **Sidewalks.** Sidewalks must be provided on all public streets. Sidewalks must be at least five (5) feet in width.

3.3.6 Low-Rise Mixed-Use Zone (Tier 3)

A. **Permitted principal uses and structures.** The principal uses of land and structures allowed in the Tier 2: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay District are as provided below:

1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, O-D (Office Distribution) District, M (Light Industrial) District, MR-2 (Medium Density Residential) District and MU-1,2,3 (Mixed Use Districts) except those listed in B., below.

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

B. **Prohibited uses**. The following principal uses of land and structures are prohibited within Tier 3:

1. Adult and Sexually oriented businesses.
2. Automobile emission testing facilities
3. Automobile sales.
4. Automobile title loan establishments.
5. Automobile repair and maintenance, major.
6. Automobile and truck rental and leasing.
7. Automobile wash/wax service.
8. Commercial parking lots.
9. Check cashing facility.
10. Extended Stay Motel.
11. Farm equipment and supplies sales establishment
12. Flea Markets
13. Gasoline stations/Fuel Pumps

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14. Kennels.
15. Late-night establishments
16. Liquor stores
17. Nightclubs
18. Outdoor amusement services facilities.
19. Outdoor storage.
20. Pawn shops.
21. Repair, small household appliance.
22. Salvage yards.
23. Self-storage facilities
24. Small Box Discount Stores
25. Tire retreading and recapping

C. **Accessory uses and structures**. The following accessory uses of land and structures are permitted in the Tier 3: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:
   1. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
   2. Parking lots and parking garages.
   3. Clubhouses, including meeting rooms or recreation rooms.
   4. Swimming pools, tennis courts, and other recreation areas and similar amenities.

D. **Building setbacks**. The following building setback requirements shall apply to all commercial structures in the Tier 2: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:
   1. Minimum front yard setback: Fifteen (15) feet from right-of-way of public street, except that front-facing garages of residential units shall be set back a minimum of twenty-five (25) feet from rights-of-way.
   2. Minimum interior side yard: Ten (10) feet. There shall be a minimum of fifteen (15) feet between buildings and structures less than two (2) stories in height and a minimum of twenty (20) feet between any two (2) buildings and structures when one (1) of them is greater than two (2) stories in height.
   3. Minimum rear yard: Ten (10) feet.

E. **Height of buildings and structures**. Maximum height, three (3) stories.

F. **Density:** No development in Tier III may exceed thirty (30) dwelling units per acre and a combined FAR of one and a half (1.5), unless it also provides additional public space or other amenities singly, or in combination as provided in subsection G, below.

G. **Bonus density**: In exchange for providing one (1) or more of the amenities shown in Table 3.3 an applicant may receive a density bonus as provided in Table 3.3, not to exceed a total FAR of three (3.00).

Table 3.3. Bonus FAR: Tier 3

Additional Amenity	Increased FAR
Increase public space to 25 percent while providing connectivity	0.75
Increase public space to 30 percent while providing connectivity	1.50

Mixed-use building that combines office-institutional with commercial retail uses. Each mixed-use building shall include one principal use and at least one secondary use. No primary or secondary use shall constitute less than ten percent (10%) of the gross floor area of the building.	0.25
Mixed-use building that includes multifamily residential units constituting at least 8 units per acre of land, and constructed in the same building with office, institutional, commercial or retail uses.	0.5

H. **Required parking**. Required parking may be provided through a combination of off-street, on-street, or shared parking provided that all required parking is located within seven hundred (700) feet of the principal entrance of buildings which it is intended to serve. The minimum number of required parking spaces shall be as provided in article 7~~6~~, except as follows:

1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four (4) spaces per one thousand (1,000) square feet of gross floor area.
2. Office and clinic uses: Minimum of three (3) spaces per one thousand (1,000) square feet of gross floor area.
3. Hotel and motel uses: Minimum of one (1) space per unit.
4. Multifamily residential uses: Minimum of one and one-half (1.5) spaces per dwelling unit.

I. **Parking space area requirements**. Parking space area requirements shall comply with the provisions of section 7~~6~~.1.3.

J. **Sidewalks.** Sidewalks must be provided on all public streets. Sidewalks must be at least five (5) feet in width.

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

1. New or used motor vehicle dealers must be located on a parcel with a lot area of no less than three (3) acres, and must contain at least six thousand (6,000) square feet of building floor space.
2. New or used motor vehicle dealers must provide vegetative screening along any automobile display areas that abut a public right-of-way. Said vegetative screening shall be located outside any guard rails or security fencing abutting such public right-of-way. Within three (3) years of planting, the vegetative screening must be of sufficient height to screen all guard rails or security fencing abutting the public right-of-way. Planting materials shall be subject to the approval of the City of Stonecrest Arborist.
3. New or used motor vehicle dealers must provide screening of all maintenance areas and storage yards for automobiles stored for service. Such screening shall be sufficient to shield the maintenance areas and storage yards from visibility from any adjacent properties or public rights-of-way. Should vegetative screening be used, planting material shall be subject to the approval of the City of Stonecrest Arborist.
4. No overhead bay doors opening into vehicle service areas shall be visible from a public right-of-way.

3.3.7 Transitional Mixed-Use Zone (Tier 4)

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

B. **Mixed use requirements.** All properties in Tier 4 which are proposed for new development shall comply with the minimum requirements of this mixed-use development category. Permits for repairs, interior alterations or tenant buildout improvements that do not alter the exterior appearance or the building footprint of the structure shall be exempt from the requirements of this division. Properties in Tier 4 shall contain a minimum of two (2) principal uses and any residential use shall not exceed seventy (70) percent of the total floor area. The mixed-use development may be combined vertically or horizontally in one (1) or more buildings or may be provided in separate buildings or areas within a mixed-use development. A minimum of one residential and one non-residential use must be selected.

C. **Permitted principal uses of land and structures**. The principal uses of land and structures which are allowed in the Tier 4: Transitional Mixed-Use Zone are as is provided below:

1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, ~~OCR (Office Commercial Residential) District~~, RM-HD (High Density Residential)Districts and MU-1,2,3 except those listed in B., below.
2. Single-family detached units that are part of a master planned community so long as such single-family detached units are part of a mixed-use development and so long as the development provides opportunities for lifelong and aging-in-place communities as defined by the Atlanta Regional Commission.

D. **Prohibited uses.** The following principal uses of land and structures are prohibited within Tier 2:

1. Adult and Sexually oriented businesses.
2. Automobile emission testing facilities
3. Automobile sales.
4. Automobile title loan establishments.
5. Automobile repair and maintenance, major.
6. Automobile and truck rental and leasing.
7. Automobile wash/wax service.
8. Commercial parking lots.
9. Check cashing facility.
10. Extended Stay Motel.
11. Farm equipment and supplies sales establishment
12. Flea Markets
13. Gasoline stations/Fuel Pumps
14. Kennels.
15. Late-night establishments
16. Liquor stores
17. Nightclubs
18. Outdoor amusement services facilities.
19. Outdoor storage.
20. Pawn shops.

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21. Repair, small household appliance.
22. Salvage yards.
23. Self-storage facilities
24. Small Box Discount Stores
25. Tire retreading and recapping

E. **Accessory uses and structures**. The following accessory uses of land and structures are permitted in Tier 4: Transitional Mixed-Use Zone:
    1. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
    2. Open space, clubhouse or pool amenity area.
    3. Parking lots and decks.
    4. Signs, in accordance with the provisions of chapter 21 and this chapter.

F. **Mixed-use developments**: Lot width, lot area and setbacks.
    1. Lot width and area. All lots shall have at least one hundred (100) feet of frontage as measured along the public street frontage. Minimum lot area: One (1) acre.
    2. Setback requirements.
        a. Front yard. Minimum of zero (0) feet and a maximum of twenty (20) feet to allow for architectural features, outdoor seating, and other project site amenities.
        b. Side yard. Minimum of zero (0) feet and a maximum of twenty (20) feet to allow for architectural features, outdoor seating, plazas and other project site amenities.
        c. Rear yard. Minimum of twenty (20) feet.
        d. Interior side yard. Minimum of zero (0) feet. However, where an interior side yard is facing a structure with windows on an adjoining lot the distance between the existing structure and the proposed structure shall be a minimum of twenty (20) feet.

G. **Single-family detached units:** Lot width, lot area and setbacks.
    1. Lot width and area. All lots shall have at least fifty (50) feet of frontage as measured along the public street frontage. Minimum lot area. Five thousand (5,000) square feet.
    2. Setback requirements.
        a. Front yard. Minimum of ten (10) feet and a maximum of twenty (20) feet.
        b. Side yard. Minimum of ten (10) feet.
        c. Interior side yard. Minimum of five (5) feet.
        d. Rear yard. Minimum of thirty (30) feet.

H. **Single-family attached units:** Lot width, lot area and setbacks.
    1. Lot width and area. All lots shall have at least thirty (30) feet of frontage as measured along the public street frontage.
        a. Minimum lot area. Three thousand (3,000) square feet. Maximum of eight (8) units or two hundred forty (240) feet.
    2. Setback requirements:
        a. Front yard. Minimum of five (5) feet and a maximum of twenty (20) feet.
        b. Side yard. Minimum of fifteen (15) feet between buildings.
        c. Rear yard. Minimum of ten (10) feet.
        d. Structures which are front face to front face, back face to back face, or front face to back face shall be not less than sixty (60) feet apart. Structures which are side face to side face shall not be less than twenty (20) feet apart. Structures which

are side face to front face or back face shall be not less than forty (40) feet apart.

I. **Height of buildings and structures**. The maximum height of any mixed-use building or structure shall not exceed five (5) stories or seventy-five (75) feet. Buildings in excess of three (3) stories must be approved by the director of planning to assure adequacy of fire protection facilities and services. The maximum height of any residential single-family detached building or structure shall not exceed a height of thirty-five (35) feet and shall not exceed two stories.

J. **Density and floor area ratios**. Multifamily dwellings may be developed at a density not exceeding thirty (30) dwelling units per acre and the combined floor area ratio for any development shall not exceed one and one-half (1.50).

K. **Density bonus**. The maximum allowable FAR of a building or development in Tier IV shall be increased to a FAR not to exceed a total of three (3.0) if one (1) or more of the additional amenities is provided as described in the table below.

Table 3.4 Maximum Bonus FAR: Tier 4

Additional Amenity	Increased FAR
Increase public space to 25 percent while providing connectivity	0.75
Increase public space to 30 percent while providing connectivity	1.50
Mixed-use building that combines office-institutional with commercial retail uses. Each mixed-use building shall include one principal use and at least one secondary use. No primary or secondary use shall constitute less than ten percent (10%) of the gross floor area of the building.	0.25
Mixed-use building that includes multifamily residential units constituting at least 8 units per acre of land, and constructed in the same building with office, institutional, commercial or retail uses.	0.5

L. **Required parking.** Required parking may be provided through a combination of off-street, on-street, or shared parking provided that all required parking is located within seven hundred (700) feet of the principal entrance of buildings which it is intended to serve. The minimum number of required parking spaces shall be as provided in the underlying zoning district regulations for the lot except as follows:

1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four (4) spaces per one thousand (1,000) square feet of gross floor area.
2. Office and clinic uses: Minimum of three (3) spaces per one thousand (1,000) square feet of gross floor area.
3. Hotel and motel uses: Minimum of one (1) space per unit.
4. Multifamily residential uses: Minimum of one and one-half (1.5) spaces per dwelling unit.
5. Parking space area requirements shall comply with the provisions of section 6.1.3.

6. Single-family detached residential dwelling units shall have two (2) spaces per unit. Garages and any surface parking areas are to be accessed by shared driveways located at the rear of the residential structure. Garages that face the public right-of-way shall be setback a minimum of twenty (20) feet.

M. **Sidewalks**. Sidewalks at least five (5) feet in width shall be provided on both sides along the right-of-way of all public streets.

3.3.8 Cluster Village Mixed-Use Zone (Tier 5).

A. **Statement of purpose and intent.** The primary intent of Tier 5 is to encourage single-family detached residential developments with associated neighborhood commercial and office uses to serve the convenience needs of the local community in a village or cluster concept. This tier provides for the preservation of open space while allowing compatible development that complements the other Stonecrest Overlay District development categories. Tier V also seeks to preserve the rural and scenic beauty of Arabia Mountain Preserve while providing flexibility to allow for creativity in site design and development. The goal of Tier 5 is to minimize the environmental and visual impacts of new development on natural resources and historically and culturally significant sites and structures while encouraging residential and neighborhood commercial development in a well-planned community.

B. **Principal uses and structures.** All properties in Tier 5 shall be governed by all of the underlying zoning district regulations and the requirements of this section. In addition, all properties in Tier 5 may be used for the following principal uses of land and structures:

1. Adult day care facility.
2. Bed and breakfast inn.
3. Child day care facility.
4. Community facility.
5. Cultural facility.
6. Detached single-family dwelling.
7. Office uses.
8. Personal care facility.
9. Place of worship.
10. Retail, excluding drive-through facilities, automobile service stations, commercial amusements, convenience store, liquor stores, package store, and recreation, indoor.
11. Office/medical
12. Personal Services Establishment

C. **Accessory uses and structures**. The following accessory uses of land and structures shall be authorized in Tier 5:

1. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
2. Open space, clubhouse or pool amenity area.

D. **Prohibited uses.** The following principal uses of land and structures are prohibited in Tier 5: Cluster Village Mixed-Use Zone:

1. Adult and Sexually oriented businesses.

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2. Automobile repair, major.
3. Automobile sales.
4. Car wash, self service.
5. Crematorium.
6. Farm equipment and supplies sales establishment.
7. Funeral home.
8. Go-cart concession.
9. Hotel/motel
10. Kennels.
11. Junkyard.
12. Late-night establishments.
13. Liquor stores.
14. Mortuary.
15. Multifamily dwelling unit.
16. Nightclubs
17. Outdoor storage.
18. Pawn shops.
19. Self-storage.
20. Small Box Discount Stores
21. Temporary outdoor sales.
22. Tire retreading and recapping.

E. **Lot width, lot area and setbacks.**

1. **All single-family detached** residential lots which are located on Klondike Road, Plunkett Road or Rockland Road shall have a minimum of one hundred (100) feet of frontage as measured along the public street frontage.
    a. *Minimum lot area.* Fifteen thousand (15,000) square feet.
    b. *Minimum setback requirements.*
        i. *Front yard.* Thirty-five (35) feet.
        ii. *Side yard.* Thirty-five (35) feet.
        iii. *Rear yard.* Forty (40) feet.
        iv. *Interior side yard.* Ten (10) feet.
2. **All single-family detached** residential lots which are located on new roadways must have a minimum of fifty (50) feet of frontage as measured along the public street frontage.
    a. *Minimum lot area.* Five thousand (5,000) square feet.
    b. *Minimum setback requirements.*
        i. *Front yard.* Minimum of ten (10) feet and a maximum of twenty-five (25) feet.
        ii. *Side yard.* Fifteen (15) feet.
        iii. *Rear yard.* Twenty (20) feet.
        iv. *Interior side yard.* Five (5) feet.
3. **Office and commercial** uses shall not be located along Klondike or Rockland Road. Any uses otherwise authorized in Tier 5 shall be clustered together in a "village" or "hamlet" setting and shall include convenient access to neighboring residential communities in a manner that preserves the open space on the lot. Such uses shall be developed in a manner that also preserves the rural and scenic nature of Tier V and is compatible with the natural design and forestation of the Arabia Mountain Preserve. Such uses shall be developed in a manner that minimizes the environmental and visual impact of new

development on the existing natural landscape and the historically and culturally significant sites and structures. To the extent possible, developments shall be constructed in a manner that preserves the bucolic nature and farming community appearance of Tier 5.

a. Office and commercial uses shall be a maximum of two thousand five hundred (2,500) square feet per tenant space.
b. Single-use structures shall be a maximum of ten thousand (10,000) square feet.
c. Lot width and lot area. Office and commercial lots shall be a minimum of twenty thousand (20,000) square feet.

F. **Height of buildings and structures.** No building or structure may exceed thirty-five (35) feet in height or two (2) stories whichever is less.

G. **Required parking**. The minimum number of required parking spaces must be as provided in the underlying zoning district regulations except as follows:

1. Residential, single-family detached: Two (2) spaces.
2. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four (4) spaces per one thousand (1,000) square feet of gross floor area.
3. Office and clinic uses: Minimum of three (3) spaces per one thousand (1,000) square feet of gross floor area.
4. Parking space area requirements shall comply with the provisions of section 76.1.3.

H. **Sidewalks.** A landscape strip must be provided between the curb and the pedestrian travel lane in compliance with land development standards. Sidewalks must be provided along the right-of-way of all public streets.

3.3.9 Viewshed Zone.

A. **Statement of purpose and intent.** The intent of the Viewshed Zone is to promote uniform and visually aesthetic development which serves to unify the distinctive visual quality of the Stonecrest Area Overlay District.

B. **Permitted principal uses and structures.** The permitted principal uses of land and structures for property in the Viewshed Zone shall be governed by the underlying zoning district regulations.

C. **Accessory uses and structures**. The permitted accessory uses and structures for property in the Viewshed Zone shall be governed by the underlying zoning district.

D. **Prohibited uses.** The following principal uses of land and structures are prohibited in the Viewshed Zone:

1. Adult and Sexually oriented businesses.
2. Pawn shops.
3. Liquor Stores
4. Check cashing facility.

E. **Lot width, lot area and setbacks.** Lot width, lot area and setbacks of property in the Viewshed Zone shall be governed by the underlying zoning district.

F. **Height of buildings and structures.** The height of buildings and structures on property within the Viewshed Zone shall be governed by the underlying zoning district.

G. **Sidewalks**. A landscape strip must be provided between the curb and the pedestrian travel lane in compliance with land development standards. Sidewalks must be provided along the right-of-way of all public streets.

3.3.10 Transitional buffer zone requirements.

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

3.3.11 Inter-parcel access.

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

3.3.12 Multi-modal access plans required.

A. Each new application for a development permit within the Stonecrest Area Overlay District must be accompanied by a multi-modal access plan as described in Section 3.1.4 Conceptual plan package review.

3.3.13 Shared parking.

A. Shared parking is encouraged and may be authorized by the director of planning. Applicants may make application to the director of planning for authorization for a special exception for shared parking. Said applications shall be considered and decided by the director of planning pursuant to the standards and procedures set forth in section 7.6.5.

3.3.14 Open space.

A. **Open space***:* Each lot may provide open space. Open space must be a minimum of twenty percent (20%) of the lot. To the extent possible, lands containing streams, lakes, one hundred-year floodplains, wetlands, slopes over fifteen percent (15%) shall remain undisturbed and included in open space. Natural open space areas shall form an interconnected and continuous network of paths, greenways, and trails throughout the development within the Stonecrest Area Overlay District. Credit for open space areas may be transferred from one (1) parcel to another within overall developments that remain under unified control of a single property owner or group of owners, but must demonstrate interconnectedness of public areas.

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

1. That all subsequent property owners within said Stonecrest Area Overlay District be placed on notice of this development restriction through the deed records of DeKalb County Superior Court;
2. That all public space held in common will be properly maintained and insured with no liability or maintenance responsibilities accruing to the city;
3. That a legal mechanism exists for notice of deficiencies in maintenance of the public space held in common, correction of these deficiencies, and assessment and liens against the properties for the cost of the correction of these deficiencies by a third- party or the city;
4. When an applicant for a Stonecrest Area Overlay District chooses to utilize a property owners association in order to comply with the requirements of subsection A above, the applicant, in addition to meeting all of said requirements, shall provide for all of the following:
    a. Mandatory and automatic membership in the property owners association as a requirement of property ownership;
    b. A fair and uniform method of assessment for dues, maintenance and related costs;
    c. Where appropriate, party wall maintenance and restoration in the event of damage or destruction; and
    d. Continued maintenance of public space held in common and liability through the use of liens or other means in the case of default.

3.3.15 Greenspace requirements.

A. **Landscape strips.** Landscape strips not less than five (5) feet in width shall be provided along all side and rear property lines and on both sides of all public streets. The landscape strip in the front yard shall be a minimum of ten (10) feet in width and shall be planted with a row of street trees of at least three and one-half (3½) inches in caliper selected from the list of street trees species identified in the design guidelines for the Stonecrest Area Overlay District and planted not less than seventy-five (75) feet on center. Continuous landscaped strips shall be constructed along public rights-of-way where surface parking lots are adjacent to such sidewalks or public right-of-way except at points of ingress or egress into the facility.

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

C. **Greenspace requirements for parking lots:**
    1. Greenspace areas are required in all parking lots and must comprise at least five percent (5%) of the total lot area of parking lot.
    2. In addition, all parking lots must include at least one (1) tree for every twelve (12) parking spaces provided. Tree planting areas may be included in the required

greenspace area. Every three (3) inches in caliper, as measured at a height of thirty-six (36) inches above the ground level, of an existing tree shall count as one (1) newly planted tree.

3. Greenspace areas must be at least thirty-six (36) square feet in area.
4. All greenspace areas must be properly maintained in accordance with approved landscape plans. In the event that a tree or any plant material dies, it must be replaced within a reasonable time, so as to meet all requirements of this section and to allow for planting in the appropriate planting season.
5. All trees planted pursuant to the requirements of Section 5.4.4 shall be counted for the purpose of meeting the tree planting and tree replacement requirements imposed by this chapter.

3.3.16 Design Guidelines

A. **Streets**. Streets within the Stonecrest Area Overlay District may be either public or private streets. Private streets shall comply with requirements of public streets found in chapter 14 and all other applicable sections of the City of Stonecrest Code, with the following exceptions:
   1. Streets in the Stonecrest Area Overlay District may be constructed with travel lanes at eleven (11) feet in width, measured inside curb and gutter.
   2. Private or public alleys shall be permitted, providing secondary or service access within developments consisting of at least four (4) occupied structures. An alley shall provide a continuous connection between two (2) streets. Alleys shall be paved and constructed to the same standards as the connecting streets except that:
      a. No alley shall be longer than four hundred (400) feet;
      b. No alley shall have a slope greater than seven (7) percent;
      c. The paved width of an alley shall be not less than twelve (12) feet;
      d. Alleys shall be constructed with flush curbs;
      e. Alleys shall be bordered on both sides by unobstructed seven-foot-wide shoulders constructed of grass sod or gravel; and
      f. Buildings shall be set back at least ten (10) feet from the back of curb of an alley.

B. **Mediums**. Raised medians with curb and gutter shall be required. Raised medians shall be designed to provide for safe and convenient crossings for persons with disabilities and shall provide refuge for pedestrians at crosswalks. Raised medians shall be landscaped with trees, shrubbery, landscaping, and other approved groundcover materials to be approved by the Planning Director. Shrubbery and groundcover planted in medians within 30 feet of the nose of the median shall not exceed 18 inches in height.

C. **On-street Parking**. On street parking stalls shall be demarcated with painted boundaries not less than 3 inches in width and shall be a minimum of 9 feet in width and 20 feet in length.

D. **Outdoor Lighting.** Streetlights are required along all new streets. In addition, all streets and parking lots shall have lighting designed to provide adequate lighting levels for pedestrians and bicyclists as well as for automobiles. Street lighting fixtures must be approved by the director of planning. Pedestrian lighting within right of ways shall be mounted no higher than 15 feet above the grade of the adjacent sidewalk.
   1. Light levels of 1.5-foot candles are recommended for parking areas and 4-foot candles at vehicular drives, entrances, and pedestrian and bicycle ways.
   2. All exterior lighting shall be located and designed with cut-offs to minimize glare on adjacent occupied properties.

3. Ground mounted floodlights shall be screened with planting or other means so that the light source is not visible.
4. The use of flashing, rotating, or oscillating lighting is prohibited in any manner that may be visible from the exterior of buildings.
5. After hours security lighting shall equal at least 25% of the normal parking lot lighting level for security.

E. **Street furniture**. Sidewalks, plazas, parks, trails, and other public spaces may contain outdoor furniture such as benches, tables, trash receptacles, or other similar appurtenances. Street furniture shall be designed to be comfortable, resist damage and vandalism and be easy to maintain. Examples of acceptable street furniture are provided below.
1. Victor Stanley bench Steelsites Series Model #RB-28 in 6' length, black
2. DuMor, Inc. bike rack Leisure Lines 125-130 Series
3. Victor Stanley trash receptacle Bethesda Series Model #S-424, black
4. Other options to be approved by director of planning.

F. **Transit Stops**. MARTA bus service is provided on certain streets within the Overlay District.
1. These bus stops shall be located within public rights of way as determined by MARTA. Subject to agreement of MARTA, bus stops may also be located on private property.
2. Transit stops shall provide adequate, lighted, and landscaped hard surface areas for waiting patrons.
3. All transit stops shall include at least 40 square feet of surface paved in concrete and be accessed by concrete sidewalks along streets and connected to building entrances.
4. Transit stops anticipated to serve more than an average of ten passengers per weekday

G. **Bicycle Lanes and Bicycle Racks.**
1. Where possible paved bicycle lanes shall be provided adjacent to both sides of streets, adjacent to their paved travel lanes.
2. Bicycle lanes shall be not less than 5 feet in width with signs and pavement markings as required by the latest version of the Manual for Uniform Traffic Control Devices.
3. Off-street bicycle paths shall be paved not less than 8 feet in width and shall be designed with profile not to exceed a 4.9 percent grade or else provide approved handrails for sue by handicapped persons. Trail cross-slopes shall not exceed 2 percent.
4. Buildings that require more than 100 parking spaces shall provide bike racks with at least one bicycle parking stall per 100 vehicular parking spaces.
5. Bicycle racks shall be securely anchored to the ground or a permanent structure and provide outdoor lighting.

H. **Crosswalks.**
1. All crosswalks and other intersecting points between the pedestrian and vehicular traffic systems shall be clearly marked.
2. The use of approved brick, concrete, or stone paving materials to identify crosswalk areas is encouraged.
3. Crosswalks shall be designed to meet ADA standards of use.
4. Crosswalks for median-divided streets shall provide for refuge areas.
5. Crosswalks shall be accompanied by pedestrian signals where required by DeKalb County and in conformity with the Manual for Uniform Traffic Control Devices.

I. **Landscaping.**
1. Planting design should reflect and enhance the natural surroundings of each site as well as the design objectives of the building. Existing trees and native groundcover should be preserved wherever possible and integrated into the overall landscape design. Existing plant materials that are to be retained shall be clearly designated on the

landscape plans and their root zones and tree canopies shall be adequately protected from damage or destruction during construction using suitable barricades or fencing. Newly planted trees, shrubs and groundcover materials used in landscaped areas shall be approved by the Planning Director.

2. Plant materials shall be of a size, species and variety approved by the Planning Director.
    a. Street trees must be a minimum of 3-1/2-inch caliper d.b.h. and help to articulate the pedestrian and vehicular circulation systems.
    b. Except for perpendicular crossings of driveways and utility easements, Street trees shall be planted with a spacing not to exceed 70 feet.
    c. Street trees shall not be placed closer than eight feet from a building, driveway, light standard, sign standard, post, fire hydrant, or other permanent structure.
3. Evergreen groundcover planting shall be used on all slopes steeper than 2-1/2 to 1 to aid in erosion control.
~~1.~~4. Landscape planting and irrigation plans must be prepared by a Landscape Architect registered in the State of Georgia for each application for a land disturbance permit.
5. No tree shall be planted closer than two (2) feet from the street or sidewalk, and no closer than five (5) feet from a fire hydrant, sign post, streetlight standard, utility pole, or similar structure.

J. **Signage and Street Graphics.**

1. These regulations apply only to the time, place and manner of sign display by limiting the size, number and height of signs in the Stonecrest Area Overlay District.
2. Prohibited Signs - The following types of signs are prohibited:
    a. Motorist Distractions - Signs that incorporate flashing lights or beacons, highly reflective materials, rotating graphics, motion, smoke or visible matter, noise or changeable copy (copy that changes at intervals of more than once every six seconds) are prohibited.
    b. Roof signs - Signs that are placed on or above roofs, penthouses, mechanical equipment screens, and other like structures and any signs that extend above the building parapet or roof fascia line.
    c. Signs that are visible from the street and placed on vehicles or trailers that are not in regular use.
    d. Pole signs and other signs with exposed structural supports that are more than three feet in height and have post supports larger than 2 inches in diameter or a total of 4 square inches in cross-section area.
    ~~a.~~e. Vacuum molded or pre-manufactured signs.

3.4 Interstate 20 Corridor Compatible Use Overlay District

3.4.1 Applicability of regulations.

This division applies to each application for a business license, land disturbance permit, building permit or a sign permit which involves the development, use, alteration, or modification of any structure where the subject property is in whole or in part contained within the boundaries of any of the I-20 Corridor Compatible Use Overlay District. The procedures, standards, and criteria herein apply only to that portion of the subject property within the boundaries of the I-20 Corridor Compatible Use Overlay District.

3.4.2 Purpose and intent.

The purpose and intent of the City of Stonecrest in establishing the I-20 Corridor Compatible Use Overlay District is as follows:

A. To encourage development and redevelopment of properties within the district in order to achieve a variety of mixed-use communities;
B. To provide for the development of sidewalks and walkways in order to promote safe and convenient pedestrian access and to reduce dependence on automobiles and other motorized means of transportation;
C. To promote physically attractive, environmentally safe and economically sound mixed-use communities;
D. To permit and to encourage mixed-use developments containing both commercial and residential uses so as to create a pedestrian oriented communities in which people can live, work and play; and
E. To improve the visual appearance and increase property values within the I-20 corridor and to implement the objectives of the comprehensive plan;
F. To enhance the long-term economic viability of the portion of the City of Stonecrest within the overlay by encouraging new commercial and residential developments that increase the tax base and provide employment opportunities to the citizens of the City of Stonecrest;
G. To implement the policies and objectives of the comprehensive plan and the policies and objectives of the design standards for the I-20 Corridor Compatible Use Overlay District;
H. To establish and maintain a balanced relationship between industrial, commercial, and residential growth to ensure a stable and healthy tax base;
I. To provide a balanced distribution of regional and community commercial and mixed-use office centers;
J. To support high-density housing in office and mixed-use centers which have the appropriate location, access, and infrastructure to support such development;
K. To encourage mixed-use developments that meet the goals and objectives of the Atlanta Regional Commission's Smart Growth and Livable Centers Initiatives;
L. To allow flexibility in development standards in order to encourage the design of innovative development projects that set high standards for landscaping, green space, urban design, and public amenities;
M. To encourage an efficient land use and development plan by forming a live-work-play environment that offers employees and residents the opportunity to fulfill their daily activities with minimal use of single-occupant automobiles;
N. To allow and encourage development densities and land use intensities that are capable of making productive use of alternative transportation modes such as bus transit, rail transit, ridesharing, bicycling and walking;
O. To focus and encourage formation of well designed, pedestrian-friendly activity centers with high-density commercial and residential development that increases vitality and choices in living environments for the citizens;
P. To protect established residential areas from encroachment of uses which are either incompatible or unduly cause adverse impacts on such communities, and to protect the health, safety and welfare of the citizens;
Q. To promote uniform and visually aesthetic architectural features which serve to unify the distinctive visual quality of the I-20 corridor area.

3.4.3 District boundaries.

A. The I-20 Corridor Overlay District shall be comprised of the following two (2) areas that are centered along the roadways that intersect with Interstate 20: the Panola Road area; the Snapfinger Woods area; the Wesley Chapel Road area; the I-20/I-285 interchange area; the

Candler Road corridor and the Gresham Road area.

B. The boundaries and tiers of the Interstate 20 Corridor Compatible Use Overlay District shall be depicted on the official zoning maps entitled "Official Zoning Map, City of Stonecrest, Georgia, I-20 Corridor Overlay District")(the "I-20 Corridor overlay maps"). The Official Zoning Map, City of Stonecrest, Georgia, I-20 Corridor Overlay District, to be adopted contemporaneously with this chapter, together with all explanatory information contained or referenced thereon, is hereby adopted by reference and declared to be a part of this chapter. The I-20 Corridor overlay maps shall be adopted contemporaneously with this chapter in digital format and maintained in its original, unedited and unaltered form by the clerk to the city council. A printed copy depicting the I-20 Corridor overlay maps on the date of its initial adoption shall also be maintained in its original, unedited, and unaltered form by the clerk to the city council.

C. The I-20 Corridor Overlay District shall be divided into two (2) tiers to guide future development and redevelopment. The tiers are based on the future land use recommendations.

1. Tier 1 —High-intensity area focused around the four (4) activity centers of Panola, Wesley Chapel, Candler Road and the Gresham Road area. The purpose of this tier is to allow the most intense mixed-use development. The goal is to allow for redevelopment of the oversized parking areas with new buildings including retail, office, and residential on one (1) parcel to decrease the need for vehicular trips. The maximum height shall be up to twenty (20) stories and sixty (60) dwelling units/acre.
2. Tier 2 —Medium-intensity area wraps around the high-intensity area or at the locations of Snapfinger Woods and I-20/I-285 intersections. The purpose of this tier is to allow medium-density development in a mixed-use development. The maximum height shall be up to eight (8) stories and allows for up to forty (40) dwelling units per acre.
3. ~~Tier 3 —Low-intensity area which provides for a transition from the higher intensity areas and more compatibility to the single-family neighborhoods adjacent to the overlay boundaries. The maximum height shall be up to four (4) stories and allows up to forty (40) dwelling units per acre.~~

Commented [NW10]: Tier 3 is not within the City of Stonecrest

3.4.4 Principal uses and structures.

Commented [NW11]: ABC order

A. **Permitted Uses.** The principal uses of land and structures which are allowed in the I-20 Corridor Overlay District are as provided by the applicable zoning district, subject to the limitations and standards contained within this division. All properties zoned C-1 (Local Commercial) District, C-2 (General Commercial) District, O-I (Office-Institutional) District, O-D (Office-Distribution) District, M (Industrial), ~~and~~ any RM (Multi-Family Residential) District, and MU-1,2 shall be used in accordance with the underlying zoning district and/or for the following principal uses of land and structures in mixed use developments subject to the standards and limitations contained within this division.

1. Animal hospital, veterinary clinic, pet supply store, animal grooming shop, and boarding and breeding kennel as an interior accessory use.
2. Art gallery and art supply store.
3. Automobile services as follows:
   a. Minor automobile repair and maintenance, subject to the requirements of section 4.2.14.
   b. Retail automobile parts and tire stores.
4. Bank, credit union and other similar financial institution.
5. Business service establishment.
6. Child day care center and kindergarten.

7. Communications uses as follows:
    a. Radio and television broadcasting station.
    b. Telephone business office.
8. Community facilities as follows:
    a. Cultural facilities.
    b. Noncommercial club or lodge.
    c. Tennis center, club and facilities.
9. Utility structure necessary for the transmission or distribution of service.
10. Dwellings including apartments, condominiums, and multifamily units. Mixed-use developments may include any combination above plus retail or office uses, subject to the requirements of the I-20 Overlay District regulations.
11. Educational uses as follows:
    a. Vocational schools.
    b. Private elementary, middle or high school.
    c. Specialized nondegree schools to include ballet, music, martial arts, etc.
12. Film Industry Uses
    a. Studios, stages, and sets associated with filming
    b. Temporary housing associated with film making (trailers, short term rentals, etc.)
13. Fitness center and health center.
14. Hotel.
15. Movie theater, bowling alley, and other recreational facilities where such activities are wholly enclosed within a building.
16. Nightclubs are permitted only in Tier 1 (maximum ten thousand (10,000) square feet in floor area), subject to approval of the planning and development director and business license requirements.
17. Office uses, including the following and similar service, business and professional office uses as follows:
    a. Accounting, auditing and bookkeeping office.
    b. Engineering and architectural office.
    c. Building and construction contractor.
    d. Financial services office.
    e. Insurance office.
    f. Legal office.
    g. Medical office.
    h. Real estate office.
    i. Wholesale sales office.
18. Place of worship.
19. Restaurants.
20. Retail sales as follows:
    a. Apparel and accessories store.
    b. Book, greeting card, and stationery store.
    c. Camera and photographic supply store.
    d. Computer and computer software store.
    e. Convenience store.
    f. Farm and garden supply store.

g. Florist.
h. Food stores including bakeries.
i. Furniture, home furnishings and equipment store.
j. General merchandise store.
k. Gift, novelty, and souvenir store.
l. Hardware store.
m. Hobby, toy and game store.
n. Jewelry store.
o. Music and musical equipment store.
p. News dealers and newsstand.
q. Office supplies and equipment store.
r. Quick copy printing store.
s. Radio, television and consumer electronics store.
t. Specialty store.
u. Sporting goods and bicycle store.
v. Variety store.
w. Videotape sales and rental store.

21. Retail building supplies as follows:
    a. Electrical supply store.
    b. Hardware and other building materials establishments.
    c. Paint, glass and wallpaper store.
22. Services, medical and health as follows:
    a. Health service clinic.
    b. Medical and dental laboratories.
    c. Offices of health service practitioners.
    d. Pharmacy and drugstore.
    e. Private ambulance and emergency medical services.
23. Services, personal, as follows:
    a. Barber shop, beauty shop, and similar personal service establishments.
    b. Laundry and dry-cleaning store.
    c. Funeral home.
    d. Linen and diaper service, garment pressing, alteration and repair.
    e. Photographic studios.
24. Services, repair, as follows:
    a. Home appliance repair and service.
    b. Jewelry repair service.
    c. Radio, television and similar home appliance repair service.
    d. Furniture upholstery and repair shop.
    e. Shoe repair store.
25. Shopping center.

B. **Prohibited uses.** The following principal uses of land and structures shall be prohibited within the I-20 Corridor Compatible Use Overlay District:
    1. Adult and Sexually oriented businesses.
    2. Auto uses as follows:
        a. Heavy repair shop
        b. Trade shop.
        c. Used cars sales as a primary use.

d. Self-service car wash and detailing.

3. Boarding and breeding kennels as a primary use.
4. Extended stay motels.
5. Go-cart concession.
6. Liquor stores.
7. Night clubs excluded in Tiers 2 and 3.
8. Outdoor equipment and materials storage.
9. Salvage yards/junk yards.
10. Small box discount stores
11. Storage yard for damaged automobiles or confiscated automobiles.
12. Self-storage facilities.
13. Tire retreading and recapping.
14. Title and pawn shops.

3.4.5 Accessory uses and structures.

A. The following accessory uses of land and structures shall be authorized in the I-20 Corridor Compatible Use Overlay District:

1. Accessory uses and structures incidental to any authorized use.
2. Parking lots and parking garages.
3. Club house, including meeting room or recreation room.
4. Swimming pools, tennis courts, and other recreation areas and similar amenities.
5. Signs, in accordance with the provisions of chapter 21 and this chapter.

3.4.6 Special permits.

A. The following uses and structures shall be authorized only by permits of the type indicated:

1. Special administrative permit from the director of planning.
   a. Art shows, carnival rides, festivals and special events of community interest.
   b. Temporary outdoor social, religious, entertainment or recreation activity where the time period does not exceed fourteen (14) days duration, adequate parking is provided on the site.
   c. Telecommunications antennas that are incorporated in architectural features such as steeples, clock towers, water towers and attached to the top of high-rise buildings subject to requirements of section 4.2.50.
   d. Outdoor recreation/entertainment facilities.
2. Special land use permit from the city council.
   a. Heliport.

3.4.7 Development standards.

The following requirements shall apply to all structures in the I-20 Corridor Overlay District:

A. **Building setbacks**. The following requirements apply:

1. Minimum front yard setback. Zero (0) feet from right-of-way of public street where the distance between the back of curb and property line is fifteen (15) feet in width or greater.
2. Minimum interior side yard. Ten (10) feet. In mixed-use developments there shall be a minimum of fifteen (15) feet between buildings and structures less than two (2) stories in height and a minimum of twenty (20) feet between buildings and structures when one (1) of them is greater than two (2) stories in height, and a minimum of twenty-five (25) feet between buildings when one (1) of them is greater than five (5) stories in

height.

3. Minimum rear yard. Ten (10) feet.

B. **Height of building and structures**. All buildings and structures within the I-20 Corridor Overlay District shall comply with the height restrictions for the development category in which the subject parcels are located. The I-20 Corridor Overlay District shall be comprised of three (3) development categories. The height restrictions are as follows:

1. Tier 1 —Buildings and structures shall not exceed twenty (20) stories.
2. Tier 2 —Buildings and structures shall not exceed eight (8) stories.
3. ~~Tier 3 —Buildings and structures shall not exceed four (4) stories.~~
4. ~~4.~~3. A building in the I-20 Corridor Compatible Use Overlay District may exceed any of the limitations specified by an application to the city council for a special land use permit.
5. ~~5.~~4. A parking deck may exceed five (5) stories in height; however, a parking deck shall not exceed ten (10) stories either as a separate deck structure or as part of an office building.

C. **Density.** No development shall exceed a floor-area ratio (FAR) of three and one-half (3.5), unless it also provides additional public space or other amenities singly, or in combination as provided in paragraph D. below.

D. **Density bonus.** The maximum allowable FAR of a building or development in a Tier 1 Zone shall be increased to a FAR not to exceed a total of five and one-half (5.5) in exchange for one (1) or more of the additional amenities provided in the table below:

Table 3.9 Maximum Bonus Floor Area Ratio in Interstate 20 Corridor Compatible Use Overlay

Additional Amenity	Increased FAR
Increase public space to 25 percent while providing connectivity	0.75
Increase public space to 30 percent while providing connectivity	1.50
The nonresidential component of mixed-use developments shall constitute not less than 30 percent of the gross floor area of the development.	0.25
Mixed-use building that includes multifamily residential units constituting at least 40 units per acre of land and constructed in the same building with office-institutional, commercial and retail uses.	0.5

E. **Required parking**. Required parking may be provided through a combination of off-street, on-street, or shared parking provided that all required parking is located with seven hundred (700) feet of the principal entrance of buildings which it is intended to serve. The minimum number of required parking spaces shall be as provided in article 7~~6~~, except as follows:

1. Retail uses, personal service uses, and other commercial and general business uses, including food stores—Minimum of four (4) spaces per one thousand (1,000) square feet of gross floor area.
2. Office and clinic uses—Minimum of three (3) spaces per one thousand (1,000) square feet of gross floor area.
3. Hotel and motel uses—Minimum of one (1) space per unit.
4. Multifamily residential uses—Minimum of one and one-quarter (1.25) spaces per dwelling unit.

3.4.8 Transitional buffer zone and transitional height requirements.

A. Where a lot on the external boundary of the I-20 Corridor Overlay District adjoins the boundary of any property outside the district that is zoned for any R, RSM, or MR zoning classification, a transitional buffer of not less than thirty (30) feet in width shall be provided and maintained in a natural state or so as to maintain an effective visual screen.
    1. Said transitional buffer zone shall not be paved or otherwise covered with impervious surfaces and shall not be used for parking, loading, storage or any other use, except that portions of the transitional buffer zone may be utilized for installation of utilities when necessitated by the development, and when the applicant shows that the utilities cannot be located outside of the transitional buffer zone.
    2. Water detention ponds shall not be located within the transitional buffer zones.
    3. No trees, other than dead or diseased trees, shall be removed from said transitional buffer zone, but additional trees and plant material may be added to the transitional buffer zone.

B. Where a lot on the external boundary of the I-20 Corridor Overlay District adjoins the boundary of any property outside the district that is zoned for any R zoning classification or MR classification, a transitional height plane of forty-five (45) degrees shall apply. Sensitivity shall be exercised for developments adjacent to residentially zoned properties using staggered heights, greater setbacks, and enhanced buffers. Building heights more than thirty-five (35) feet shall increase setbacks from the buffer line at a ratio of one (1) to one (1).

3.4.9 Inter-parcel access.

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

3.4.10 Multi-modal access plans required.

A. Each new application for a development permit within the I-20 Overlay District must be accompanied by a multi-modal access plan as described in Section 3.1.4 Conceptual plan package review.

3.4.11 Shared parking.

A. Shared parking is encouraged and may be authorized by the director of planning. Applicants may make application to the director of planning for authorization for a special exception for shared parking. Said applications shall be considered and decided by the director of planning pursuant to the standards and procedures set forth in section 7.6.5.

3.4.12 Open space requirements.

A. A minimum of twenty (20) percent open space shall be provided for each new development. Open space areas may be transferred from one parcel to another within overall developments that remain under unified control of a single property owner or group of owners, but must demonstrate interconnectedness of public areas.

B. Open spaces shall be at grade, and surrounded by a mix of uses directly accessible from a public sidewalk and building entrances.

C. Open spaces may include any combination of the following: yards, planted areas, fountains, parks, plazas, trails and paths, hardscape elements related to sidewalks and plazas, and similar features which are located on private property and accessible to the general public; on-street parking; and natural stream buffers shall be permitted to be counted toward the twenty (20) percent open

space requirement.

D. Private courtyards and other private outdoor amenities may be located at the interior of the block, behind buildings or on rooftops. Private courtyards and outdoor amenities shall not be counted toward the twenty (20) percent requirement.
E. All open space including buffers, setbacks, sidewalk clear zones, sidewalk zones and open spaces shall be fully implemented prior to issuance of a certificate of occupancy for the primary development.
F. Each applicant shall present as a part of the application for a building permit within the I-20 Corridor Overlay District a legal mechanism under which all land to be used for public space purposes shall be maintained and protected. Such legal mechanism may include deed restrictions, property owner associations, common areas held in common ownership or control, maintenance easements, or other legal mechanisms, provided that said legal mechanism shall be approved by the city attorney as assuring each of the following mandatory requirements:
    1. That all subsequent property owners within said I-20 Corridor Overlay District be placed on notice of this development restriction through the deed records of DeKalb County Superior Court;
    2. That all public space held in common will be properly maintained and insured with no liability or maintenance responsibilities accruing to the city;
    3. That a legal mechanism exists for notice of deficiencies in maintenance of the public space held in common, correction of these deficiencies, and assessment and liens against the properties for the cost of the correction of these deficiencies by a third-party or the city;
    4. When an applicant for an I-20 Corridor Overlay District chooses to utilize a property owners association in order to comply with the requirements of subsection A. above, the applicant, in addition to meeting all of said requirements, shall provide for all of the following:
        a. Mandatory and automatic membership in the property owners association as a requirement of property ownership;
        b. A fair and uniform method of assessment for dues, maintenance and related costs;
        c. Where appropriate, party wall maintenance and restoration in the event of damage or destruction; and
        d. Continued maintenance of public space held in common and liability through the use of liens or other means in the case of default.

3.4.13 Sign regulations.

All lots in the I-20 Corridor Overlay District shall comply with all requirements of chapter 21 subject to the following additional regulations:

A. Signs shall be designed so as to be compatible with the I-20 Corridor Design Standards;
B. All ground signs shall be monument style signs with a base and framework made of brick; the design of ground signs must comply with the I-20 Overlay District Design Guidelines;
C. Each lot shall have no more than one (1) ground sign;
D. The sign area of ground signs shall not exceed thirty-two (32) square feet, unless the lot contains a shopping center, in which case ground signs are limited to sixty-four (64) square feet;
E. Ground signs shall not exceed a height of six (6) feet, unless the lot contains a shopping center, in which case ground signs shall not exceed a height of fifteen (15) feet;

F. Each separate store front may have a maximum of two (2) wall signs, each of which shall not exceed an area of ten (10) percent of the area of the façade of the ground floor of the building or seventy-five (75) square feet, whichever is less;
G. Wall signs shall be located on the primary building façade and within fifteen (15) feet of the public right-of-way;
H. Window signs are prohibited;
I. Banners are prohibited;
J. Wall-mounted signs shall be channel cut letters applied directly to the building façade. Flashing, animated, marquee, sound emitting, fluorescent, rotating or otherwise moving signs are prohibited;
K. Sign shape and lettering shall be limited as follows:

    1. Signs with more than two (2) faces are prohibited;
    2. Sign facing shall be flat in profile and shall not exceed a thickness of eight (8) inches;
    3. Sign faces shall be parallel;
    4. Sign lettering shall consist of block lettering in which individual letters are proportional in size to the overall size of the sign, but in no event shall individual letters exceed eighteen (18) inches in height; and
    5. Sign lettering shall be of an opaque material.

L. Any violation of this section shall be punishable by fine not exceeding five hundred dollars ($500.00) or imprisoned for a term not to exceed six (6) months, or both.

3.4.14 Design Guidelines.

A. **Architectural regulations.**

    1. All building façades visible from the public street shall consist of concrete, stone, brick or stucco.
    2. Architectural accents, where utilized, shall consist of non-reflective glass, glass block, natural stone, pre-cast concrete, brick, terra cotta, stucco or wood.
    3. Seventy-five (75) percent of the width of the front façade of the building at the ground level shall consist of fenestration.
    4. Roof materials shall not consist of any reflective surface.
    5. All exterior painted surfaces, where visible from the public street, shall be painted in earth tones. Colors shall be nonprimary colors including darker and cooler shades of green, red such as brick, yellow including beige, and lighter shades of brown including tan.
    6. Burglar bars and steel roll-down doors or curtains shall not be visible from the public street.
    7. Service bays for automobile service and repair uses shall be designed so that the openings of service bays are not visible from a public street.
    8. Chain-link fences shall not be visible from the public right-of-way and metal or temporary awnings are not permitted within the district.
    9. Dumpsters shall not be visible from the public street and shall be fenced or screened so as not to be visible from any adjoining residential district.
    10. Fabric and canvas awnings and all other building materials must be of durable quality and shall be compatible with materials used in adjoining buildings.

B. **Landscape strips.** Any landscape strip shown as part of final design package shall not be less than five (5) feet in width and shall be provided along all side and rear property lines. The landscape strip in the front yard shall be a minimum of ten (10) feet in width and shall be planted with a row of street trees of at least three and one-half (3½) inches in caliper selected from the list of street trees species identified in the design standards for the I-20 Corridor Overlay District and planted not less than seventy-five (75) feet on center. Continuous landscaped strips shall be constructed along public rights-of-way except at points of ingress or egress into the facility.

C. **Ground cover.** Ground cover shall also be provided in accordance with the design guidelines for the I-20 Corridor Overlay District in order to protect tree roots and to prevent erosion. Ground cover shall consist of evergreen shrubs or groundcover plant material mulched with pine bark mulch, or other similar landscaping material.

D. **New trees**. Newly planted trees shall conform to the design guidelines for the I-20 Corridor Overlay District.

E. **Tree spacing**. No tree shall be planted closer than two (2) feet from the street or sidewalk, and no closer than five (5) feet from a fire hydrant, sign post, streetlight standard, utility pole, or similar structure.

F. **Parking lot landscaping requirements**. All parking lots within the I-20 Corridor Overlay District shall be landscaped pursuant to the requirements of section 5.4.4.

G. **Sidewalk requirement.** There shall be a public sidewalk constructed along all public street frontages contiguous to all properties within the I-20 Corridor Overlay Districts. The sidewalk shall be located five (5) feet from the curb and shall be ten (10) feet in width. The five-foot zone adjacent to the curb shall be the street tree-planting zone. In blocks where there are overhead utility lines, the director of planning and development may authorize a two-foot planting zone from the curb with the five-foot tree-planting zone to be located at the sidewalk.

H. **Street tree planting.** Street trees of a caliper that is not less than three (3) inches shall be planted no less than thirty (30) feet between centerlines along properties within the district having street frontage. Trees of the following type shall be used:
    1. Crape myrtle, standard trunk.
    2. October glory red maple.
    3. Sunset maple.
    4. Nuttal oak (Quercus nattalli).
    5. Shumard oak (Quercus shumardii).
    6. Willow oak.
    7. Zelkova serrata.
    8. Ginkgo (Ginkgo biloba).
    9. Trident maple (Acer buergeranum).
    10. Allee lacebark elm (Ulmus parvifolia emer (II).

I. **Maintenance of trees and ground cover**. All street trees and other trees and all ground cover required by this chapter or by chapter 14 of the Code shall be maintained in a healthy condition, and any trees or ground cover which die shall be replaced within the earliest possible planting season.

J. **Curb cuts.** There shall be a minimum distance of twenty-five (25) feet between curb cuts. Curb cuts shall not be permitted within one hundred (100) feet of the intersection of any two (2) public streets and shall not be more than twenty-four (24) feet wide.

~~Sec. 3.4.22. - Plans required; certificates of compliance.~~

~~A. Plans required. Prior to the issuance of any land disturbance permit, building permit, or sign permit, the applicant shall submit a conceptual design package and final design package to the director of planning and development. The final design package must include full architectural and landscape architectural plans and specifications. The submitted plans must include a site plan, architectural elevations and sections; renderings depicting the building design including elevations and architectural details of proposed buildings, exterior materials and colors, and plans and elevations of all landscape, landscape and signs, all of which shall demonstrate that the proposed design is in compliance with all the requirements of this I-20 Corridor Overlay District and the underlying zoning classification.~~

~~B. Fees. The conceptual design package shall be accompanied by an application and payment of a fee in an amount determined by the city council.~~

~~Sec. 3.4.23. - Conceptual plan package review.~~

~~A. The conceptual plan package shall be composed of the following:~~

~~1. A narrative addressing the proposed development explaining how it meets the purpose, intent, and standards of this chapter. The narrative shall include a tabulation of the approximate number of acres in each land use, the approximate number of dwelling units by type, the approximate gross residential density, the approximate commercial density, the approximate public space acreage, the anticipated number, type and size of recreational facilities and other public amenities; the legal mechanism for protecting and maintaining public space, as required in section 3.3.5.A.1.;~~

~~2. A site location map showing the proposed development, abutting property, the relationship of the proposed development to surrounding and existing development, and transitional buffer zones, if required; and~~

~~3. A multimodal access plan meeting the requirements of section 3.4.18.~~

~~B. The plan to be submitted in the conceptual plan package shall contain the following information;~~

~~1. Ten (10) copies of a site plan drawn to a designated scale of not less than one inch equals one hundred feet (1"=100'), certified by a professional engineer or land surveyor licensed by the state, presented on a sheet having a maximum size of twenty four (24) inches by thirty six (36) inches, and one (1) eight and one-half inch reduction of the plan. If presented on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. Such plan shall contain the following information:~~

~~a. Boundaries of the entire property proposed to be included in the development, with bearings and distances of the perimeter property lines.~~

~~b. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.~~

~~c. Location and approximate dimensions in length and width, for landscape strips and required transitional buffers, if any.~~

~~d. Existing topography with a maximum contour interval of five (5) feet and a statement indicating whether it is an air survey or field run.~~

Commented [NW12]: This is all address in 3.1.3 and 3.1.4

e. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or the City of Stonecrest.
f. The delineation of any jurisdictional wetlands as defined by Section 404 of the Federal Clean Water Act.
g. Approximate delineation of any significant historic or archaeological feature, grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact it.
h. A delineation of all existing structures and whether they will be retained or demolished.
i. General location, in conceptual form, of proposed uses, lots, buildings, building types and building entrances.
j. Height and setback of all buildings and structures.
k. Approximate areas and development density for each type of proposed use.
l. Location, size and number of all on-street and off-street parking spaces, including a shared parking analysis, if shared parking is proposed.
m. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets.
n. Conceptual plans for drainage with approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed.
o. Development density and lot sizes for each type of use.
p. Areas to be held in joint ownership, common ownership or control.
q. Location of proposed sidewalks and bicycle facilities trails recreation areas, parks, and other public or community uses, facilities, or structures on the site.
r. Conceptual layout of utilities and location of all existing or proposed utility easements having a width of twenty-five (25) feet or more.
s. Standard details of signs, sidewalks, streetlights, driveways, medians, curbs and gutters, landscaped areas, fencing, grating, street furniture, bicycle lanes, streets, alleys, and other public improvements demonstrating compliance with the design guidelines for the I-20 Corridor Area Overlay District.
t. Conceptual layout of building designs including elevations showing architectural details of proposed buildings, exterior materials, all of which shall demonstrate that the proposed design is in compliance with all of the requirements of the overlay district regulations.
u. Seal and signature of professional preparing the site plan.

Sec. 3.4.24. - Final design package review and approval process.

A. [Review, approval of final design package.] Upon receiving comments on the conceptual design package, the applicant will submit the final design package for review and approval. The final design package must include full architectural and landscape architectural plans and specifications. The submitted plans must include a site plan, architectural elevations and sections; renderings depicting the building design including elevations and architectural details of proposed buildings, exterior materials and colors, and plans and elevations of all hardscape, landscape and signage, all of which shall demonstrate that the proposed design is in compliance with all requirements of this I-20 Corridor Overlay District and the underlying zoning classification. The final design package must be signed and sealed by a professional engineer/architect. The final design package must contain all plans, elevations, sections and specifications necessary for obtaining development and building permits. The applicant may submit the final design package simultaneously with the submission for permitting.
B. Review. The director of planning shall review each application for compliance with all requirements of the I-20 Corridor Overlay District and the underlying zoning classification. Where the director determines that said plans comply with the requirements of the I-20 Corridor

~~Overlay District, a certificate of compliance shall be issued in the form of the director or the director's designee signing the plans and drawings after which the applicant shall then apply for land disturbance, building or signs permits. Where the director determines that said plans do not comply with the requirements of this chapter, then the director shall notify the applicant in writing stating the manner in which said applicant fails to comply with such requirements. All applications shall be considered and decided by the director of planning within thirty (30) days of receipt of a complete application. Any appeal of the director of planning's decision in this regard shall be to the zoning board of appeals pursuant to section 7.5.2.~~

~~Sec. 3.4.25. - Final approval of plans.~~

~~Prior to issuance of any development or building permit, the conceptual design package and final design package shall be submitted to and approved by the planning and development director, consistent with the I-20 Corridor Overlay District requirements.~~

~~By enacting the I-20 overlay, the City Council authorizes the planning and development department director to approve the proposed development that provides for unique site features and innovative design in concert with the design guidelines and all related requirements of this division.~~

4 Article 4. - Use Regulations

4.1 Overview of Use Categories and Use Table

4.1.1 Overview.

A. **General Overview**. The regulations contained within this article 4 shall apply to all zoning districts within City of Stonecrest except as otherwise specified herein. Dimensions, site location and architectural requirements shall be indicated on required site development plans.

B. **General Findings and Purpose.** Certain land uses require the imposition of additional regulations to mitigate a range of negative impacts on the public health, safety, welfare as well as environmental, aesthetic, and infrastructure impacts.

C. **Findings and Purpose for Certain Land Uses.** National studies show that a concentration of certain land uses- including alcohol outlets, automobile gas stations, check cashing establishments, convenience stores, drive-through restaurants, and pawn shops- negatively impact the public health, safety, welfare, property values, economic development and social vitality of communities and neighborhoods. Local governments across the country recognize the negative impacts of such uses and impose additional regulations and distance requirements to mitigate such impacts, such as indicated in the studies presented to DeKalb County, including the report "The Relationship Between SLUP6 Businesses and Negative Outcomes in DeKalb County" by Dean Dabney, Ph.D., presented on May 9, 2017. Said study indicates these land uses in DeKalb County are associated with increased crime, automobile accidents, lower property values, and other negative impacts to the public health and welfare.

4.1.2 Interpretation of unlisted uses.

A. Where a particular use is not specifically listed in Table 4.1 Use Table, the director of planning shall have the authority to permit the use if the use is similar to uses permitted by this article. The director of planning shall give due consideration to the purpose and intent statements contained in this zoning chapter concerning the base zoning districts involved, the character of the uses specifically identified and the character of the uses in question.

4.1.3 Use table.

A. Table 4.1 indicates the permitted uses within the base zoning districts. Even though a use is listed as an allowable use within a base zoning district, additional use restrictions may apply based on the applicable overlay zoning district requirements specified in article 3, overlay districts.

B. The uses listed in Table 4.1 shall be permitted only within the zoning districts identified, and no use shall be established and no structure associated with such use shall be erected, structurally altered or enlarged unless the use is permitted as:

1. A permitted use (P);
2. A special use (SP) subject to the special land use permit application procedures specified in article 8~~7~~;
3. An administratively approved use (SA) subject to the special administrative permit procedures specified in article 8~~7~~;
4. An accessory use (Pa) as regulated by this article 4. Table 4.1 does not list all accessory uses but clarifies uses acceptable as accessory, though not typically considered principal uses for the zoning classification.
5. Uses lawfully established prior to the effective date of this zoning ordinance.

C. Any use not listed in Table 4.1 below or interpreted to be allowed by the director of planning pursuant to section 4.1.2 is prohibited. Any applicant denied a permit to allow a use of property in a zoning district other than as provided in this section may file an appeal before the zoning board of appeals as provided in article 8~~7~~.

D. If there is a conflict between Table 4.1 and the text of this chapter, the text shall prevail.

KEY:	P - Permitted use									SA - Special administrative permit from Community Development Director													
	Pa - Permitted as an accessory use									SP - Special land use permit (SLUP)													
Use	**RE**	**R-100**	**R-85**	**R-75**	**R-60**	**RSM**	**MR-1**	**MR-2**	**HR-1,2,3**	**RNC**	**OI**	**OIT**	**NS**	**C-1**	**C-2**	**OD**	**M**	**M-2**	**MU-1**	**MU-2**	**MU-3**	**MU-4,5**	**See Section**
AGRICULTURAL																							
Agriculture, Forestry and Animal Related Uses																							
Agricultural produce stands	SA									SA							P						
Beekeeping	SA	SA								SA							P						
Greenhouses and plant nurseries, commercial	P									SA			P	P	P		P	P	P				
Dairy	P																P	P					
Keeping of livestock	P	P	P	P						P							P						
Keeping of poultry/pigeons	P	P	P	P						P							P						
Livestock sales pavilion or abattoirs	P																	P					
Riding academies or stables	P	P	P	P													P	P					
Sawmill, temporary or portable	P																P	P					
Structures used in production and processing of fruits, tree nuts and vegetables	P																P	P					
Urban or community gardens, up to 5 ac.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Urban or community gardens, over 5 ac.	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	
RESIDENTIAL																							
Dwellings																							
Accessory buildings, uses or structures	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	
Dwelling, cottage home					P	P	P	P		P													
Dwelling, mobile home																	Pa	Pa					
Dwelling, multi-family, condominium							P	P			P						SP	SP	P	P	P		
Dwelling, single-family (detached)	P	P	P	P	P	P	P	P		P									P	P	P		
Dwelling, single-family accessory (guesthouse, in-law suite, apartment over garage)	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa											Pa	Pa	Pa		
Dwelling, two-family or three-family						P	P	P		P									P	P	P		
Dwelling, townhouse, urban single-family, single-family (attached)						P	P	P		P									P	P	P		
High Rise Apartment									P		SP										P	P	
Home occupation, Type 1, no customer contact	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA								SA	SA	SA	SA	
Home occupation, Type 2, with customer contact	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SA			SA	SA		SA	SA	SP	SP	SP	SP	
Live-work unit									P		P			P	P		P	P	P	P	P	P	
Housing and Lodging																							
Bed and breakfast (owner on-site)	P	P	P	P	SP	SP	SP	SP	SP	SP	P	P	P	P	P				P	P	P	P	

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Use	**RE**	**R-100**	**R-85**	**R-75**	**R-60**	**RSM**	**MR-1**	**MR-2**	**HR-1,2,3**	**RNC**	**OI**	**OIT**	**NS**	**C-1**	**C-2**	**OD**	**M**	**M-2**	**MU-1**	**MU-2**	**MU-3**	**MU-4,5**	**See Section**
~~Bed and breakfast, home stay~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~		~~SP~~													
Child care home, up to ~~5~~ 6	SP	SP	SP	SP	SP	SP	SP	SP		SP		P	P						SP	SP	SP	SP	
Child care center, ~~6~~ 7 or more							~~SP~~	~~SP~~			P	P	SP	P	P	P			P	P	P	P	
~~Child day care center~~						~~SP~~	~~SP~~				~~SP~~		~~P~~	~~P~~	~~P~~				~~P~~	~~P~~	~~P~~		
Convents or monasteries	SP	SP	SP	SP	SP	SP	SP	SP			P									P	P		
Dormitory											Pa			Pa	Pa	Pa	Pa		Pa	Pa	Pa		
Extended stay hotel/motel											SP			SP	SP					SP	SP		
Fraternity house or sorority house aflitated with a insitution higher education											Pa			Pa	Pa	Pa	Pa		Pa	Pa	Pa	Pa	
Hotel/Motel											P			P	P	P				P	P	P	
Nursing care facility or hospice							P	P			P			P	P				P	P	P	P	
Party Houses	SA																						
Senior housing	SP	SP	SP	SP	SP	SP	P	P		SP	SP								SP	SP	SP	SP	
Short Term Vacation Rental (owner not on-site)	SP	SP					SP			SP	P	P	P	P	P				SP	SP	SP	SP	
Specialized Housing Facilities																							
Boarding/Rooming house							SP	SP															
Community living arrangment	SP	SP	SP	SP	SP	SP	SP	P		SP	P		SP	P	P				P	P	P	P	
Homeless shelter, up to 20 persons								SP			SP			P	P		P						
Personal care facility, 7 or more						SP	SP	P			P	P	SP	P	P	P			P	P	P	P	
Personal care home, up to 6	SP	SP	SP	SP	SP	SP	SP	P		SP	P	P	SP	P	P				P	P	P	P	
~~Shelters for homeless persons or battered persons for no more than six (6) persons~~							~~SP~~	~~SP~~			~~SP~~			~~P~~			~~P~~						
Supportive living facilites								P		P									P	P	P	P	
Transitional housing facilities, 6 or less persons	SP					SP	SP	SP			SP			P	P		P						
Transitional housing facilities, 7-20 persons							SP	SP			SP			P	P		P						
INSTITUTIONAL/PUBLIC																							
Community Facilities																							
Cemetery, columbarium, mausoleum	SP	SP	SP	SP	SP	SP	SP	SP			P					P	P						
Club, order or lodge, fraternal, non-commercial											P			P	P	P	P		P	P	P	P	
Coliseum, stadium, amphitheater not associated with church or school														P	P	P					SP	SP	

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Use	**RE**	**R-100**	**R-85**	**R-75**	**R-60**	**RSM**	**MR-1**	**MR-2**	**HR-1,2,3**	**RNC**	**OI**	**OIT**	**NS**	**C-1**	**C-2**	**OD**	**M**	**M-2**	**MU-1**	**MU-2**	**MU-3**	**MU-4,5**	**See Section**
Cultural facilities							SP	SP			SP			SP	SP	SP	SP		SP	SP	SP	SP	
Funeral home, mortuary											P			P	P				P	P	P	P	
Golf courses ~~or clubhouses~~, public or private	P	P	P	P	P	P					P				P	P	P						
Government facilities	P	P	P	P	P	P	P	P		P	P		P	P	P	P	P	P	P	P	P	P	
Hospital or accessory ambulance service											P						P				P	P	
Library or museum							P	P			P		P	P	P	P			P	P	P	P	
Neighborhood or subdivision clubhouse or amenities	P	P	P	P	P	P	P	P	P	P	P								P	P	P	P	
Places of worship	SP	SP	SP	SP	SP	SP	SP	SP		SP	P		P	P	P	P	P	P	P	P	P	P	
Commercial indoor or outdoor recreation and entertainment	SP	SP	SP	SP	SP	SP	SP	SP		SP				P	P	P	P						
~~Swimming pools, commercial~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~		~~SP~~	~~P~~			~~P~~	~~P~~	~~P~~	~~P~~			~~Pa~~	~~Pa~~		
Tennis courts, swimming pools, play or recreation areas, community, open to public	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa		Pa	P			P	P	P	P			Pa	Pa	Pa	
Education																							
Colleges, universities, research and training facilities											P			P	P	P	P		P	P	P	P	
Private educational uses (can be home occupation in residenital districts with 3 or less students)	SA	SA	SA	SA	SA	SA	SA	SA		SA	P		P	P	P	P			Pa	Pa			
Private kindergarten, elementary, middle and high schools	SP	SP	SP	SP	SP	SP	SP	SP		SP	P			P	P	P				SP	SP	SP	
Specialized schools							SP	SP			P		P	P	P	P	SP	SP	P	P	P	P	
Vocational schools											P			P	P	P	SP	SP	P	P	P	P	
COMMERCIAL																							
Automobile, boat and trailer sales and service																							
Automobile brokerage (no vehicle storage)											P			P	P		P	P		P	P	P	
Automobile, truck and trailer leasing and rental ~~facilities~~														P	P		P	P					
Automobile recovery, storage yards for damaged or confiscated automobiles.																	P	P					
Automobile sales and truck sales														P	P		P	P					
~~Automobile service stations, including gas stations~~													~~SP~~	~~SP~~	~~SP~~		~~P~~	~~P~~					
Automobile upholstery shop															P		P	P					
Automobile wash service														P	P		P						

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Boat and boat trailer sale														P	P		P						
Major automobile repair and paint shops															P		P	P					
Minor automobile repair and maintenance														P	P		P	P					
Retail automobile parts and tire store														P	P		P						
~~Automobile service areas, outdoor~~															~~Pa~~		~~Pa~~	~~Pa~~					
Trailer and RV salesrooms and lots														P	P		P						
Office																							
~~Accounting office~~							~~Pa~~	~~Pa~~			~~P~~		~~P~~	~~P~~	~~P~~	~~P~~			~~P~~	~~P~~	~~P~~		
~~Building or construction office~~							~~Pa~~	~~Pa~~			~~P~~			~~P~~	~~P~~	~~P~~	~~P~~	~~P~~					
Building and construction office, landscape contractors. (material, equipment, storage)															P	P	P	P					
Temporary trailer, as home sales office or construction trailer	SA	SA	SA	SA	SA	SA	SA	SA		SA	SA		SA	SA	SA	SA	SA	SA	SA	SA	SA		
~~Engineering or architecture office~~							~~Pa~~	~~Pa~~			~~P~~		~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		
~~Finance office or banking~~							~~Pa~~	~~Pa~~			~~P~~		~~P~~	~~P~~	~~P~~	~~P~~			~~P~~	~~P~~	~~P~~		
General business office including aacounting, finance, banking, insurace, legal, medical, real estate, engineering, architecutre, construction (without storage), etc.							Pa	Pa			P		P	P	P	P	P		P	P	P	P	
~~Insurance office~~							~~Pa~~	~~Pa~~			~~P~~		~~P~~	~~P~~	~~P~~	~~P~~			~~P~~	~~P~~	~~P~~		
~~Legal office~~							~~Pa~~	~~Pa~~			~~P~~		~~P~~	~~P~~	~~P~~	~~P~~			~~P~~	~~P~~	~~P~~		
~~Medical office~~							~~Pa~~	~~Pa~~			~~P~~		~~P~~	~~P~~	~~P~~	~~P~~			~~P~~	~~P~~	~~P~~		
~~Real estate office~~							~~Pa~~	~~Pa~~			~~P~~		~~P~~	~~P~~	~~P~~	~~P~~			~~P~~	~~P~~	~~P~~		
Recreation and Entertainment																							
Adult and Sexually Oriented Business																		P					
Drive-in theaters															P		P	P					
Fairgrounds or amusement parks															P		P	P					
Free-standing Bar (not late-night)													P	P	P	P	P	P	P	P	P	P	
Hookah Lounge/Cigar Shop as accessory to freestanding bar or tabacco retail (vape shop)													Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	

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Use	**RE**	**R-100**	**R-85**	**R-75**	**R-60**	**RSM**	**MR-1**	**MR-2**	**HR-1,2,3**	**RNC**	**OI**	**OIT**	**NS**	**C-1**	**C-2**	**OD**	**M**	**M-2**	**MU-1**	**MU-2**	**MU-3**	**MU-4,5**	**See Section**
Indoor recreation (bowling alleys, movie theatres and other activities conducted wholly indoors)													P	P	P	P	P	P	P	P	P	P	
Late-night establishments and night clubs											~~Pa~~		SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
Outdoor recreation (miniature golf, batting cages, tennis, Go-cart and other outdoor activities)	SP														P	P	SP						
Special events facility	SP										P			P	P	P	P		P	P	P	P	
Temporary outdoor events	SA	SA	SA	SA	SA	SA					SA		SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	
Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building											P			P	P		P				P	P	
Retail																							
Alcohol outlet (retail with alcohol sales as accessory)													SP	SP	P	P	P		SP	SP	P	P	
~~Alcohol outlet- beer and/or wine store, beer growler, primary~~													~~SP~~	~~SP~~	~~SP~~	~~P~~	~~P~~		~~SP~~	~~SP~~	~~SP~~		
~~Alcohol outlet- beer and wine, accessory to retail less than 12,000 sf (see also 4.1.3 (F))~~													~~SP~~	~~SP~~	~~SP~~	~~P~~	~~P~~		~~SP~~	~~SP~~	~~SP~~		
Apparel or accessories store													P	P	P				P	P	P	P	
Art gallery							Pa	Pa					P	P	P	P	P		P	P	P	P	
Book, greeting card, or stationery store													P	P	P	P			P	P	P	P	
Camera or photography													P	P	P	P			P	P	P	P	
Computer or computer software store													P	P	P	P			P	P	P	P	
Convenience store (see alcohol outlet or fuel pumps accessory)													P	P	P	P	P	P	P	P	P	P	
~~Drive-through facilities (other than restaurants) in Activity Center character areas~~																			~~SP~~	~~SP~~	~~SP~~		
Drive-through facilities (other than restaurants) ~~in all other character areas~~											SP		SP	P	P	P	P		SP				
Farm or garden supply store	P												P	P	P	P	P		P	P			
Farmer's market, permanent											P		P	P	P	P	P	P	P	P	P	P	
Farmer's market, temporary or seasonal	SA	SA	SA	SA	SA	SA	SA	SA		SA	SA		SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	
Florist											Pa		P	P	P	P			P	P	P	P	

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	Pa - Permitted as an accessory use									SP - Special land use permit (SLUP)													
Use	**RE**	**R-100**	**R-85**	**R-75**	**R-60**	**RSM**	**MR-1**	**MR-2**	**HR-1,2,3**	**RNC**	**OI**	**OIT**	**NS**	**C-1**	**C-2**	**OD**	**M**	**M-2**	**MU-1**	**MU-2**	**MU-3**	**MU-4,5**	**See Section**
Specialty food stores (e.g., coffee, ice cream) (see alcohol outlet if alcohol sales)											Pa		P	P	P	P			P	P	P	P	
Fuel dealers, manufacturers or wholesalers															~~P~~		~~P~~	P					
Fuel pumps ~~in character areas other than activity centers, unless otherwise allowed under Section 27-4.2.8~~													SP	SP	SP	SP	SP	SP					
~~Fuel pumps in activity centers~~													~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	
~~Fuel pumps, accessory to large scale retail w/in 1000 feet of interstate highway interchange measured from RW to property line~~														~~Pa~~	~~Pa~~	~~Pa~~	~~Pa~~						
Gift, novelty, or souvenir store											Pa		P	P	P	P			P	P	P	P	
Gold buying, precious metals														Pa	P	P							
Grocery stores (see alcohol outlet)							Pa	Pa					P	P	P	P			P	P	P	P	
Hardware store or other building materials store													P	P	P	P	P	P	P	P	P	P	
Hobby, toy or game store													P	P	P	P			P	P	P	P	
Jewelry store													P	P	P	P			P	P	P	P	
Music or music equipment store (retail)													P	P	P	P			P	P	P	P	
Liquor store (see alcohol outlet)											~~Pa~~		SP	SP	SP	P	P		SP	SP	SP	SP	
News dealer or news store											P		P	P	P	P	P	P	P	P	P	P	
Office supplies and equipment store													P	P	P	P	P		P	P	P	P	
Pawn shop or title loan agency															P	P	P						
Pet supply store													P	P	P	P	P		P	P			
Pharmacy or drug store (see alcohol outlet if alcohol sales)							Pa	Pa		Pa	Pa		P	P	P	P			P	P	P	P	
Radio, television or consumer electronics store														P	P	P			P	P	P	P	
Retail, 5,000 sf or less (with the exception of Small Box Discount Stores)							Pa	Pa			Pa		P	P	P	P	P	P	P	P	P	P	
Retail, over 5,000 sf (see also shopping center) (with the exception of Small Box Discount Stores)													P	P	P	P			P	P	P	P	
Retail warehouses/wholesales providing sales of merchandise with no outdoor storage														P	P	P	P		P	P	P	P	
Shopping center													P	P	P	P			P	P	P	P	

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	Pa - Permitted as an accessory use									SP - Special land use permit (SLUP)												
Use	**RE**	**R-100**	**R-85**	**R-75**	**R-60**	**RSM**	**MR-1**	**MR-2**	**HR-1,2,3**	**RNC**	**OI**	**OIT**	**NS**	**C-1**	**C-2**	**OD**	**M**	**M-2**	**MU-1**	**MU-2**	**MU-3**	**MU-4,5**	**See Section**
Specialty store													P	P	P	P			P	P	P	P	
Sporting goods or bicycle sale													P	P	P	P	P		P	P	P	P	
Thrift, secondhand, antique store														P	P		P						
Trade shops: electrical, plumbing, heating/cooling, roofing/siding, with no outside storage											P			P	P	P	P	P					
Variety store (with the exception of Small Box Discount Stores)											Pa		P	P	P	P	P		P	P	P	P	
Temporary Commercial Sales																							
Temporary outdoor sales, seasonal	SA	SA	SA	SA	SA	SA	SA	SA		SA	SA		SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	
~~Temporary produce stand~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~		~~SA~~	~~SA~~		~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	~~SA~~	
Temporary outdoor retail sales	SA	SA	SA	SA	SA	SA	SA	SA		SA	SA		SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	
Restaurant/Food establishments																							
Brewpub, Beer Growler, Brewery, Winery, Distillery													P	P	P		P		P	P	P	P	
Catering establishments											P			P	P		P		P	P	P	P	
Restaurants (acc. to hotel/motel)											P			P	P	P				P	P	P	
Restaurants (non-drive-thru)							Pa	Pa		Pa	Pa		P	P	P		P		P	P	P	P	
~~Restaurants with a drive-thru configuration in Activity Center character area~~														~~SP~~	~~SP~~				~~SP~~				
Restaurants with a drive-thru configuration ~~(all other character areas) unless otherwise allowed per Sec. 27-4.2.23~~														SP	SP				SP	SP	SP	SP	
Transportation and Storage																							
Ambulance, taxi or limousine service, dispatch, and storage.															P	P	P	P					
Ambulance, taxi or limousine dispatch office only (no vehicle parking)											P		P	P	P		P	P	P	P	P	P	
Bus or rail stations or terminals for passengers														SP	SP		SP	SP	SP	SP	SP	SP	
Heliport											SP			SP	SP	SP	P	P			SP	SP	
Parking, commercial lot											Pa			P	P	P	P		P	P	P	P	
Parking, commercial garage											Pa			P	P	P	P		P	P	P	P	
Taxi stand											P		P	P	P	P	P	P	P	P	P	P	
Services																							
Adult day care	SP	SP	SP	SP							P		P	P	P	P	P			P	P	P	
~~Adult day care facility - up to 6~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~		~~SP~~			~~P~~	~~P~~	~~P~~	~~P~~			~~P~~	~~P~~	~~P~~	~~P~~	
Animal hospitals and veterinary clinics													P	P	P	P	P	P	P	P			

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Use	**RE**	**R-100**	**R-85**	**R-75**	**R-60**	**RSM**	**MR-1**	**MR-2**	**HR-1,2,3**	**RNC**	**OI**	**OIT**	**NS**	**C-1**	**C-2**	**OD**	**M**	**M-2**	**MU-1**	**MU-2**	**MU-3**	**MU-4,5**	**See Section**
Animal shelter and rescue center	SP														P	P	P	P					
Banks, credit unions or other similar financial institutions							Pa	Pa			P		P	P	P		P		P	P	P	P	
Barber shop/ beauty salon or similar establishments							Pa	Pa			Pa		P	P	P	P	P		P	P	P	P	
Check cashing establishment, primary															P		P						
Check cashing establishment, accessory														P	P		P	P	P	P	P	P	
~~Child day care center (Kindergarten) - 7 or more~~							~~P~~	~~P~~			~~P~~		~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~P~~	~~P~~	~~P~~	
~~Child day care facility - up to 6~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~P~~	~~P~~		~~SP~~	~~P~~		~~P~~	~~P~~	~~P~~	~~P~~				~~P~~	~~P~~	~~P~~	
Coin laundry							Pa	Pa		Pa			P	P	P					P	P	P	
Dry cleaning agencies, pressing establishments, or laundry pick-up stations							Pa	Pa			P		P	P	P		P	P	P	P	P	P	
Fitness center	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa			P		P	P	P		P	P	P	P	P	P	
Kennels, breeding	SP														P		P	P					
~~Kennels, commercial~~	~~SP~~													~~P~~	~~P~~		~~P~~	~~P~~					
~~Kennels, noncommercial~~	~~P~~	~~SP~~	~~SP~~	~~SP~~																			
Landscape business														P	P		P	P					
Mini-warehouses, self storage facility														~~P~~	P	P	P	P					
Pet day care							SP	SP						P	P		P	P	P	SP	SP	SP	
Pet boarding														SP	P		P	P	SP	SP	SP	SP	
Pet grooming shops							Pa	Pa						P	P		P	P	P	P	P	P	
Personal services establishment							Pa	Pa		Pa	Pa		P	P	P		P		P	P	P	P	
Photoengraving, typesetting, electrotyping															P		P	P	P	P			
Photographic studios											P		P	P	P		P		P	P	P	P	
Plumbing, HV/AC equipment establishments with no outdoor storage														P	P		P	P					
Publishing or printing establishments											P				P		P	P					
Quick copy printing store											P		P	P	P		P	P	P	P	P	P	
Services, Medical and Health																							
~~Ambulance service or emergency medical services, private~~														~~P~~	~~P~~		~~P~~						
Health services clinic											P		P	P	P	P	P		P	P	P	P	
Home healthcare service											P			P	P		P		P	P	P	P	
Hospital or medical facility											P			P	P								
Kidney dialysis center											P			P	P		P		P	P	P	P	

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Use	**RE**	**R-100**	**R-85**	**R-75**	**R-60**	**RSM**	**MR-1**	**MR-2**	**HR-1,2,3**	**RNC**	**OI**	**OIT**	**NS**	**C-1**	**C-2**	**OD**	**M**	**M-2**	**MU-1**	**MU-2**	**MU-3**	**MU-4,5**	**See Section**
Medical or dental laboratories											P			P	P		P	P			SA		
Services, Repair																							
Furniture upholstery or repair; home appliance repair or service														P	P		P	P					
Personal service, repair (watch, shoes, jewelry)							Pa	Pa			P		P	P	P		P		P	P	P	P	
Service areas, outdoor															~~Pa~~		~~Pa~~	P					
INDUSTRIAL																							
Alcohol or alcoholic beverage manufacturing																	P	P					
Alternative energy production (other than solar energy systems)																SP	P/SP*	P					
Automobile/truck manufacturing																		P					
Brick, clay, tile, or concrete products terra cotta manufacturing																		P					
Building materials or lumber supply establishment															P		P	P					
Cement, lime, gypsum, or plaster of Paris manufacturing																		P					
Compressed gas fuel station															SP		P/SP*	P					
Chemical manufacture, organic or inorganic																		P					
Contractor, general (See also Building or Construction Office)															P		P	P		P	P	P	
Contractors, heavy construction, outside storage															~~P~~		P/SP*	P					
Contractors, special trade															P		P	P					
Crematoriums											SP			SP	SP		P	P					
Distillation of bones or glue manufacture																		P					
Dry cleaning plant																	P/SP*	P					
Dye works																		P					
Explosive manufacture or storage or sale, including fireworks																		P					
Fabricated metal manufacture																		P					
Fat rendering or fertilizer manufacture																		P					

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Use	**RE**	**R-100**	**R-85**	**R-75**	**R-60**	**RSM**	**MR-1**	**MR-2**	**HR-1,2,3**	**RNC**	**OI**	**OIT**	**NS**	**C-1**	**C-2**	**OD**	**M**	**M-2**	**MU-1**	**MU-2**	**MU-3**	**MU-4,5**	**See Section**
Fuel dealers, manufactures or wholesalers																	P/SP*	P					
General aviation airport																	P	P					
Heavy equipment repair service or trade															~~P~~		P/SP*	P					
~~Heavy industrial~~																		~~P~~					
~~Heavy manufacturing~~																		~~P~~					
Ice manufacturing plant																	P	P					
Incidental retail sales of goods produced or processed on the premises																	Pa	Pa					
Incineration of garbage or refuse when conducted within an enclosed plant																		P					
Intermodal freight terminal, bus or rail freight or passenger terminal, or truck terminal																		P					
Leather manufacturing or processing																		P					
~~Light malt beverage manufacturer (See also Brewpub)~~													~~Pa~~	~~Pa~~	~~Pa~~		~~P~~	~~P~~	~~Pa~~	~~Pa~~	~~Pa~~	~~Pa~~	
~~Light industrial~~																	~~P~~	~~P~~					
~~Light manufacturing~~																	~~P~~	~~P~~					
Manufacturing operations not housed within a building																		P					
Mines or mining operations, quarries, asphalt plants, gravel pits, soil pits, borrow pits and sand pits																		P					
Outdoor storage, accessory															Pa	Pa	Pa	Pa					
Outdoor storage, stand alone																	P/SP*	P					
Paper or pulp manufacture																		P					
Petroleum or inflammable liquids production, refining																		P					
Radioactive materials: utilization, manufacture, processing or emission																		P					
Railroad car classification yards ~~or team truck yards~~																	P/SP*	P					
Recovered materials facility wholly within a building																	P/SP*	P					

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	Pa - Permitted as an accessory use									SP - Special land use permit (SLUP)													
Use	**RE**	**R-100**	**R-85**	**R-75**	**R-60**	**RSM**	**MR-1**	**MR-2**	**HR-1,2,3**	**RNC**	**OI**	**OIT**	**NS**	**C-1**	**C-2**	**OD**	**M**	**M-2**	**MU-1**	**MU-2**	**MU-3**	**MU-4,5**	**See Section**
Recovered materials processing wholly within a building																	P/SP*	P					
Recovered materials processing with solid waste by-product																	P/SP*	SP					
Recycling collection											Pa		Pa	Pa	Pa		P/SP*	P					
~~Recycling plant~~																	~~P~~	~~P~~					
Repair/manufacture of clocks and watches, toys, small household appliances and electronics, or metal and machinery products, equipment, and tools n~~ot requiring the use of press punch over 100 tons rated capacity or drop hammer~~																	P	P					
Research, experimental or testing laboratories																	P	P					
Rubber or plastics manufacture																	P/SP*	P					
Salvage yard, junkyard																		P					
Solid waste: general disposal, landfill, private industry disposal, handling facility, thermal treatment technology or hazardous/toxic materials including radioactive materials																		SP					
Smelting: copper, iron, zinc, or ore																		P					
~~Storage yard, except vehicle~~																		~~P~~					
Storage yard for damaged or confiscated vehicles																		P					
Sugar refineries																		P					
Tire retreading or recapping																	P/SP*	P					
Towing or wreckage service																	P/SP*	P					
Transportation equipment manufacture																		P					
Transportation equipment storage or maintenance (vehicle)																	P/SP*	P					
Truck stop or terminal																	P/SP*	P					

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Use	**RE**	**R-100**	**R-85**	**R-75**	**R-60**	**RSM**	**MR-1**	**MR-2**	**HR-1,2,3**	**RNC**	**OI**	**OIT**	**NS**	**C-1**	**C-2**	**OD**	**M**	**M-2**	**MU-1**	**MU-2**	**MU-3**	**MU-4,5**	**See Section**
Vehicle storage yard																	P/SP*	P					
Warehousing or Storage																P	P	P					
SOLAR ENERGY SYTEMS																							
Integrated SES	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	
Rooftop SES	Pa	SA	SA	SA	SA	SA	SA	SA	SA	Pa	SA	SA	Sa	SA	SA	SA	Pa	Pa	SA	SA	SA	SA	
Ground Mounted SES, Small Scale	Pa	SP	SP	SP	SP	SP	SP	SP	SP	SP	Pa	Pa	Pa	Pa	Pa	Pa	P	P	SA	SA	SA	SA	
Ground Mounted SES, Intermediate Scale	SP	SP	SP							SP							P	P					
Ground Mounted SES, Large Scale	SP	SP								SP							SP	SP					
COMMUNICATION – UTILITY																							
Amateur radio service antenna structure	SP	SP	SP	SP	SP	SP											P	P					
Antennas, satellite dishes, television receivers	P	P	P	P	P	P	P	P		P	P		P	P	P		P	P	P	P	P	P	
Electric transformer station, gas regulator station or telephone exchange																		P					
Radio or television broadcasting studio											P				P		P	P	P	P	P	P	
Radio or television broadcasting transmission facility											Pa				P		P	P					
WIRELESS TELECOMMUNICATION (cell tower)																							
New support structure from 51 feet to 150 feet	SP	SP	SP	SP	SP	SP							SP										
New support structure from 50 feet up to 199 feet											SA			SA	SA	SA	SA	SA					
COW's (non-emergency or event, no more than 120 days)	SA	SA	SA	SA	SA	SA	SA	SA		SA	SA		SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	
COW's (declared emergency)	P	P	P	P	P	P	P	P		P	P		P	P	P	P	P	P	P	P	P	P	
Attached wireless telecommunication facility, used for non-residential purposes (prohibited if used as residentia)	SA	SA	SA	SA	SA	SA																	
Attached wireless telecommunication facility							P	P		P	P		P	P	P	P	P	P	P	P	P	P	
Small cell installations (new support structures or collocation) on private property or ROW	SA	SA	SA	SA	SA	SA	SA	SA		SA	SA		SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	

*SLUP required if the use is adjacent to residential zoning district

4.2 Supplemental Use Regulations

4.2.1 Accessory buildings, dwellings, structures, and uses.

Commented [NW13]: Combine all accessory sections into one to make more user friendly. Formatting only.

A. **General.** The follow appl to all accessory buildings, structures and uses determined by the director to be accessory to one (1) or more permitted principal uses.
    1. Accessory structures allowed in all residential districts may include, but are not limited to: garages, storage sheds, accessory dwelling units, and personal recreational facilities such as swimming pools and tennis courts.
    2. Accessory structures must be constructed in conjunction with or after the principal building is constructed.

B. **Location, yard, and building restrictions.** All accessory buildings, accessory structures, and accessory uses of land, including off-street parking, shall be located on the same lot as the principal building(s) to which they are accessory.
    1. All accessory structures in which effluent is produced shall be connected to water and sewer if the primary structure is connected to water and sewer.
    2. All accessory buildings or structures shall be located in the rear yard of the lot, with the exception of ATM bank machines which are also allowed in the front or side yard.
    3. Accessory buildings or structures shall meet the minimum side yard setback for the district or ten (10) feet, whichever is less, and shall not be located closer than ten (10) feet to a rear lot line in any district.

C. **Corner lot, rear yards**. Where the rear yard of a corner lot adjoins the side yard of a lot in a residential district, no accessory building or structure shall be located closer than fifteen (15) feet to the rear property line and no closer to the side street right-of-way line than the principal building.

D. **Materials**. Accessory structures that are buildings, dwelling units, or sheds shall be constructed out of a material similar to the principal structure.

E. **Use.** No accessory building or structure in a nonresidential district shall be used by anyone other than employees of the owner, lessee or tenant of the premises, unless otherwise allowed by provisions of this chapter.

F. **Accessory attached to principal building.** Where an accessory building or structure is attached to the principal building by a breezeway, passageway or similar means, the accessory building or structure shall comply with the yard setback requirements of the principal building to which it is accessory.

G. **Height**. Except as expressly provided elsewhere in this chapter, an accessory structure shall be limited to the lesser of twenty-four (24) feet in height or the height of the principal structure, whichever is less.

H. **Size, not including accessory dwelling unit.** The floor area of an accessory building(s) that is accessory to a single-family, two-family, or three-family residential structure shall not exceed the maximum floor areas set forth in Table 4.2 below.

Table 4.2 Maximum Accessory Building Floor Area - Select Residential Structures

Maximum Accessory Building Floor Area	
Property Size	**Maximum Floor Area**
0 to 0.999 acres	900 square feet
1 to 4.999 acres	1,200 square feet
5 to 9.999 acres	2,000 square feet

10 or more acres	No size limit

I. **Accessory Dwellings Units.** Guest house or in-law suite.

1. On parcels zoned for residential single-family dwellings as a principal use, an accessory dwelling unit may be allowed as one (1) of the following:
    a. Attached (addition to existing building)
    b. Detached
    c. Within existing house (renovations to basements, wings or attics converted into separate living unit)
    d. Above a detached garage. The heated floor area of a dwelling unit shall not include the square footage of the garage.
2. Accessory dwelling units are permitted subject to the following:
    a. The minimum lot size shall be ten thousand (10,000) square feet (except within an existing house).
    b. The accessory dwelling unit shall conform to applicable standards of the state, city and city building codes for residential units as principal uses.
    c. The property owner, who shall include titleholders and contract purchasers, must occupy either the principal dwelling unit or the accessory dwelling unit as their residence, and possess a homestead exemption.
    d. The appearance of the accessory dwelling unit shall be similar to that of the principal residence.
    e. Only one (1) accessory dwelling unit of any type shall be permitted on a lot.
    f. Prior to issuance of a building permit for an accessory dwelling unit, an applicant must provide evidence to the director of planning showing that existing or proposed septic tank facilities, as applicable, are adequate to serve both the principal dwelling and the accessory dwelling unit.
    g. Any detached accessory dwelling unit shall be located in the rear yard.
    h. A second kitchen facility may be constructed and used within a single-family residence.
    i. Paved off-street parking shall be provided for one (1) additional vehicle.
    j. Accessory dwelling units shall not exceed nine hundred (900) square feet of heated floor area.
    k. The main entrance shall not face the closest property line. Windows, doors, balconies, porches and decks shall be sited to ensure the privacy of neighbors.
    l. For parcels located in a designated historic district and individually designated historic structures, the placement of an accessory dwelling unit and its architectural design shall require a certificate of appropriateness from the historic preservation commission.

J. **Other Residential Accessory Uses.**

1. *Swimming pools,* as accessory structures in a residential district. Setbacks shall be measured from the edge of the decking to the applicable property line. No part of the decking for an accessory swimming pool shall be within five (5) feet of a side or rear property line. (See section 13-181 et seq. of the City of Stonecrest Code.)
2. *Tennis courts* on individual residential lots shall be located in rear yards and shall be set back at least fifteen (15) feet from all side and rear property lines and be enclosed by a fence or freestanding wall at least eight (8) feet high. Lighting for the private tennis court shall not be permitted, except by a special administrative permit.

3. *Basketball goals* attached to the principal residential structure or erected adjacent to and abutting the driveway of the principal residential structure shall be allowed in the front yard but not within the right-of-way of a public street. No basketball goal shall be erected in such a manner that the play area for the basketball goal is located within any portion of a public right-of-way.

4.2.2 Adult daycare.

A. All outdoor recreation areas shall be enclosed by a fence or wall not less than four (4) feet in height.
B. Each adult day care center (7 or more persons) shall provide off-street parking spaces as required by the applicable zoning district and an adequate turnaround on the site.
C. No adult day care facility shall be located within one thousand (1,000) feet of another adult day care facility.
D. No adult day care facility (6 or less persons) may be established and operated until a permit to do so has been obtained in accordance with the procedures set forth below.
    1. Permit application. Persons seeking to operate an adult day care facility in the city must file a permit application with the planning department. Each application shall also be accompanied by the applicant's affidavit certifying the maximum number of adults that will be served simultaneously and that the proposed adult day care will meet and be operated in compliance with all applicable state laws and regulations and with all ordinances and regulations of the city. The planning department may require clarification or additional information from the applicant that is deemed necessary by the city to determine whether the proposed service will meet applicable laws, ordinances and regulations.
    2. Notwithstanding the above provisions, if a proposed adult day care facility is subject to the requirement that the applicant obtain a certificate of registration from the state department of human resources, and even though the application may have been approved under the provisions of this section, a permit for the operation of such facility shall not be issued until proof has been submitted by the applicant that the certificate of registration has first been obtained from the state.

Commented [NW14]: Combine Adult day care center and facility into one section for easier use.

4.2.3 Adult and Sexually oriented businesses.

A. **Purpose**. It is a purpose of this chapter to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the city. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material.

B. **Findings and rationale**. Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the city council, and on findings, interpretations, and narrowing constructions incorporated in the cases referenced in Ordinance ____ the city council finds:

Commented [NW15]: Add in an ordinance number here to avoid all the reasoning language.

1. Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
2. Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.
3. Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the city's rationale for this section, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the city's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the city. The city finds that the cases and documentation relied on in this section are reasonably believed to be relevant to said secondary effects.

C. The city hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of sexually oriented businesses, including the judicial opinions and reports related to such secondary effects.

1. *Unlawful to operate within 500 feet of a similar business.* It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in the city within 500 feet of another sexually oriented business. Measurements for this subsection shall be made in a straight line without regard to intervening structures or objects, between the closest points on the property lines of the two sexually oriented businesses.
2. *Unlawful to operate within 500 feet of certain public places.* It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in the city within 500 feet of a residential district, place of worship, park, or public library. Measurements for this subsection shall be made in a straight line without regard to intervening structures or objects, from the closest part of the structure containing the sexually oriented business to the closest point on the boundary line of the residential district or the closest point on the property line of the place of worship, park, or public library.

4.2.4 Agriculture, forestry, and animal related uses

Commented [NW16]: Rename and ABC order to make easier to find

A. **Agricultural produce stands.** Agricultural produce stands shall comply with the front yard setback requirement for the district in which they are located and shall provide a minimum of four (4) off-street parking spaces. If temporary, mobile, or farmers market, see temporary uses, [section] 4.3.1.

B. **Beekeeping.**
1. No more than two (2) apiary colonies are allowed per one-quarter (0.25) acre.

2. Apiary colonies must be setback from all property lines a minimum of ten (10) feet.
3. Apiary colonies must be located in the side or rear yard if a principal building exists.
4. Apiary colonies must be maintained responsibly with adequate space and management techniques to prevent overcrowding and swarming.
5. In any instance in which a colony becomes a nuisance, the beekeeper must re-queen the hive.

C. **Greenhouses and plant nurseries, commercial.** Any structure used as a commercial greenhouse or plant nursery shall be set back no less than one hundred (100) feet from any adjoining property that is zoned for residential use.

D. **Dairy.** Notwithstanding subsection (e), any structure used for housing or processing of dairy cows shall be set back not less than two hundred (200) feet from property lines, and all dairy cows shall be kept at least one hundred (100) feet from property lines.

E. **Keeping of Livestock.**
1. Livestock regulations apply to animals over twelve (12) months of age.
2. Livestock shall only be permitted on a lot containing two (2) or more acres, and there shall be no more than two (2) animals, per fenced acre for horses, llamas, mules, asses, cows or large aviary such as emus; and no more than three (3) animals per fenced acre for sheep or goats.
3. Except as otherwise provided herein, any structure used for housing or processing of livestock shall be set back not less than one hundred (100) feet from any property line.
4. Dwarf livestock may be kept at up to two (2) per fifty (50) square feet of fenced area, with no minimum lot size, except lots less than ten thousand (10,000) square feet shall be limited to a total of three (3) dwarf livestock animals.
5. Structures for housing dwarf livestock shall be setback not less than ten (10) feet from any property line.
6. Fenced areas for livestock may not include lot area covered by the principal structure or driveway.
7. A structure providing at least one hundred (100) square feet of floor space per animal for housing horses, llamas, mules, ass, cow or large aviary such as emus is required, and at least twenty-five (25) square feet of floor space per animal is required for housing sheep or goats. A structure housing dwarf livestock shall provide three (3) square feet per animal.
8. Pigs and hogs are prohibited, except pot-bellied pigs. Pot-bellied pigs shall be treated as livestock, and subject to the standards for sheep and goats.
9. Livestock is not permitted to run at-large beyond the confines of its owner's property.
10. Parking of livestock trailers and recreation vehicles related to the livestock shall comply with the parking standards in article 7~~6~~.
11. Composted animal waste can be used as fertilizer for the purpose of enriching the property owner's soil.
12. Animals must be kept under sanitary conditions and shall not be a public nuisance.
13. Disposal of dead livestock shall be subject to the DeKalb County Sanitation rules and regulations or requirements.

F. **Keeping of poultry/pigeons.**
1. The minimum fenced yard area for chickens shall be twenty-five (25) square feet per hen.
2. Chickens and pigeons must be housed at least twenty (20) feet from any property line, and fifty (50) feet from any residence other than the owners.
3. Any structure housing chickens and pigeons must be located in the rear yard if a principal building exists.

4. The minimum lot size for the keeping of chickens or pigeons is ten thousand (10,000) square feet. Fenced area for chickens shall comply with the setback requirements for accessory structures. Chickens and pigeons and associated structures and fencing shall comply with relevant articles of chapters 16 and 18, relating to noise and property maintenance.
5. No roosters are allowed.
6. The maximum number of hens shall be one (1) hen per two thousand (2,000) square feet of lot size.
7. Each coop shall have at least four (4) square feet of floor space per chicken over four (4) months old. For Bantams, a variety defined as miniature, each coop shall have one (1) square foot of floor area per chicken over four (4) months old.
8. Chickens must be kept securely in an enclosed yard or pen at all times.
9. Chickens are only permitted as pets or for egg production; the chickens cannot be kept for slaughter.
10. Composted animal waste can be used as fertilizer for the purpose of enriching the soil of the owner's property.
11. Animals must be kept under sanitary conditions and shall not be a public nuisance.

G. **Livestock sales pavilion or abattoirs.** Livestock sales pavilions and/or abattoirs shall be operated in accordance with state and county health regulations. All buildings shall be located at least one hundred (100) feet from any property line. All animals to be processed shall be fenced at least one hundred (100) feet from any property zoned or used for residential purposes.

H. **Riding academies or stables**. Riding stables shall be established on a lot having an area of not less than ten (10) acres. Any structure that houses animals used as part of the riding stable shall be located at least one hundred (100) feet from any property line. All animals shall be fenced at least twenty (20) feet from any property line.

I. **Structures used in production and processing of fruits, tree nuts and vegetables**. Any structure used in the processing or production of fruits, tree nuts, and vegetables that uses mechanized equipment or is not fully enclosed in a building, that emits noise, dust or vibration, shall be setback no less than fifty (50) feet from property zoned or used for residential purposes.

J. **Sawmill, temporary or portable.** The time limit for any permit for a temporary or portable sawmill shall not exceed six (6) months. A temporary or portable sawmill may only process timber removed from the property on which the sawmill is located. Operation of a temporary or portable sawmill shall be set back not less than five hundred (500) feet from any residential structure other than the owners.

4.2.5 Alcohol outlets and liquor stores.

Commented [NW17]: Create clarity between liquor stores and alcohol outlets

A. **Alcohol outlets** are any retail establishment that also sells alcohol including convenience stores, gas stations, grocery stores, etc.
    1. The area devoted to the sale and storage of alcohol shall not exceed twenty (20) percent of gross floor area.
    2. Alcohol outlets shall not be located, except for grocery stores over 12,000 square feet:
        a. Within three hundred (300) feet of any school building, school grounds, educational facility, college campus, or sexually oriented business; or
        b. Within six hundred (600) feet of a substance abuse treatment center owned, operated, or approved by the state or any county or municipal government.

3. *Exceptions.* Grocery stores over 12,000 square feet are permitted by right to also be alcohol outlets. This section does not apply, and these establishments do not need SLUPs for alcohol sales where they are permitted by Table 4.1.

B. **Liquor stores** are establishments where more than 50% of revenue is from alcohol sales. They shall not be located:
   1. Within one thousand (1,000) feet of any existing liquor store
   2. Within six hundred (600) feet of any residence, church, school, school building or grounds, educational facility, college campus, or sexually oriented business.
   3. Within six hundred (600) feet of a substance abuse treatment center owned, operated or approved by the state or any county or municipal government.
   4. *Exception.* This section does not apply to liquor stores that are a part of a mixed-use development, but these establishments must still receive a SLUP where required by Table 4.1.

C. For the purpose of this section, distance shall be measured according to Chapter 4.

D. The sale or distribution of individual cups and individual servings of ice at package stores is prohibited.

~~Sec. 4.2.9. - Amateur radio service antenna structure.~~

~~Amateur radio service antenna structures are a permitted accessory use in single-family residential districts, provided that no such antenna structure, including any support upon which it may be constructed, shall exceed a combined height of seventy (70) feet. Amateur radio service antenna structures in single-family residential districts exceeding seventy (70) feet in height shall be permitted only by special land use permit subject to all of the requirements of section 4.2.51 of this chapter. Amateur radio service antenna structures shall be located a distance of at least one-half (½) of the height of the tower from all property lines.~~

4.2.6 Ambulance, taxi, and limousine services, dispatch, and storage.

A. If not within an enclosed structure, automobiles for ambulance dispatch, taxi, and limousine services shall be parked at least fifty (50) feet from any residential district boundary and setback at least ten (10) feet from any property line.

B. Automobiles for ambulance dispatch, taxi, and limousine services may be parked within fifty (50) feet of a residential district boundary if such vehicles are parked within an enclosed structure or, if the parking area is screened by a fence, wall or evergreen buffer at least six (6) feet in height.

4.2.7 Animal care facilities.

A. **Animal hospitals and veterinary clinics.**
   1. Any building or enclosed structure used as an animal hospital or veterinary clinic shall be located and the activities associated with the use shall be conducted at least one hundred (100) feet from any property zoned or used for residential purposes.
   2. When located within a shopping center, the use shall be adequately soundproofed, and odor proofed so as not to create a nuisance.
   3. No boarding shall be allowed unless required in connection with medical treatment;
   4. Outside runs or kennels are prohibited.

B. **Animal shelter or rescue center, four (4) or more.**
   1. Any building or enclosed structure for the housing of animals shall have a minimum setback of at least one hundred (100) feet from all property lines and at least two hundred (200) from property zoned for residential use.

2. All areas housing animals shall be completely enclosed by walls or fences at least five (5) feet in height.
3. No animal shelter shall be located within five hundred (500) feet of a residential district.
4. Outside pens must be located a minimum of seventy-five (75) feet from any stream.

C. **Pet grooming shops**. Any building or enclosed structure used as a pet grooming shop shall be located and activities shall be conducted at least one hundred (100) feet from any property zoned or used for residential purposes.

D. **Pet day care and/or boarding**. Any building or enclosed structure for the housing of animals associated with a pet day care use shall have a minimum setback of at least one hundred (100) feet from all property lines and at least two hundred (200) feet from property zoned or used for residential use. All areas housing animals shall be completely enclosed by walls or fences at least eight (8) feet in height.

E. **Kennels, breeding**. All kennels shall comply with the following:
1. Any building or enclosed structure used for kennels shall be located and related activities shall be conducted at least one hundred (100) feet from any property line and at least two hundred (200) feet from property zoned for residential use.
2. Kennels shall be located on a site of not less than two (2) acres.
3. Any building or enclosed structure used for kennels shall be constructed and related activities shall be conducted in accordance with applicable law.
4. All outdoor areas used as a dog kennel or outdoor confinement must be surrounded by an opaque fence or wall no less than eight (8) feet in height.
5. The floor of all buildings or structures used as a kennel to which animals have access shall be surfaced with concrete or other impervious material.
6. The portion of the building or structure in which animals are housed shall be adequately soundproofed to meet the minimum requirements of the city's noise ordinance.

F. **Household pets**. Except as is otherwise herein provided, in any residential district within the city a person may keep not more than three (3) household pets on each lot which is two (2) acres or less in size. On any lot exceeding two (2) acres in size, a person may keep one (1) additional household pet for each additional acre above two (2) acres up to a maximum of ten (10) household pets. Litters of animals of not more than six (6) months of age shall not be counted for the purpose of calculating the total number of household pets on a lot.

4.2.8 Antennas, satellite dishes, television receivers.

A. Antennas, satellite dishes, or other television transmission receivers located in residential zoning districts may only be located on the roof or in the rear yard of properties.

B. Antennas, satellite dishes, or other television transmission receivers located in a non-residential zoned district are prohibited in any yard which adjoins a residential zoned district.

C. Any ground mounted antennas, satellite dishes, or other television transmission receivers shall be screened from view from surrounding properties at ground level, and from public streets.

4.2.9 Automotive sales and service; boat, trailer sales and service.

A. **Automobile brokerage** (no vehicle storage). Auto Brokers are office only uses. Sales are preformed over the phone or online. Auto Brokers cannot be located on the same parcel as other car sales. No vehicle storage is permitted associated with an Auto Broker.

B. **Automobile and truck sales.** Where a lot is used for automobile or truck and trailer sales, all inventory vehicles parked outdoors shall be set back at least ten (10) feet from the street right-of-way. The ten-foot setback from the street right-of-way shall comply with section 5.4.4.D.3. of this chapter. No other unrelated retail use shall be on the same property or in the same building

with automobile and truck sales. The automobile and truck sales lot shall be on a lot no less than one (1) acre in area.

C. **Automobile upholstery shop**. These facilities must follow the same requirements as major automobile repair and paint shops.

D. **Major automobile repair and paint shops.** Major automobile repair and paint shops shall meet the following:
    1. Upon the minor redevelopment of existing buildings or structures, as defined in Section 27-8.1.16, that also requires a land development permit or building permit, the director or his/her designee may require additional improvements to landscaping, signage, parking lots, sidewalks, or building facades. Any minor redevelopment of existing structures, buildings, and physical appurtenances is permitted by right if such changes result in greater conformity with the specifications of this section.
    2. Shops shall not be permitted on property located within three hundred (300) feet of any property used for a school, park, playground, or hospital.
    3. All automobile repair activities must be contained entirely within an enclosed building, unless located in M (Light Industrial) District. For purposes of determining whether a building is enclosed, the use of open overhead bay doors that can be closed after business hours shall be permitted.
    4. Vehicles awaiting service shall be parked on-site. If stored overnight, they shall be stored inside an enclosed building or in the side or rear yard enclosed with an opaque fence made of masonry or wood and at least six (6) feet in height.
    5. Outdoor displays of merchandise (such as tires) shall be prohibited beyond ten (10) feet from the primary building and shall only be displayed during business hours.
    6. Overnight outdoor storage of any materials, equipment, tires, or rims is prohibited.
    7. New facilities must be designed with automobile bays facing away from the primary street frontage.
    8. Junk vehicles shall not be stored on the property.
    9. All parking located in front of the primary building shall be limited to customers seeking services only and not for storing vehicles overnight waiting to be repaired.
    10. No automobile sales or curb stoning, which is the sale of used vehicles by unlicensed dealers, shall be permitted on the property.
    11. For the purpose of this section, distance shall be measured by the most direct route of travel on the ground.

E. **Minor automobile repair and maintenance establishments**. Minor automobile repair and maintenance establishments shall meet the following:
    1. Upon the minor redevelopment of existing structures or buildings, as defined by Section 27-8.1.16, that also requires a land development permit or building permit, the director or his/her designee may require additional improvements to landscaping, signage, parking lots, sidewalks, or building facades. Any minor redevelopment of existing structures, buildings, and physical appurtenances is permitted by right if such changes result in greater conformity with this section.
    2. Operations, including the servicing of vehicles, storage of materials and similar activities connected with the use, must be contained entirely within an enclosed building. For the purpose of determining whether a building is enclosed, the use of open overhead bay doors that can be closed after business hours shall be permitted.

3. Vehicles awaiting service shall be parked on-site. If stored overnight, they shall be stored inside an enclosed building or in the side or rear yard enclosed with an opaque fence at least six (6) feet in height).
4. Outdoor displays of merchandise (such as tires) shall be prohibited beyond ten (10) feet from the building and shall only be displayed during business hours.
5. Overnight outdoor storage of any materials, equipment, tires, or rims is prohibited.
6. New facilities must be designed with automobile bays facing away from the primary street frontage.
7. Junk cars shall not be stored on the property.
8. No automobile sales or curb storing, which is the sale of used vehicles by unlicensed dealers, shall be permitted on the property.
9. All parking located in front of the primary building shall be limited to customers seeking service only.

F. **Automobile service stations, including gas sales.** Unless otherwise permitted within the applicable zoning district, major automobile repair in association with an automobile service station shall not be permitted. Gasoline pumps and other service facilities shall comply with the requirements of section 4.2.23.

G. **Automobile, truck and trailer lease and rental**. Where a lot is used for automobile, truck and trailer lease and rental, all inventory vehicles parked outdoors shall be set back at least ten (10) feet from the street right-of-way. The ten-foot setback from the street right-of-way shall comply with chapter 5. All parking areas shall be clearly marked, and no automobile, truck or trailer shall be parked outdoors other than within these marked parking areas, except when being serviced. The lot shall be no less than one (1) acre in area.

H. **Automobile, truck and trailer lease and rental where accessory to an automobile service station or shopping center**. Where the lease and rental of automobiles, trucks and trailers is an accessory use, the following requirements shall apply:
1. The lot on which the inventory vehicles are parked shall be no less than one (1) acre in area.
2. Parking areas for inventory vehicles which are available for lease or rental shall be located only in the side or rear yard.
3. Any work on vehicles conducted outdoors shall only be permitted in the rear yard but shall be prohibited if the rear yard is adjacent to property zoned or used for a residential purpose.

I. **Boat and boat trailer sales**. All boats and boat trailers located on property used for boat and boat trailer sales shall be set back at least ten (10) feet from the street right-of-way. The ten-foot setback from the street right-of-way shall comply with section 5.4.4.D.3. of this chapter.

J. **Retail automobile parts and tire stores**. Unless otherwise authorized or permitted within the applicable zoning district, the following limitations apply to the conduct of retail sale of automobile parts and tire stores:
1. There shall be no dismantling of vehicles on the premises to obtain automobile parts.
2. There shall be no automobile parts installation other than the installation of tires and the installation of minor accessory parts.
3. Major automobile repair shall not be permitted in connection with these uses.
4. Outside display of merchandise shall not extend into the parking lot.

K. **Trailer and RV salesrooms and sales lots.** All inventory vehicles located on property used for trailer and RV salesrooms or sales lots shall be set back at least ten (10) feet from the street right-of-way. The ten-foot setback from the street right-of-way shall comply with section 5.4.4.D.3. of this chapter.

L. **Automobile recovery, temporary storage for damaged or confiscated automobiles.** The following provisions shall apply to automobile recovery as defined in Article ~~9~~10:

1. The use shall be enclosed by a fence or wall which is not less than eight (8) feet in height which provides visual screening.
2. No dismantling, repair or other similar activity shall be conducted on the premises.
3. The use shall be located at least one thousand (1,000) feet from any residential district.
4. Automobiles shall not be stored longer than provided by state and city law.

4.2.10 Automobile wash service, principal, accessory, detail or mobile.

A. Automobile wash services shall provide a paved area with capacity to store five (5) vehicles waiting to use automatic carwash facilities, and two (2) vehicles per bay for self-service car washes.
B. Wastewater from all automobile wash services shall be pretreated in accordance with watershed management standards prior to being drained into the public sanitary sewer or into any stormwater structure, as may be approved by the director of planning.
C. No storage or repair of vehicles shall be allowed on property on which the car washing facility is located.
D. An accessory single-bay automatic (not self-service) car wash completely enclosed except for openings necessary to allow entry and exit of vehicles shall be permitted subject to the following:
    1. The car wash structure shall be constructed of building materials consistent with that of the principal building, including the roof.
    2. The doors of the car wash building shall be fully closed when the facility is not available for operation.
    3. The car wash structure shall be located behind the rear building line of the principal building,

4.2.11 Bed and breakfast

Commented [NW18]: We took out "bed and breakfast home stay" so formatting changed here a bit.

A. The operator of the establishment shall reside on site.
B. The use shall require a building permit and approval of the fire department.
C. Rooms to be let may not be equipped with cooking facilities.
D. No restaurant use is permitted. Breakfast may be served on the premises only for guests and employees of the bed and breakfast.
E. The bed and breakfast shall not be operated in such a way as to change the residential character of the neighborhood in which it is located and shall comply with the noise ordinance.
F. The structure shall be compatible with the character of the neighborhood in terms of height, setbacks and bulk, subject to the approval of the director of planning.
G. In addition to providing the off-street parking required for the dwelling unit, there shall also be provided at least one (1) off-street parking space for each bedroom used as a part of the breakfast residence.
H. No signs or advertising are permitted to identify or advertise the existence of the bed and breakfast residence beyond those otherwise allowed for residential property.
I. No individual other than the owner or an employee shall stay for longer than seven (7) consecutive days.
J. In mixed use districts, bed and breakfasts shall not be permitted within units of multifamily residences.

4.2.12 Building and construction office, landscape contractors.

A. Storage of equipment and/or materials shall be located in the rear yard and screened from view from adjoining properties and the public street with a fence a minimum of six (6) feet in height.
B. Parking of vehicles shall be located in the side or rear yard only.

4.2.13 Cemetery, columbarium, mausoleum.

A. **Accessory Use.** Cemeteries that are allowed as an accessory use to a church or other place of worship must comply with provisions in section 4.2.39, places of worship.
B. **Principal Use.**
    1. A cemetery, columbarium or mausoleum shall be located on property with a minimum lot size of ten (10) acres.
    2. The lot on which a cemetery, columbarium or mausoleum is located shall have a minimum public road frontage of one hundred (100) feet.
    3. Permanent public ingress/egress shall be provided for the lot on which a cemetery, columbarium or mausoleum is located.
    4. Compliance must be maintained with all requirements of the State of Georgia and the county tax commissioner.

4.2.14 Check cashing.

A. Check cashing facilities, either as a primary use or on its own lot or as part of a retail shopping center, shall not be permitted within one thousand (1,000) feet of an existing check cashing facility or pawn shop. For the purpose of this section, distance shall be measured by the most direct route of travel on the ground.
B. The window and door area of any existing first floor façade that faces public street or sidewalk shall not be reduced, covered, or otherwise obscured nor shall changes be made to such windows or doors that block views into the building at eye level from the street or sidewalk.
C. For new construction, at least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be window or doors of clear or lightly tinted glass that allow views into the building at eye level from the street or sidewalk.
D. The use of bars, chains, roll down doors, or similar security devices placed on the outside of the building is prohibited.
E. The use of light emitting diodes, neon lights, and illuminated panels placed around the windows or on the outside of the building are prohibited.

4.2.15 Childcare homes and centers ~~facilities~~

A. **Childcare homes and childcare ~~-~~centers ~~facilities~~, general requirements.**
    1. Childcare for 2 or less children is not regulated by the State of Georgia and therefore these requirements do not apply.
    2. Each child caring home and facility institution must obtain all license(s) and/or permit(s) required by the State of Georgia in order to operate. Each child caring home and facility must display its state-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.
    3. Childcare homes and childcare centers ~~facilities~~ are not permitted in multi-family dwellings except as a commercial space in a mixed-use development. A special land use permit is required to have a childcare home in a stand-alone residence in a mixed-use development.

Commented [NW19]: Separated from personal care homes so easier to locate. But same requirements.

4. No child caring institution may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.
5. Each child care home and child care center ~~facility~~ serving 3 or more children over the age of three (3) and under the age of fifteen (15) must provide a fenced outdoor play area equivalent of 100 square feet per child in the rear of the property. Evidence of compliance must be shown upon application for or renewal of a business license.

B. **Childcare home (up to six (6) children).**

1. Each childcare home must provide at least four (4) parking spaces within a driveway, garage or carport, and must comply with any applicable requirements in article 7~~6~~.
2. Childcare homes in private residences are required to comply with all home occupation standards in section 4.2.26.
3. ~~-~~In order to prevent institutionalizing residential neighborhoods, child care home located in the RE, R-LG, R-100, R-85, R-75, R-50, R-SM, or MR-1 zoning district may be operated within one thousand five hundred 1,500 ~~(1,000)~~ feet of any other personal care home or child care home. The ~~one-thousand-foot~~ distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two (2) tracts of land on which the group personal care homes or child caring homes are located.
4. The home or building must be at least 1600 sq. ft in size and must be a detached, stand-alone building in all residential districts (RE, R-100, R-85, R-75, R-60, RSM, MR-1, MR-2, or RNC).
5. Floor and site plans to be submitted to Director of Planning.

C. **Childcare Center ~~Facility~~ (seven (7) or more children).**

1. Two (2) copies of the complete architectural plans of the subject community childcare facility, signed and sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
2. Each community childcare facility must provide at least one-half (0.50) parking spaces for each employee and resident and must comply with any applicable requirements in article 8~~7~~.
3. In mixed use district, a childcare center must be in commercial designated space.
4. All necessary building and fire permits with Fire Marshall is required to sign off on all approved plans.

4.2.16 Coliseum, stadium, amphitheater.

A. Prior to the issuance of a land disturbance permit, a traffic study shall be submitted to the planning department.
B. All structures shall be located, and all activities shall take place no less than one hundred (100) feet from any property line adjacent to a residential district or use.

4.2.17 Commercial recreation and entertainment.

A. **Drive-in theaters.**

1. The theater screen, projection booth and any other structures associated with the drive-in theater use shall be set back not less than fifty (50) feet from any property line.

2. Driving and parking areas shall be paved.
3. Ingress and egress from a public street shall be designed and constructed so as to provide for safe traffic movement.
4. Central loudspeakers shall be prohibited.
5. The theater screen shall not be visible from any freeway or thoroughfare.
6. The portion of the property used for drive-in theater purposes shall be enclosed by a six-foot high screening fence.
7. The property shall have a minimum buffer area ten (10) feet in width surrounding the portion of the property used for drive-in theater purposes.

B. **Fairgrounds and amusement parks**.
1. All buildings and structures associated with such uses shall be set back not less than two hundred (200) feet from any property line.
2. Such uses shall not be permitted within five hundred (500) feet of a residential district.
3. Such facilities shall be enclosed by a six-foot screening fence.

C. **Golf driving ranges and batting cage facilities**.
1. Such uses shall be enclosed by a six-foot high screening fence or a twenty-five-foot wide buffer to screen adjacent property.
2. Central loudspeakers shall be prohibited.
3. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.

D. **Miniature golf courses.**
1. Such uses shall be enclosed by a six-foot high screening fence and a buffer ten (10) feet in width to screen adjacent property.
2. Central loudspeakers shall be prohibited.
3. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.

E. **Golf courses.**
1. Except for emergency purposes, loudspeakers shall be prohibited.
2. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.

F. **Recreation grounds, fishing lakes and other related facilities.**
1. Such uses shall be enclosed by a screening fence six (6) feet in height or a twenty-five-foot wide buffer to screen adjacent property.
2. Central loudspeakers shall be prohibited.
3. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.

G. **Swimming pools**.
1. Community swimming pools and their customary accessory buildings and structures shall be set back at least fifteen (15) feet from all side and rear lot lines and be enclosed by a wall or fence, not less than four (4) feet nor more than six (6) feet in height.

Commented [NW20]: This was its own section – added here for clarity

~~4.~~2. Setback is measured from the pool decking except where established elsewhere.

~~G.~~H. **Tennis centers, clubs and facilities.**

1. Such uses shall be enclosed by a screening fence six (6) feet in height or a twenty-five-foot wide planted buffer to screen adjacent property.
2. Central loudspeakers shall be prohibited.
3. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.

~~H.~~I. **Go-cart concessions.**

1. All buildings and structures associated with such use shall be set back not less than two hundred (200) feet from any property line.
2. Such use shall not be permitted within five hundred (500) feet of the boundary of a residential district.
3. Such use shall be enclosed by a six-foot high masonry wall.
4. The motor size of any cart used shall not exceed five (5) horsepower.
5. The maximum area occupied by the facility, excluding areas used solely for parking, shall not exceed forty thousand (40,000) square feet.
6. Central loudspeakers shall be prohibited.

~~I.~~J. **Other outdoor recreation** shall meet the standards provided in subsection G. of this section.

4.2.18 Crematoriums

A. Crematorium use shall be located at least one hundred (100) feet from the property line of any property zoned or used for residential purposes.

4.2.19 Drive-through facilities, restaurant.

A. Drive-through facilities shall not be located within sixty (60) feet of a residentially zoned property, as measured from any menu or speaker box to the property line of adjacent residential property, unless part of a mixed-use development.

B. No drive-through facility shall be located on a property less than ten thousand (10,000) square feet in area, unless part of a mixed-use development. Stacking spaces for queuing of cars shall be provided for the drive-through area as required in article 7~~6~~.

C. Drive-through lanes and service window serving drive-through lanes shall only be located to the side or rear of buildings.

D. Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.

E. Speaker boxes shall be directed away from any adjacent residential properties and shall require masonry sound attenuation walls with landscaping or other speaker volume mitigation measures. Speaker boxes shall not play music but shall only be used for communication for placing orders.

F. All lighting from drive-through facilities shall be shaded and screened so as to be directed away from any adjacent residential properties.

G. Stacking spaces shall be provided for any use having a drive-through facility or areas having drop-off and pick-up areas in accordance with the following requirements. Stacking spaces shall

be a minimum of ten (10) feet wide and twenty-five (25) feet long. Stacking spaces shall begin at the last service window for the drive-through lane (typically the "pick-up" window).

H. All drive-through facilities with the exception of drive-through restaurants shall provide at least three stacking spaces for each window or drive-through service facility.

I. The following general standards shall apply to all stacking spaces and drive-through facilities:

1. Drive-through lanes shall not impede on and off-site traffic movements, shall not cross or pass through off-street parking areas, and shall not create a potentially unsafe condition where crossed by pedestrian access to a public entrance of a building.
2. Drive-through lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked or otherwise distinctly delineated.
3. All drive-through facilities shall include a bypass lane with a minimum width of ten (10) feet, by which traffic may navigate around the drive-through facility without traveling in the drive-through lane. The bypass lane may share space with a parking access aisle.
4. Drive-through lanes must be set back five (5) feet from all lot lines and roadway right-of-way lines.
5. Owner and operator are responsible for daily litter clean-up to ensure the property remains free of trash, litter, and debris.
6. Drive-through restaurants shall not be located within five hundred (500) feet of an elementary, middle, or high school.
~~7. Drive-through restaurants located in activity centers require a special land use permit. In all other character areas, a special land use permit is required unless the facility can meet at least two of the following criteria:~~
   ~~a. Facility is located within four hundred (400) feet of an intersection of a major arterial street and a major or minor arterial street, or within one thousand (100) feet of an interstate highway interchange do not require a special land use permit.~~
   ~~b. Facility is accessible only through inter-parcel access or through a shared driveway.~~
   ~~c. Facility is part of a major redevelopment as defined in Sec. 27-8.1.16.~~
~~8.~~7. Distance shall be measured from the right-of-way of the exit or entrance ramp, or street corner (middle of the radius), along the intersecting street right-of-way, to the nearest property line.

4.2.20 Dwellings: cottage, mobile home, townhouse, urban single-family, and condominium.

A. **Cottage.** Notwithstanding any other provision to the contrary, a cottage development may be subdivided into individual lots that do not meet the minimum street frontage requirements and may be treated as fee-simple or condominium lots.

B. **Mobile home or manufactured home**. When permitted outside of a mobile home zoning district, mobile homes or manufactured homes may be used to house caretakers or security personnel only and may not be used for commercial purposes.

C. **Townhouse, urban single-family (U-SF), single-family attached**. Notwithstanding any other provision to the contrary, a townhouse or U-SF development may be subdivided into individual lots that do not meet the minimum street frontage requirements and may be treated as fee simple or condominium lots.

D. **Condominium standards**. If a condominium form of ownership is proposed for a development, the development shall meet all applicable state laws, including the Georgia Condominium Act (O.C.G.A. § 44-3-70 et seq.). Proposed bylaws and the articles of incorporation for the condominium association shall be submitted to the director of planning with the application for development approval.

4.2.21 Emission stations.

A. Emission stations shall be setback no less than thirty-five (35) feet from the public right-of-way.
B. A metal building may be used if it has a brick base at least three (3) feet high. No fabric or tarp structures may be used.
C. Large planters for landscaping must be installed around any building to provide screening.

4.2.22 Extended stay hotel/motel

A. Extended-stay motels/hotels shall have no more than twenty-five (25) guest rooms per acre.
B. Each guest room must have a minimum of three hundred (300) square feet and access with a magnetic keycard entry/locking device.
C. Extended-stay hotels/motels shall not be more than four (4) stories in height.
D. Extended-stay hotels/motels must be constructed on a tract of land containing at least two (2) acres.
E. Extended-stay hotels/motels must contain an enclosed, heated and air-conditioned laundry space containing a minimum of three (3) clothes washers and three (3) clothes dryers for the use of guests.
F. Extended-stay hotels/motels must provide a minimum of one thousand (1,000) square feet for recreational use by guests. In computing the one thousand (1,000) square feet requirement, swimming pools, fitness or recreation centers and other recreational facilities may be used in determining the square footage required by this subsection.
G. Management must be on the property twenty-four (24) hours a day, seven (7) days a week.
H. Daily maid service must be included in the standard room rate.
I. Parking areas must have security fencing and lighting with a minimum luminescence of one (1) foot-candle at pavement level.
J. No extended stay motel/hotel may be located within one thousand (1,000) feet of another extended stay motel/hotel.
K. Change of location or name.
    1. No applicant shall operate, conduct, manage, engage in, or carry on an extended-stay motel/hotel under any name other than his name and the name of the business as specified on the occupation tax certificate.
    2. Any application for an extension or expansion of a building or other place of business where an extended-stay motel/hotel is located shall require inspection and shall comply with the provisions and regulations of this article.
    3. The applicant shall pay an administrative fee to be set by the city council to apply for a change of name for an extended-stay motel.

NOTE: *Farmers markets, temporary seasonal section* moved to temporary uses!

Commented [NW21]: Farmers markets, temporary seasonal section moved to temporary uses

4.2.23 Fuel pumps, accessory.

A. Upon the minor redevelopment of existing structures or buildings, as defined in Section 28-8-1.16, that also requires a land disturbance permit or building permit, the director may require additional improvements to landscaping, signage, parking lots, sidewalks, or building facades. Any minor redevelopment of existing structures, buildings, and physical appurtenances is permitted by right if such changes result in greater conformity with the specifications of this section.

B. Gas station and convenience store design shall comply with the design standards set forth in article 5 of this chapter.

C. The following standards apply to all gas pumps:

1. The primary building (i.e., convenience store or automobile service station) shall be exempt from primary building setbacks if located in activity centers.
2. Canopies covering gasoline dispensers shall be set back not less than fifteen (15) feet from all street rights-of-way.
3. Canopy height shall not exceed the greater of twenty (20) feet or the height of the principal building.
4. Canopies and their columns shall be complementary to the overall color scheme and building materials scheme of the building façade to which the canopy is necessary.
5. Canopy lighting shall not extend beyond the area immediately beneath the canopy and all fixtures shall be recessed, including any fixture or lens. Lighting shall project inward and downward, shall not have any spillover to adjacent properties, and shall cut off no later than thirty (30) minutes after closure of the facility.
6. Automobile service stations with gas sales shall have a capacity to store one (1) car per bay (car area in front of a pump), so as not to interfere with driveway ingress and egress traffic flow.
7. A minimum of thirty (30) feet is required between a property line and the nearest gasoline pump.
8. Owner and operator are responsible for daily litter clean-up to ensure that property remains free of litter, trash, and debris.
9. When a separate retail or restaurant use is located on the same property as fuel pumps, there shall be separate and distinct parking spaces for each use.
10. The use of light emitting diodes, neon lights, and illuminated panels placed around the windows or on the outside of the building is not prohibited.

D. Fuel pumps associated with convenience stores, gas stations, and service stations require a special land use permit ~~in activity centers. In all other character areas, a special land use permit is required unless that facility can meet at least three of following criteria:~~

~~1. Facility is located within four hundred (400) feet of an intersection of a major arterial street and a major or minor arterial street or located within on thousand (1,000) feet of an intersection within an interstate highway.~~

~~2. Facility is accessible via direct and secondary access, either through a secondary street or by inter-parcel or other shared access.~~

~~3. Facility is a new building of at least five thousand (5,000) square feet or facility is part of a major redevelopment as defined in Section 27-8.1.16.~~

~~4. Facility includes at least two (2) bathrooms capable of serving at least three (3) persons at a time, open to the public, and compliant with the Americans with Disabilities Act.~~

~~E. Distance shall be measured from the right-of-way of the exit or entrance ramp, or street corner (middle of the radius), along the intersecting street right-of-way, to the nearest property line.~~

~~F.~~E. If a reverse frontage design is proposed the primary building shall be located close to the street to define street edge. Pump islands shall not be located between the building and the street but shall be placed behind or to the side of the primary building. The façade of the primary building located closest to the street shall include architectural features and shall have an active entrance either on the side or rear, with clear unobstructed pedestrian access from the public sidewalk. The street façade shall have at least 25% fenestration or faux fenestration.

~~G.~~F. Service areas, storage areas, and trash enclosure shall be oriented away from public view and screened from adjacent properties.

~~H.~~G. Facilities must be providing a two (2) foot high masonry wall with landscaping and/or an evergreen hedge to help screen the pumps from view from a public right of way.

4.2.24 Heliport, general aviation airport.

A. Heliports and general aviation airports must comply with FAA regulations AC No. 150/5390 for design standards for general aviation, hospital heliports, and rooftop emergency facilities.

4.2.25 Home occupations and private educational uses.

A. **Type I home occupation.** A home occupation where no customer contact occurs shall be considered a Type I home occupation and may be conducted with administrative approval by the director of planning.
   1. The owner/operator must reside on the premises. (Amended xx.xx.2019)
   2. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.

B. **Type II home occupation**. All home occupations other than Type I home occupations shall be considered a Type II home occupation and shall require a special land use permit (SLUP).
   1. Additional conditions may be placed on the approval of a Type II home occupation in order to ensure the home occupation will not be a detriment to the character of the residential neighborhood.
   2. Customer contact is allowed for Type II home occupations.
   3. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.

C. **All home occupations**.
   1. There shall be no exterior evidence of the home occupation.
   2. No use shall create noise, dust, vibration, odor, smoke, glare or electrical interference that would be detectable beyond the dwelling unit.
   3. The use shall be conducted entirely within the dwelling unit, and only persons living in the dwelling unit shall be employed at the location of the home occupation.

4. No more than twenty-five (25) percent of the dwelling unit and or five hundred (500) square feet, whichever is less, may be used for the operation of the home occupation.
5. No more than one (1) business vehicle per home occupation is allowed.
6. No home occupation shall be operated so as to create or cause a nuisance.
7. Home occupation shall not include the use of a dwelling unit for the purpose of operating any automobile repair establishment, or car wash.
8. Occupations that are mobile or dispatch-only may be allowed, provided that any business vehicle used for the home occupation complies with the below requirements and is limited to one (1) business vehicle per occupation.
    a. The parking of business vehicles on private property located within residential zoning districts is prohibited. This section shall not prohibit: (1) typical passenger vehicles, with or without logos, including automobiles, pickup trucks, passenger vans, and dually trucks, (2) vehicles engaged in active farming, construction activities or contractor services on the private property, or the temporary parking (twelve (12) hours or less) of vehicles for the purpose of loading/unloading within residential zoning districts; nor (3) the parking of vehicles on property located in residential zoning districts, where such property is used for an authorized non-residential use such as a church. Vehicles used in law enforcement are exempt from the restrictions of this subsection.

D. **Private educational services** shall comply with home occupation standards and no more than three (3) students shall be served at a time. Family members residing in the home are not counted towards the three (3) students allowed.

E. **Childcare homes and personal care homes** are considered Home Occupations and must adhere to these provisions in addition to Section 4.2.15 and section 4.2.38 ~~41~~.

4.2.26 Hookah or Cigar Lounge

A. Hookah or Smoke Lounges are permitted in the City of Stonecrest only as an accessory use to either a "retail tobacco store" or a "freestanding bar".
    1. Retail Tobacco Store
        a. Allows the sale and smoking of tobacco products
        b. Cannot sell food or alcohol
        c. Cannot sell tobacco products to anyone under the age of 21
        d. Cannot be a "late night establishment"
    2. Freestanding Bar
        a. Allows the smoking of tobacco products
        b. Cannot be a "restaurant" as defined by the City Zoning Ordinance
        c. Cannot employ or admit anyone under the age of 18
        ~~a.~~d. Can be a "late-night establishment" with permission of the City

4.2.27 ~~Heavy i~~Industrial uses requiring a SLUP or Rezoning~~.~~

A. In addition to the submission requirements of article ~~7~~8, any application for a special land use permit (SLUP) or a rezoning related to an ~~heavy~~ industrial use shall provide the following information as applicable:
    1. Submit within the letter of application the following details:

a. Specific operations to be performed.
b. Hours of operation.
c. Whether operations will be indoors or outdoors.
d. How long materials will be stored on the property.
e. Whether any hazardous wastes will be involved in the operation, including an explanation of how safety measures will ensure that there is no air or water contamination and how the operators will safely dispose of such hazardous materials.
f. A description of any solid wastes handled, produced, or disposed of, including whether the operations will require a solid waste handling permit.
g. How many employees there will be.
h. Whether the operation will be open to the public.
i. What types of vehicles will be delivering materials to the property; and, how many and how often, what thoroughfares or major route plan the trucks will take to get to and from the site to minimize any impact on residential area, and whether trucks will be covered to minimize dust/odor impacts on adjacent roadways used to get to the site.
j. Whether the proposed use requires the submittal of a development of regional impact (DRI).
~~j.~~k. Documentation of EPD compliance for the proposed use.

2. Copies of any required state and/or federal agency applications, requirements, environmental assessment reports, or related data; or, if none have been submitted, an indication as to whether such documentation is required.
3. Data from reputable industry sources on current industry standards regarding the proposed land use and how the proposed operation will comply with industry standards to ensure that surrounding properties are not adversely impacted.
4. For any of the following uses, certification by an environmental professional that the proposed operation will not have any adverse air or water quality impacts on surrounding properties:
    a. Any use requiring a solid waste handling permit.
    b. Any use which utilizes burning, melting, or degasification.
    c. Any use which involves the emissions of particulate matter.
    d. Any use which processes or stores hazardous materials.
    e. Any landfill.
5. Detailed information on proposed methods to minimize any adverse air/water quality impacts based on current industry standards.
6. Detailed information on proposed methods to minimize any noise, odor, dust, and vibration on surrounding properties in light of current industry standards.
7. Detailed information regarding how traffic impacts will be accommodated on the surrounding road network.
8. Any data regarding any monthly, quarterly, or yearly required inspections by any state or federal agency to ensure compliance with any state or federal permits once use has been approved by City of Stonecrest.

4.2.28 Late-night establishments and nightclubs.

A. The regulations that follow regarding late-night establishments and nightclubs are intended to afford protection to residential uses and other uses so as to protect the public health, safety, and welfare while respecting and providing adequate opportunities for nightlife in the city.

B. Late-night establishments and nightclubs shall be subject to all of the following standards:

1. Parking facilities within a lot may be shared in accordance with article 7~~6~~, parking.
2. Valet parking shall not be used to satisfy the requirement to meet applicable parking standards.
3. Methods of traffic circulation, ingress and egress shall be consistent with best management practices as approved by the planning department.
4. Noise from the proposed use shall be contained within the subject retail center units or standalone structures. The facility shall comply with chapter 16.
5. No late-night establishment or nightclub boundary line shall be located within one thousand five hundred (1,500) feet from the boundary line of property zoned for residential use without the issuance of a special land use permit (SLUP). A late-night establishment or night club is not required to obtain a special land use permit when their closest residential neighbor is on the opposite side of an interstate highway.

C. Every special land use permit application for a late-night establishment or nightclub shall include a scaled drawing of the location of the proposed premises, showing the distance measured in feet from the boundary line of the property proposed to be used as a late-night establishment or nightclub to the boundary line of property zoned for residential use. Such drawing shall be certified by a land surveyor or professional engineer registered in the State of Georgia. For the purposes of this section, distance shall be measured in feet as follows:

1. From the property line of the land upon which the late-night establishment or nightclub is located to the property line of the land which is zoned for a residential use. Along a straight line which describes the shortest distance between the two (2) property lines (i.e., "as the crow flies").

D. Any late-night establishment or nightclub operating pursuant to a validly issued business and liquor license issued prior to the effective date of November 18, 2008, shall be a legal nonconforming use as defined in article 10~~9~~. No late-night establishment or nightclub currently operating under a valid license issued prior to the effective date set forth in this section shall be required to secure a special land use permit from the city council in order to continue operation. Such establishments shall be required to comply with the applicable provisions of article 4, division 5 [sic] of this chapter regarding cessation, expansion, movement, enlargement or other alteration of the late-night establishment or nightclub. If a licensee is operating a legal nonconforming late-night establishment or nightclub at a particular location pursuant to this zoning ordinance, and such license is revoked, upon revocation, the legal nonconforming status of the licensee at that particular location shall be terminated

4.2.29 Live-work unit.

A. A live-work unit is a residential unit used as both living accommodations, which includes cooking space and sanitary facility in conformance with applicable building standards and board of health standards, and adequate working space accessible from the living area. If a live-work unit is not constructed to commercial fire safety standards, the commercial portion of the live-work unit may only be operated by one (1) or more persons who reside in the unit. If a live-work unit is

constructed to commercial fire safety standards, a resident of the live-work unit may allow the commercial portion of the live-work unit to be operated by a third-party.

B. Live-work units shall meet all of the following standards:
    1. Uses shall be compatible with residential uses and shall not produce or create noise, smoke, vibrations, glare, fumes, odors, electrical interference, or fire hazards that would unreasonably interfere with residential uses.
    2. If a live-work unit is in a residential district, permitted uses shall be limited to those uses allowed in the Neighborhood Shopping (NS) District. For a live-work unit located in a non-residential district, permitted uses shall be limited to those uses allowed in that district.
    3. Restroom facilities shall be provided to serve the commercial portion of the unit. Individual public restrooms facilities are not required within each live-work unit when disabled accessible public restroom facilities are provided elsewhere on an accessible route within the building or building site.
    4. A live-work unit will be subject to all applicable licenses and business taxes.
    5. See also article 5 for additional design requirements.

4.2.30 Mines or mining operations, quarries, asphalt plants, gravel pits, soil pits, borrow pits, and sand pits.

A. The following regulations apply to the use of land as a mine, mining operation, quarry, gravel pit, borrow pit, and sand pit. See also article ~~7~~8, administration for additional approval criteria.

B. **Removal or extraction of dirt, sand and soil**.
    1. Drainage plans and a plan for the redevelopment of the site when the removal is completed shall be submitted with the application for a development permit.
    2. The use shall not be established within one thousand (1,000) feet of a residential zoning district or use nor within three hundred (300) feet of any other use.
    3. This subsection shall not prohibit the removal of earth and rock and filling and grading in any district done for land development purposes, upon issuance of a development permit in accordance with the provisions of this chapter.

C. **Quarry and mining**.
    1. All improved and maintained entrances shall be fenced and locked during non-business hours. The property shall be adequately posted as is required by state law, and evidence of such posting shall be filed with the director of planning.
    2. Operators shall comply with state department of natural resources, surface mining land reclamation program rules and regulations, and the mining permit number issued by the state shall be filed with the director of planning.
    3. A blasting limit of two (2) inches per second peak particle velocity, as measured from any of three (3) mutually perpendicular directions in the ground at off-site buildings, shall not be exceeded.
    4. An air blast limit of one hundred twenty-eight (128) decibels (linear peak), measured at off-site residential buildings, shall not be exceeded.
    5. Seismographic and noise instrumentation shall be required for a minimum of one (1) blast per three-month period. The records of such instrumentation and records of all blasts, including total charge weight, charge weight per delay, charge depth, date and time, location and meteorological conditions, shall be retained by the operator for a period of not less than two (2) years. All non-instrumented blasts shall be in compliance with the recommended scaled distance, as defined by the United States Department of the

Interior, Bureau of Mines Bulletin 656, entitled "Blasting Vibrations and Their Effects on Structures."

D. Prior to the issuance of any development permit for any mine, quarry, gravel pit, or sand pit, the applicant shall provide to the director a reuse or reclamation plan which meets all requirements of chapter 14 of the Code.

4.2.31 Mini-warehouses and "self-storage" facilities.

A. Outside storage for mini-warehouses shall be limited to vehicles such as boats, RV's etc. and shall only be allowed in side and rear yards.
B. Storage units may not be used for the following uses: the operation of a business or service enterprise; personal activities such as hobbies, arts and crafts, woodworking, repair, restoration or maintenance of machinery or equipment; hazardous or toxic material storage; and/or living or sleeping quarters.
C. Wares, goods and/or personal property stored therein shall not include explosives, paint, flammable chemicals or other materials which might be corrosive or hazardous.
D. Buffer standards in article 5 shall apply.
E. Exterior lighting for a mini-warehouse facility shall project inward and downward and shall not spillover to adjacent properties.

4.2.32 Non-Emergency Transportation

A. Storage of vehicles used for transportation of clients must be screen from view of the public right of way by landscaping or fencing.
B. As a home occupation, these operations must meet all requirements of section 4.2.26 including no parking of a commercial vehicle in a residential district.

4.2.33 Outdoor display and seating, permanent.

A. This section applies to the placement of merchandise and/or merchandise vending machines outside the walls of any enclosed building with the intent being to entice potential customers onto the premises through the public display of such merchandise and/or merchandise vending machines. The term "outdoor display" shall not apply to merchandise which is placed outside temporarily for the purpose of sales. See division 3, temporary use regulations. Outdoor display shall be permitted in conjunction with permitted uses in the NS, C-1, C-2, MU districts, M, and M-2 zoning districts, provided the following requirements are met:
    1. Areas devoted to outdoor display, as referred to in this section, shall be allowed on public and private sidewalks, provided that all ADA requirements are fulfilled.
    2. All outdoor display areas shall be located contiguous to the principal building, subject to all fire safety requirements.
    3. No outdoor display shall be permitted to occupy or interfere with traffic circulation, required parking areas or pedestrian access.
    4. The type of merchandise permitted in outdoor displays shall be limited to automobiles, boats, recreational vehicles, farm equipment, yard and garden accessories, prefabricated storage sheds, nursery and agricultural products, gas pump island beverage shelving, and vending machines. This section shall not be interpreted to include supply yards, salvage yards, or other items or materials considered outdoor storage.
    5. Outdoor displays of tires shall be within ten (10) feet of the building.

6. Outdoor displays shall be permitted in any yard but shall not encroach into any public rights-of-way.
7. Outdoor displays shall present a neat and orderly appearance.
8. Outdoor displays shall be permitted only where such display is incidental to and supportive of the principal use of the structure located on the same parcel.
9. Each outdoor display location must be shown on the site plan at time of initial permitting of land development permits and building permits and shall not encroach on any required landscaping and parking areas.
10. These standards shall apply to outdoor seating areas at restaurants, coffee shops, etc.

4.2.34 Outdoor storage of materials, supplies, equipment or vehicles.

A. The following regulations shall apply to outdoor storage of materials, supplies, equipment, or vehicles. The term outdoor storage does not include outside display of merchandise; outdoor temporary sales or events; auto-dealerships; salvage yards; junk yards; automobile wrecking yards; or storage yards for non-operable, confiscated, or dilapidated vehicles, equipment, or materials.

B. In the O-I, NS, and C-1 districts, accessory outdoor storage associated with the operation of a business is allowed subject to the following requirements:
   1. The outdoor storage area shall be at least fifty (50) feet from the street right-of-way.
   2. The outdoor storage area shall be screened so as not to be visible at ground level from any adjoining property or public street.
   3. The materials stored must be for use by the owner and not displayed for sale to third parties.
   4. Fleet vehicles associated with the operation of the business are exempt from these requirements.

C. In the C-2, M, and M-2 districts, any outdoor storage areas (primary or accessory) are allowed subject to the following requirements:
   1. The outdoor storage area shall be at least fifty (50) feet from the street right-of-way.
   2. The outdoor storage area shall be screened so as not to be visible at ground level from any adjoining property or public street.
   3. A ten-foot wide evergreen landscape buffer around the outside perimeter of the screened area shall be provided when adjacent to any property not zoned C-2, M, or M-2.
   4. Fleet vehicles associated with the operation of a business are exempt from these requirements.

D. In residential districts, outdoor storage is allowed for items such as barbecue grills, lawn furniture, hoses, garden tools, lawn equipment and outdoor play equipment. Outdoor storage of the following is expressly prohibited:
   1. Indoor appliances, whether or not in use;
   2. Indoor furniture, whether or not used for "outdoor leisure" furniture; and
   3. Items that are no longer used for their intended purpose; for example, a bike missing a tire, broken machinery, old appliances and scrap metal or other scrap materials.

4.2.35 Parking, commercial lot.

A. Commercial parking lots shall meet all the streetscape, landscaping, buffering and screening requirements provided in article 5 and 6 of this chapter.

4.2.36 Party Houses.

A. Single Family Residential Property may only be utilized as a "Party House" by Special Administrative Permit in the "RE" zoning district and only on lots with at least 300 feet of frontage on a public street and a primary structure no less than 4,000 square feet in area.
B. An event defined as a "Party House" may only be conducted inside the primary structure and/or in a completely fenced back yard.
C. With exception of traditional internal lighting and porch lights, no other illumination may be utilized during a "Party House" event, including, but not limited to, strobe lighting, disco-ball light, spotlight or any other light used to draw attention to the structure.
D. Any music utilized for the "Party House" event must be contained solely inside the primary structure and shall be subject to the applicable provisions of the City's Noise Ordinance contained in Chapter 18, Article VII of the City Code.
E. In addition to a Special Administrative Permit, the owner of each "Party House" cannot have such an event at the residence without acquiring an occupation tax certificate from the City. A Special Administrative Permit and Occupation Tax Certificate for a "Party House" may only be granted to the owner of the property.
F. Event guests at a "Party House" must park only on the designated driveway or on the public street directly in front of the residential lot on which the event is taking place, on the same side of the street, and only for the length of the street frontage directly abutting the property.
G. A qualifying event at a "Party House" may not continue past 11p.m. on Sunday – Thursday, or midnight on Friday-Saturday or any Federal Holiday.
H. Neither a Special Administrative Permit nor an Occupation Tax Certificate may be granted to any property for a "Party House" that is located within 2000 feet of any City or County park facility, senior housing or public or private school, or be within 1,000 feet of more than 2 other residential lots.
I. No alcohol may be sold during a qualifying event of a "Party House" and no more than one (1) drink may be included as part of a cover charge for said event. For purposes of this provision, one drink shall be either a 12 oz. malt beverage, 12 oz. glass of wine or an alcoholic drink featuring no more than 1.5 oz. of any distilled spirit.
J. A Special Administrative Permit and Occupation Tax Certificate for a "Party House" shall authorize the owner of the property no more than ten (10) such qualifying events in any calendar year.

4.2.37 Pawn shops or title loan agency

A. Pawn shops or title loan agencies shall not be permitted within one thousand (1,000) feet of an existing pawn shop, title loan agency, or check cashing facility. For the purpose of this section, distance shall be measured by the most direct route of travel on the ground.
B. The window and door area of any existing first floor façade that faces a public street or sidewalk shall not be reduced, covered, nor otherwise obscured, nor shall changes be made to such windows or doors that block one's view into the building at eye level from the street or sidewalk.
C. For new construction, at least thirty percent (30%) of the first floor façade that faces a public street or sidewalk shall be window or doors of clear or lightly tinted glass that allows a person to see into the building at eye level form the street or sidewalk.
D. The use of bars, chains, roll down doors or similar security devices placed on the outside of the building is prohibited.
E. The use of light emitting diodes, neon lights, and illuminated panels placed around the windows or the outside of the building is prohibited.

4.2.38 Personal care homes/facilities and Community living arrangements ~~and childcare uses~~

A. General requirements.

1. Each personal care home or facility must obtain all license(s) and/or permit(s) required by the State of Georgia in order to operate. Each personal care home or facility licensed and/or permitted by the State of Georgia must display its state-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility. In addition, all personal care facilities and homes must obtain a business license from the City of Stonecrest.
2. No personal care home may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.
3. ~~Personal care homes may apply for an FHA Accommodation Variance as provided for in section 7.5.9 of this chapter.~~
4. ~~3.~~ Personal care homes, facilities, or community living arrangements are not permitted in multi-family dwellings, townhomes, or any other attached single-family home.

B. Personal care homes or community living arrangements

1. ~~Two (2) copies of complete architectural plans for the subject group personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.~~ Two (2) copies of a site plan for the proposed personal care home are required to be submitted to the director of planning.
2. Each group personal care home must provide at least four (4) parking spaces within a driveway, garage or carport and must comply with any applicable requirements in article 7~~6~~.
3. In order to prevent institutionalizing residential neighborhoods, no ~~group~~ personal care home located in the RE, R-LG, R-100, R-85, R-75, R-50, R-SM, or MR-1 zoning district may be operated within one thousand five hundred (1,5~~0~~00) feet of any other ~~group~~ personal care home or child care home. The one-thousand five hundred-foot distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two (2) tracts of land on which the group personal care homes or child caring homes are located.
4. ~~The home must be at least 1800 sq. ft in size.~~ The home or building must be at least 2000 sq. ft in size and must be a detached, stand-alone building in all residential districts (RE, R-100, R-85, R-75, R-60, RSM, MR-1, MR-2, or RNC).
5. Personal care homes in residential zonings must be occupied by the business owner.

C. Personal care facility.

1. Two (2) copies of complete architectural plans for the subject community personal care facility, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
2. Each community personal care facility must provide at least one-half (0.50) parking spaces for each employee and resident and must comply with any applicable requirements in article 7~~6~~.

~~B. Childcare homes and childcare facilities, general requirements.~~

Commented [NW22]: Moved to own section.

~~1. Each child caring home and facility institution must obtain all license(s) and/or permit(s) required by the State of Georgia in order to operate. Each child caring home and facility must display its state-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.~~

~~2. Childcare homes and childcare facilities are not permitted in multi-family dwellings.~~

~~3. No child caring institution may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.~~

~~4. Each child care home and child care facility serving 3 or more children over the age of three (3) and under the age of fifteen (15) must provide a fenced outdoor play area equivalent of 100 square feet per child in the rear of the property. Evidence of compliance must be shown upon application for or renewal of a business license.~~

~~C. **Childcare home.**~~

~~1. Each childcare home must provide at least four (4) parking spaces within a driveway, garage or carport, and must comply with any applicable requirements in article 6.~~

~~2. Childcare Facility (seven (7) or more children).~~

~~3. Two (2) copies of the complete architectural plans of the subject community childcare facility, signed and sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.~~

~~4. Each community childcare facility must provide at least one-half (0.50) parking spaces for each employee and resident and must comply with any applicable requirements in article 7.~~

4.2.39 Places of worship, convents; monasteries; temporary religious meetings.

A. The following subsections shall apply to places of worship, convents and monasteries and their related uses, buildings and structures located in a residential district:

1. Any building or structure established in connection with places of worship, monasteries or convents shall be located at least fifty (50) feet from any residentially zoned property. Where the adjoining property is zoned for nonresidential use, the setback for any building or structure shall be no less than twenty (20) feet for a side-yard and no less than thirty (30) feet for a rear-yard.
2. The required setback from any street right-of-way shall be the front-yard setback for the applicable residential district.
3. The parking areas and driveways for any such uses shall be located at least twenty (20) feet from any property line, with a visual screen, provided by a six-foot-high fence or sufficient vegetation established within that area.
4. Places of worship, convents and monasteries shall be located on a minimum lot area of three (3) acres and shall have frontage of at least one hundred (100) feet along a public street.
5. Places of worship, convents and monasteries shall be located only on a thoroughfare or arterial.
6. Any uses, buildings or structures operated by a place of worship that are not specifically included within the definition of place of worship must fully comply with the applicable zoning district regulations, including, but not limited to, any requirement for a special land use permit.

4.2.40 Private kindergarten, elementary, middle, and high school.

A. The minimum lot size for private elementary, middle, and high school, for which an application for a special land use permit is filed, shall be as follows:
    1. Elementary school: Two (2) acres plus one (1) additional acre for each one hundred (100) students based on the designed capacity of the school.
    2. Middle school: Three (3) acres plus two (2) acres for each one hundred (100) students based on the designed capacity of the school.
    3. High school: Five (5) acres plus two (2) acres for each one hundred (100) students based on the designed capacity of the school.
B. The minimum public road frontage for a private school is two hundred (200) feet.
C. Accessory ball fields shall be located at least fifty (50) feet from a residential district or property used for a residential purpose.
D. A fifty-foot undisturbed buffer is required if adjacent to a residential district or property used for a residential purpose.

4.2.41 Requirements for Moving Buildings

A. No dwelling unit or other permanent structure shall be moved within or into the city unless, when relocated, it meets all requirements of chapter 23, article 3, and chapter 27 of the Code and is first approved by the director of planning.

4.2.42 Salvage yard, junkyard.

A. The following provisions shall be required for automobile salvage, wrecking yards and junkyards, primary or accessory:
    1. The site shall be enclosed by a wall or opaque fence not less than eight (8) feet in height.
    2. No activity and no vehicle storage associated with such uses shall be conducted within one hundred (100) feet of any property zoned or used for residential purposes.
    3. No activity and no vehicle storage associated with such uses, except for deliveries, pickups, and signs, shall be conducted within fifty (50) feet of the street right-of-way.
    4. No activity and no vehicle storage associated with such uses shall be conducted within fifty (50) feet of the side and rear property lines, unless the adjacent property is zoned M or M-2.
    5. The use shall not be permitted within three hundred (300) feet of any property used for a school, park, playground or hospital.
    6. The sale of automobile parts removed from vehicles on the site shall be permitted.
    7. A ten-foot-wide evergreen landscape buffer around the outside perimeter of the screened area shall be provided when adjacent to any property not zoned C-2, M, or M-2.

4.2.43 Specialized and vocational schools.

A. Specialized and vocational schools must meet the applicable requirements of section 4.2.39 and, with the exception of facilities located in industrial districts, all activities shall occur within enclosed buildings.

4.2.44 Senior housing: independent and assisted living, nursing, and continuing care.

A. Primary uses: Senior housing facilities shall include either independent living units or assisted living units, or both. The independent living units may be either single-family (detached) residences or multi-family (attached) residences.

B. Accessory uses: Senior housing facilities shall include one (1) or more of the following accessory uses:
   1. Ancillary clinics, personal service, retail (e.g., pharmacy, hair salon, medical offices).
   2. Central kitchen and dining facility.
   3. Recreation and amenities.
   4. Building/clubhouse for classes, meetings, concerts, storytelling, etc.
   5. Adult day care.

C. The maximum number of unrelated residents living independently (not requiring personal care) and at age fifty-five (55) or older allowed in an independent living unit is one (1) per bedroom.

D. Height standards: A senior living facility in which all of the occupied units are occupied by at least one senior aged fifty-five (55) or older is authorized up to ten (10) stories without a height SLUP in MU-2 and MU-3 zoning districts, subject to transitional height plane regulations in article 5.

E. Accessibility standards: All senior housing shall incorporate accessibility standards that meet certification requirements for easy living or universal design and/or include all of the following minimum features:
   1. At least one (1) step free entrance to the main floor at either the front or side of the structure; if only one (1) is provided, it shall not be from a patio or raised deck.
   2. Main floor of each unit shall include a kitchen, entertaining area, and master bedroom with full bathroom.
   3. Every door on the main floor shall provide a minimum width of thirty-four (34) inches of clear passage.
   4. Blocking shall be installed in the master bath around toilet, tub, and shower for placement or future placement of grab bars.

F. Assisted living, nursing and continuing care facilities shall provide the following:
   1. Primary and secondary support services: Approval for assisted living, nursing or continuing care facilities shall not be granted without documentation of provisions for the following primary and secondary services:
      a. Primary services: on-site dining facility, twenty-four-hour on-call medical services, on-site licensed practical nurse, on-call registered nurse, linen and housekeeping services, and transportation services.
      b. Secondary services: physical therapy, medication administration program, care technician services (clothes changing, bathing, etc.), on-site personal care (barber, beauty salon), fitness center, library.
      c. Access to outdoor seating and walking areas shall be provided as part of every assisted living, nursing or continuing care facility.

G. A senior housing facility shall only be approved after consideration of the use permit criteria, found in article 8~~7~~ and after consideration of the following:
   1. Proximity and pedestrian access to retail services and public amenities.
   2. Transportation alternatives.
   3. Integration into existing neighborhoods through connectivity and site design.
   4. Diverse housing types.
   5. Site and building design that encourages social interaction.
   6. Building design that meets easy living standards.

H. In addition, in consideration of the special land use permit or special administrative permit for a senior housing facility, the following criteria shall be evaluated based on the degree to which these elements provide transition from the proposed project to adjacent existing development:
    1. Building height.
    2. Landscaping.
    3. Maximum lot coverage.
    4. Setbacks from exterior property lines.
    5. Site size.
    6. Access to thoroughfare.

I. Submittal requirements. The following documents and information are required for submittals for rezoning, special land use permits, land development permits and building permits associated with proposed senior living facilities:
    1. Survey and site plan (per established requirements in article 8~~7~~).
    2. Landscape and tree plan.
    3. Number and location of residential units.
    4. Types of units.
    5. Amenities.
    6. Institutional/non-residential services.
    7. Proximity to services such as health care, shopping, recreation, and transit.
    8. Other documents addressing the approval criteria in subsections G. and H. above.

~~Sec. 4.2.47. - Service areas, outdoor, for nonresidential uses.~~

~~All service areas for nonresidential uses shall be established so as not to encroach into any yard requirement and shall be visually screened from adjacent residential properties.~~

Commented [NW23]: Unclear what this applies to. Already applies to auto and industrial uses.

4.2.45 Shelters for homeless and transitional housing facilities.

A. No shelter for homeless and no transitional housing facility shall be designed to exceed a capacity of twenty (20) persons, unless accessory to a place of worship.
B. Prior to issuance of any approvals for operation of a shelter for homeless or transitional housing facility, the applicant for such approval shall disclose, in writing, the capacity and floor plan of the facility.
C. Such shelters shall comply with all applicable City of Stonecrest building, housing, and fire codes and shall fully comply with O.C.G.A. §§ 30-3-1, et seq. before a certificate of occupancy can be issued. The loss of any state license or permit shall result in an automatic revocation of that city issued permit or license.
D. There shall be no use on the property other than the shelter, unless accessory to place of worship.
E. No new shelter or transitional housing facility shall be located within one thousand (1,000) feet of an existing shelter or transitional housing facility.
F. Shelters for homeless and transitional housing facilities may apply for an FHA Accommodation Variance as provided for in section 8.~~7.~~5.9 if the residents would constitute disabled persons under the FHA.

4.2.46 Short Term Vacation Rental

A. In addition to the SLUP requirement for all residential districts, the following applies to all Short-Term Vacation Rentals ("STVR"):
    1. No individual renting the property shall stay for longer than 30 consecutive days

2. The STVR shall not be operated in such a way as to change the residential character of the neighborhood in which it is located and shall comply with the noise ordinance.
3. There shall also be provided at least one (1) off-street parking space for each bedroom used as a part of the STVR.
4. No signs or advertising are permitted to identify or advertise the existence of the STVR, beyond those otherwise allowed for the residential property.
5. All STVR units shall be furnished with a telephone that is connected to a landline or similar type connection, including a voice over internet protocol, in order that 911 dispatch may be able to readily identify the address and/or location from where the call is made when dialed.

4.2.47 Solar energy systems.

A. **Applicability.** Any SES that, prior to [the effective date of this ordinance]: is in operation, is being lawfully sited, constructed, or installed; or has caused the incurrence of substantial liabilities relating to siting, construction, or installation; shall be exempt from complying with these supplemental regulations unless the surface area of an Integrated SES or Rooftop SES or the Footprint of a Ground Mounted SES is increased by more than 10% after [the effective date of this ordinance].

B. **General Requirements for All Solar Energy Systems.** The following requirements apply to all SESs.

1. **Height.** An Integrated or Rooftop SES shall be given an equivalent exemption, if any, to the applicable zoning district's height restrictions for roof-mounted mechanical devices or equipment, except a Rooftop SES mounted on a sloped roof shall not vertically exceed the highest point of the roof to which it is attached. Also see Sec. 5.2.5. - Height measurement requirements and thresholds.
2. **Impervious Surface.** Ground mounted structures and components of the Ground Mounted SES, including transformers and foundations, shall be considered impervious. However, for purposes of compliance with the Stonecrest zoning code's impervious surface coverage requirements, the panels of a Ground Mounted SES shall be considered pervious if they maintain sheet flow and allow for water to infiltrate under and around them through a pervious surface and into the subsoil.
3. **Lighting**. To reduce light pollution, lighting of a Ground Mounted SES shall:
    a. be limited to the minimum reasonably necessary for its safe operation;
    b. be directed downward where reasonably feasible;
    c. incorporate full cut-off fixtures; and
    d. reasonably utilize motion sensors.
4. **Tree Removal**. The removal of trees or natural vegetation for any SES shall be avoided to the extent reasonably practicable and shall comply with the requirements of the Stonecrest zoning code.
5. **Location.** All Ground Mounted SES's permitted as an accessory use, in any district, must be located in the rear yard of the property and must be screened so as not visible from the public right-of-way.
6. **Decommissioning**. Unless otherwise approved by the [zoning authority – Planning Commission?], decommissioning shall begin no later than 12 months after a Ground Mounted SES has ceased to generate electricity or thermal energy. Within 6 months of the beginning of decommissioning, the SES and all structures associated with it shall be

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removed, all materials shall be recycled or otherwise reused to the extent reasonably practicable, and the property shall be returned to its condition prior to the installation of the SES or to some other condition reasonably appropriate for the designated land use.

C. **Specific Requirements for Intermediate and Large-Scale Solar Energy Systems**. The following requirements apply to Intermediate and Large-Scale SESs, in addition to the general requirements in this [ordinance] that apply to all SESs.

1. **Setbacks.** An Intermediate or Large-Scale SES shall comply with the following setback requirements:
    a. the Intermediate or Large-Scale SES shall be located no closer than the lesser of (a) 15 feet from any property line, or (b) the required setback for the applicable zoning district, if any;
    b. the Intermediate or Large-Scale SES shall be located no closer than the lesser of (a) 20 feet from any public right-of-way, or (b) the required setback for the applicable zoning district, if any; and
    c. the Intermediate Scale SES shall be located no closer than 50 feet from any residential dwelling unit on an adjacent lot.
    d. the Large-Scale SES shall be located no closer than 100 feet from any residential dwelling unit on an adjacent lot.
2. **Visual Buffers**. An Intermediate or Large Scale SES shall have, to the extent reasonably practicable, a visual buffer of natural vegetation, plantings, earth berms, and/or fencing that provides a reasonable visual and lighting screen to reduce the view of the SES from residential dwelling units on adjacent lots (including those lots located across a public right-of-way). The existing natural tree growth and natural landforms along the SES perimeter may create a sufficient buffer and shall be preserved when reasonably practicable. Any visual buffer must be established and maintained in accordance with the most recent visual buffer plan approved by the [zoning authority], and as further described in the Special Use Permit provision of this [ordinance].
3. **Signage**. An Intermediate or Large-Scale SES:
    a. shall display signs (a) stating the risks that may result from contact with an Intermediate Scale SES, (b) identifying the owner or operator of the Intermediate Scale SES, and (c) providing a 24-hour emergency contact phone number;
    b. shall comply with the requirements of the applicable zoning district for displaying any advertisement; and
    c. may have signs that contain educational information about the SES.

D. **Special Use Land Permit Application.** In addition to the general requirements for a Special Land Use Permit application set forth in the Stonecrest zoning code, there may be additional requirements for a Special Land Use Permit application for an SES. These requirements will be provided to all applicants with the SLUP application.

4.2.48 Solid waste facility regulations.

A. The city council shall not approve any amendment to the zoning maps, the comprehensive land use map or any application for a special land use permit, or any development or building permit related to a landfill if such landfill is not in compliance with the applicable requirements of

Georgia's Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 et seq., and as may hereafter be amended.

B. The city council shall not approve any amendment to the zoning maps, the comprehensive land use map or any application for a special land use permit related to a landfill unless the applicant obtains written verification from the Georgia Environmental Protection Division of the Georgia Department of Natural Resources that the landfill complies with or is not yet required to comply with all the applicable requirements set forth in the Comprehensive Solid Waste Management Act.

C. As used in this section the term "landfill" means a disposal facility, a materials recovery facility, a solid waste handling facility, a solid waste landfill, a private industry solid waste disposal facility, a solid waste handling facility, a solid waste thermal treatment technology facility, and a disposal facility for biomedical waste, hazardous and/or toxic materials including radioactive materials as all such terms are defined in O.C.G.A. § 12-8-22 and as may hereafter be amended.

~~Sec. 4.2.50. - Swimming pool, community.~~

~~Community swimming pools and their customary accessory buildings and structures shall be set back at least fifteen (15) feet from all side and rear lot lines and be enclosed by a wall or fence, not less than four (4) feet nor more than six (6) feet in height. Setback is measured from the pool decking except where established elsewhere.~~

Commented [NW25]: Added in with commercial recreation

~~Sec. 4.2.51. - Telecommunications towers and antennas.~~

~~See "wireless telecommunications."~~

Commented [NW26]: See Article 11

~~Sec. 4.2.52. - Tennis court, accessory to residential.~~

~~Tennis courts on individual residential lots shall be located in rear yards and shall be set back at least fifteen (15) feet from all side and rear property lines and be enclosed by a fence or freestanding wall at least eight (8) feet high. Lighting for the private tennis court shall not be permitted, except by a special administrative permit.~~

Commented [NW27]: Added into commercial rec

4.2.49 Towing service.

A. Vehicles associated with a towing service shall not be stored on the property for a period longer than fourteen (14) consecutive days. Records showing the arrival of each vehicle must be kept by the owner/operator of the business.

B. Any area of the site used for the short-term storage of cars shall be enclosed by a wall or opaque fence not less than eight (8) feet in height.

Commented [NW28]: Change based on use table, add supplemental regs

4.2.50 Transit shelters.

A. Transit shelters may be located within a street right-of-way with permission from the director of planning or within an established yard fronting a street but may not be located so as to obstruct the sight distance triangle per article 5.

B. A schematic plan of the transit shelter must be submitted and approved by the director of planning. The plan must include the following:

1. The location of the proposed shelter relative to street, property lines, and established building yards;

2. The size and design of the shelter, including front, side, and rear elevations, building materials, and any public convenience or safety features such as telephone, lighting, heating, or trash containers. Trash containers shall be provided for all transit shelters.

4.2.51 Truck stop.

A. The following provisions apply to truck stops whether designed as a primary use or accessory use as part of an industrial development:
    1. Truck stops shall be permitted only on parcels of ten (10) acres or more.
    2. Entrance drives for truck stop facilities shall not be closer than three hundred (300) feet from any point of an interstate highway interchange.
    3. Truck stops shall meet all state and federal environmental guidelines and requirements.

4.2.52 Urban or community gardens.

A. If an urban garden or community garden is greater than five (5) acres, a special administrative permit is required. The permit shall expire twenty-four (24) months from issuance, and such use shall thereafter only operate upon issuance of a new permit in the manner prescribed herein.
B. The following items shall be submitted with the special administrative permit application:
    1. Name and current address of the applicant.
    2. Address of the garden.
    3. Proof of ownership or leasehold interest (for the duration of the special administrative permit) of the lot on which the garden is located; or a notarized letter signed by the property owner(s), or authorized property manager or agent, consenting to the placement of a garden on the lot.
    4. A site plan showing:
        a. Property lines, street curbs, street names, and adjacent sidewalks as applicable.
        b. Plan layout and dimensions showing plot layout, structures and compost areas.
        c. Source of water, including any rain barrel locations.
    5. Permit fee.
    6. Other documents or information reasonably deemed necessary to determine the compatibility of the use identified in the permit application.
C. Sales of produce from the community garden site is allowed with the approval of a special administrative permit for temporary outdoor seasonal activities, provided the following regulations are met and documentation, where required, is provided with the application:
    1. Sales hours. Garden sales and pickups may occur between 7:00 a.m. and 9:00 p.m. Set-up of sales operations shall begin no earlier than 6:00 a.m., and take-down and clean-up shall end no later than 10:00 p.m.
    2. Management. An individual shall be present onsite during all sales hours to direct the vending operations.
D. The following requirements apply for all urban or community gardens, of any acreage. Gardens accessory to a residence are excluded from these standards.
    1. Garden operating rules and regulations. A set of operating rules shall be established to address the governance structure of the garden, hours of operation, maintenance, and security.
    2. Fencing. All fences shall comply with all applicable sections in the Code pertaining to the relevant zoning district in which the garden is located.

3. Synthetic fertilizers, pesticides, and herbicides. Gardens may submit documentation of organic methods. Alternatively, the garden shall be designed and maintained so that synthetic fertilizers, pesticides, and herbicides will not harm any adjacent property.
4. Waste removal. The garden shall recycle and remove waste in accordance with all applicable sections of the Code.
5. Parking requirements. The garden shall provide a minimum of one (1) parking space per one-half (0.5) acre of property on which the community garden is located during the hours of operation. The parking requirement may be met by providing either on-site parking or off-site parking within five hundred (500) feet of the property line of the property on which the community garden is located.
6. Permitted structures. The following structures are permitted in association with an urban or community garden:
    a. Greenhouses, hoop houses, cold-frames and similar structures used to extend the growing season.
    b. Storage buildings limited to tool sheds, shade pavilions, barns, restroom facilities with composting toilets, and planting preparation houses.
    c. Benches, bike racks, raised and accessible beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, chicken coops, beehives and children's area.
7. Use of machinery. Use of machinery and equipment is allowed, but use of machinery is limited to the hours of 8:00 a.m. to 8:00 p.m. When not in use, all such machinery and equipment (with the exception of machinery and equipment that is: (i) intended for ordinary household use, (ii) borrowed or rented for a period not to exceed seven (7) days, or (iii) located in an urban garden in Light Industrial District or Heavy Industrial District) shall be stored so as not to be visible from any public street, sidewalk, or right-of-way.
8. Buildings. Buildings shall be set back a minimum of ten (10) feet from property lines.
9. A minimum of twenty (20) feet of lot frontage along a public right-of-way, or an access easement not less than ten (10) feet wide to provide vehicular access in case of an emergency is required.
10. Driveways and parking may be surfaced with pervious material, including gravel.
11. The site should be designed and maintained so that water does not cause erosion or allow sedimentation on adjacent property.
12. No fencing shall exceed six (6) feet in height. Fencing along the front shall not exceed four (4) feet.
13. Compost and waste collection bins must be located in the rear yard (if a building exists) and be placed at least ten (10) feet from any property line.
14. One (1) sign located on a community garden site is permitted, provided that it shall not exceed six (6) square feet of sign area, excluding the base, and shall not exceed four (4) feet in height. Garden signs shall not be illuminated. Internally located directional, instructional, educational and labeling signs are allowed without a permit.
15. Hours of operation (other than sales) shall be allowed from dawn until dusk. No lighting is allowed.
16. Community gardens must comply with supplemental regulations regarding livestock, bee keeping, and temporary, seasonal sales or events, as applicable.

4.2.53 Utility structure necessary for transmission or distribution of service.

A. Any utility structure necessary for the transmission or distribution of service, whether an authorized use or a permitted use, shall provide security fencing and landscaping to lessen the visual impact of such structures on adjoining property.

B. Noise resulting from temporary construction activity pursuant to a valid development or building permit, that is not a part of the usual and ongoing operation of the use on the site, that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of this section. Such structures shall be located only within the buildable area of any lot where permitted or authorized by zoning and shall meet all requirements of the district in which such structure is located.

Sec. 4.2.57. - Wireless telecommunications (cell tower).

Commented [NW29]: Moved out to Article 11 – easily can be moved out of zoning code if determined appropriate.

4.3 Temporary Use Regulations

Commented [NW30]: Formatting changes only except added in Farmer's market regulations

4.3.1 Duration, frequency, and hours of operation of temporary outdoor uses.

A. The maximum duration, frequency, and hours of operation for temporary outdoor uses shall be limited as shown in Table 4.3, below:

Table 4.3 Temporary Outdoor Uses Operational Requirements

Temporary Use	Duration	Frequency	Hours of Operation	Special Administrative Permit Required?
Farmer's Markets – See Section 4.3.3				
Farmer's Markets	Year Round	3 consecutive days per month or one day per week	Cease at 9:00 p.m. Mon.—Thurs. & Sun.; 10:00 p.m. Fri. & Sat.	Yes
Outdoor Seasonal Activities and Sales – See Section 4.3.4				
Produce Stand	One full year	Year round	Daylight hours only	Yes
Christmas Tree Sales	Nov. 15 thru Jan. 1		Cease at 9:00 p.m. Mon.—Thurs. & Sun.; 10:00 p.m. Fri. & Sat.	Yes
Pumpkin and Halloween sales	Sept. 15 thru Oct. 31		Cease at 9:00 p.m. Mon.—Thurs. & Sun.; 10:00 p.m. Fri. & Sat.	Yes
All other seasonal sales	3 consecutive days	4 times/calendar year	Daylight hours only	Yes

Outdoor Events – See Section 4.3.5				
All other temporary outdoor events	14 consecutive days	2 times/calendar year	Cease at 9:00 p.m. Mon.—Thurs. & Sun; 10:00 p.m. Fri. & Sat.	Yes
Charitable/non-profit event	7 consecutive days	4 times/calendar year	Cease at 9:00 p.m. Mon.—Thurs. & Sun; 10:00 p.m. Fri. & Sat.	Yes
Worship Service or Gathering	Year Round	3 consecutive days per month or one day per week	Cease at 9:00 p.m. Mon.—Thurs. & Sun.; 10:00 p.m. Fri. & Sat.	Yes
Outdoor Retail and Display – See Section 4.3.6				
Temporary outdoor retail sales display	30 consecutive days	4 times/calendar year	Cease at 9:00 p.m. Mon.—Thurs. & Sun.; 10:00 p.m. Fri. & Sat.	Yes
Yard Sales – See Section 4.3.7				
Yard sales	3 consecutive days	Once/six months	Daylight hours only	No

4.3.2 General Requirements for Temporary Outdoor Uses

A. Temporary outdoor uses shall not be held, unless the necessary special administrative permit is obtained from the planning department, subject to the provisions of article 8~~7~~, and any other applicable agency which may require review prior to issuance of permits.

B. Any applicant for a permit for temporary outdoor use shall have the written authorization of the owner of the property to use the property for the specific event for which the application was submitted.

C. All applicants for a permit for temporary outdoor use shall obtain a business license, if applicable.

D. All approvals, permits, or licenses granted under this division must be displayed in a conspicuous manner on the premises at all times for inspection by City of Stonecrest.

E. No temporary outdoor use may be located within or encroach upon any drainage easement, public sidewalk or right-of-way, fire lanes, designated loading areas, driveways, maneuvering aisles, or ADA minimum four-foot sidewalk width within private sidewalks or other areas intended for pedestrian movement.

F. Temporary signage is permitted subject to the size and height standards in accordance with chapter 21, signs.

G. No operator, employee, or representative of the operator of a temporary outdoor use shall solicit directly from the motoring public.

H. Any temporary outdoor uses which have not complied with this division shall be a violation of this section. Any person or entity found to be in violation of this section may be punished as provided for in article 8~~7~~.

I. No temporary outdoor use shall be conducted within any public right-of-way unless permitted by public entity.

J. Merchandise shall only be displayed in a manner that does not obstruct pedestrian or vehicular circulation or flow of traffic.

K. Merchandise shall only be displayed in an area not wider than fifty (50) percent of the total linear frontage of the building occupied by the merchant.

L. The premises for a temporary outdoor use shall be restored to a sanitary condition, i.e., cleaned and cleared of all litter, trash and debris; and all equipment, materials, signs, temporary power poles, etc., associated with the temporary outdoor use shall be removed from the property within two (2) days of the last day specified for such use, except for yard sales. All unsold yard sale merchandise remaining at the conclusion of the sale must be removed immediately. Purchased yard sale merchandise must be removed within twenty-four (24) hours of conclusion of the sale.

4.3.3 Farmers markets; temporary, seasonal or long-term.

A. **Special administrative permit**. Farmers markets must obtain a special administrative permit for temporary seasonal sales or event to operate in City of Stonecrest. The application shall include:
   1. Name and current address of the applicant.
   2. A notarized letter signed by the property owner(s) or authorized property manager or agent, consenting to the placement of the farmers market on the property.
   3. A site plan drawn to-scale showing:
      a. Property lines, street curbs, street names, adjacent sidewalks as applicable.
      b. Plan layout and dimensions showing the on-site market area including the number, arrangement, and size of the vending structures to be located in the market.
      c. Location of onsite and offsite parking spaces.
      d. Any other documents or information requested and deemed by the director of planning as applicable to the specific application.

B. **Business license**. The operator of a farmer's market shall obtain a business license from City of Stonecrest prior to opening the farmers' market.
   1. City of Stonecrest shall be provided a list of the names of persons, firms or corporations who shall provide produce or merchandise for sale as part of the public market. The list shall also generally describe the type of item sold by each said person, firm or corporation. The list shall be updated quarterly during the term of the business license.

C. **Operation standards**.
   1. Access to public toilet facilities shall be provided to customers.
   2. Displayed inventory of the products sold may include:
      a. Farm products such as fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.
      b. Value-added farm products such as baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, smoked or canned meats or fish, sausages, or prepared foods.
      c. All other items may not be displayed and sold.
   3. At least seventy-five (75) percent of the vendors participating during the market's hours of operation must be either producers (a person or entity that raises farm products on farms the person or entity owns, rents or leases), family members, employees or agents of producers or preparer of said products.

4. If a booth sells farm products or value-added farm products that are not produced by the vendor, said booth must explicitly disclose the producer's name and location in writing with lettering that is at least two (2) inches tall and visible to the consumer.
5. Vending structures may include a temporary, movable booth, stall, table, tent or other structure used for the sale of goods or for display purposes at a farmer's market.

D. **Hours of operation.** Temporary or seasonal market hours may be between 7:00 a.m. and 9:00 p.m. Temporary or seasonal markets shall not operate more than six (6) hours per day nor more than three (3) days per week. Set-up of market operations shall begin no earlier than 6:00 a.m. and take-down and clean-up shall end no later than 10:00 p.m.

E. **Market manager**. On-site presence of a market manager is required during all hours of operation. The market manager shall direct the operations of all vendors participating in the market and verify that the requisite number of individual vending structures are operated by producers.

F. **Parking.** Two (2) parking spaces per vendor shall be provided on site or within five hundred (500) feet of the boundary line of the property hosting a temporary or seasonal farmer's market.

4.3.4 Outdoor seasonal activities and sales.

A. Temporary outdoor seasonal activities include the sale of retail merchandise associated with a recognized seasonal and/or federal holidays. Including but not limited to the sale of farm produce, Christmas, Halloween, Mother's Day, Easter, and Valentine's Day.

B. **Use regulations.**
1. A special administrative permit shall be required, for all temporary outdoor seasonal activities.
2. Events or sales of retail merchandise not customarily associated with seasonal or federal holidays or farm produce is prohibited.
3. Produce stands in residential areas shall only be located on property of nonresidential uses such as churches, schools, or recreational areas.

C. **Lot and parcel restrictions.**
1. A temporary outdoor seasonal activity may be held on a vacant parcel if within a non-residential zoning district.
2. A temporary outdoor seasonal activity may be held on parcels where the temporary outdoor seasonal activity is not associated with the principal use of the property.
3. Temporary outdoor seasonal activities shall be permitted only on property where such activities shall not disrupt controlled vehicular ingress and egress.
4. All exterior lighting utilized in conjunction with temporary outdoor seasonal activities shall be directed downward to minimize glare on adjacent properties.
5. Spotlights and high-temperature process lighting for temporary outdoor seasonal activities are prohibited.

D. **Setback and structure requirements**.
1. All temporary outdoor seasonal activities, including installation or erection of associated temporary display and sales structures, shall not be within any public right-of-way, and no display or sales area shall be located within twenty-five (25) feet of the street.
2. Tents over two hundred (200) square feet and canopies over four hundred (400) square feet shall require issuance of a building permit and approval by the fire marshal.
3. A sign may be erected on the property in accordance with chapter 21, sign ordinance, for the duration approved by the administrative permit.

4.3.5 Outdoor events

A. Temporary outdoor events may include temporary art shows, carnival rides, charitable or non-profit event, special outdoor social or religious event, entertainment, athletic events, rodeos, horseshows, and other events of community interest.

1. **Use regulations**.
    a. Employees shall be uniformed and identified.
    b. Security or off-duty police officers shall be on-site during operating hours.
    c. Portable toilets or access to bathrooms shall be provided.
    d. If the temporary outdoor event involves structures that require issuance of a building permit, a site plan of the event shall be included with the building permit application. The site plan submittal required by article 8~~7~~ shall indicate compliance with all zoning ordinance requirements.
2. **Lot and parcel restrictions**. Temporary outdoor event activities shall be set back at least one hundred (100) feet from any residential district or use.
3. **Temporary sites for worship.** The establishment of sites and tents for temporary worship conducted on a site not designated as a place of worship requires the grant of a special administrative permit by the director of planning.

4.3.6 Outdoor retail sales and displays.

A. Temporary outdoor retail sales displays and related outdoor storage activities include the exhibition or representation of goods, merchandise, materials, or other items sold or bought at a retail establishment in which the items are displayed or sold outside the confines of a wholly enclosed building, and which are associated with the principal use of an existing business. Temporary outdoor retail sales displays shall not include events for which no business license is required (e.g. cookie sales). Temporary outdoor retail sales displays shall be subject to the following regulations.

B. **Use regulations.**

1. A special administrative permit must be approved in accordance with the provisions of article 8.~~7.~~
2. Temporary outdoor retail sales displays shall include the display and sale of retail merchandise associated only with the principal use of the primary business on the property for a limited period of time.
3. Any object, device, display or structure, or part thereof, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service or event, shall also be considered part of the temporary outdoor retail sales display.
4. Sales transactions associated with the temporary outdoor retail sales display shall be conducted by employees of the principal use, and goods shall be owned by the owner or tenant of the principal use, not a consignment operation or temporary arrangement with a transient merchant/vendor.
5. Sales transactions associated with the temporary outdoor retail sales display must be consummated inside the building housing the principal use located on the site.

C. **Lot and parcel restrictions.**

1. Goods and merchandise may be displayed on public sidewalks only when a sidewalk abuts the store or building. Displays on public or private sidewalks shall not interfere with pedestrian travel, and the minimum ADA-required sidewalk width clearance shall be maintained.

2. Temporary outdoor retail sales display activities are prohibited on a vacant parcel.
3. Temporary outdoor retail sales display activities shall be conducted only on a paved surface, unless approved by the director.
4. Temporary outdoor retail sales display activities shall be permitted only on property where such activities shall not disrupt controlled vehicular ingress and egress and are not permitted within areas required, set aside or designated for loading and maneuvering areas, emergency access ways, driving aisles and driveways.
5. Property zoned M (Light Industrial) and M2 (Heavy Industrial) are exempt from (b)(1) and (b)(2) and the duration limits (Table 4.3). An administrative use permit is required, and duration of use is subject to the approval of the director.

D. **Setback and display requirements.**
1. All temporary outdoor retail sales display activities, including installation or erection of associated temporary display and sales structures, and stand-alone merchandise, display tables, or display racks, must be set back at least ten (10) feet from a city or state right-of-way.
2. A temporary shade structure, tent, tilt-up, umbrella or covering may be erected as a part of the temporary outdoor retail sales display activity. Mobile buildings are prohibited. Tents over one hundred (100) square feet shall require issuance of a building permit.
3. Display tables, racks or shelves may be used as part of a temporary outdoor retail sales display activity.
4. Temporary outdoor retail sales display items, excluding shade structures, tents, tilt-ups, umbrellas or coverings, shall not exceed six (6) feet above grade.
5. A sign may be erected on the property in accordance with chapter 21, sign ordinance, for the duration approved by the administrative permit.

4.3.7 Yard sales.

A. Yard sales may be conducted without a permit on private property but shall not be conducted within the public right-of-way.
B. Goods sold at yard sales must originate as the legal property of the homeowner, other persons participating in the sale, or members of a participating organization. Goods shall not include any items purchased for resale at the yard sale.
C. Two (2) temporary signs are permitted during the yard sale, provided that such signs shall be on private property with permission of the owner, not within the public right-of-way or attached to a utility pole. Signs must be removed immediately following the conclusion of the sale.
D. All unsold yard sale merchandise remaining at the conclusion of the sale must be removed immediately. Purchased yard sale merchandise must be removed within twenty-four (24) hours of conclusion of the sale.

5 Article 5. – Site Design and Building Form Standards

All development shall comply with this article's site, design, and building form standards, in addition to the requirements in Article 2 - Zoning districts, and Chapter 14, Land Development.

5.1 Block and Lot Requirements

5.1.1 Blocks.

A. **Intent.** The intent of this section is to have the lengths, widths and shapes of blocks in residential subdivisions designed with due regard to:
   1. Provision of building sites suitable to the special needs of:
      a. The building form contemplated;
      b. The conservation of open space; and/or
      c. Existing historic features.
   2. Zoning requirements for lot sizes and dimensions;
   3. Needs for convenient access by pedestrians and bicyclists to public transit, nearby schools, and commercial districts, vehicular circulation at safe speeds and adequate access for emergency vehicles; and
   4. Limitations of, and opportunities for, topography to minimize land disturbance and erosion.
   5. Connectivity standards in section 5.3.2.

B. **Block length.**
   1. When blocks are subdivided by new streets or created as part of a new development, including mixed-use, the minimum length of resulting new blocks shall be two hundred (200) to three hundred (300) linear feet.
   2. The maximum block length for new subdivisions in the Suburban character area is six hundred (600) linear feet.
   3. The maximum block length for new subdivisions in the Regional, City, and Neighborhood Center character areas is five hundred (500) linear feet.

C. **Blocks and pedestrian access**. If a new development provides for a path with an easement through a block:
   1. An easement for pedestrian use only shall be at least five (5) feet wide.
   2. An easement for pedestrian and bicycle use shall be at least ten (10) feet wide.

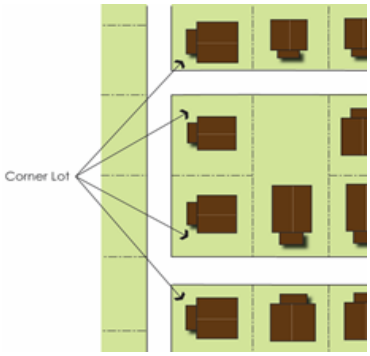
5.1.2 Lots.

A. All lots shall conform to the minimum requirements for the zoning district in which such lot is located, to all applicable requirements of this article, and the requirements of chapter 14 of the Code. In the event of a conflict between the provisions of this chapter and chapter 14 of the Code with respect to regulation of lots, the provisions of this chapter shall prevail.

5.1.3 Lots, access.

A. Each lot shall have vehicular access to a public or approved private street, or, in the case of townhouses, fee simple condominiums or cottage lots, to an alley or private internal drive, provided the overall townhouse or cottage development site provides access to a public street. In new subdivisions with three (3) or more single-family detached or single-family attached units, lots on minor or major thoroughfares with lot frontages less than one hundred (100) feet shall have driveway access via shared driveways.

5.1.4 Lots, corner.



A. **Front yard building setback.** On corner lots, the lot frontage with the shortest distance to a public right-of-way shall be designated as the front yard, and development shall comply with front yard building setback requirements of the zoning district in which the lot is located.

B. **Side corner yard**. Once the front of a corner lot is determined pursuant to subsection A., the remaining side adjacent to a street is the side corner yard.

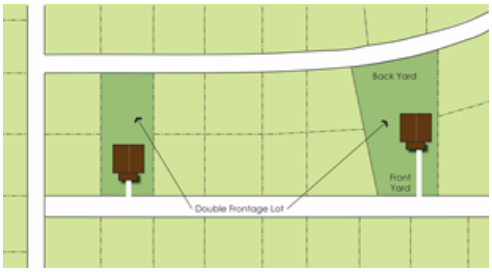
C. **Side corner yard building setback**. The minimum side corner yard building setback on corner lots shall be as designated by the zoning district regulations in article 2. Unless otherwise restricted, buildings may face either the front or side corner.

D. **Lot width.** The minimum width of corner lots with residential uses shall be increased by fifteen (15) feet above the minimum width required for the zoning district in which the lot is located.

E. **Side corner yard for nonconforming residential.** The side corner yard building setback in residential districts may be reduced to sixty (60) percent of the minimum front yard building setback in the zoning district if:

    1. The lot is a legal nonconforming lot; and
    2. The lot does not about a thoroughfare.

5.1.5 Lots, double frontage.



A. Lots which adjoin public streets in both the front and rear shall provide the minimum required front yard setback on each street.
B. For purposes of front yard regulations, there shall be only one (1) front yard designated, depending on which street the front of the house is built to face.
C. Driveway access on double frontage lots shall be limited to one (1) street only. A ten-foot no-access easement shall be provided along the frontage of the street not used for a driveway.

5.1.6 Every use must be upon a lot of record.

A. No building or structure shall be erected, and no use shall be established unless upon a lot of record.

5.1.7 Buildings on single family and duplex lots.

A. On all single-family detached and two-family residential lots, only one (1) principal building, together with its permitted accessory structures and uses, shall occupy each lot.

5.1.8 Multiple principal buildings on a lot.

A. Multiple principal buildings with non-residential uses, mixed-uses and mixed attached or multi-dwelling residential uses (triplex, duplex, condominium, apartment) may be established on a single unified lot, provided that all other provisions of article 5 and this chapter are met.

5.1.9 Minimum lot size and minimum lot width.

A. No lot shall be created that fails to meet the minimum lot size and minimum lot width for the zoning district in which the lot is located as established in article 2, except as otherwise provided in article 10~~9~~.
B. Flag lots are prohibited.

5.1.10 Maximum lot coverage.

A. No lot shall be developed to exceed the maximum allowable coverage by buildings, structures, driveways or parking areas, or any other impervious surface specified for the zoning district in which the lot is located. In addition to the maximum impervious surface amount, pervious materials may be added up to a maximum amount of fifteen (15) percent of the total lot area for non-vehicular uses only, such as walkways, patios and pool decks.

5.1.11 Street frontage for lots.

A. All lots shall meet the minimum street frontage requirements of the zoning district in which the lot is located.

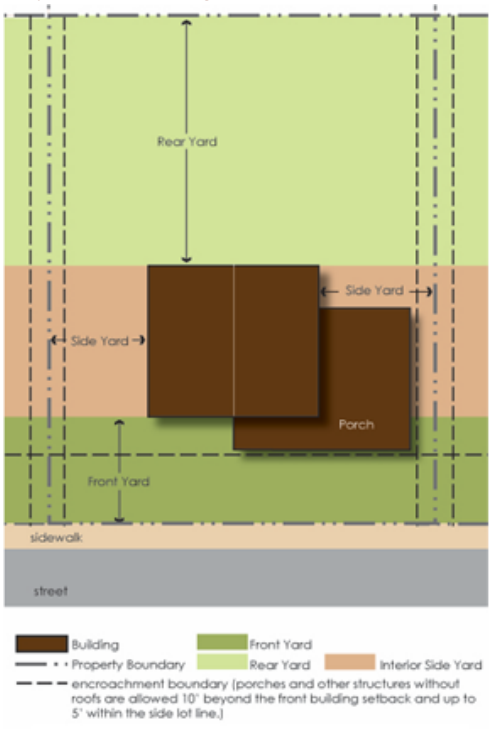
5.1.12 Lots served by wells and septic tanks; sewer and water connections.

A. Any lot that is to be served by an individual well or septic tank shall have an area of not less than that required by state and DeKalb County health regulations. The site location on a lot of the facility shall be approved by the county board of health in accordance with applicable board of health regulations.

B. Sewer and water facilities and connections shall be approved by the director of planning.

5.2 General Yard and Measurement Provisions

5.2.1 Minimum required yards and building setbacks.



Projections into yards

A. **Projections into yards**.

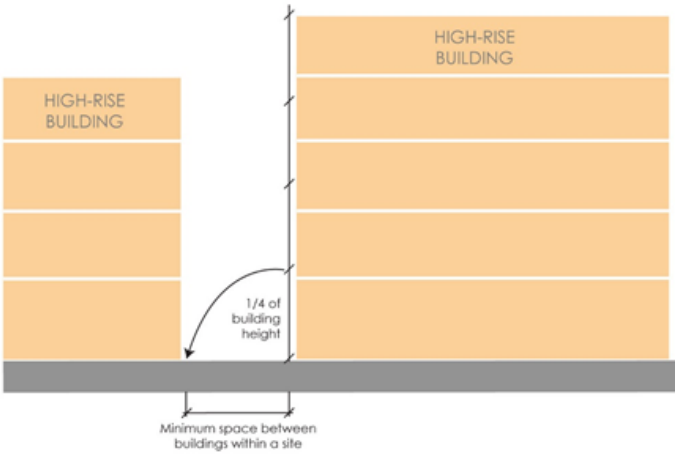
1. Every part of a required yard shall be open to the sky and unobstructed except for the ordinary projections of sills, belt courses, cornices, eaves, awnings, chimneys, buttresses and other ornamental and architectural features, provided that these features do not project more than three (3) feet into any required yard and do not encroach on other lots or rights-of-way.
2. An open, unenclosed porch (no walls) balcony or hard-surfaced terrace, steps, stoops and similar fixtures of a building may project into a required front yard or rear yard for a

distance not to exceed ten (10) feet, and into a side yard to a point not closer than five (5) feet from any lot line.

3. Enclosed porches may encroach for a distance of up to eight (8) feet into the front or rear yard, but shall be no closer than ~~than five (5) feet from~~ the side property line of the underlying zoning district.

B. **Spacing between buildings.**

1. For single-family attached buildings and multi-family buildings: Building shall be separated a distance as required by the International Codes Council (ICC).
2. **Mixed-Use spacing**. When located in a MU-1, MU-2, MU-3, MU-4 or MU-5 zoning district and except when located in a Regional or City Center character area, the minimum spacing between high-rise multi-family buildings on a single site shall be a distance equal to one-fourth (0.25) of the height of the taller building.



C. **Setback averaging for infill housing**. When a vacant, residentially zoned lot is proposed for development on a street already built out, setback averaging shall apply to determine the front yard.

1. "Built out" means over 60% the lots have housing units.
2. The minimum setback shall be determined by measuring the front yards of existing, adjacent houses and averaged.
3. Exceptions are as follows:
    a. If the average setback is less than the front setback established by the zoning district, then the district standard shall apply (and not the average).
    b. Where application of setback averaging would make it impossible for the proposed dwelling to comply with rear yard setback requirements, then the proposed dwelling may be constructed with the front setback established by the zoning district.

c. If the actual front setback(s) of the existing dwelling(s) on the adjacent lot(s) differ from each other by more than thirty (30) feet, then the minimum front setback for the vacant lot shall be the actual front setback of the dwelling closest to the street.

5.2.2 Minimum floor area per dwelling unit.

A. No new dwelling unit shall have less than the minimum floor area of the applicable zoning district specified in article 2.

B. No existing dwelling unit shall be reduced in size so that its floor area is less than the minimum floor area for a dwelling unit established by the applicable zoning district specified in article 2.

5.2.3 Compatibility of new and existing subdivisions.

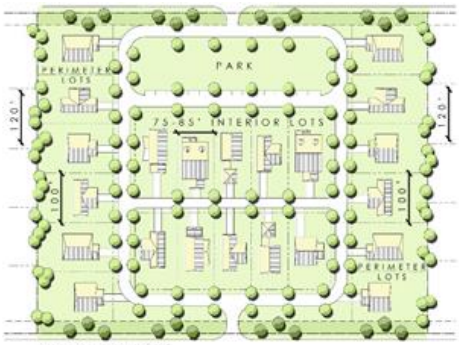
A. **Lot size variability.** Lots created as part of a new or redeveloped single family detached subdivision, containing twenty (20) or more lots, shall be compatible with existing developed single family lots to which they are adjacent as described in subsection B.

B. **Compatibility** of new lots with adjacent lots shall be demonstrated by at least two (2) of the following:

1. The lot width of the new lot is at least eighty (80) percent of the lot width of an adjacent existing subdivision lot;
2. The lot size of the new lot is at least eighty (80) percent of the lot size of an adjacent existing subdivision lot or eight-tenths (0.8) acre, whichever is less;
3. The new lot provides a minimum transitional buffer of twenty (20) feet;
4. The lot depth of the new lot is at least twenty (20) feet deeper than the depth of the adjacent existing lot.

C. **Calculations for measuring compatibility:**

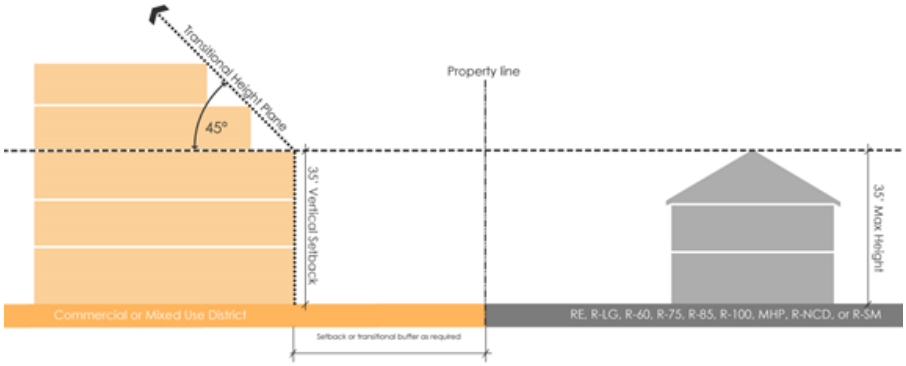
1. Only lots with existing residential structures adjacent to the proposed development will be used in the calculation.



5.2.4 Transitional height plane.

A. A transitional height plane shall apply to commercial or multi-family buildings that is either (1) adjacent to, or (2) separated by a street with a width of fifty (50) feet or less from any property

zoned RE, ~~RLG,~~ R-60, R-75, R-85, R-100~~, MHP~~, RNC or RSM. No portion of a commercial or multi-family structure shall protrude into a transitional height plane. The transitional height plane shall begin at a point thirty-five (35) feet above any setback or transitional buffer line, whichever is furthest from the property line, and then extend at an upward angle of forty-five (45) degrees over the lot of the commercial or multi-family building.



5.2.5 Height measurement requirements and thresholds.

A. Building height of all structures other than single-family detached dwellings shall be measured from average finished grade (determined by averaging the elevations of finished grade around the entire footprint of the structure) to the top of the highest roof beams on a flat roof, to the deck level on a mansard roof, and to the average distance between the eaves and the ridge level for gable, hip, shed and gambrel roofs.

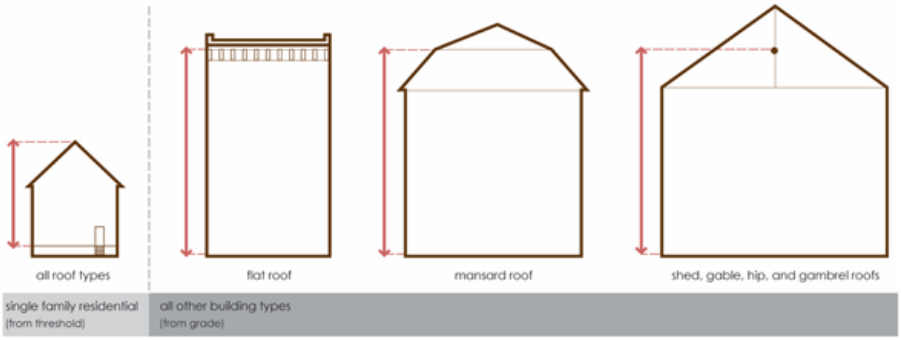
B. Building height for single-family detached dwellings shall be measured from the front-door threshold of the structure to the highest point of the roof of the structure. Threshold means the top of the subfloor in the opening that is designated as the front door of a dwelling.

C. Elevation of single-family detached dwelling thresholds. The following standards shall apply to single-family detached dwellings:

1. ~~*Replacement of a single-family detached dwelling.* If new construction of a single-family detached dwelling would require alteration or eradication of the threshold of a previously existing residential structure, the proposed front door threshold elevation for the new single-family detached dwelling shall not be more than two (2) feet higher than the front door threshold elevation of the previously existing residential structure, which shall be measured and certified by a licensed surveyor or engineer.~~
2. *Construction on vacant or undeveloped lot.* If no dwelling previously existed on the lot, the threshold shall be no higher than the average elevation of the existing natural grade at the front building line.
3. *Sewer conditions.* If the existing residence or lot is not connected to county sewer and if an applicant for a building permit establishes that the minimum threshold height prevents gravity flow connections to county sewer, the director of planning may grant an administrative variance to allow the threshold height to be up to five (5) feet above the threshold of the previously existing residence in order to allow for gravity flow into

the existing sewer tap. Should a greater increase in threshold height be required, a variance from the zoning board of appeals must be obtained in accordance with the process set forth in article 8~~7~~.

4. *Topographical conditions.* If exceptional topographical restrictions exist on the subject lot that were not created by the owner or applicant, then the director of planning may grant an administrative variance to allow the threshold to be up to three (3) feet above the threshold of the previously existing house.



D. Height requirements.

1. The maximum height of a new single-family detached dwelling shall comply with the requirements of Table 2.2.
2. The height limitations established in this chapter shall not apply to the following:
    a. Barns, silos or other similar structures when located on farms; belfries, steeples, cupolas and domes; chimneys; and flagpoles.
    b. Bulkheads, elevator penthouses, rooftop mechanical equipment, water tanks and scenery lofts and similar structures, provided that these structures shall not cover more than twenty-five (25) percent of the total roof area of the building on which the structures are located.
    c. Telecommunications towers and antennas otherwise permitted by this chapter by special administrative permit or permitted by special land use permit by the city council pursuant to section 4.2.56.
    d. Any single-family detached dwelling that exceeds the building height limitations set forth in subsection (a) and has been damaged by fire or other act of nature may be reconstructed to its verifiable original height.
    e. When an undeveloped single-family lot is located within a platted subdivision in which at least sixty (60) percent of the lots have had certificates of occupancy issued for single-family detached homes that exceed the building height limitations set forth in subsection (1) above, a single-family detached residential structure built on the undeveloped single-family lot may be built to a maximum height equal to the average building height of the existing single-family detached homes within the same block in which the undeveloped single-family lot is located.

f. Rooftop mechanical equipment, vent pipes, lightning rods, solar panels, and/or wind vanes that are less than six (6) feet in height measured from top of roof adjacent to such structure.

5.3 Supplemental Street Regulations and Traffic Impact

5.3.1 Design standards by street type.

A. Public and private streets shall be designed according to standards for street classification established in chapter 14 of the Code, except as otherwise provided in this chapter.

5.3.2 Street connectivity.

A. **Connectivity measures**. New streets shall be designed to create an interconnected system of grid-patterned roads, modified only to accommodate topographic conditions. Each new street shall connect to the existing street grid.

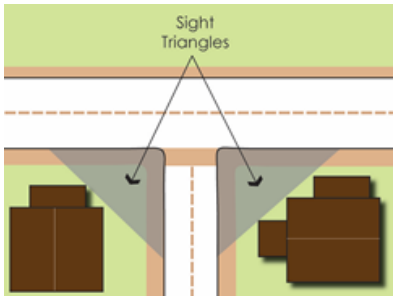
B. **Pedestrian connectivity**. Common areas shall be connected by pedestrian pathways in accordance with section 5.1.1.C.

C. **Small area transportation plan conformity**. New streets shall demonstrate conformance with the intent of any and all city adopted transportation plans, thoroughfare plans and subarea plans.

D. **Waivers**. The requirements of subsections A. and B. may be waived by the director of planning in accordance with article 8 and as provided below:

1. Waivers may only be granted for hardships resulting from unusual topography or when access constraints or other requirements imposed by city departments impede compliance.
2. As part of the waiver request, the applicant shall prepare and submit a site plan, drawn to scale and showing the existing public and private street network, and shall provide an explanation as to how the proposed street plan supports the intent of this section to design an interconnected system of grid-patterned roads.

5.3.3 Sight visibility triangles.



A. No structure, fence, wall, sign, hedge or planting, or any similar improvement will be permitted to obstruct the sight lines or visibility of motorists and/or pedestrians at any intersection of public

or private streets or at any driveway intersection with a public or private street. All intersecting streets and driveways must meet the intersection and stopping sight distance requirements as outlined in the American Association of State Highway and Transportation Official's (AASHTO's) "A Policy of Geometric Design of Highways and Streets," current edition.

B. For purposes of this section, obstructions shall be prohibited if any part thereof is more than thirty (30) inches and less than eight (8) feet above local streets and driveways, or more than thirty (30) inches and less than twelve (12) feet above any street classified as collector or higher.

C. Properties requiring GDOT approvals shall also comply with GDOT standards for sight visibility triangles and sight distances.

5.3.4 Traffic impact study.

A. A traffic impact study, the scope of which shall be determined by the director of the planning department or his designee, necessary to establish the impact of a development project on the surrounding roads and what improvements may be available to mitigate such impacts, is required for any rezoning, special land use permit, sketch plat, and land disturbance or building permit applications for projects reasonably expected to meet any of the following criteria:

1. Multi-family development with over three hundred (300) new units at build-out;
2. Single-family developments with over two hundred (200) new lots or units at build-out;
3. Retail developments with over one hundred twenty-five thousand (125,000) gross square feet (GSF);
4. Office developments with over two hundred thousand (200,000) GSF;
5. Medical office developments with over fifty-five thousand (55,000) GSF;
6. Industrial/warehouse developments with over two hundred eighty thousand (280,000) GSF, employing more than six hundred fifty (650) workers, or covering more than two hundred (200) acres;
7. Any mixed-use development which could reasonably expect to generate two thousand (2,000) or more gross daily trips; or
8. Special traffic generating uses, including truck stops, quarries, landfills, stadiums, etc. which would require development of regional impact review.

5.3.5 Traffic calming features.

A. New subdivisions may provide a traffic calming structure for every five hundred (500) feet of road length.

B. Traffic calming structures, curves and other traffic calming features are subject to the approval of director of the planning department, or his designee, which approval shall be given where the proposed traffic calming structure or traffic calming feature is designed in such a way as to reduce traffic speeds to a reasonably safe speed for the location.

5.4 Streetscape and Landscaping Requirements

5.4.1 Purpose and intent.

A. The requirements and regulations for landscaping in the City of Stonecrest are a critical public concern that are necessary in order to preserve and enhance property values, the aesthetic beauty of the city, and the safety and general welfare of its residents. The intent of landscape regulations is to:

1. Provide buffering between non-compatible land uses.
2. Protect, preserve, and promote aesthetic appeal and scenic beauty.
3. Reduce noise pollution and air pollution.
4. Reduce stormwater run-off, erosion and degradation of water quality.
5. Filter and reduce glare from artificial light sources.
6. Provide shaded areas along streets and in parking areas.
7. Reduce solar heat islands.

5.4.2 Applicability.

A. **New developments, principal building or use.** The requirements and regulations for streetscape and landscaping apply to principal buildings, new developments or open uses of land constructed or established after the effective date of this zoning ordinance.

B. **Change of use, expansions or reconstruction**. Where a change of use, expansion to, or reconstruction of an existing building or site improvement(s) (such as parking lots) impact streetscape and/or landscape improvements, the landscaping requirements shall apply only to the area disturbed in the development process.

C. **Publicly owned buildings**. To the extent allowed by law, the requirements and regulations for streetscape and landscaping apply to improvements to land owned by public agencies except utility rights-of way or easements.

5.4.3 Streetscape elements and dimensions.

A. All development shall comply with the streetscape element requirements described below and in Table 5.1. Topping of canopy trees within this section is prohibited.

B. **Streetscape dimensions and placement.**

1. *New streets.*
    a. *Applicability.* New streets shall be constructed with continuous streetscape zones on both sides of the street, beginning from back of curb.
    b. *Streetscape zone elements for new streets.* The streetscape zone on new streets shall consist of a landscape strip, a sidewalk, and, when required per Table 5.1, a supplemental zone.
    c. *Sidewalks.* Sidewalks shall be provided between the landscape strip and the supplemental zone, as required in Table 5.1 and the figures following the table.
    d. *Landscape strips.*
        i. Landscape strips shall be located between the curb and the sidewalk.
        ii. Landscape strips shall be designed with street trees and pedestrian scale streetlights as required in Table 5.1 and the figures following the table.
        iii. See subsection C. for planting and materials requirements.
        iv. Large scale retail has additional landscape standards adjacent to streets as provided in section 5.7.8.

e. *Supplemental zone* . New streetscape zones in non-residential areas shall provide a supplemental zone outside the right-of-way on a private easement. Private easement agreements shall be submitted to the director of planning. See subsection D.

2. *Improvements on existing streets.*

   a. *Applicability.* New development and redevelopment occurring on existing streets shall provide a streetscape zone on the side of the street where the development takes its access.

   b. *Streetscape zone elements for existing streets.*

      i. The streetscape zone for existing streets shall consist of a minimum of eleven (11) feet along the existing shoulder, as indicated in Table 5.1.

      ii. The streetscape zone for existing streets shall consist of a landscape strip and a sidewalk, as shown in Table 5.1 and the figures following the table.

   c. *Sidewalk and landscape strip dimensions.* The width and location of sidewalks and landscape strips shall be determined by the director of the planning department or his designee, based on GDOT standards, if applicable, and compatibility with existing sidewalks and utilities.

   d. *Landscape strips.*

      i. Landscape strips shall be located between the curb and sidewalk, and/or between the sidewalk and the property line. The required total width of the landscape strip may be distributed on either side of the sidewalk so as to accommodate existing infrastructure.

      ii. Landscape strips shall be designed with street trees and pedestrian scale streetlights as shown in Table 5.1 and the figures following the table.

      iii. See subsection C. for planting and materials requirements.

      iv. Large-scale retail has additional landscape standards as provided in section 5.7.8.

3. *Programmed road improvement projects.* If DeKalb County, the City of Stonecrest, or GDOT has a programmed road improvement project along the frontage to be developed, then the streetscape shall be constructed consistent with the design standards for such road improvements plans.

4. *Administrative variance.* The director of planning shall have the power to grant administrative variances for streetscape requirements on existing streets upon written request by the property owner and compliance with article 8 based on a finding that the requirement of the subsection A.2. would have a significant adverse effect on the historic pattern or cannot be met due to circumstances beyond the control of the applicant, including, but not limited to:

   a. Inadequate right-of-way;

   b. Conflicting standards between this section and GDOT design standards;

   c. Unique topographic or subsurface conditions;

d. Need to relocate existing utilities.

C. **Sidewalks and interior walks.**

1. Sidewalks shall be paved in concrete and paver accents approved by the director of planning and kept clear and unobstructed for the safe and convenient use of pedestrians.
2. Sidewalks shall adhere to ADA guidelines.
3. Sidewalks shall be continued across intervening driveways by continuation of the sidewalk paving materials or other methods of differentiation.
4. Where newly constructed sidewalks abut existing sidewalk(s), the newly constructed sidewalk shall provide safe transition of pedestrian traffic flow to the adjacent sidewalk(s). Development that disturbs existing sidewalks on another property shall replace disturbed areas to their pre-disturbance state and condition.
5. For uses other than single-family residential, safe and convenient paved pedestrian pathways shall be provided from sidewalks along streets to each building entrance, including pedestrian access routes to parking decks and through parking lots and between adjacent buildings, transit stops, street crossings within the same development. All such pathways shall have a minimum width of three (3) feet.

D. **Landscape strip materials and maintenance.**

1. *Required mix of materials.* Landscape strips in the streetscape zone shall be planted with a variety of deciduous, over story and understory trees. Species of shrubs, flowering plants, grass and other ground covers, which are well adapted to the local climate, may be included in the landscape strip.
2. *Sidewalks.* Sidewalks shall be paved in concrete and paver accents approved by the director of planning and kept clear and unobstructed for the safe and convenient use of pedestrians.
3. *Pedestrian crossing.* Landscape strips may include brick, concrete, or granite pavers where on-street parking is provided or regular pedestrian crossing of the landscape strip is reasonably anticipated to occur.
4. *Maintenance.* Required landscape strips shall be established and maintained by the owner(s). Topping of canopy trees is prohibited.
5. *Permanent structures.* Permanent structures such as buildings, driveways that are not perpendicular to the landscape strip, parking spaces, dumpsters, drainage structures and detention facilities shall be prohibited in required landscape strips. The prohibition of this subsection shall not include crossings perpendicular to the strip, necessary retaining walls four (4) feet or lower, bike racks, benches, trash receptacles, signs, mailboxes, and drainage swales.
6. *Planting specifications, all trees.*
    a. Planting areas for trees shall contain a minimum depth of twelve (12) inches of screened topsoil. Below twelve (12) inches the soil shall be un-compacted to a depth sufficient to allow proper drainage and root growth.
    b. Use of root barriers such as U.B.36 or an equivalent is required at the back of the sidewalk or back of the curb if no sidewalk exists.

c. Trees shall meet the standard for American Nursery Stock ANSI Z60.1.

7. *Street trees.*

a. Street trees shall be overstory trees unless site constraints prohibit the use of large maturing trees, subject to the approval of the director of planning.

b. Street trees shall be provided with spacing as depicted in Table 5.1.

c. Street trees shall not be planted closer than twenty (20) feet from the curb line of intersecting streets and not closer than ten (10) feet from intersecting lines of alleys or private drives.

d. Street trees shall not be planted closer than twelve (12) feet from light standards. No new light standard location shall be positioned closer than ten (10) feet to any existing street tree.

e. Street trees shall not be planted closer than two and one-half (2.5) feet from the back of the curb.

f. Where there are overhead power lines, street tree species are to be chosen from a list provided by the city arborist that will not interfere with those lines.

g. Street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks and twelve (12) feet above driveways and roadway surfaces.

h. Street trees shall be a minimum of two-inch caliper measured at six (6) feet above ground level at the time of planting and shall have a mature height of at least twenty-five (25) feet.

i. Street trees shall be planted in a mulched area of at least twenty-five (25) square feet.

E. **Supplemental zone.**

1. In supplemental zones in commercial areas where building setbacks are fifteen (15) feet or less, the supplemental zone must contain hardscape and street furniture such as trash receptacles, bike racks, and benches.

2. For additional requirements for supplemental zones abutting parking lots, see section 5.4.4.

F. **Street lighting.** Street lighting shall be accomplished with pedestrian scale lighting and street lights. Street lights shall be placed on property lot lines abutting the street. Lighting plans must be approved by the director of the planning department or his designee. Lighting shall be installed by local power company employees or contractors.

G. **Administrative variance.** An administrative variance to streetscape standards may be granted by the director of planning for adaptive reuse and redevelopment projects as specified in this section or to preserve historic patterns. In addition to other required materials, an applicant for an administrative variance to the streetscape standards shall include a site plan, drawn to scale, showing the existing right-of-way and specific conditions of the lot.

Table 5.1 Required Streetscape Dimensions

Required Streetscape Dimensions (Minimum, unless stated)						
New Streets						
Street Type	**Streetscape Zone**				**Landscape Strip Elements**	
	Total Width	**Landscape Strip**	**Sidewalk**	**Supplemental Zone**	**Light Pole Spacing (Max)**	**Street Tree Spacing (typical*)**
Local Residential	11'	6'	5'	NONE	100'	30'
Local Non-residential	22'	6'	6'	10'	80'	50'
Arterial and Collector Non-residential & Mixed Use	20'	10'	6'	4'	80'	40' in Activity Centers
						50' outside Activity Centers

Required Streetscape Dimensions (Minimum, unless stated)						
Existing Streets						
Street Type	**Streetscape Zone**				**Landscape Strip Elements**	
	Total Width	**Landscape Strip**	**Sidewalk**	**Supplemental Zone**	**Light Pole Spacing (Max)**	**Street Tree Spacing (typical*)**
Local Residential	11'	6'	5'	NONE	100'	30'
Local non-residential	12'	6'	6'	NONE	80'	50'
Arterial and Collector Non-residential & Mixed Use	16'	10'	6'	NONE	80'	40' in Activity Centers
						50' outside Activity Centers
***Location of street trees is subject to infrastructure and utility locations and approval by the city arborist and GDOT if state roads.**						

Streetscape Figure—Local Streets, Single Family Residential Districts

Streetscape Figure—Local Streets, all Other Districts

Streetscape Figure—Arterial and Collector Streets

5.4.4 Site and parking area landscaping.

A. **Single-family residential lots.** Each single-family residential lot on which new development occurs shall be planted with a minimum of three (3) new trees. Street trees along the lot frontage shall count towards this requirement. The species and specifications for the trees to be planted in compliance with this requirement shall meet the requirements of a list approved by the city arborist.

B. **Interior strips**. Interior to non-residential, mixed-use and multi-family developments, three-foot wide planted landscape strips shall be required along all interior drives and pedestrian paths.

C. **Property perimeter landscape strip.** Along non-residential, mixed-use and multi-family development perimeter lot lines, a perimeter landscape strip shall be required, as follows:

1. A five-foot-wide continuous perimeter landscape strip is required along all property lines that are not subject to streetscape requirements. This applies to individual tenant sites interior to a master planned project, even in instances where individual tenant sites do not have separately platted lot lines.
2. A perimeter landscape strip shall include one (1) overstory deciduous shade tree, or three (3) understory or three (3) evergreen trees, for every fifty (50) linear feet at a minimum size of two-inch caliper for deciduous trees and eight-foot height for evergreen trees.
3. A perimeter landscape strip is not required where a transitional buffer is also required.

D. **Parking area landscaping.** All surface parking lots that contain a total of fifteen (15) or more parking spaces that are constructed or redeveloped subsequent to the effective date of this chapter shall comply with the following requirements:

1. A minimum of ten (10) percent of the total lot area of the parking lot shall be landscaped.
2. Non-continuous barrier curbs shall be installed around the perimeter of the parking lot and around landscaped areas that are required herein, except where the perimeter abuts an adjacent building or structure and except at points of ingress and egress into the

facility, so as to prevent encroachment of vehicles onto adjacent property, rights-of-way, sidewalks and landscaped areas.

a. Barrier curbs shall be a minimum of six (6) inches in height and six (6) inches in width, shall be concrete or stone, shall be securely installed, and shall be maintained in good condition.

3. A continuous hedge, berm, or short wall with landscaping thereon, not to exceed three (3) feet in height shall be required between surface parking and an adjacent public street right-of-way.

4. Tree and island quantity. A minimum of one (1) tree per eight (8) parking spaces, and one (1) island per ten (10) parking spaces, shall be provided.

5. Landscape islands. All trees planted in a parking lot shall be planted in a landscape island, which island shall be a minimum of two hundred fifty (250) square feet.

6. In addition to trees, ground cover shall also be provided in order to protect tree roots and to prevent erosion. Ground cover shall consist of shrubs, ivy, liriope, pine bark mulch, or other similar landscaping material.

7. Ground cover shrubs in parking area landscaping shall be maintained at a maximum height of thirty (30) inches, except where such shrubs are screening the parking surface from an adjacent residential area.

8. Newly planted trees in parking area landscaping shall be a minimum of two-inch caliper as measured at a height of six (6) inches above ground level, shall be a minimum of ten (10) feet in height at planting, shall have a thirty-foot minimum mature height, and shall be drought tolerant. Trees shall be planted at least thirty (30) inches from any barrier curb, so as to prevent injury to trees from vehicle bumpers. A minimum of seventy-five (75) percent of the trees planted pursuant to these requirements shall be deciduous hardwood shade trees.

9. All landscaped areas shall be properly maintained in accordance with landscape plans approved as part of the land disturbance permit. In the event that a tree or any plant material dies, it shall be replaced within twelve (12) months so as to meet all requirements of this section and to allow for planting in the appropriate planting season.

10. All trees planted pursuant to the requirements of this section shall be counted for the purpose of meeting the tree planting and tree replacement requirements required by chapter 14 of the Code.

5.4.5 Transitional buffers.

A. **Intent**. Transitional buffers are intended to create a visual screen in order to diminish the potential negative impacts of non-residential and mixed land uses on adjacent residential land uses. Similarly, transitional buffers diminish the potential negative impacts of higher intensity residential development on adjacent single-family residential land uses.

B. **General requirements**. Natural or planted transitional buffers required by this article shall be established and permanently maintained by the property owner as follows:

1. The required transitional buffer shall be depicted in detail on each site plan or plat prior to final approval. Type and location of natural and planted vegetation shall be included.

2. Within the transitional buffer, the natural topography of the land shall be preserved and existing growth shall not be disturbed except where necessary to remove dead or diseased trees and undergrowth or to enhance the buffer with additional landscaping in order to provide a screen so as to prevent view of the higher density development from the lower density development.

3. Grading or construction adjacent to the transitional buffer zone shall not disturb or encroach upon the transitional buffer zone.

4. Notwithstanding subsection 3., if grading is required in the transitional buffer in order to prevent or control erosion, the area of such grading shall cover no more than twenty (20) percent of the required transitional buffer, shall be immediately replanted upon completion of easement improvements and shall avoid disturbance of the soil within the dripline of trees within the transitional buffer.

5. Any approved utility crossings shall be perpendicular to the transitional buffer.

6. A pedestrian walkway, a maximum width of five (5) feet, may be located in the buffer to provide pedestrian access to the adjoining property. Where a pedestrian walkway is provided, a gate shall be installed in the required screening fence.

7. If existing vegetation in a buffer area does not meet the transitional buffer standards, a five-foot high, landscaped berm may be installed subject to the approval of the city arborist. Grading to construct the berm shall not remove significant plants designated by the city arborist as part of the approval of the landscaped berm.

C. **Buffer planting and materials.** When the conditions of the existing natural topography and vegetation are insufficient to achieve the visual screening required by this section, a landscape planting plan to enhance the transitional buffer shall be prepared and implemented to supplement existing natural growth or to provide new plant materials of such growth characteristics as will provide a screen meeting the standards below:

1. *Planting height.* Proposed planting as part of an enhanced transitional buffer shall have a height of at least six (6) feet at the time of planting and planted in a minimum of two (2) rows, with staggered on center spacing such that a continuous opaque screen is created within two (2) years of planting.

2. *Plant types.* Plant species in an enhanced transitional buffer shall be evergreen, native, naturalized or other species well-adapted to the local climate and rainfall patterns, disease and pest-free, healthy and vigorous, and meet standard for American Nursery Stock, ANSI Z60.1.

3. *Plant functions.* Plants shall be approved from a list made available from the planning department, but shall not be exclusive of other plants which may be suitable, provided they can provide a continuous opaque screen.

4. *Fences.* Fences are required with transitional buffers and shall meet the requirements of section 5.4.7.

5. *Wall and fence finishes.* Walls and fences shall be constructed with the finished or decorative side facing outward from the property.

D. **Buffer dimensions and specifications**. Table 5.2(a) identifies the transitional buffer class required for each zoning district based on the zoning district to which it is adjacent. Table 5.2(b)

summarizes the minimum width of the required transitional buffer for each transitional buffer class (A-E).

Table 5.2(a): Transitional Buffer Class by District

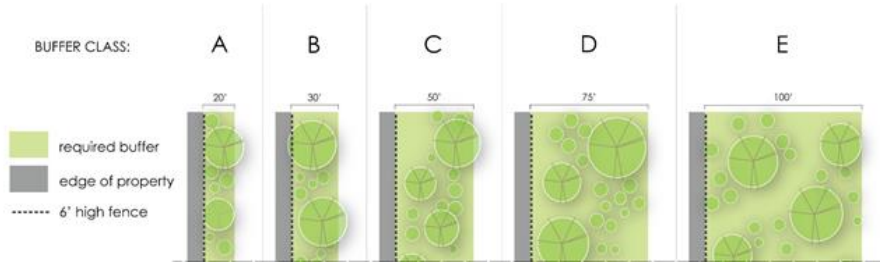
Transitional Buffer Class by District												
Districts	Adjacent District											
Residential Districts	**R***	**MHP**	**RNC**	**RSM**	**MR-1**	**MR-2**	**HR-1-3**	**MU-1**	**MU-2**	**MU-3**	**MU-4**	**MU-5**
RNC	B	-	-	-	-	-	-	-	-	-	-	-
Mixed Residential Districts												
RSM**	A	C	A	-	-	-	-	-	-	-	-	-
MR-1**	B	C	B	B	-	-	-	-	-	-	-	-
MR-2**	C	C	C	C	C	-	-	-	-	-	-	-
HR-1-3**	C	C	C	C	B	B	-	-	-	-	-	-
Mixed-Use Districts												
MU-1	B	B	B	B	-	-	-	-	-	-	-	-
MU-2	C	B	B	B	B	-	-	-	-	-	-	-
MU-3	C	C	C	B	A	B	B	B	B	-	-	-
MU-4	C	C	C	B	A	B	B	B	B	-	-	-
MU-5	C	C	C	B	A	B	B	B	B	-	-	-
Non-Residential Districts												
OI	C	C	C	C	C	C	C	B	B	B	-	-
OIT	C	C	C	C	C	C	C	B	B	B	-	-
NS	C	C	C	C	C	C	C	A	A	A	-	-
C-1	C	C	C	C	C	C	C	B	B	B	-	-

OD	D	D	D	D	D	D	D	D	D	D	D	D
C-2	C	C	C	C	C	C	C	B	B	B	B	B
M	D	D	D	D	D	D	D	D	D	D	D	D
M-2	E	E	E	E	E	E	E	E	E	E	E	E

* R= RE, RLG, R-100, R-85, R-75, R-60 (except when R-60 use is single-family attached)
** Where the Mixed Residential District has single-family units along an adjacent residential (R) boundary, then a transitional buffer is not required.

Table 5.2(b):Transitional Buffer Minimum by Buffer Class

Transitional Buffer Minimum Width by Buffer Class	
Buffer Class	**Width**
A	20'
B	30'
C	50'
D	75'
E	100' with fence



5.4.6 Screening.

A. Trash and recycling areas, loading areas, mechanical and utility equipment, parking decks, detention facilities, and outdoor storage shall be surrounded by opaque fences, walls, or vegetation. Vegetative screening shall be at least seventy-five (75) percent evergreen, with a minimum of two (2) rows of plants, and shall grow to a height of six (6) feet in two (2) years.

B. *Loading areas.* All loading areas must be screened from view so as not to be visible from any public street or adjacent property.
C. *Trash and recycling areas.* All dumpsters must be screened from view on all four (4) sides so as not to be visible from adjacent properties and the public street. The screen may incorporate access to the dumpster by using a wood fence or other opaque device to serve as a gate.
D. *Parking decks.* All parking decks and above-ground parking structures shall have a six-foot wide landscape strip immediately contiguous to the façade of the parking deck or structure, unless otherwise screened from view by an intervening building.
E. *Mechanical and utility equipment.* All mechanical and utility equipment must be screened from view so as not to be visible from any public street.
F. *Detention facilities.* In addition to fencing requirements set forth in chapter 14 of the Code, detention facilities shall be planted with evergreen plant material consistent with buffer standards in section 5.4.5.C. No trees shall be allowed in the ten-foot maintenance shelf. However, detention facilities "designed as open space amenities" may be approved by the director of planning and in compliance with division 5 of this article. A detention facility located in a historic district that is subject to architectural design review shall require a certificate of appropriateness, for appearance only, from the City of Stonecrest Historic Preservation Commission.
G. *Outdoor storage.* See section 4.2.38 for screening regulations for outdoor storage of materials, supplies, equipment or vehicles regulations.

5.4.7 Walls, fences, and retaining walls.

A. General.
    1. When this chapter requires a wall or fence to be constructed, the wall or fence shall be completed prior to the issuance of a certificate of occupancy for the principal structure.
    2. No wall or fence shall be constructed in any public right-of-way.
    3. See Table 5.3 Fence and Wall Standards for additional requirements.
B. Single-family residential standards.
    1. Fences or free-standing walls constructed in a front yard shall not exceed four (4) feet in height.
    2. No freestanding wall or fence, other than a retaining wall, shall be more than eight (8) feet high from finished grade.
    3. Subdivision or project identification monuments at the entrance to a subdivision or residential development that incorporates a wall or fence shall only be located in a common area or private easement and shall not exceed six (6) feet in height.
    4. Retaining walls on lots developed with single-family dwellings shall abide by the following: (1) the entire wall structure, including footer, shall not encroach on adjacent property, (2) drainage shall be properly conveyed on both sides of the wall in conformance with state and city codes, and (3) a construction/maintenance easement shall be obtained from the adjoining property owner, if applicable. Newly constructed retaining walls shall not be higher than four (4) feet; however, existing retaining walls may be repaired and replaced so long as the height of the repaired or replaced wall is no greater than the original height of the wall.

a. If exceptional topographical restrictions exist that were not created by the owner or his agent on a lot, and it is established to the reasonable satisfaction of the director of planning that no practical alternative design of such wall is feasible, then the director of planning may, upon application therefor, grant an administrative variance allowing up to two (2) additional feet in the applicable retaining wall maximum height limitation set forth in this subsection 4. An applicant for a retaining wall administrative variance shall include with the application a certified field-run site plan or a topographical map certified by an engineer or landscape architect.

b. If exceptional topographical restrictions exist that were not created by the owner or his agent on the lot, and it is established to the satisfaction of the zoning board of appeals that no practical alternative design of such wall is feasible, the zoning board of appeals may, upon application therefor, grant a variance allowing newly constructed retaining walls to be greater than six (6) feet. Notwithstanding any provision in this chapter to the contrary, no variance may be granted to allow the height of a retaining wall above eight (8) feet. In addition to the materials otherwise required for a variance in division 5 of article 87 ~~of~~ this chapter, an applicant for a retaining wall variance shall provide a certified field-run site plan or a topographical map certified by an engineer or landscape architect with the application for the variance.

C. Height. The height of a wall or fence is measured along the adjacent finished grade. However, if located within fifteen (15) feet of any street, and if the street grade is above the adjacent finished grade, the fence or wall height may be measured from the street grade.

D. Material composition.

1. No freestanding walls, retaining walls or fences may be composed of exposed common concrete block, tires, junk, pallets, railroad ties, loose stone, vinyl and other discarded materials.
2. With the exception of M and M-2 zoning districts, fences, freestanding walls or retaining walls erected within the front yard shall be constructed of brick, stone, wood, wrought iron, or aluminum that looks like wrought iron. Any other material, including but not limited to, chain link and other wire fences are prohibited in the front yards of all districts, with the exception of M and M-2 zoning districts.

E. Security gates. Entrance gates for vehicles shall be located at least fifty (50) feet from the property line in order to ensure safe queuing, ingress to and egress from the property.

F. Temporary fencing may be erected during construction for security and public safety purposes.

G. Fences and walls in the M and M-2 zoning districts are exempt from regulations governing the height and materials of fences and walls.

H. No freestanding wall or fence in a multi-family, non-residential or mixed use zoning district may be more than ten (10) feet in height.

Table 5.3 Fence and Wall Standards

Use	Height	Setbacks	Variance Allowed

Single-family fences in the front yard	Up to four (4) feet from finished or street grade.	Outside right-of-way	May apply for a variance from zoning board of appeals to increase height.
Single-family fences in side or rear yards	Up to eight (8) feet.	Fences may be on property line; retaining walls, including footings, must not encroach over property line.	No variance can be approved to exceed eight-foot height.
Single-family retaining walls	Up to four (4) feet from finished or street grade. Cannot exceed eight (8) feet on side or rear property line.	Retaining walls, including footings, shall not encroach over property line.	Administrative variance allowed to increase wall from four (4) to six (6) feet based on topography.
Single- and Multi-family identification monument walls at entrances	In front yard, cannot exceed ten (10) feet in height.	Cannot be located in right-of-way. Setback varies, depends on sight visibility.	May apply for a variance from zoning board of appeals to increase height.
Non-residential, multi-family and mixed-use zoning districts	Up to ten (10) feet.	Cannot be located in right-of-way. Setback varies, depends on sight visibility.	May apply for a variance from zoning board of appeals to increase height.
Industrial	No limit.	No limit.	N/A

5.5 Open Space Standards

5.5.1 Applicability.

A. All development that is required to have open space shall, upon application for a land disturbance permit, identify all open space by a functional category established pursuant to the requirements of this chapter. Further, in commercial and mixed-use developments, open space requirements of individual parcels may be met by open spaces that are owned, maintained, and held in common for use by multiple properties that are subject to legal agreement for maintenance and association approved by the director of planning.
B. The open space requirements in division 5 of this article do not apply to residential subdivisions with less than five (5) acres or less than thirty-six (36) residences.
C. The minimum quantity of open space for approved developments is established by zoning district and controlled by Table 5.4.
D. Open space shall be maintained as open space until such time that the entire existing development is proposed for redevelopment and shall be landscaped with trees, shrubs, flowers, grass, stones, rocks or other landscaping materials.
E. Open space may include hardscape elements depending on functional type as described in Table 5.6. If serving a conservation function, open space may be preserved in a natural state without enhancements.

5.5.2 Maintenance, management and ownership.

A. **Ownership and management of open space**. Open space shall be owned by one (1) of the following entities, which shall be responsible for maintenance and management as described herein:
   1. *City of Stonecrest.*
      a. Open space agreements may be made with the city to deed the required open space to the city. City of Stonecrest is under no obligation to accept any proposed dedication of open space used to meet the requirements of this ordinance.
      b. Public access easement agreements may be made with the city for open space so dedicated by the owner for city trails, parks or other public recreational amenities, as agreed to by City of Stonecrest and whereby maintenance agreements shall be executed between the owner and city.
   2. *Land conservancy or land trust.* The responsibility for maintaining the open space and any facilities located thereon may be transferred to a land conservancy or land trust, subject to prior approval by City of Stonecrest.
   3. *Homeowners' or property owners' association.* A homeowners or property owners association representing residents or property owners of the subdivision may own and be responsible for maintenance and management of open space. Membership in the association shall be mandatory and automatic for all homeowners or property owners, and their successors. The homeowners/property owners association shall have lien authority to ensure the collection of dues from all members. The homeowners' or property owners' association organizational documents must first be submitted to the director of planning for review to insure compliance with this subsection. The homeowners or property owners association shall be formed and maintained in compliance with all applicable state law.
   4. *Recording of open space.* Open space shall be shown on the final approved plat as a conservation easement, permanent restrictive covenant or equivalent legal document in a form approved by the City of Stonecrest, which shall include a provision rendering the covenant or document void when a property is being redeveloped or redesigned, in which case applicable zoning standards shall apply to ensure consistency with this chapter. At no time shall the development provide less than the required open space.

B. **Maintenance of open space.**
   1. Undeveloped open space used to satisfy the requirements of this division shall be preserved in a natural state except for the removal of litter, dead trees, invasive species and plant materials that obstruct pedestrian movement, as well as other maintenance necessary to preserve the natural state of the open space as approved by the director of planning. Natural water courses and stream channels shall be kept free of litter and obstructions and shall be maintained so as to not alter floodplain levels, and as required by stream buffer regulations in chapter 14 of the Code.
   2. Open space shall be maintained so that there exist no hazards, nuisances or unhealthy conditions.
   3. Permitted elements as described in Table 5.6 shall be maintained in good repair.
   4. New landscaping in required open space shall be maintained such that planted materials that die within one (1) year of the installation, shall be replaced within six (6) months or the next appropriate planting season as determined by the city arborist.

5.5.3 Standards and design.

A. Required open space shall meet the standards of *Table 5.4 Enhanced Open Space: Minimum Requirements.*
B. All deeded open space created shall be platted and provide a public access easement in a form approved by the City of Stonecrest.
C. Prior to issuance of a land disturbance permit or building permit:
    1. For development projects with residential uses requiring enhanced open space, no lot or multifamily building shall be more than one-quarter (0.25) mile distance from a designated enhanced open space. If site constraints limit access to the enhanced open space, the distance may exceed the minimum setback requirement of this subsection, subject to the approval of the director of planning. Measurement of distance shall be based on the distance of road and/or pathway providing connectivity to the enhanced open space.
    2. A development project with residential uses not within one-half (0.5) mile distance to a public park or recreation facility that is required to provide enhanced open space shall incorporate at least one (1) enhanced open space type identified as clubhouse/pool amenity, neighborhood park with active recreation, and/or playground. If a development is intended for senior housing, a passive park with benches and paved paths, common patio, courtyard, barbecue/fire pit shall be considered an enhanced open space.
    3. For development projects with residential uses within one-half (0.5) mile of an existing or programmed public school, park, trail or library, the applicant for a land disturbance permit shall provide for pedestrian access to the school, park, trail or library. If an existing or future pedestrian network and/or multi-use trail is identified by City of Stonecrest, the applicant may be required to provide a future reservation for such a connection. Where a programmed facility has no current concept design for potential alignment, an applicant for a land disturbance permit requiring connection to a park shall meet with the planning department to determine whether any reasonable spur connection would be possible.
        a. For measurement of distance to a qualifying public amenity, measurement shall be taken along an improved walkway or sidewalk to the entrance of the public amenity.

b. For measurement to nearby existing or proposed public trail or greenway, measurement shall be taken from a point along the exterior boundary of the development directly to the nearest point of the trail or greenway.

D. **Enhanced open space**. Enhanced open space shall be required as set forth in Table 5.4. Standards for enhanced open space are found in Table 5.5 and 5.6. In addition, each function may be designated as either public (subject to the approval of and acceptance by the City of Stonecrest) or private ownership.

E. **Open space and enhanced open space standards**.

1. Required open space shall conform to the zoning district requirements in article 2. Where Table 5.4 conflicts with article 2, article 2 shall prevail. Open space and enhanced open space design within a historic district that is subject to architectural design review shall require a certificate of appropriateness from the City of Stonecrest Historic Preservation Commission.
2. Lakes or ponds may be included as part of the open space requirements in a development, provided they are incorporated as part of enhanced open space design, subject to limitations of the riparian buffer as set forth in chapter 14 of the Code.
3. Dry detention basins shall be designed by a professional engineer and may not count toward open space area requirements unless designed as an amenity or aesthetic feature.
4. Enhanced open space may include hard space surface areas in accordance with the permitted elements identified in Table 5.6.
5. Below ground utilities or facilities may be located in the open space area.
6. Designated wetlands and dedicated conservation areas for native species and/or vegetation may count toward open space requirements in accordance with Table 5.5.
7. Open space adjacent to existing buildings that have historical or cultural significance may be counted toward the minimum required open space if made accessible for the common usage of the development. However, the enclosed building area may not be included in the minimum required open space requirement.
8. Stormwater facilities may be located within open space if the stormwater facility is designed and approved as an amenity and/or low impact stormwater management technique, and is in compliance with applicable regulation of chapter 14 of the Code, including approved best management practices. Such facilities may be exempt from fencing, provided that the public health safety and welfare is not jeopardized by the lack of fencing as determined by the director of planning.

F. **Residential lots and yards.** No residential lots shall be allowed to extend into the required open space nor shall individual residential yards count toward open space requirements.

Table 5.4 Enhanced Open Space: Minimum Requirements

Total and Enhanced Open Space: Minimum Requirements									
	SF-RES Cottage	**SF-RES Attached or Detached**	**Mobile Home Parks**	**Multi-family**	**Mixed -Use**	**Commercial /Retail**	**Large Retail**	**Office**	**Industrial**
Open space minimum	See section 5.7.5	20%	10%	See specific	See specific	15%	20%	15%	20%

required % of total square footage of the development				zoning district	zoning district				
Enhanced open space minimum required %	3,000 sq. ft. minimum. See section 5.8.4.M.	Minimum 50% of total open space	Minimum 25% of total open space	See specific zoning district	Site plan specific	N/A	Minimum 50% of total open space	N/A	N/A

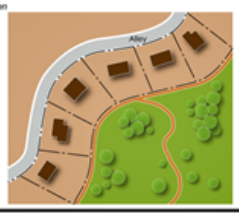
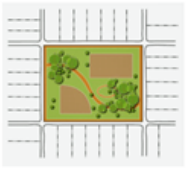
G. **Enhanced open space standards and types.**

1. Enhanced open space areas are areas readily accessible, practical, and generally acceptable for active or passive recreation uses. If able to meet these characteristics, enhanced open space areas may not include required setback areas, drainage easements required by the City of Stonecrest or DeKalb County, dedications with existing above ground facilities, or contain structures not intended for landscape or recreational purposes.
2. Maintenance of such areas is not the responsibility of the City of Stonecrest unless formally established and approved by the city through legal agreements. Maintenance shall be the responsibility of the owner or homeowners association in a form approved by the City of Stonecrest.
3. Total enhanced open space may be distributed throughout the project, but each individual enhanced open space type shall meet the enhanced open space dimensional standards of Table 5.5.
4. Elements shown under the "Permitted Elements" column in Table 5.6 are allowed for the various enhanced open space types. Other elements that are not listed may be allowed by the director of planning if they are consistent with the enhanced open space type.
5. Table 5.5 establishes enhanced open space types and minimum dimensional standards. The minimum size for any enhanced open space type shown in Table 5.5 may be reduced below the minimum amount if another enhanced open space type in the same development is increased by a corresponding amount above the minimum size shown in Table 5.5. Table 5.5 is supplemented further by Table 5.6 which provides design requirements for each type.
6. Table 5.6 establishes the requirements for each enhanced open space type and its associated design requirements. Elements may be required by specific development types according to Table 5.6.

Table 5.5 Enhanced Open Space Types with Minimum Size

Enhanced Open Space Types	Minimum Size (sf)
Clubhouse*/Pool amenity area	N/A
Greens/attached squares	500
Greenway	N/A
Pocket park	2,000
Neighborhood park	43,560
Plaza	3,000
Square	2,000
Playground	3,000
Detention facilities designed and approved to serve as aesthetic amenity	N/A

Table 5.6: Enhanced Open Space Types and Requirements

Enhanced Open Space Type	General Description	Permitted Elements	Design Requirements
Clubhouse/Pool or Tennis Amenity Area	Clubhouses and swimming pools must meet all applicable building and health codes.	Clubhouse Pool Toilet facilities, public or private Ornamental water features and fountains Gazebo/Pavilion/Picnic Areas Accessory concession stands Benches Trash receptacles Tennis courts	Pedestrian connectivity to all residents Parking shall be adjacent to pool and clubhouse facilities and not interfere with pedestrian activity or movement
Green 	A Green is an urban open space that is natural in its details. Greens are small, civic, and surrounded by buildings. Tree plantings can be informal and the topography irregular. Greens may be used to protect specimen trees and provide for conservation functions.	Toilet facilities, public or private Ornamental water features and fountains Gazebo/Pavilion/Picnic Areas Benches Trash receptacles Paved walks/trails (not within stream buffer) Urban Garden (50% max of Green)	Landscaped with trees at the edges and lawns at the center No rear facing lots allowed adjacent to a Green
Greenway	Greenways connect residences and recreational areas. Greenways incorporate natural settings, such as creeks and significant stands of trees within neighborhoods. Greenway details are natural (i.e., informally planted), except along rights-of-way, and may contain irregular topography.	Pedestrian trails Picnic tables Benches Trash receptacles Conservation areas for natural, archeological or historic resources Meadows, wetlands, wildlife corridors, game preserves, other	Shall have a minimum width of at least 50' Conserve existing tree canopy and landscape Protect existing natural drainage way and creeks Land shall not be cleared except for trails Water bodies are allowed provided that they do not count toward more than 50% of the required open space
Pocket Park	A pocket park is a small outdoor space, usually no more than ¼ of an acre, most often located in an urban area that is surrounded by commercial buildings or houses on small lots.	Toilet facilities, public or private Hardscape materials Gazebo/Pavilion/Picnic areas Trash receptacles Ornamental water features and fountains Public art Recreational courts Urban Garden (25% max of Pocket Park)	Rear facing lots are allowed Attractive landscaping Minimize negative impacts on adjacent residents
Neighborhood Park 	A neighborhood park, by size, program, and location, provides space and recreation activities for the immediate neighborhood in which it is located. It is considered an extension of neighborhood residents' "out-of-yard" and outdoor use area.	Gazebo/Pavilion/Picnic areas Hardscape materials Toilet facilities, public or private Picnic tables Benches Trash receptacles Paved walks/trails Ornamental water features and fountains Recreational courts and fields Urban Garden (25% max of park) Playground (swings, slides) Dog parks	Shall be bounded by streets on at least 50% of its perimeter Active recreation areas (25% max)

Enhanced Open Space Type	General Description	Permitted Elements	Design Requirements
Community Park	Community Parks are designed for active recreational use. Community Parks create a central open space that services an entire neighborhood or group of neighborhoods, or incorporates physical features that are an asset to the community (e.g., lake or river frontage, high ground, or significant stands of trees). Community Parks may be combined with parkways and greenways.	Gazebo/Pavilion Hardscape materials Toilet facilities, public or private Picnic tables Benches and other outdoor seating Trash receptacles Ornamental water features and fountains Public/private art Promenades and esplanades Playground (swings, slides) Recreational courts Urban Garden (25% max of Community Park)	Trees shall be planted parallel to all perimeter rights-of-way Trees shall be planted at the edge of active recreational use areas Tree spacing shall be a minimum of 15' to a maximum of 50' on center Interior portions of parks may be kept free of tree plantings Active recreation (25% max) Shall be bounded by streets on a minimum of 50% of their perimeter Golf courses shall be allowed but shall not count toward more than 50% of the required open space
Square	A Square provides a means to emphasize important places, intersections, or centers. Squares are bordered on all sides by street(s).	Gazebo Hardscape materials Benches and other outdoor seating Trash receptacles Ornamental water features and fountains	Shall be bound by streets on a minimum of 3 sides or 75% May be bound by front facing lots on 1 side or 25% of their perimeter No rear facing lots allowed adjacent to a square Trees plantings are encouraged parallel to the street right-of-way
Plaza	Plazas are areas for passive recreational use that are entirely bounded by streets and/or lanes. Buildings.	Hardscape materials Toilet facilities, public or private Benches and other outdoor seating Trash receptacles Ornamental water features and fountains Public art	Shall be square or rectangular with a length of not less than 1.5 of its width Shall be level, stepped or gently sloping
Playground	A Playground provides space for parental supervised recreation of toddlers and young children within a neighborhood, or as part of a larger neighborhood or community park and urban center, including retail shopping areas.	Hardscape materials Active recreational, playground equipment Toilet facilities, public or private Benches and other outdoor seating Ornamental water features and fountains Trash receptacles	Shall be designed with commercial grade play equipment for two age groups, ages 1 to 5 and ages 6 to 10 Must have shock absorbing surface with a maximum 2% slope Shall meet all federal, state and local regulations and be compliant with the Americans with Disabilities Act

H. **Phasing provisions**. If a project's required open space is developed in phases, the amount of open space shall be computed separately for each phase, but may be combined with existing open space in earlier phases:

1. The first phase of development shall contain, at a minimum, its pro rata share of the total amount of required open space based on the size and type of the development; and
2. The total amount of open space set aside in each phase shall meet the open space standard as applied to the total area of the phase and previously approved phases.

I. **Conservation or water quality.**

1. No more than fifty (50) percent of required open space may consist of floodplain, wetlands, steep slopes, streams and buffers.
2. Green roofs may contribute to open space minimum area requirements with documentation from a licensed professional that such feature serves a water quality or alternative stormwater function.

J. **Prohibited uses of open space**. The following shall not be considered when calculating open space:
    1. Individual wastewater disposal systems, such as septic tanks, septic fields, etc.
    2. Private yards that are not subject to an open space or conservation easement.
    3. Public street rights-of-way or private street easements, including streetscapes located within those rights-of-way or easements.

5.6 Supplemental Site Improvements

5.6.1 Outdoor lighting.

A. Lighting must provide adequate vehicular and pedestrian visibility and security of on-site areas such as building entrances, parking, service delivery and pedestrian walkways. A professional outdoor lighting plan shall be required for all non-single-family residential developments of three (3) acres or more and for community recreation that proposes to use outdoor lighting.

B. **Exceptions**. This section shall not apply to the following:
    1. Lighting established by a governmental authority within public rights-of-way.
    2. Lighting activated by motion sensor.
    3. Construction or emergency lighting provided it is temporary and is discontinued immediately upon construction completion or emergency cessation.
    4. Security lighting less than two (2.0) average foot candles.
    5. Sites requiring fewer than five (5) lighting fixtures.
    6. In [subsections] A.1. through A.5., lighting in all zoning districts shall be established in such a way that no direct light is cast upon or adversely affects adjacent properties and roadways.

C. **All lighting fixtures**.
    1. Lighting in all zoning districts shall be established in such a way that no direct light is cast upon or adversely affects adjacent properties and roadways.
    2. Light fixtures shall include glare shields to limit direct rays onto adjacent residential properties.
    3. All lighting fixtures (luminaries) shall be cutoff luminaries whose source is completely concealed with an opaque housing. Fixtures shall be recessed in the opaque housing. Drop dish refractors are prohibited.
    4. Light source shall be light emitting diodes (LED), metal halide, or color corrected high-pressure sodium not exceeding an average of four and one-half (4.5) foot candles of light output throughout the parking area. A single light source type shall be used for any one (1) site. Fixtures must be mounted in such a manner that the cone of the light is not directed at any property line of site.
    5. The minimum mounting height for a pole is twelve (12) feet. The maximum mounting height for a pole is twenty-five (25) feet excluding a three-foot base.

D. **Lighting plans**. Lighting plans shall include the following:
    1. The location and mounting information for each light.
    2. Illumination calculations showing light levels in foot candles at points located on a ten-foot center grid, including an illustration of the areas masked out per the requirements regarding points of measurements.
    3. A schedule listing the fixture design, type of lamp, distribution and wattage of each fixture, and the number of lumens.
    4. Manufacturer's photometric data for each type of light fixture, including initial lumens and mean depreciation values.

5. An illumination summary including the minimum average and maximum foot candle calculation (array values) and the total number of array points (points used on the ten-foot grid calculations).
6. Points of measure shall not include the area of the building or areas which do not lend themselves to pedestrian traffic.
7. Average level of illumination shall not exceed the calculated value, as derived using only the area of the site included to receive illumination.
8. An outdoor lighting plan required within a locally designated historical district that is subject to architectural design review shall require a certificate of appropriateness from the City of Stonecrest Historic Preservation Commission.

Table 5.7 Lighting Level Standards by Footcandle

Location or Type of Lighting	Minimum Level	Average Level	Maximum Level
Non-residential parking lots	0.6	2.40	10.0
Multifamily residential parking Lots	0.2	1.50	10.0
Walkways, access drives and loading/unloading areas	0.2	2.00	10.0
Landscaped areas	0.0	0.50	5.0

5.6.2 Stormwater detention facilities.

A. Stormwater detention facilities shall be located on an individual parcel of land not meant for other improvements. A detention facility for a subdivision of fee simple single-family residences shall not be located on the same lot with a single-family home.

6 Article 6. – Building Materials, Form and Configuration ~~and Architecture~~ Standards

Commented [NW31]: NEW ARTICLE – this separates building standards for specific types of developments from Article 5 to make it easier to use.

6.1 Application of standards.

A. This division establishes standards for the form and configuration for the following building types:
   1. Detached and attached houses;
   2. Multi-family;
   3. Live/work; and
   4. Non-residential except industrial use buildings.

B. **Compliance review.** Review of proposed development to ensure compliance with all standards shall occur concurrent with any zoning compliance review conducted during the process of approving a rezoning, use permit, variance or modification of conditions, a sketch plat, a land disturbance permit, a development permit, or any other applicable permit or license.

C. These standards apply to new buildings as well as to the substantial redevelopment and renovation of such buildings, as applicable per article 9~~8~~ regarding nonconformities.

6.2 Exemptions and variances.

A. Historic structures and structures in historic districts that are subject to architectural design review and structures that are individually designated historic are exempt from the requirements of this division ~~7~~.

B. New residential infill.

1. Modification of building form. Article 8~~7~~ provides for an administrative procedure that allows an applicant to request a waiver from the building form or materials standards on a case-by-case basis during the compliance review process.
2. Where the architectural style of existing residential development building types on the same block as the proposed project conflicts with the building form standards herein, a land disturbance permit applicant may apply to the director of planning for an administrative waiver from the building form standards in accordance with article 8~~7~~.

6.3 Conflict with other standards and review.

A. **Conflict with overlay standards**. In the event the standards of this division conflict with the overlay district standards in article 3, as determined by the director of planning, the standards in article 3 shall prevail.

B. **Conflict with other provisions in the zoning code**. In the event the standards of this division conflict with any other provision of this chapter, the more restrictive provision, as determined by the director of planning, shall prevail.

C. **Conflict with other city standards**. In the event the standards in this division conflict with any city ordinance not included within this chapter, as determined by the director of planning, this division shall prevail.

~~Sec. 5.7.4. - Materials.~~

~~A. Exterior building materials.~~

~~1. Except for exempted buildings described in subsection A.5. below, exterior wall materials of primary buildings shall consist of any of the following types:~~

~~a. Brick masonry;~~

~~b. Stone masonry;~~

~~c. Cement wood or fiber cement siding, including simulated half-timbering;~~

~~d. Hard coat stucco;~~

~~e. Cedar shingles or fiber cement;~~

~~f. Textured face concrete block;~~

~~g. Architectural concrete;~~

~~h. Precast or tilt-up panel (for industrial buildings only);~~

Commented [NW32]: These will go into the specific building type sections

i. Glass;

j. Material not listed in this section, which shall contribute to innovative design or green construction as determined by the director of planning on a case by case basis; and/or

k. Architectural accent materials as approved by the director of planning.

2. Exterior building material requirements do not preclude solar panel installation on building roofs.

3. The following materials may be used as secondary building material or siding, up to forty (40) percent of total facing:

a. Standing seam or corrugated metal siding;

b. Exterior insulation and finish system (EIFS). If within three (3) feet of grade or within six (6) feet of grade adjoining a public right-of-way or a parking area, the EIFS shall have ultra-high impact resistance in accordance with ASTM E2468. EIFS is prohibited for use on single-family, two-family, and three-family dwellings.

c. Vinyl siding and other polymeric siding provided the siding shall:

1. Be installed by a certified installer or an individual certified as trained through the VSI certified installer program sponsored by the Vinyl Siding Institute, Inc. (VSI) or an approved equivalent program;

2. Be certified and labeled as conforming to the requirements of ASTM D3679 Standard Specifications for Rigid Poly (Vinyl Chloride) (PVC) Siding by an approved quality control agency:

3. Have a minimum thickness of 0.046 inches;

4. Have panel projections of no less than five-eighths inch for clapboard and dutchlap styles;

5. Have double (rolled over) nail hem, up to 0.92" nominal thickness strength;

6. Meet or exceed the color retention requirement of ASTM D6864, 3679 or D7251;

7. Be installed in accordance with the manufacturers' instructions and in accordance with ASTM D4756. Polypropylene siding shall be certified and labeled as conforming to the requirements of ASTM D7254 Standard Specification for Polypropylene (PP) siding by an approved quality control agency. Insulated Vinyl Siding shall be certified and labeled as conforming to the requirements of ASTM D7793 Standard Specification for Insulated Vinyl Siding by an approved quality control agency.

4. The following exterior building materials shall be prohibited on all buildings:

a. Plywood;

b. Common concrete block;

c. Oriented strand board (OSB).

5. Universities, and structures located in M or M-2 zoned districts shall be exempt from the requirements of subsections A.1. and A.3., provided:

~~a. Such structures are located interior to the site with an intervening building facing the street.~~

~~b. If materials in A.3. are used as primary exterior building materials, at least thirty (30) percent of total façade area shall be brick or stone masonry.~~

~~B. Arrangement of materials.~~

~~1. Where two (2) or more materials are proposed to be combined on a façade, the heavier and more massive material shall be located below the lighter material.~~

~~2. Material changes on a façade shall occur along a continuous horizontal line or where two (2) building forms meet. Secondary building materials may be used as trim, around windows, doors, cornices, at corners, or as a repetitive pattern within a wall covered in a primary building material.~~

~~3. Primary façade materials shall wrap around at outside building corners for at least four (4) feet.~~

~~C. Roof and accessory structure materials.~~

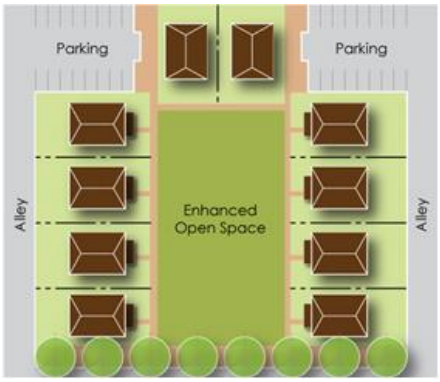
~~1. Sloped roofs on primary buildings shall be clad in wood shingles, standing seam metal, clay or concrete tile, stone coated metal tile, painted metal tile, recycled rubber tile, slate, asphalt shingles or similar material or combination of materials. This regulation does not prohibit the application of solar panels, which shall not be considered an architectural material for purposes of building form regulations.~~

~~2. The exterior of accessory buildings shall be constructed of materials that are similar to those used on the principal structure(s).~~

6.4 Detached houses.

A. This section shall apply to the following housing types:
   1. *Conventional single-family detached.* A development with one (1) dwelling unit per lot of record with private yards on all four (4) sides.
   2. *Single-family cottage.* A development with one (1) or one and one-half (1.5) story small detached dwelling units arranged whereby cluster around a commonly shared open space and each dwelling unit is located on a separate lot with private rear, side, and front yards.
   3. *Urban single-family detached.* A development with single-family detached dwelling units located on small lots. Urban single-family (Urban-SF) residential buildings share similar configurations to townhouse developments; however, they are detached and may have lot lines that coincide with the building envelope, provided that a yard area is provided in the dimensions required by the zoning district.

B. **Dimensional and use requirements.** Minimum lot size, width, and setbacks shall meet the dimensional requirements set forth for the applicable base zoning district in article 2.



C. **Orientation.**
   1. Lots along the perimeter of a development of single family detached residences shall be oriented so that dwellings front internal local streets instead of a thoroughfare. Lots with rear yards abutting a thoroughfare shall provide a ten-foot no access easement and: a twenty-foot landscape strip, a six-foot-high decorative fence, or a five-foot-high landscaped berm to screen the rear view of houses from the thoroughfare.
   2. Single-family cottage lots shall be oriented toward the enhanced open space.
   3. Street frontage requirements in chapter 14 of the Code shall not apply to individual lots within a cottage or urban type residential development provided the overall site complies with minimum street frontage requirements and an alley or private drive provides access directly to a public street.

D. Each dwelling unit shall be metered for water individually.

E. An easement for water and sewer shall be required and subject to the approval of the director of planning.

F. Access driveway, internal private drive and alley standards.
   1. Single-family cottage or urban residences shall have vehicular access from the rear of the property from an alley or similar private drive, or may have an off-street parking area located on the side or rear of the development. Such parking area may not occupy more than thirty (30) feet of frontage and be located no more than two hundred (200) feet from the unit's entrance. The alley shall be at least twenty (20) feet in width and meet the standards of International Fire Code (IFC) 503, unless another width is approved by the director for one-way direction only.
   2. Single-family detached residences may share a driveway serving two (2) lots, provided that the width of the driveway at the street shall not exceed the width requirements established in chapter 14 of the Code, and that the driveway width not increase for the first ten (10) feet of drive.

G. Urban single-family dwellings may gain access through private drives that meet the standards of section 5.6.7C.4.

~~H. Driveways shall not exceed ten (10) feet between garage door and sidewalk.~~

~~I.~~H. Maximum size.

1. Conventional single-family detached residences shall follow the requirements set forth in article 2.
2. Single-family cottages shall not exceed a building footprint of eight hundred (800) square feet and gross floor area of twelve-hundred (1,200) square feet.

I. Single Family Residential (Detached and Attached): **Materials**. The following is the list of permitted materials for single family construction:
   1. Brick masonry;
   2. Stone masonry;
   3. Cement wood or fiber cement siding, including simulated half-timbering;
   4. Hard coat stucco;
   5. Cedar shingles or fiber cement;

J. **Architectural variability.**
   1. Residential subdivisions of three (3) or more lots intended for conventional single-family detached residences shall include distinctly different front façade designs within each phase of the development. "Distinctly different" shall mean that each front façade must differ from adjacent buildings' front façades in at least four (4) of the following six (6) ways:
      a. The use of different primary exterior materials;
      b. Variation in the width or height of the front façade by four (4) feet or more;
      c. Variation of the type, placement or size of windows and doors on the front façades;
      d. Variations in rooflines, including the use of dormers and changes in the orientation of rooflines;
      e. Variation in the location and proportion of front porches; and
      f. Variation in the location or proportion of garages and garage doors.
   2. No conventional single-family detached residence shall be of the same front façade design as any other conventional single-family detached residence along the same block face within eight (8) lots of the subject residence. Mirror images of the same configuration are not permitted on the same block face.
   3. No single front façade design may be used for more than twenty-five (25) percent of the total units of any single phase of a conventional single-family detached residence subdivision.

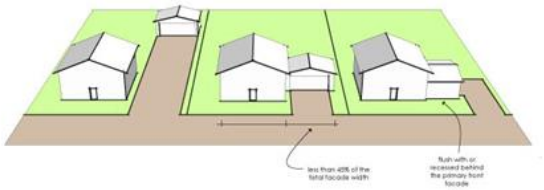
K. **Porches and stoops**. Any porch shall have minimum dimensions of four (4) feet by eight (8) feet for porches, and any stoop shall have minimum dimensions of and four (4) feet by four (4) feet. Porches and stoops shall be no closer than two (2) feet from a utility easement.

L. **Façades.** Any conventional single-family detached residence with a front façade width of forty (40) feet or more shall incorporate wall offsets in the form of projections or recesses in the front façade plane. Wall offsets shall have a minimum depth or projection of two (2) feet so that no single wall plane exceeds twenty-five (25) feet in width.

M. **Roof and overhangs**. Conventional single-family detached residences shall incorporate the following standards:
   1. Roofs covering the main body of the structure shall be symmetrical gables, hip-style, or mono-pitch (shed) style.

2. Mono-pitch roofs shall have a minimum pitch of 4:12, and all other roofs covering the main body of a detached house shall have a minimum roof pitch of 6:12.
3. Overhanging eaves shall extend at least twelve (12) inches beyond the exterior wall.
4. To the maximum extent practicable, all roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear façades or configured to have a minimal visual impact as seen from an adjacent street.

N. **Garages.** The following standards shall apply:
1. Street-facing garage façades shall not comprise more than forty-five (45) percent of the total width of the conventional single family detached residence's front façade. Street-facing garages shall be at least two (2) feet behind the primary front façade plane of a conventional single-family detached residence.

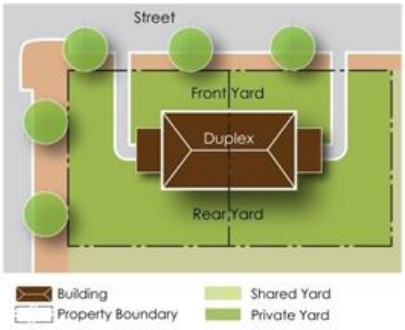


O. **Enhanced open space.**
1. Clubhouse/pool amenity areas, greens, playgrounds, pocket parks, neighborhood parks, or detention facilities designed to serve as amenities shall meet dimensional requirements in the base zoning district (article 2) and the standards of article 5, division 5, open space standards.
2. Cottage residential development enhanced open space.
    a. Single-family cottages shall be clustered around an enhanced open space green that is a minimum of three thousand (3,000) square feet or four hundred (400) square feet per cottage served by the enhanced open space, whichever is greater.
    b. The enhanced open space green shall have a minimum dimension of twenty (20) feet on each side.
    c. At least two (2) sides of the enhanced open space green shall have cottages along its perimeter.

6.5 Single-family attached buildings.

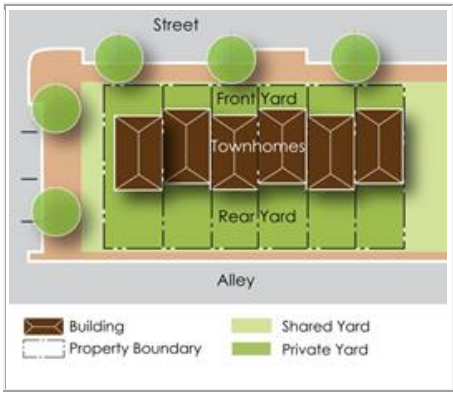
A. Single-family attached residential buildings are buildings in which dwelling units are attached to one another in a variety of ways, each with its own external entrance. Fee simple condominiums share similar configurations to townhouse developments, and they have lot lines that coincide with the building footprint. This section applies to the following development types:

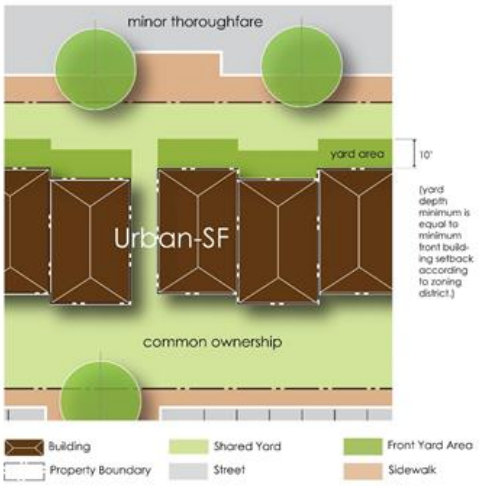
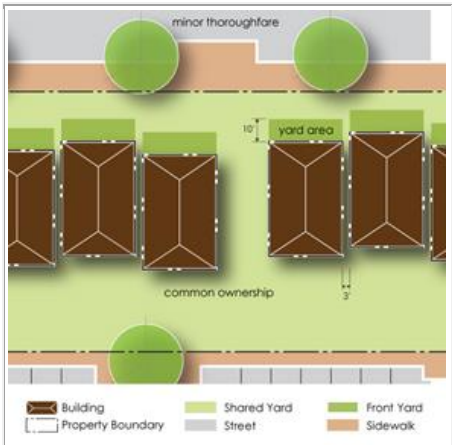
B. Single-family attached, two- or three-family attached (also called duplex or triplex). A house with two (2) or three (3) attached principal dwelling units located on a single lot. The units may be located on separate floors or side-by-side. A side-by-side, single-family attached duplex may also be permitted to be located on two (2) lots, whereby each unit is located on its own lot.



C. **Fee simple condominium.** One (1) or more single-family attached buildings where the owner has fee simple title to the building and the land beneath the building. The building may or may not have a small yard in front of or behind the building. The remaining land is under common ownership.

D. Single-family attached, and townhouse developments shall meet the following standards.
   1. The overall tract of land for townhouse or fee simple condominium development shall have frontage on a public or private street.
   2. The overall tract of land for townhouse or fee simple condominium development must meet the dimensional requirements of the zoning district.

	**Traditional Townhouse lot:** Townhomes which include yards on the individual property.

Urban Single-Family (Urban-SF) Detached lot: Urban-SF lot lines may coincide with the building envelope. Yard area designated for each unit, however, must still be provided even if held in common ownership. Dimensions of yard areas shall equal the setback that is specified by the zoning district (or approved master plan).	
	**Urban Single-Family (Urban-SF) Detached lot**: Urban-SF detached residential lots may include yards on the individual property or provide yard area held in common ownership.

3. Private drives shall meet the requirements of section 14-189.1 of the Code, except as follows:
    a. Private drives shall provide a ten-foot unobstructed easement on both sides of the drive, measured from back of curb.

b. Private drives shall have a minimum twenty-two-foot road width measured from back of curb to back of curb.
c. Private drives shall have the same base and paving specifications as required for public streets.
d. Roadway shoulders for private drives shall consist of a combination of five-foot sidewalk, five-foot landscape strip for street trees, and may include parallel parking spaces.
e. Private drives shall be maintained in accordance with Chapter 14.

4. The development shall incorporate a pedestrian circulation plan that separates pedestrians from automobiles by providing rear access to the units or designing an alternative location for pedestrian paths or sidewalks.
5. Sidewalks and pedestrian ways shall provide a continuous network that connects each dwelling unit with adjacent public streets and all on-site amenities designed for use by residents of the development.
6. Sidewalks may go to back of curb when adjoining on-street parking space.
7. Street trees shall be planted on both sides of the street fifty (50) feet on center or every other unit, whichever distance is less.
8. Buildings shall be no more than two hundred (200) feet in length.
9. Spacing of buildings shall be consistent with International Codes Council (ICC).
10. Alleys.
    a. Alleys shall be at least twelve (12) feet wide, subject to the standards of IFC 503.
    b. Dead end alleys over one hundred fifty (150) feet in length are prohibited.
11. Ownership.
    a. There shall be a mandatory property owners association clearly stating the residents' responsibility to share in the ownership and maintenance of common areas including roadways, alleys, parking, utilities, landscaping, and stormwater management facilities subject to chapter 14 of the Code. The city shall have no ownership or maintenance responsibility of any common areas unless expressly agreed otherwise.
    b. Individual ownership of the units shall comply with the Georgia Condominium Act or shall require membership in a property owners association in accordance with Georgia law.
    c. Upon approval of the development plans, a final plat shall be recorded before any units are sold.

E. **Building orientation**. The primary entrance and front façade of individual buildings within a townhouse development may be oriented toward streets, private drives or enhanced open space, and shall not be oriented toward off-street parking lots, garages, or carports.
F. Each dwelling unit shall be metered for water individually.
G. An easement for water and sewer shall be required with the location subject to approval of the City of Stonecrest, or its designee.
H. **Roofs**. Roofs of attached residential buildings shall comply with the following standards:
    1. Roofs shall be symmetrical gables, flat with parapet, hip-style, or mono-pitch (shed) style, but alternative roof forms or pitches may be used over porches, entryways, and

similar features. Overhangs allowed on principal structures shall be no less than twelve (12) inches.

2. Mono-pitch roofs shall have a minimum pitch of 4:12.
3. Gable and hip-style roofs shall have a minimum roof pitch of 6:12.
4. Roof forms shall be designed to shelter building entrances.

I. **Roof penetrations and equipment.** To the maximum extent practicable, roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear façades or screened from view so as to have a minimal visual exposure as seen from an adjacent street.

J. **Façades**. For the purposes of this subsection, a building façade shall be considered the entire wall surface on a building side from grade level to underneath an overhanging eave or to the top of a cornice. All single-family attached buildings shall comply with the following façade standards:

1. Façades facing a street shall provide doors, porches, balconies, or windows in the following ratios:
    a. A minimum of sixty (60) percent of front façade; and
    b. A minimum of thirty (30) percent of side and rear building façades.
2. All front façades shall provide a minimum of three (3) of the following design features for each residential unit:
    a. Projections or recesses in the façade plane that contrast with an adjoining unit, with a minimum depth or projection of one (1) foot;
    b. Exterior building materials or colors different from the materials or colors of the other units;
    c. Decorative patterns on exterior finish (e.g., shingles, wainscoting, window box, and similar ornamental features);
    d. A dormer window, cupola, turret, tower, or canopy;
    e. A recessed entrance;
    f. A covered porch or balcony;
    g. Pillars, posts, or pilasters;
    h. A box or bay window with a minimum twelve-inch projection from the façade plane;
    i. Eaves with either exposed rafters or a cornice projecting a minimum (12) inches from the façade plane; or
    j. A parapet wall with an articulated design that varies in height.
3. Front façades should be varied to avoid long, flat building fronts so that no more than twenty (20) percent of the front façades of the units in the same building are substantially the same, unless designed as brick row houses.

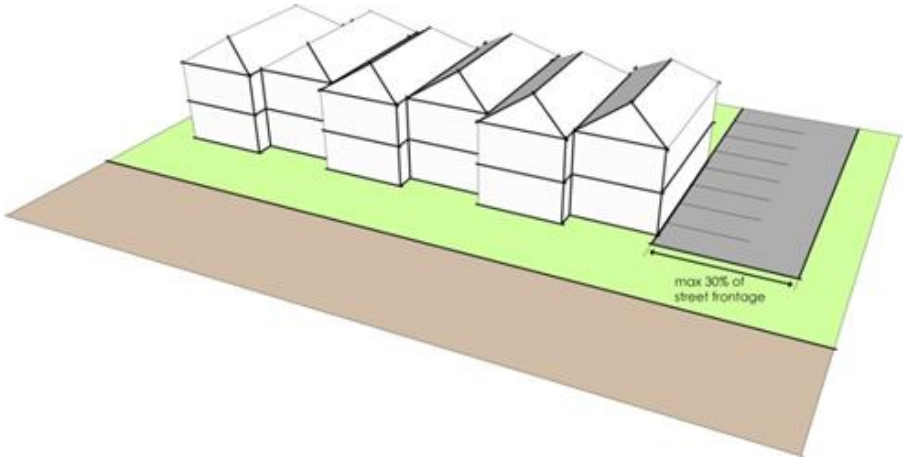
K. **Garages.**

1. Garages for dwelling units shall not face public streets, and shall be accessed by alleys or private drives. Garages that face private drives must comply with section 5.7.6.C.5. for pedestrian and vehicle separation plan.
2. Parking spaces for dwelling units shall be located behind buildings, within individual units, on designated on-street spaces or off-street parking lots as provided in subsection K., off-street parking.

3. Garage entrances shall be set back between three (3) and ten (10) feet from adjacent streets and sidewalks.
4. Garage entrances shall be set back a minimum of three (3) feet and a maximum of ten (10) feet from alleys.

L. **Off-street parking.**

1. Off-street surface parking lots (including access and travel ways) located on the side of an attached residential building shall not occupy more than thirty (30) percent of the primary street frontage for the attached residential building.



2. Off-street parking required for each attached residential unit is not required on the same lot as the dwelling unit, but the edge of the off-street parking lot shall be no more than two hundred (200) feet from the unit's entrance.

M. The architectural features of a parking deck or structure shall be compatible with the primary building(s).

N. Streetscape design. Single family attached residential developments shall comply with the streetscape design standards in division 4.

6.6 Multi-family, non-residential, live/work and mixed-use buildings.

A. Multi-family residential building and non-residential buildings include the following building types: multi-family low rise (three (3) stories and fewer); multi-family high rise (four (4) stories and greater); live/work buildings; and large-scale retail.

1. Multi-family residential buildings contain four (4) or more residential dwelling units consolidated into a single structure. Dwelling units within a building may be situated either wholly or partially over or under other dwelling units, and units share common walls. Structures appearing as townhouses but with internal units that are located one (1) below the other (also known as "stacked townhouses") are also considered multi-family residential buildings.
2. Large-scale retail refers to freestanding buildings containing single-tenant retail sales uses that exceed sixty-thousand (60,000) square feet in size.

3. Live/work units incorporate both living and working space in a single unit. A kitchen and a bathroom must be included in each unit. The residential portion may not be less than thirty-three (33) percent of the unit's total floor area. Within two-story live/work buildings, non-residential uses shall be located on the ground floor only. Within single story units, the non-residential use shall be located in the front, with street access. Living space within the live/work unit shall have direct and internal access to work space. Each live/work unit may have a primary entrance from the sidewalk, enhanced open spaces, arcades or public spaces. See also section 4.2.33 for additional live/work use requirements. Multi-family residential orientation shall comply with section 5.7.6.

B. Non-Residential Structures: Materials.

~~4.~~1. Exterior building materials. Except for exempted buildings described in subsection A.5. below, exterior wall materials of primary buildings shall consist of any of the following types:

a. Brick masonry;
b. Stone masonry;
c. Cement wood or fiber cement siding, including simulated half-timbering;
d. Hard coat stucco;
e. Cedar shingles or fiber cement;
f. Textured face concrete block;
g. Architectural concrete;
h. Precast or tilt-up panel (for industrial buildings only);
i. Glass;
j. Material not listed in this section, which shall contribute to innovative design or green construction as determined by the director of planning on a case by case basis; and/or
k. Architectural accent materials as approved by the director of planning.

~~5.~~2. Exterior building material requirements do not preclude solar panel installation on building roofs.

~~6.~~3. The following materials may be used as secondary building material or siding, up to forty (40) percent of total facing:

a. Standing seam or corrugated metal siding;
b. Exterior insulation and finish system (EIFS). If within three (3) feet of grade or within six (6) feet of grade adjoining a public right-of-way or a parking area, the EIFS shall have ultra-high impact resistance in accordance with ASTM E2468. EIFS is prohibited for use on single-family, two-family, and three-family dwellings.
c. Vinyl siding and other polymeric siding provided the siding shall:
    i. Be installed by a certified installer or an individual certified as trained through the VSI certified installer program sponsored by the Vinyl Siding Institute, Inc. (VSI) or an approved equivalent program;
    ii. Be certified and labeled as conforming to the requirements of ASTM D3679 Standard Specifications for Rigid Poly (Vinyl Chloride) (PVC) Siding by an approved quality control agency:
    iii. Have a minimum thickness of 0.046 inches;

iv. Have panel projections of no less than five-eighths-inch for clapboard and dutchlap styles;
v. Have double (rolled over) nail hem, up to 0.92" nominal thickness strength;
vi. Meet or exceed the color retention requirement of ASTM D6864, 3679 or D7251;
vii. Be installed in accordance with the manufacturers' instructions and in accordance with ASTM D4756. Polypropylene siding shall be certified and labeled as conforming to the requirements of ASTM D7254 Standard Specification for Polypropylene (PP) siding by an approved quality control agency. Insulated Vinyl Siding shall be certified and labeled as conforming to the requirements of ASTM D7793 Standard Specification for Insulated Vinyl Siding by an approved quality control agency.

~~7.~~4. The following exterior building materials shall be prohibited on all buildings:
a. Plywood;
b. Common concrete block;
c. Oriented strand board (OSB)

~~8.~~5. Universities, and structures located in M or M-2 zoned districts shall be exempt from the requirements of subsections A.1. and A.3., provided:
a. Such structures are located interior to the site with an intervening building facing the street.
b. If materials in A.3. are used as primary exterior building materials, at least thirty (30) percent of total façade area shall be brick or stone masonry.

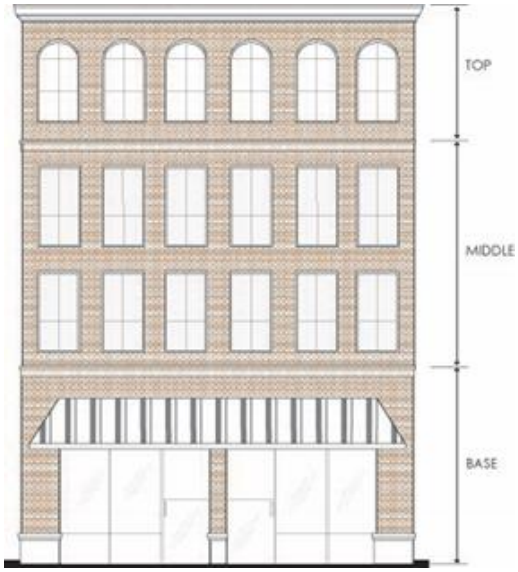
~~B.~~C. Arrangement of materials.
1. Where two (2) or more materials are proposed to be combined on a façade, the heavier and more massive material shall be located below the lighter material.
2. Material changes on a façade shall occur along a continuous horizontal line or where two (2) building forms meet. Secondary building materials may be used as trim, around windows, doors, cornices, at corners, or as a repetitive pattern within a wall covered in a primary building material.
3. Primary façade materials shall wrap around at outside building corners for at least four (4) feet.

~~C.~~D. Roof and accessory structure materials.
1. Sloped roofs on primary buildings shall be clad in wood shingles, standing seam metal, clay or concrete tile, stone coated metal tile, painted metal tile, recycled rubber tile, slate, asphalt shingles or similar material or combination of materials. This regulation does not prohibit the application of solar panels, which shall not be considered an architectural material for purposes of building form regulations.
2. The exterior of accessory buildings shall be constructed of materials that are similar to those used on the principal structure(s).

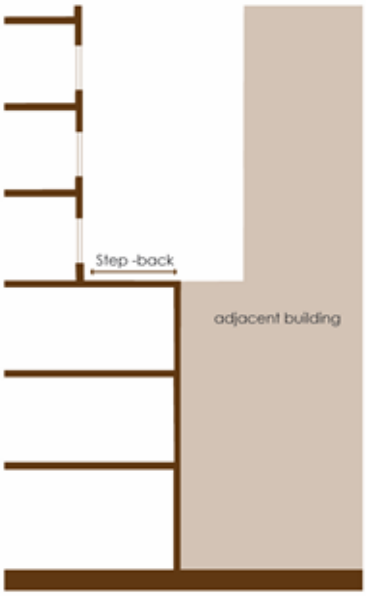
~~D.~~E. All non-residential development types ~~other than single family,~~ shall comply with the following:
1. Dimensional and use requirements. Lot size, width, and setbacks shall meet the dimensional requirements set forth for the applicable base zoning district in article 2.

2. Building plane and scale.
    a. Building façades shall not exceed forty (40) feet in length without projections, recesses or other architectural features.
    b. Windows and doorways. Structures built to the edge of the street right-of-way or located within mixed-use and non-residential districts shall have windows and/or doorways that occupy at least twenty-five (25) percent of the width of the first floor street-level front façade.

    c. All buildings regulated by section 5.7.7 that are four (4) stories or greater shall:
        i. Clearly articulate the building base, middle and top through materials, architecture details and/or changes in the plane of the wall (projections and recessions).



ii. Provide side step-backs at the fourth story when adjacent to the side of another building four (4) stories or greater and along a private or public street.



~~E.~~F. **Roofs.**

1. Multi-family low-rise buildings regulated by section 5.7.7 shall have roof design and features that comply with section 5.7.6.G.
2. Multi-family buildings adjacent to a courtyard may be designed with a flat roof.
3. Rooflines of large-scale retail buildings shall be varied to add interest and variety to the large building form through the use of parapets, hips, gables, eaves, dormers or other similar features. These features shall be incorporated along a minimum of fifty (50) percent of the length of the roofline facing a public street.
4. Flat roofs shall provide parapets to screen mechanical equipment from street view and from the primary drive facing the front façade.

~~F.~~G. **Parking configuration**. Non-residential and mixed-use buildings located in the Regional or City Activity Center character areas, as identified in the comprehensive plan, shall:

1. Have no more than one (1) double row of parking within the front yard where there is no intervening building between parking and the street; and
2. Be allowed to locate parking along the side or rear or as on-street parking dedicated as right-of-way by the applicant for a land disturbance permit or building permit.

~~G.~~H. Multi-family developments shall meet the building separation requirements provided in section 5.2.1.B.

~~H.~~I. Off-street surface parking lots (including access and travel ways) consisting of five (5) or more spaces shall be located on the side or to the rear of a multi-family structure or development.

~~I.~~J. Multi-family housing developments shall provide and maintain outdoor play and recreation areas with a minimum area of five (5) percent of the total area of the lot or four thousand (4,000) square feet, whichever is greater.

~~J.~~K. Low-rise multi-family building types. The following low-rise multi-family buildings shall be allowed, provided they meet the requirements set forth herein:

1. Mansion . The mansion style low-rise multi-family building shall have four (4) to eight (8) units within the structure, which shall be distinguished as a building designed to appear as a typical single family detached home.
2. Courtyard. The courtyard building shall be oriented such that the courtyard faces the street or roadway and has buildings facing along the other three (3) sides.
    a. Minimum width of the courtyard is thirty (30) feet and depth is fifteen (15) feet.
    b. Building walls facing a courtyard may be separated by more than the maximum building separation requirements.
3. All other. To reduce massing and promote livability, all other low-rise multi-family building types shall provide:
    a. Functional balconies for all exterior units;
    b. Landscaping around each building within ten (10) feet of building and along both sides of all internal sidewalks.

~~K.~~L. Multi-building non-residential development, excluding industrial. Buildings in a non-residential development composed of multiple buildings totaling one hundred thousand (100,000) square feet or more for the whole development shall:

1. Be configured to break up the site into a series of smaller "blocks" defined by streets with pedestrian walkways forming an interconnected circulation route;
2. Face the corner of an existing street intersection or entry point to the development;
3. Frame and enclose:
    a. A "main street" pedestrian or vehicle access corridor entering the development site;
    b. At least three (3) sides of parking areas, public spaces, or other site amenities; and
    c. Provide outdoor gathering spaces for pedestrians between buildings.

~~L.~~M. Outparcel development.

1. Outparcels and their buildings shall be aligned in order to define continuous street edges with well-defined entry points.
2. Spaces between buildings shall be improved to provide landscaped pedestrian amenities such as plazas, seating areas, arcades, pedestrian connections, and gathering spaces.

6.7 Large-scale retail—Additional standards.

A. **Entrances.**

1. The primary entryway into a large-scale retail building shall be clearly articulated by greater architectural detail, incorporating no fewer than three (3) of the following elements:
    a. Projecting or recessed, covered entrance;
    b. Distinct roof form above entrance shall include at least one (1) of the following:

i. Roof overhangs;
ii. Awnings, canopies or porticos;
iii. Raised corniced parapets;
iv. Gabled or peaked roof form;
v. Arches;

c. Display windows directly adjacent to the entrance;
d. Architectural details and ornamentation emphasizing the building entrance;
e. Arcades connecting the entrance to adjacent pedestrian attractions;
f. Outdoor plaza with a minimum depth of twenty (20) feet adjacent to the entrance and having seating and a water feature or landscaping; or
g. Landscape areas or seating areas.

B. **Off-street parking.**
1. Parking for large-scale retail development shall be distributed around the principal structure on at least two (2) sides.
2. No more than fifty (50) percent of parking may be located between the principal structure and primary street. If located within an activity node, no parking shall be allowed between the principal structure and the primary street, except required parking spaces.

C. **Pedestrian circulation.**
1. Continuous internal sidewalks and pedestrian walkways shall be provided to connect the public sidewalk or right-of-way with the principal building entrance of all principal buildings on the site. Such sidewalks shall also connect key pedestrian focal points such as transit stops, street crosswalks, and building entry points.
2. Internal pedestrian walkways and sidewalks shall be at least five (5) feet in width.
3. Sidewalks shall be provided along all sides of the lot adjacent to a public street.
4. Sidewalks shall be provided for the principal building along any façade featuring a public entrance and along any façade leading to a public parking area.
5. Internal pedestrian walkways and sidewalks shall be differentiated from vehicular driveways and parking spaces through the application of colors and durable surface materials such as pavers, brick, or scored concrete, in order to enhance pedestrian safety and appearance of the pedestrian walkway or sidewalk.

D. **Landscaping.** In addition to the landscape and screening requirements of division 4 of this article, the following requirements shall also apply:
1. Building frontage. Beginning fifteen (15) feet from the principal customer entrance, along the building façade, a landscape area with trees shall be required for the entire length of the building. Each of the trees required herein shall be at least four and one-half-inch caliper and eight (8) feet tall at installation. Trees required herein shall be spaced no more than one hundred (100) feet apart.
2. Landscape strip. A landscape strip at least fifteen (15) feet wide shall be required along any property line adjacent to a public street. When parking lot landscape strip requirements coincide with this location, the fifteen (15) feet shall not be required in addition to the parking lot landscaping, but shall serve as the parking lot dimensional requirement and planted according to parking lot landscaping standards in division 4 of this article.

3. Walkways. Pedestrian walkways connecting a public street adjacent to the lot on which the principal building is located and parking aisles shall be provided approximately every one hundred twenty (120) feet perpendicular to street frontages.

E. **Open space and enhanced open space areas.**
   1. An outdoor gathering space (plaza or square) shall be developed with requirements by open space functional category and enhanced open space types as specified in division 5 of this article.
   2. Sites containing one (1) or more large-scale retail building shall include an outdoor gathering space equal to at least three (3) percent of the total square footage of the building.
   3. Outdoor gathering spaces shall be connected to the sidewalk and pedestrian walkway network, and shall provide at least three (3) of the following features per space:
      a. Lighted bollards;
      b. Tables and chairs;
      c. Fountains or other water features;
      d. Benches;
      e. Seat walls and/or raised landscape planters;
      f. Shade trees lining the gathering space;
      g. Pots or hanging baskets filled with seasonal plant material;
      h. Information kiosks;
      i. Sculptures or other public art features; or
      j. Other features as approved by the director of planning if the feature enhances the visual impact of the outdoor gathering space.

7 Article 7. - Parking

7.1 Introduction.

A. This chapter establishes the standards for the number, location, and development of motor vehicle parking facilities, standards for on-site loading areas, and standards for bicycle parking.

7.1.1 Interpretation.

A. **Fractions**. Where a fractional space results during the calculation of required parking, the required number of parking spaces shall be the next lowest whole number.

B. **Parking space requirement not specified**. Where the parking requirement for a particular use is not described in Table 6.2, and where no similar use is listed, the director of planning shall determine the number of spaces to be provided based on requirements for similar uses, location of the proposed use, the number of employees on the largest shift, total square footage, potential customer use, or other expected demand and traffic generated by the proposed use. If the director of planning reasonably determines that a parking generation study should be prepared by a qualified professional, the director of planning may require submission of such a study to aid the director of planning in making a determination with respect to the number of required parking spaces.

C. **Computations for multiple floors uses within a building**. In cases where a building contains some combination of residential use, office space, retail or wholesale sales area, or bulk storage area, the director of planning may determine on a proportional basis the parking and loading requirements based on separate computations for each use.

7.2 Parking regulations, off-street parking.

A. Each application for a development permit or building permit, other than for a detached single-family residence, shall be accompanied by a parking plan showing all required off-street parking spaces, driveways, and the internal circulation system for each such parking lot.

B. All parking lots and spaces shall conform to the following requirements:

1. All vehicles shall be parked on a paved surface that is connected to and has continuous paved access to a public or private street, except as otherwise allowed in this section.
2. Each parking space, except those located on a single-family residential lot, shall comply with the minimum dimensions established in Table 6.1. Each parking lot shall have adequate space for each car to park and exit every parking space and space for internal circulation within said parking lot.
3. Each parking lot, except those parking spaces located on property used for single-family residential purposes, shall comply with section 5.4.4, site and parking area landscaping.
4. All parking lots and parking spaces, except those located on property used for single-family residential purposes, shall conform to the geometric design standards of the Institute of Traffic Engineers.
5. Parking and loading shall not be permitted within the front yard in any MR, HR, O-I, or O-I-T zoning district, except for required handicapped parking. Notwithstanding the previous sentence, parking and loading shall be permitted within the front yard where provision of adequate parking spaces within the rear is impractical and upon issuance of a variance pursuant to article 8~~7~~.
6. Parking shall not be permitted within the front yard of any property used for single-family residential purposes, except within a driveway, or in a roofed carport or enclosed garage. Within any single-family residential district, not more than thirty-five (35) percent of the total area between the street right-of-way line and the front of the principal building shall be paved.
7. No parking space, driveway or parking lot shall be used for the sale, repair, dismantling, servicing, or long-term storage of any vehicle or equipment, unless located within a zoning district which otherwise permits such use.
8. The parking of business vehicles on private property located within residential zoning districts is prohibited. This section shall not prohibit: (1) typical passenger vehicles, with or without logos, including automobiles, pickup trucks, passenger vans, and dually trucks, (2) vehicles engaged in active farming, construction activities or contractor services on the private property, or the temporary parking (twelve (12) hours or less) of vehicles for the purpose of loading/unloading within residential zoning districts; nor (3) the parking of vehicles on property located in residential zoning districts, where such property is used for an authorized non-residential use such as a church. Vehicles used in law enforcement are exempt from the restrictions of this subsection.
9. All parking lots shall conform to the requirements of section 7~~6~~.1.7.

10. Notwithstanding any other provisions of Chapter 27 or Chapter 14, parking areas and/or parking on unpaved surfaces for transportation equipment and storage or maintenance (vehicle) storage, without services provided, shall be permitted as a principal use on parcels zoned M or M-2, provided that:
    a. The parking area shall be screened from view of the public street with an opaque fence or wall minimum of six (6) feet in height.
    b. The parking area shall be at least twenty-five (25) feet from the street right of way.
    c. A ten (10) foot wide evergreen landscape buffer shall be planted around the perimeter of the fence along the public street with at least 75% evergreens and at least two rows of plants. ·
    d. The soil erosion, sedimentation and pollution requirements of Chapter 14, Article V of the Code of the City of Stonecrest, Georgia are met;
    e. Minimum standards of the Georgia Stormwater Management Manual are met in terms of stormwater runoff and water quality; and
    f. The parking lot has a minimum of one (1) acre.
11. Unpaved parking areas within the Mand M-2 zones permitted under subsection 10 above shall comply with the following specifications:
    a. The parking area shall be at least one hundred and fifty feet (150') from the boundaries of a residentially zoned parcel; ·
    b. The parking area subgrade must meet a minimum compaction of ninety-five percent (95%) as certified by a registered professional engineer;
    c. The parking area surface shall be composed of at least eight inches (8") of compacted Graded Aggregate Base;
    d. The Graded Aggregate Base shall be stabilized and treated to control dust through approved means, which may include but is not limited to the effective design and operation of the facility, the periodic application of dust suppressant materials such as calcium chloride, magnesium chloride, or lignin sulfonate, reduced operating speeds on unpaved surfaces, or the periodic replenishment of gravel surfaces; and
    e. Parking areas shall be inspected by the City of Stonecrest every two (2) years to ensure continued compliance with the above specifications. Additional maintenance such as grading, Graded Aggregate Base, or surface treatment may be required.
    f. Parking areas on unpaved surfaces for transportation equipment and storage or maintenance (vehicle) storage with existing unpaved areas shall be considered a nonconforming use under Section 8.1.5 exempt from the requirements of subsection 10. and 11. if the underlying use of the parcel was issued a business license or Motor Carrier Number valid on December 31, 2017.
    g. All other parcels with existing unpaved areas shall have (2) two years to comply with these specifications with a 1-time extension up to 12 months.

Table 6.1: Minimum Parking Space Dimensions

Parking Angle	Minimum Stall Width	Minimum Stall Depth	Minimum Parking Aisle Width
Regular-sized vehicles			
90 degrees	9'	18'	24'
75 degrees	9'	19'	21'
60 degrees	9'	17'	14'
45 degrees	9'	15'	11'
Compact vehicles			
90 degrees	8.5'	15'	22'
75 degrees	8.5'	16	20'
60 degrees	8.5'	15'	14'
45 degrees	8.5'	14'	10'

7.2.1 Off-street parking ratios.

A. Minimum on-site parking requirements may be reduced through use of shared parking, in accordance with section ~~6~~7.1.5.

B. In residential districts in which garage space is provided, the garage space may count for no more than one (1) required space per two hundred (200) square feet of garage space.

C. Tandem parking is permitted in association with all single-family detached and single-family attached housing types.

D. Minimum and maximum parking ratios:

1. Unless otherwise regulated elsewhere in this chapter, off-street parking spaces shall be provided for all uses listed are specified in Table 7~~6~~.2.
2. Unless otherwise noted, the parking requirement shall be based on the gross square footage of the building or buildings devoted to the particular use specified.
3. Maximum parking standards shall not apply to existing uses so long as the building or parking lot is not expanded.

E. **Phased development.** Where a project is intended to be developed in phases, the director of planning may approve phased development of a parking lot intended to serve current and future development.

F. **Reduction of minimum parking requirements.** The minimum number of required spaces described in Table ~~6~~7.2 for a particular use may be reduced by ten (10) percent by the director of planning pursuant to an administrative variance in compliance with article 8~~7~~. If the use is within one thousand (1,000) feet of a designated heavy rail, streetcar/light rail or bus rapid transit station, the minimum number of required spaces may be reduced by twenty-five (25) percent in accordance with article 8~~7~~.

G. **Carpool/vanpool parking.** For office, industrial, and institutional uses where there are more than twenty (20) parking spaces on the site, the following standards shall be met:

1. At least five (5) percent of the parking spaces on site must be reserved for carpool use.
2. Except as otherwise provided by applicable law, parking lots shall be designed so as to provide the most convenient access to building entrances by persons arriving by vanpools and carpools. In the event of a conflict between the priority described in this subsection and section 7~~6~~.1.16, this subsection shall prevail.
3. Signs shall be posted identifying spaces reserved for carpool use.

Table ~~67~~.2 Off Street Parking Ratios

Minimum and Maximum Parking Spaces		
Residential		
Use	**Minimum Parking Spaces Required**	**Maximum Parking Spaces Allowed**
Detached single-family dwelling	Two (2) spaces per dwelling unit.	Four (4) spaces per dwelling unit.
Two-family and three-family dwellings	One (1) space per dwelling unit.	Four (4) spaces per dwelling unit.
Detached single-family condominium	Two (2) spaces per dwelling unit.	Four (4) spaces per dwelling unit.
Attached single-family dwelling	One and a half (1.5) spaces per dwelling unit, plus one-quarter (0.25) space per dwelling unit to accommodate guest parking.	Three (3) spaces per dwelling unit, plus one-quarter (0.25) space per dwelling unit to accommodate guest parking.
Attached two-family and three-family dwellings	One and a half (1.5) spaces per dwelling unit, not including garage, plus one-quarter (0.25) space per dwelling unit to accommodate guest parking.	Three (3) spaces per dwelling unit, not including garage, plus one-quarter (0.25) space per dwelling unit to accommodate guest parking.
Multi-family dwellings	One and one-half (1.5) spaces for every dwelling unit.	Three (3) spaces for every dwelling unit.
Mobile Homes	Two (2) spaces per mobile home lot.	Four (4) spaces per mobile home lot.
Multi-family dwellings, supportive living	One-half (0.5) space per dwelling unit.	One (1) space per dwelling unit.
Fraternity house or sorority house	One (1) space per bed.	One and one-quarter (1.25) spaces per bed.
Rooming house or boarding house, shelter	One (1) space per four (4) beds.	One (1) space per one and one-half (1.5) beds.
Senior housing	One-half (0.5) space per dwelling unit, plus one-quarter (0.25) space per dwelling unit to accommodate guest parking.	Two (2) spaces per dwelling unit, plus one-quarter (0.25) space per dwelling unit to accommodate guest parking.
Assisted Living	One-half (0.5) space per dwelling unit.	One (1) space per dwelling unit.
Personal care home, group	Two (2) spaces.	Four (4) spaces
Personal care home, community	One (1) space for every 3 beds.	One (1) space for every 2 beds.
Adult day care facility	Two (2) spaces.	Four (4) spaces.
Child day care facility	Two (2) spaces.	Four (4) spaces.
Child caring institution, group	Two (2) spaces.	Four (4) spaces.
Child caring institution, community	One-half (0.50) space for each employee and resident.	Three-quarters (0.75) space for each employee and resident.
Live Work dwelling	Two (2) spaces per unit.	Four (4) spaces per unit.

Institutional		
Use	**Minimum Parking Spaces Required**	**Maximum Parking Spaces Allowed**
Ambulance service where accessory to a hospital, ambulance services, delivery services and other similar services	One (1) parking space for each fleet vehicle plus one-half (0.5) space for each administrative or service employee.	One (1) parking space for each fleet vehicle plus three-quarter (.75) space for each administrative or service employee.
Child day care center	One (1) space for each four hundred (400) square feet of floor area.	One (1) space for each three hundred (300) square feet of floor area.
Convent or monastery	One (1) space for each four hundred (400) square feet of floor area.	One (1) space for each two hundred (200) square feet of floor area.
Funeral home	One (1) space for each four hundred (400) square feet of floor area	One (1) space for each two hundred (200) square feet of floor area.
Hospital and similar institutional use	One (1) space per three beds.	No maximum.
Nursing care facility, nursing or convalescent home, and similar institutional use	One-quarter (.25) space per bed	One-half (.50) space per bed
Kindergarten	One (1) space per three hundred (300) square feet of floor area.	One (1) space per two hundred (200) square feet of floor area.
Places of assembly with fixed seating, including places of worship, movie theaters, stadiums, auditoriums, live performance theaters, conference centers and cultural facilities	One (1) space for each four (4) seats in the largest assembly room.	One (1) space for each two (2) seats in the largest assembly room.
Places of Assembly without fixed seating, including conference centers, gymnasiums, Place of Worship, libraries, museums, cultural facilities and art galleries	One (1) space for each forty (40) square feet of floor space in the largest assembly room.	One (1) space for each twenty (20) square feet of floor space in the largest assembly room.
Private elementary and middle school	One and one-half (1.5) spaces for each classroom.	Two (2) spaces for each classroom, plus one (1) space for each fifty (50) square feet in largest assembly room.
Private high school	Three (3) spaces for each classroom.	Five (5) spaces for each classroom, plus one (1) space for each fifty (50) square feet in largest assembly room.

Colleges, including trade, vocational, and commercial vocational schools	Ten (10) spaces per classroom, plus two and one-half (2.5) spaces for each one thousand (1,000) square feet of floor area in the library or assembly area.	No maximum.
Recreation		
Use	**Minimum Parking Spaces Required**	**Maximum Parking Spaces Allowed**
Athletic Field	Twenty (20) spaces per field.	Sixty (60) spaces per field.
Bowling alley	Four (4) spaces for each alley.	Five (5) spaces for each alley.
Driving range	One (1) space per tee	One and one-half (1.5) spaces per tee
Miniature Golf	Twelve (12) spaces	Twenty (20) spaces
Noncommercial club, lodge, or fraternal or social organization (other than fraternity and sorority houses)	One (1) space for each two hundred (200) square feet of floor area.	One (1) space for each one hundred (100) square feet of floor area.
Public or private swimming pool, neighborhood recreation club/subdivision clubhouse & amenities (recreation and meeting rooms, swimming, and playground), or similar use	One (1) space per 10 homes.	One (1) space per five (5) homes.
Public or private golf course	Fifteen (15) spaces per nine (9) holes.	Thirty (30) spaces per nine (9) holes.
Indoor recreational facilities, not including bowling alley, swimming pool, tennis courts, or neighborhood recreation centers	One (1) space for each three hundred (300) square feet of floor area.	One (1) space for each one hundred and twenty-five (125) square feet of floor area.
Special events facilities	One (1) space for each two hundred (200) square feet of space used for such activity.	One (1) space for each one hundred (100) square feet of space used for such activity.
Temporary outdoor social, religious, seasonal, entertainment or recreation activity	One (1) space for each three hundred (300) square feet of land devoted to such use; or where such use is conducted within a tent one (1) space for each three hundred (300) square feet of area within the tent enclosure.	One (1) space for each two hundred (200) square feet of land devoted to such use; or where such use is conducted within a tent one (1) space for each two hundred (200) square feet of area within the tent enclosure.
Public or private tennis courts	Three (3) spaces per court.	Four (4) spaces per court.
Outdoor recreational uses, waterparks, amusement parks	One (1) space for each three thousand (3,000) square feet of gross site area.	One (1) space for each one thousand (1,000) square feet of gross site area.
Commercial		

Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
Adult Sexually Oriented Businesses	One (1) parking space for each four hundred (400) square feet of floor area in the building.	One (1) parking space for each twenty-five (25) square feet of floor area in the building.
Automobile repair garage, minor repair, and maintenance establishments	One (1) space for each four hundred (400) square feet of floor space.	One (1) space for each one hundred fifty (150) square feet of floor space.
Automobile service station	Two (2) spaces for each service bay, with minimum of ten (10) spaces required.	Three (3) spaces for each service bay, with maximum of fifteen (15) spaces required.
Bed and breakfast inn	One (1) space for the owner-operator plus one (1) per guest bedroom.	Two (2) spaces for the owner-operator plus one (1) per guest bedroom.
Car wash	Two (2) stacking spaces for each car wash lane plus two (2) drying spaces per lane.	Three (3) stacking spaces for each car wash lane plus three (3) drying spaces per lane.
Convenience Store without gas pumps	Three (3) spaces for each one thousand (1,000) square feet of floor area.	Four (4) spaces for each one thousand (1,000) square feet of floor area.
Convenience Store with gas pumps	One (1) space per five hundred (500) square feet of floor area	One (1) space per one hundred fifty (150) square feet of floor area.
Grocery Store	One (1) space per five hundred (500) square feet of floor area.	One (1) space per two hundred (200) square feet of floor area.
Hotel or motel	One (1) space per lodging unit, plus one (1) space per each one hundred fifty (150) square feet of banquet, assembly, or meeting area.	One and two-tenths (1.2) spaces per lodging unit, plus one (1) space per each one hundred (100) square feet of banquet, assembly, or meeting area.
Laboratory, research facility	One (1) space for each one thousand (1,000) square feet of floor area	One (1) space for each three hundred (300) square feet of floor area
Office, Professional	One (1) space for each five hundred (500) square feet of floor area.	One (1) space for each two hundred fifty (250) square feet of floor area.
Offices, Doctor and Dentist	One (1) space for each five hundred (500) square feet of floor area.	One (1) space for each two hundred (200) square feet of floor area.
Restaurant with seating for patrons (with or without drive-through)	One (1) space for each one hundred fifty (150) square feet of floor area, but not less than ten (10) spaces.	One (1) space for each seventy-five (75) square feet of floor area, but not less than ten (10) spaces.
Late Night Establishment	One (1) space for each three hundred (300) square feet of floor area with a minimum of ten (10) spaces.	One (1) space for each one hundred fifty (150) square feet of floor area with a minimum of ten (10) spaces.

Nightclub	One (1) space for each three hundred (300) square feet of floor area, but not less than ten (10) spaces.	One (1) space for each one hundred fifty (150) square feet of floor are, but not less than ten (10) spaces.
Restaurant, drive-through, without seating area for patrons	One (1) space for each two hundred fifty (250) square feet of floor area.	One (1) space for each one hundred fifty (150) square feet of floor area.
Restaurant where accessory to hotel or motel	One (1) space for each three hundred (300) square feet of floor area, but not less than ten (10) spaces.	One (1) space for each one hundred seventy-five (175) square feet of floor area, but not less than ten (10) spaces.
Retail and personal service uses accessory to high-rise apartment building or high-rise office building	Three (3) spaces for each one thousand (1,000) square feet of floor area.	Four (4) spaces for each one thousand (1,000) square feet of floor area.
Retail uses, personal service uses, and other commercial and general business uses, but not including Convenience Stores or Grocery Stores or other uses described more particularly herein	One (1) space for each five hundred (500) square feet of floor area.	One (1) space for each two hundred (200) square feet of floor area.
Storage facilities (mini-warehouse)	One (1) space for each eight thousand (8,000) square feet of floor area	One (1) space for each five thousand (5,000) square feet of floor area
Industrial		
Use	**Minimum Parking Spaces Required**	**Maximum Parking Spaces Allowed**
Heavy and light industrial, manufacturing, and commercial establishments not involving retail sales	One (1) space for each two thousand (2,000) square feet of floor area.	One (1) space for each one thousand three hundred (1,300) square feet of floor area.
Warehouse, distribution	One (1) space for each two thousand five hundred (2,500) square feet of floor area.	One (1) space for each five hundred (500) square feet of floor area.
Wholesale membership club	One (1) space for each five hundred (500) square feet of floor area	One (1) space for each two hundred (200) square feet of floor area.
Wholesale trade establishments, distribution establishments, offices in conjunction with showrooms, and similar uses	One (1) space for each two hundred (200) square feet of floor area devoted to sales or display, plus one (1) space for each two thousand (2,000) square feet of gross storage area.	One (1) space for each one hundred and fifty (150) square feet of floor area devoted to sales or display, plus one (1) space for each one thousand five hundred (1,500) square feet of gross storage area.

7.2.2 Off-street parking reduction for shared parking.

A. Parking spaces for any existing or new mixed-use development may be based upon a shared parking formula as set forth in Table 6.3.

B. Shared parking may be utilized for any of the combinations of uses shown in Table 6.3. If shared parking is to be used to satisfy the requirements of this article, an application shall be submitted to the director of planning seeking approval of a shared parking plan. The applicant must submit a scaled site plan for each site that will participate in the shared parking showing zoning, use, and existing parking facilities. Shared parking agreements approved by the director of planning shall be executed prior to issuance of any certificate(s) of occupancy for the development.

C. In any shared parking agreement, at least fifty (50) percent of shared parking spaces must lie within seven hundred (700) feet of the main entrance to the principal use for which the parking is provided, and all shared parking spaces must lie within one thousand (1,000) feet of the main entrance to the principal use for which the parking is provided. Shared spaces shall not be separated from the site by a roadway with more than four (4) through-travel lanes, unless there is a well-marked, safe pedestrian crossing such as a pedestrian hybrid beacon, a signalized crosswalk, or a refuge median.

D. Any change in the use of a building, shop or leased area that relies on a shared parking agreement to meet its parking requirements shall require compliance with the parking standards in this article based on the new use in order to obtain a certificate of occupancy. No right to shared parking shall vest in a property where the use of the property changes. In the event that property on which the shared parking is located has a different owner than the owner of the principal development, a written shared parking agreement between all relevant property owners, approved by the director of planning and filed on the deed records in the office of the Clerk of Superior Court for DeKalb County, shall be provided prior to approval of a certificate of occupancy for the principal development. Expiration for any reason of a shared parking agreement, on which compliance with this article is based, shall automatically terminate the related certificates of occupancy and place the property owner(s) in violation of this zoning ordinance.

Table 76.3: Shared Parking Reduction Table

Shared Parking Reduction Table					
Land Use Type	**Weekdays**		**Overnight**	**Weekends**	
	6:00 a.m.—5:00 p.m.	5:00 p.m.—1:00 a.m.	1:00 a.m.—6:00 a.m.	6:00 a.m.—5:00 p.m.	5:00 p.m.—1:00 a.m.
Office	100%	10%	5%	10%	5%
Retail	60%	90%	10%	100%	70%
Hotel	75%	90%	100%	75%	90%
Restaurant	50%	100%	10%	100%	100%
Entertainment/Recreational	40%	100%	10%	80%	100%
Church	25%	60%	10%	100%	100%

E. The steps for determining parking requirements in a mixed-use development are:

1. Determine the minimum amount of parking required for each separate use (Table 6.2).
2. Multiply each parking requirement by the corresponding percentage for each of the time periods given below.

3. Calculate the column total parking requirement for each time period.
4. The largest column total is the shared parking requirement.

F. **Example**: If the following uses were proposed with the following example number of parking spaces in accordance with the individual use:
1. Office - 400 spaces, Retail - 300 spaces, and Restaurant uses - 100 spaces, with a total parking for individual use on site: 800 spaces
2. Then these same land uses under the provisions for shared parking would require the number of parking spaces shown in the example Table 7~~6~~.4 (by applying the percent reduction in Table 7~~6~~.3).
3. As shown in the weekdays 6:00 a.m.—5:00 p.m. column, 6:30 parking spaces would be needed for this example development. This is a reduction of one hundred seventy (170) required spaces.

Table ~~6~~7.4: Example of Shared Parking Reduction Calculation

Shared Parking Reduction Table EXAMPLE					
Land Use Type	**Weekdays**		**Overnight**	**Weekends**	
	6:00 a.m.—5:00 p.m.	5:00 p.m.—1:00 a.m.	1:00 a.m.—6:00 a.m.	6:00 a.m.—5:00 p.m.	5:00 p.m.—1:00 a.m.
Office	400	40	20	40	20
Retail	180	270	30	300	210
Hotel	0	0	0	0	0
Restaurant	50	100	10	100	100
Entertainment/Recreational	0	0	0	0	0
Church	0	0	0	0	0
Total	630	410	60	440	330

7.3 Shared driveways and inter-parcel access.

A. **Applicability.** This section shall apply to all new office, commercial, institutional, mixed use, and industrial developments and any building renovations and repaving projects of office, commercial, institutional, or industrial developments for which a land disturbance permit is required.

B. **Shared driveways**. Shared driveways between two (2) parcels along a common property line may be required by the planning commission during subdivision plat review or by the director of planning during the land disturbance permitting process. In such cases, each property owner shall grant an access easement to facilitate the movement of motor vehicles and pedestrians across the site. The property owner's obligation to comply with this requirement shall be limited to the extent legal permission to construct and utilize the required shared drive can be obtained from the neighboring property owner.

C. **Inter-parcel access requirements.** Inter-parcel access for vehicles between abutting and nearby properties shall be provided so that access to individual properties can be achieved between abutting and nearby developments as an alternative to forcing all movement onto highways and public roads, unless the director of planning during the land disturbance permitting process determines that it is unnecessary to provide inter-parcel access due to the unlikelihood of patrons traveling among abutting or nearby sites, or due to inability after reasonable efforts by the

property owner to obtain legal permission from the abutting property owners for such inter-parcel access.

7.4 Number of handicapped parking spaces required.

A. The minimum number of and dimensions for handicapped parking spaces shall comply with the requirements of the Americans with Disabilities Act (ADA) (Public Law 101—136), the State Building Code, and the American National Standards Institute, and any other applicable state or federal law.

7.5 On-street parking.

A. On-street parking spaces located immediately abutting the subject property, entirely within the extension of the side lot lines into the roadway and not within any required clear sight triangle, may be counted toward meeting the required parking ratios for all uses occurring on such abutting lots facing a local street or minor collector street. Where streets have been designated "no parking" by the city, no credit for on-street parking shall be available.

7.6 Parking structures.

A. **Minimum setbacks.** Parking structures shall comply with the setback requirements for accessory structures established for the zoning district in which they are located.

B. **Maximum height.** Parking structures shall comply with the maximum height requirements established in the zoning district in which they are located.

C. **Architectural features and façades.**
   1. Parking structures shall utilize materials such as brick, glass, stone, cast stone, poured-in-place concrete, hard coat stucco or precast concrete with the appearance of brick or stone on façades facing public rights-of-way.
   2. Architectural features and façades for parking structures shall be compatible with abutting structures.

D. **Orientation**. Parking structures shall be oriented to the interior of the parcel by adhering to the following:
   1. Residential dwelling units, retail storefronts or office façades shall line the parking structure along all first-floor façades adjacent to a street, excluding alleys and driveways.
   2. Parking structures, when added to an existing residential development, shall not be located between the building front and the street.

7.7 Paving surfaces.

A. **Typical paving surfaces.** The paving surface of required minimum on-site and off-site parking areas shall be a dust-free, all-weather material (e.g., asphalt, concrete, or pavers). The paving surface shall have the parking stalls, loading and unloading zones, fire lanes and any other applicable designations delineated in white or yellow paint.

B. **Alternative paving surfaces** may be used for the number of spaces that exceed one hundred five (105) percent of the minimum required spaces subject to the confirmation by the director of planning of the pervious nature of the alternative paving material and the numerical calculations.
   1. Alternative paving surfaces may include living turf grass or similar ground cover, pervious pavers or concrete, stabilized grass lawn, or other pervious parking surfaces.

C. **Driveways, access aisles and parking spaces** (excluding handicapped) may be surfaced with grass lawn or other pervious parking surface serving:

1. Uses within fifty (50) feet of environmentally sensitive areas identified in the comprehensive plan;
2. Uses which require parking for less than five (5) days per week during a typical month; and
3. Parks, playgrounds, and other similar outdoor recreation areas with less than two hundred (200) parking spaces.

D. **Unpaved surfaces**. See section 76.2.B.(10) and (11).

7.8 Stacking spaces.

A. All driveway entrances, including stacking lane entrances, must be at least fifty (50) feet from an intersection. The distance is measured along the street from the junction of the two (2) street curb lines to the nearest edge of the entrance.

7.9 Valet parking requirements.

A. All valet parking services shall meet the following requirements:
   1. Valet parking services shall only use off-street parking to park customer vehicles.
   2. A valet parking service shall be allowed only where the business establishment being served possesses the minimum required parking spaces either on-site or through a shared off-site parking agreement.

7.10 Off-street loading requirements.

A. Off-street loading spaces shall be provided as indicated in Table 6.5.

Table 76.5: Off-street loading space requirements

Type of Use	Gross Floor Area (Sq. Ft.)	Loading Spaces Required
Single retail establishment services	0 to 19,999	0
	20,000 to 49,999	1
	50,000 to 250,000	2
	Over 250,000	3
Shopping centers	0 to 9,999	1
	10,000 to 24,999	2
	25,000 to 39,999	3
	40,000 to 99,999	4
	Each additional 100,000	1 additional
Office buildings, multi-family residential over four stories, hospitals, health care establishments, hotels and motels	10,000 to 49,999	1
	50,000 to 99,999	2
	100,000 to 199,999	3
	200,000 to 999,999	4
	Each additional 1,000,000	1 additional
Manufacturing, warehousing, wholesaling, etc.	10,000 to 24,999	1
	25,000 to 39,999	2
	40,000 to 99,999	3
	Each additional 100,000	1 additional
Recycling centers	N/A	2

7.10.1 Design and arrangement of off-street loading areas.

A. The following standards shall apply to off-street loading areas, which shall be comprised of loading spaces and maneuvering areas:
    1. A loading space shall measure no less than twelve (12) feet by thirty-five (35) feet and have no less than fourteen (14) feet of vertical clearance.
    2. For any use required to furnish three (3) or more loading spaces, at least one (1) in every three (3) shall measure no less than twelve (12) feet by fifty-five (55) feet.
    3. For manufacturing and warehousing uses, all loading spaces shall measure no less than twelve (12) feet by fifty-five (55) feet.
    4. Maneuvering areas shall not include required parking spaces or any portion of a public right-of-way. No off-street maneuvering area shall require vehicles to back in from or out to a public street.

B. **Off-street loading and maneuvering location limitations**. Off-street loading spaces and maneuvering areas shall be located only in those portions of a lot where off-street parking areas are allowed with the following additional limitations:
    1. Industrial zoning districts: If the off-street loading spaces and maneuvering areas are across from, or adjacent to, any non-industrial zoning district, a fifty-foot landscaped strip shall be established between the non-industrial zoning district and the off-street loading spaces and maneuvering area.

C. **Screening of loading areas**. Loading areas shall be paved with impervious materials and shall be screened so as not to be visible from any public plaza, ground-level or sidewalk-level outdoor dining area, public sidewalk, public right-of-way, private street or any adjacent residential use.

D. **Enclosure of dumpsters and trash compactors.** All external dumpsters and loading areas shall be enclosed with opaque fence or walls at least six (6) feet in height.

7.11 Parking of trailers in residential districts.

A. In a residential zoning district, no trailer or recreational vehicle shall be parked in front of the principal structure; within the side yard setback or ten (10) feet from side property line, whichever is less; or within ten (10) feet of the rear lot line.

B. No recreational vehicle or trailer may be occupied for human habitation for more than fourteen (14) consecutive days while parked within a residential zoning district.

C. Recreational vehicles and trailers may be parked, for the limited purpose of storage between travel, on unpaved surfaces, including gravel or a similar material that prevents the vehicle's or trailer's tires from making direct contact with the earth, soil, sod or mud, so long as the unpaved surface prevents tracking of earth, soil, sod or mud onto public streets when the vehicle or trailer is moved from the property.

D. Within any residential zoning district, no recreational vehicle, trailer or storage container may be parked on a lot that does not contain a permanent dwelling unit or other structure intended for permanent human habitation as its principal use.

E. No portable storage container may be parked or stored in a residential zoning district for a period of a time exceeding fifteen (15) consecutive days, or a total of thirty (30) days during any calendar year. A container used during active construction under a valid permit may remain for the duration of the active construction, counting toward the time restrictions of this subsection.

7.12 Alternative fuel vehicles parking.

A. **Where required.** Preferential parking for alternative fuel vehicles shall be provided for all new non-residential parking areas containing one hundred (100) or more parking spaces, and for new parking areas of mixed-use projects where the non-residential portion of the project requires one hundred (100) or more parking spaces. The parking spaces shall be striped with green paint to distinguish the spaces as preferential parking spaces, and in accordance with the Georgia Department of Transportation requirements.

B. **Required number of spaces.** At least two (2) percent of all parking spaces in parking lots identified in subsection A. shall be designated for preferential parking for alternative fuel vehicles.

C. **Location of parking spaces.** The required alternative fuel preferential parking spaces shall be located as close as possible to the primary entrance without conflicting with the Americans with Disability Act requirements, or other state or federal law. In the event the priority described in this subsection shall conflict with the priority described in section 6.1.4, section 6.1.4 shall prevail.

D. **Signage required.** Each alternative fuel preferential parking space shall be provided with a sign that identifies the parking space as designated for use by alternative fuel vehicles. The sign shall be in compliance with chapter 21, signs.

E. **Existing vehicle recharging stations**. Existing parking spaces with vehicle recharging stations may be used to meet the requirements of this section.

7.13 Bicycle/moped parking requirements.

A. A building, commercial establishment, recreation area, or other property, whether privately or publicly owned or operated, that is required to provide automobile parking facilities, whether free of charge or for a fee, to any employees, tenants, customers, clients, patrons, residents, or other members of the public shall provide at least one (1) bicycle/moped parking space for every twenty (20) required automobile parking spaces. No such building, commercial establishment or other property subject to the provisions of this section shall have fewer than three (3), nor be required to have more than fifty (50) bicycle/moped parking spaces. The requirements of this section shall not apply to properties being operated primarily as commercial parking facilities, residences, or churches.

B. All bicycle/moped spaces shall be located within two hundred fifty (250) feet of a regularly used building entrance and shall not interfere with pedestrian traffic. Each space shall include a metal anchor that will secure the frame and both wheels of a bicycle or moped in conjunction with a user-supplied lock. If bicycle/moped parking is not visible to the general visiting public, then a sign no larger than ten (10) inches by fifteen (15) inches shall be displayed that directs cyclists to the bicycle/moped parking.

C. The provisions of this section shall apply to property owners, persons occupying the property pursuant to a leasehold interest, or other managers or operators of buildings, commercial establishments and property subject to the provisions of this section.

D. The provisions of this section shall apply to any building, commercial establishment or property for which a permit for new construction is issued following the effective date of this part, and to the alteration of existing buildings in all cases where sufficient space exists to provide such parking facilities.

8 Article 8. - Administration

8.1 Governing Bodies and Authority

8.1.1 Purpose and intent; compliance with law.

A. This article is intended to provide certain procedures to govern:
    1. Processing of various applications for rezoning, variances, comprehensive plan text amendments, comprehensive plan map amendments, special land use permits, administrative variances, and major and minor modifications to conditions of zoning.
    2. The calling and conducting of public hearings pertaining to said applications.
    3. Establishing criteria for making decisions on such applications.

B. The city council, planning commission, and zoning board of appeals shall comply with all applicable provisions of state law, now and as they may be amended hereafter, including, but not limited to, state law concerning open records, open meetings and records retention.

8.1.2 Governing bodies.

A. **Director of planning**. The provisions of this zoning ordinance shall be administered by the director of planning or his or her designee, in conjunction with the planning commission, the zoning board of appeals and the city council as set forth herein. The specific duties of the director of planning shall include, but not be limited to, the following:
    1. Accepting and processing applications for zoning map amendments (rezonings), special land use permits, zoning certifications, continuances of nonconforming uses, text amendments to the zoning ordinance, modifications of zoning conditions, variances, residential lot divisions, amendments to the map and text of the comprehensive plan, or any other such business as may be scheduled for public hearing by the planning commission, zoning board of appeals, or city council.
    2. Researching facts and preparing recommendations for the planning commission and the city council for such applications.
    3. Researching facts and preparing recommendations regarding variances and appeals of error, or any other business as may be scheduled for public hearing by the zoning board of appeals.
    4. Maintenance of permanent records concerning the administration of this zoning ordinance and comprehensive plan, including all maps, amendments, records of public hearings, and any other business of the planning commission and zoning board of appeals.
    5. Review of applications for permits and licensing to ensure conformity with the requirements of this zoning ordinance and other relevant city ordinances.
    6. Upon written request by the property owner or owner's authorized agent and payment of a fee established by the city council, the director of planning may issue a certificate verifying the current zoning of a parcel of land, or a letter confirming a legal nonconforming status.
    7. Administratively correct the official zoning map after a graphic or scrivener error has been identified.
    8. Other duties as authorized in this zoning ordinance, including but not limited to the rendering of administrative decisions authorized by division 6.

B. **Planning Commission.** There is hereby established a Planning Commission which shall consist of five (5) members, all residents of the City of Stonecrest, who shall be appointed as follows:
    1. The Mayor shall appoint one (1) member from each district, subject to confirmation by

the city council.

2. Each member shall serve a term of two (2) years.
3. A planning commissioner shall be removed at any time for failure to attend three (3) consecutive meetings or for failure to attend seventy-five (75) percent or more of the meetings within any calendar year without the excuse of the chairman of the commission.
    a. It shall be the duty of the secretary of the planning commission to keep a record of the attendance of members and to notify the city council when any planning commissioner is removed pursuant to the failure to attend meetings requirement of this section. Such removal shall be effective ten (10) days following notification by the secretary of the planning commission to the city council.
    b. The Mayor shall have the authority to remove a planning commissioner for cause by providing written notice to the city council and the planning commissioner proposed to be removed, subject to the majority vote of the city council. Upon request of the planning commissioner proposed for removal for cause other than for failure to attend meetings, the city council shall hold a hearing on the removal prior to the city council's vote on the removal.
    c. Planning commissioners may be reappointed to successive terms without limitation.
    d. Any vacancy in the membership of the planning commission shall be filled for the unexpired term in the same manner as the initial appointment.
    e. Members of the planning commission shall hold no other city office or city compensated position. Members of the planning commission shall hold no elective office in DeKalb County.
    f. If a planning commission member moves outside the district from which he or she was originally appointed, or moves outside the City of Stonecrest, that action shall constitute a resignation from the planning commission, effective immediately.
4. No person shall serve or continue to serve as a member of the planning commission until they have been certified by the director as having completed a training session sponsored by the city or designated by the city.
5. No person shall serve as a member of the planning commission until they have executed and filed with the designated officer of the city an oath, administered by the mayor or a judicial officer authorized to administer an oath, in the following form:
    a. *"I do solemnly swear or affirm that I will faithfully execute the office of planning commissioner for the City of Stonecrest, and will to the best of my ability support and defend the Constitution of the United States, the Constitution of Georgia, and the charter, ordinances, and regulations of the City of Stonecrest. I am not the holder of any unaccounted-for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office according to the municipal charter, the Code of the City of Stonecrest, the Constitution and laws of Georgia. I am a resident of district ____ and the City of Stonecrest. I will perform the duties of my office in the best interests of the City of Stonecrest to the best of my ability without fear, favor, affection, reward, or expectation thereof."*
6. The governing authority shall determine the amount of compensation, if any, to be paid to the members of the planning commission.

7. No amendment to the text of this chapter, the official zoning map, or the comprehensive plan text or maps shall become effective unless the subject matter of the amendment has been submitted to the planning commission for public hearing and recommendation pursuant to the requirements of this chapter.
8. The planning commission shall further adopt rules of procedure governing the conduct of its meetings; which rules shall be supplemental to and not conflict with this chapter. In any case where the rules do not address a procedural issue which arises before the planning commission, the most recent edition of Robert's Rules of Order shall govern. The planning commission may from time to time amend its rules by majority vote. A copy of the adopted rules of procedure and any subsequent amendment thereto shall be filed by the secretary of the planning commission with the city clerk, and copies of the rules shall be made available to the public by the secretary of the planning commission and the city clerk.
9. All meetings of the planning commission shall be open to the public, and the agenda for each board meeting shall be made available to the public. Notice of all meetings of the public commission shall be given in accordance with section 7.2.4.
10. A quorum of the planning commission shall consist of at least three (3) members of the commission, except that a lesser amount shall be sufficient to recess or adjourn any meeting; but no official action shall be taken except upon the affirmative vote of at least three (3) members of the planning commission. A roll call vote shall be taken upon the request of any member. If there is not a quorum present, all items shall be rescheduled and re-advertised for the next regular meeting.
11. At its first regular meeting and the first regular meeting in each January thereafter, the planning commission shall, by majority vote of its membership elect one (1) of its members to serve as chairperson to preside over the commission's meetings and one (1) member to serve as vice chairperson. The persons so elected shall serve in these capacities for terms of one (1) year or until a replacement is elected. Vacancies may be filled for the unexpired terms only by majority vote of the planning commission membership. The chairperson and vice chairperson may take part in all deliberations and vote on all issues. The chairperson and the vice-chairperson may each be elected to successive terms without limitation.
12. At its first regular meeting and the first regular meeting in each January thereafter, the planning commission shall, by majority vote of its membership, appoint one person to serve as its secretary. The director of planning or his/her designee may serve as secretary of the planning commission. The planning department staff shall keep minutes of the proceedings of the planning commission, showing the vote of each member upon each item, or, if a member is absent or fails to vote, indicating such fact, and shall keep records of the planning commission official actions and evidence submitted, all of which shall be filed in the office of the planning department and shall be a public record.

C. ***Zoning board of appeals.*** There is hereby established a zoning board of appeals which shall consist of five (5) members, each of whom shall be a resident of the city. Each member shall serve a term of two (2) years.
   1. The Mayor shall appoint one member from each district, subject to confirmation by the city council.
   2. A member of the zoning board of appeals shall be removed at any time for failure to attend three (3) consecutive meetings or for failure to attend seventy-five (75) percent or more of the meetings within any calendar year without the excuse of the chairman of the board.

a. It shall be the duty of the secretary of the zoning board of appeals to keep a record of the attendance of members and to notify the city council when any zoning board of appeals member is removed pursuant to the failure to attend meetings requirement of this section. Such removal shall be effective ten (10) days following notification by the secretary of the zoning board of appeals to the city council.
b. The Mayor shall have the authority to remove a zoning board of appeals member for cause by providing written notice to the city council and the zoning board of appeals member proposed to be removed, subject to the majority vote of the city council. Upon request of the zoning board of appeals member proposed for removal for cause other than for failure to attend meetings, the city council shall hold a hearing on the removal prior to the city council's vote on the removal.
c. Members of the zoning board of appeals may be reappointed to successive terms without limitation.
d. Any vacancy in the membership of the zoning board of appeals shall be filled for the unexpired term in the same manner as the initial appointment.
e. Members of the zoning board of appeals shall hold no other city office or city compensated position. Members of the zoning board of appeals shall hold no elective office in DeKalb County.
f. If a member of the zoning board of appeals moves outside the district from which he or she was originally appointed or outside the City of Stonecrest, that action shall constitute a resignation from the zoning board of appeals, effective immediately.

3. No person shall serve or continue to serve as a member of the zoning board of appeals until they have been certified by the director as having completed a training session sponsored by the city.
4. No person shall serve as a member of the zoning board of appeals until they have executed and filed with the designated officer of the city an oath, administered by the mayor or a judicial officer authorized to administer an oath, in the following form:
    a. *"I do solemnly swear or affirm that I will faithfully execute the office of planning commissioner for the City of Stonecrest, and will to the best of my ability support and defend the Constitution of the United States, the Constitution of Georgia, and the charter, ordinances, and regulations of the City of Stonecrest. I am not the holder of any unaccounted-for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office according to the municipal charter, the Code of the City of Stonecrest, the Constitution and laws of Georgia. I am a resident of district ____ and the City of Stonecrest. I will perform the duties of my office in the best interests of the City of Stonecrest to the best of my ability without fear, favor, affection, reward, or expectation thereof."*
5. Each member shall serve a term of two years.
6. The governing authority shall determine the amount of compensation, if any, to be paid to the members of the zoning board of appeals.
7. The zoning board of appeals shall meet each month at a standard day and time to be determined by the board. The chairperson may, when necessary, call for special meetings

of the board. A meeting may be canceled by the chairperson if there are no matters to be acted upon by the board.

8. The zoning board of appeals shall conduct its meetings in accordance with the procedures contained in this chapter. The board shall further adopt rules of procedure governing the conduct of its meetings, which rules shall be supplemental to and not conflict with this chapter. In any case where the rules do not address a procedural issue which arises before the board, the most recent edition of Robert's Rules of Order shall govern. The board may from time to time amend its rules by majority vote. A copy of the adopted rules of procedure and any subsequent amendment thereto shall be filed by the secretary of the zoning board of appeals with the city clerk, and copies of the rules shall be made available to the public by the secretary of the zoning board of appeals and the city clerk.
9. All meetings of the zoning board of appeals shall be open to the public, and the agenda for each board meeting shall be made available to the public. Notice of all meetings of the zoning board of appeals shall be given in accordance with section 7.2.4.
10. A quorum of the zoning board of appeals shall consist of at least three (3) members of the board, except that a lesser amount shall be sufficient to recess or adjourn any meeting; but no official action shall be taken except upon the affirmative vote of at least three (3) members of the zoning board of appeals. A roll call vote shall be taken upon the request of any member. If there is not a quorum present, all items shall be rescheduled and re-advertised for the next regular meeting.
11. At its first regular meeting first regular meeting each January thereafter, the zoning board of appeals shall, by majority vote of its membership elect one (1) of its members to serve as chairperson to preside over the board's meetings and one (1) member to serve as vice chairperson. The persons so elected shall serve in these capacities for terms of one (1) year or until a replacement is elected. Vacancies may be filled for the unexpired terms only by majority vote of the board membership. The chairperson and vice chairperson may take part in all deliberations and vote on all issues. The chairperson and the vice-chairperson may each be elected to successive terms without limitation.
12. At its first regular meeting of each January, the zoning board of appeals shall, by majority vote, appoint a secretary. The director of planning or his/her designee may serve as secretary to the zoning board of appeals. The planning department staff shall keep minutes of the proceedings of the board, showing the vote of each member upon each item, or if absent or failing to vote, indicating such fact, and shall keep records of its official actions and evidence submitted, all of which shall be filed in the office of the planning department and shall be a public record.
13. The staff of the planning department shall conduct a site inspection of and shall prepare an analysis of each application for a variance applying the applicable criteria and standards set forth in this chapter to each such application.

8.2 General Procedures

8.2.1 Applications and public hearing.

A. This division establishes procedures that apply to all application submittals and procedures for public hearings required by this zoning ordinance. Prior to the processing of any application for an amendment to the official zoning map, commonly referred to as a rezoning, variance, comprehensive plan text amendment, comprehensive plan map amendment, special land use permit, or modification to conditions of zoning, the applicant shall be required to file documentation and follow certain procedures as set forth in this article. Additional regulations that apply to specific application types may be found in subsequent sections of this chapter.

8.2.2 Applications.

A. Applications for city action that require a public hearing shall be filed with the director of planning, along with a fee as set by the city council. Applications and procedures shall be made available to the public in the offices of the planning department.

B. The processing of said applications shall be based upon an annual calendar adopted by the city council. This calendar shall be made available to the public in the offices of the planning department.

1. The director of planning shall be authorized to establish application submittal requirements necessary to obtain sufficient information to allow for a compliance review of the application as well as forms and instructions for each application type or petition.

2. No application shall be processed by the planning and zoning director unless it complies with the procedural requirements of this division and is found to be a complete application.

~~2.~~3. Any application that is found to be incomplete during the review for completeness shall be rejected from processing and returned to the applicant. Return of the rejected application shall constitute notice of the rejection to the applicant.

~~3.~~4. A change to a site plan or proposed condition of zoning associated with an application, which change has been accepted and allowed to be part of the application by the director of planning, may be deferred by the city council for a full-cycle review if the city council determines such review is reasonably necessary as a result of the change. The amended application shall be treated as if it were a new application, for the purposes of publication, review, notice and hearings, as required under this article, including review by the planning commission. An amendment to an application shall not change the original filing date of that application. An amended application shall not require a new application fee. However, in the case of a deferral requested by the applicant, the applicant shall pay a required re-advertising fee.

B. **Application fees.** The application fees for special land use permits, amendments to the official zoning map and comprehensive plan map amendments shall be as established by the city council.

C. **Site plan preparation.** The director of planning shall publish a checklist of requirements for site plans submitted pursuant to this zoning ordinance. All site plans submitted pursuant to this zoning ordinance shall be submitted with the applications to which they apply and shall comply with the checklist requirements.

D. **Notice of applications filed**. The secretary of the planning commission shall provide the city council with a list of all applications and amendments filed. The listing of applications shall be reasonably made available to the public.

E. **Withdrawal of application by applicant.** Applications may not be withdrawn without permission of the [city council] after they have been filed for advertising for public hearing, except as otherwise provided herein.

F. **City clerk to provide signed copy of final actions taken by the city council to director of planning to be noted on official zoning maps.** The clerk shall, after any final action taken by the city council, provide to the director of planning a signed, certified copy of each such action. The director of planning shall cause all relevant documents to be amended accordingly to reflect the final action approved by the city council.

G. **Resubmittal of rejected or denied applications.**

1. *Rezoning*.

a. If an application for rezoning is denied or assigned a zoning classification other than the classification requested in the application, then no portion of the same

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property may again be considered for rezoning for a period of [twenty-four (24)] months from the date of the city council's final decision.

b. Notwithstanding paragraph a. above, the city council may by resolution reduce the twenty-four-month time restriction between applications to a period no less than the minimum required by the O.C.G.A. § 36-66-1 et seq., as it now exists and may be amended hereafter, which currently is six (6) months as of the date of adoption of this ordinance.

c. An applicant may request that the city council allow withdrawal of an application without prejudice, in which case, if approved, no minimum time period need expire before a subsequent application for rezoning of the property may be accepted by the director of planning.

2. *Variance.*

a. An application for a variance affecting all or a portion of the same property for which an application for variance for the same regulation was denied shall not be submitted before [twenty-four (24)] months have passed from the date of final decision by the zoning board of appeals on the previous variance.

b. The zoning board of appeals may reduce this twenty-four-month time restriction by resolution, provided that the time restriction between the date of said denial and any subsequent application affecting the same property shall be no less than six (6) months.

c. An applicant may request that the zoning board of appeals allow withdrawal of an application without prejudice, in which case, if approved, no minimum time period need expire before a subsequent application for rezoning of the property may be accepted by the director of planning

3. *Special land use permit.*

a. An application for a special land use permit affecting all or a portion of the same property for which an application for the same special land use was denied shall not be submitted before [twenty-four (24) months] have passed from the date of final decision by the city council on the previous special land use permit.

b. Notwithstanding paragraph a. above, the city council may by resolution reduce the twenty-four-month time restriction between applications to a period no less than the minimum required by the Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., which is six (6) months as of the date of adoption of this ordinance.

c. An applicant may request that the city council allow withdrawal of an application without prejudice, in which case, if approved, no minimum time period need expire before a subsequent application for rezoning of the property may be accepted by the director of planning

8.2.3 Public hearings.

A. **Zoning decisions.** The term "zoning decision" is defined in article ~~9~~10 by reference to the definition of "zoning decision" set forth in state law, O.C.G.A. § 36-66-3, as it now exists and may be amended hereafter.

B. **Zoning decisions initiated by the city.** For any zoning decision initiated by the city at least fifteen (15) but not more than forty-five (45) days prior to the date of the public hearing before the city council, the city shall cause to be published within a newspaper of general circulation within the territorial boundaries of the city, a notice of the hearing. The notice shall state the time, place, and purpose of the hearing.

C. **Zoning decisions, appeals to the zoning board of appeals, variances, extensions of special land use permits, and major modifications of conditions initiated by a party other than the city.** For any zoning decision, appeal to the zoning board of appeals, variance, extension of special land use permits, or major modification of conditions initiated by a party other than the city, notice of the public hearing shall be provided as follows:

1. Written notice of each public hearing shall state the nature of the proposed change, and the date, time, and place of the public hearing before either the planning commission, zoning board of appeals or the city council and shall be mailed by first class mail by the director of planning to all owners of property within ~~two-hundred-fifty (250)~~ one-thousand (1000) feet of the boundaries adjoining the subject property, as such property owners are listed on the records of DeKalb tax commissioner, at least fifteen (15) days and not more than forty-five (45) days prior to said public hearing.
2. Signs shall be posted on the subject property at least fifteen (15) days and not more than forty-five (45) days prior to the public hearing before the city council, the planning commission or the zoning board of appeals. The required information on each sign shall be as provided in O.C.G.A. § 36-66-1 et seq., as it now exists and may be amended hereafter. At least one (1) sign shall be posted on each street on which the subject property has frontage in a conspicuous location within ten (10) feet of the right-of-way. One (1) additional sign shall be posted for each additional five hundred (500) feet of frontage or fraction thereof in excess of five hundred (500) feet of frontage on each street on which the subject property has frontage. Signs shall be double-faced and posted so that the face of the sign may be read by the traveling public in both directions, and the applicant shall pay a sign fee, in an amount to be established by the city council, to the planning department.
3. One (1) notice sign may serve both the application for an amendment to the official zoning map and/or the application for a special land use permit, as long as the sign states the relevant information for all hearings relating to those actions.
4. A dated photograph of each sign shall be submitted by the applicant to the director of planning as evidence of its proper posting.
5. The city shall cause a notice of each public hearing regarding a proposed zoning decision to be published in a newspaper of general circulation within the city at least fifteen (15) days and not more than forty-five (45) days prior to the public hearing. The notice shall include the date, time and place of the hearing before the planning commission, the city council, and/or the zoning board of appeals, the address of the property, the present zoning classification of the property, the proposed zoning classification of the property, the nature of the variance sought, and the proposed special land use, as applicable.

8.2.4 Community Impact Notification.

A. **Applicability.**

1. Any development or building project with an aggregate of 12,000 square feet or more of new buildings or a site consisting of two acres or more must meet the Community Impact Notification requirements.
2. This includes any development or building project with an aggregate of 12,000 square feet of renovations, interior finish, or other similar work requiring a building permit within the next 24 months.

B. **Requirements.**

1. *Council notification*. The director of planning shall provide notification to the pertinent district councilmember.
2. *Posted notice*. Applicant shall place one or more signs in a conspicuous location on the property. At least one sign shall be posted along each street on which the subject property has frontage. One additional sign shall be posted for each additional 500 feet of frontage. Each sign shall contain the location and nature of the proposed project and web address to access and view plans.
3. *Written notice*. Written notice shall be mailed by first class mail by the Applicant to all owners of property within 250 feet of the boundaries of the subject property. The notice shall state the location and nature of the proposed project.

8.3 Zoning and Comprehensive Plan Amendments and Procedures

8.3.1 Initiation of proposals for text and map amendments.

A. A proposed amendment to the text of this chapter, the official zoning map, or the comprehensive plan may be introduced by the director of planning, one (1) or more members of the city council or by the planning commission. In addition, amendments to the official zoning map (rezoning) and the comprehensive plan may be initiated upon application by the owner(s) of the subject property or the authorized agent of the owner(s). Before enacting any amendment to this ordinance, the official zoning map, or the comprehensive plan maps, the city council shall provide for the public notice and public hearings required by section 7.2.4 of this article.

8.3.2 Consistency with comprehensive plan.

A. Any applicant seeking to rezone property to a classification that is inconsistent with the comprehensive plan, as established in article 1 of this zoning ordinance, must first obtain approval of an amendment to the comprehensive plan land use map from the city council. The comprehensive plan maps shall be amended according to a schedule approved by the city council. However, exceptions may be granted by the city council in between the regular review cycle in cases of demonstrated hardship, or in cases of large-scale developments that may provide special economic benefits to the community. Requests for exceptions shall be subject to approval by the city council during a city council meeting.

8.3.3 Staff analysis, findings of fact, and recommendations.

A. The staff of the planning department shall conduct a site inspection on all applications for zoning map and comprehensive plan map amendments and shall investigate and prepare an analysis of each proposed text amendment to this chapter or to the comprehensive plan.

B. The findings and recommendations of the planning department staff shall be made based on each of the standards and factors contained in section 7.3.4 or section 7.3.5, below, as applicable. In an application for rezoning, the planning staff may recommend the imposition of conditions in accordance with section 7.3.9. The staff shall present its findings and recommendations to the planning commission and the city council.

C. Within a reasonable amount of time after acceptance of a complete application, the director of planning shall submit the application for review by city departments and external agencies, as may be appropriate. External agencies may include, but are not limited to, DeKalb County, DeKalb County School Board, Georgia Regional Transportation Authority, Georgia Department of Transportation, and the Atlanta Regional Commission (ARC), and any municipality that abuts the property that is the subject of the application. Any written comments received prior to submittal of the report shall be submitted to the review bodies for consideration and such comments shall become an official public record.

8.3.4 Proposed amendments to the comprehensive plan map.

A. The following standards and factors are found to be relevant for evaluating applications for amendments to the comprehensive plan map and shall govern the review of all proposed amendments to the comprehensive plan map:

1. Whether the proposed land use change will permit uses that are suitable in consideration of the use and development of adjacent and nearby property or properties.
2. Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property or properties.
3. Whether the proposed land use change will result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
4. Whether the amendment is consistent with the written policies in the comprehensive plan text and any applicable small areas studies.
5. Whether there are potential impacts on property or properties in an adjoining governmental jurisdiction, in cases of proposed changes near municipal boundary lines.
6. Whether there are other existing or changing conditions affecting the use and development of the affected land areas which support either approval or denial of the proposed land use change.
7. Whether there will be an impact on historic buildings, sites, districts or archaeological resources resulting from the proposed change.

8.3.5 Proposed amendments to the official zoning map.

A. The following standards and factors are found to be relevant to the exercise of the city's zoning powers and shall govern the review of all proposed amendments to the official zoning map:

1. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.
2. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties.
3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
4. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties.
5. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
6. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.
7. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
8. Whether the zoning proposal adversely impacts the environment or surrounding natural resources.

8.3.6 Action by the planning commission.

A. The secretary of the planning commission shall provide the members of the planning commission complete information on each proposed application requiring a public hearing by the planning commission, including a copy of the application and all supporting materials.

B. The planning commission, after conducting a public hearing with prior public notice as required by this article, shall consider the proposal and vote on its recommendation to the city council.
C. Deferral of an application by the planning commission shall not be binding on the city council.
D. The planning commission may recommend approval of the application, approval to a less intense zoning district or land use category than that requested by the applicant, approval of the application with conditions, denial of the application, deferral of the application, or, upon request of the applicant, withdrawal of the application without prejudice.
E. In its recommendation of any application, the planning commission may recommend the imposition of conditions in accordance with section 87.3.9.
F. All findings and recommendations of the planning commission relating to amendments to the official zoning map shall be made based on each of the standards and factors contained in section 87.3.5.
G. All recommendations of the planning commission relating to amendments to the comprehensive plan maps shall be made based on each of the standards and factors contained in section 87.3.4.
H. The secretary of the planning commission shall make and maintain a written record of the planning commission's consideration and recommendations, which shall be public record.

8.3.7 Action by the city council.

A. At the next scheduled city council meeting pursuant to the applicant zoning calendar following appearance of the matter on the planning commission agenda, the city council, after conduct of a public hearing with public notice as required by this article, shall vote to approve the proposed amendment pursuant to this division, approve with conditions, approve to a less intense zoning district or land use category than that requested by the applicant, deny the proposed amendment, defer the proposed amendment, or, upon request of the applicant, permit withdrawal without prejudice. In the approval of any proposed amendment to the official zoning map, the city council may impose conditions in accordance with section 87.3.9.

B. For each proposed zoning decision, the analysis submitted by the applicant, if any, the analysis prepared by the planning department, and the record prepared by the planning commission shall be presented to each member of the city council.

C. All decisions of the city council relating to each proposed amendment to the official zoning map shall be made based on each of the standards and factors contained in sections 87.3.4 and 87.5.3 or 78.5.4, as appropriate. All decisions of the city council relating to amendments to the comprehensive plan maps shall be made based on each of the standards and factors contained in section 87.3.4. Any proposed amendment or any proposed substitute ordinance considered by the city council shall be presented in written form prior to being voted on by the city council or made a part of the motion.

8.3.8 Conditions of zoning.

Conditions of zoning may be requested by an applicant, recommended by the planning department or planning commission, or imposed by the city council, as a part of any proposed change to the official zoning map, in accordance with the following requirements:

A. Conditions of zoning may be imposed so as to ameliorate the effect(s) of the proposed developmental change for the protection or benefit of neighboring persons or properties consistent with the purpose and intent of the zoning district(s) involved, and the goals and objectives of the comprehensive plan and state law. No condition shall be imposed which reduces the requirements of the zoning district(s) involved, except as stipulated in section 98.1.12 of this chapter. All conditions shall be of sufficient specificity to allow lawful and consistent application

and enforcement. All conditions shall be supported by a record that evidences the relationship between the condition and the impact of the developmental change. No condition in the form of a development exaction for other than a project improvement shall be imposed within the meaning of the Georgia Development Impact Fee Act, as amended.

B. Once imposed, conditions of zoning shall become an integral part of the approved amendment and shall be enforced as such. Changes to approved conditions shall be authorized only pursuant to section 87.3.10.

C. Site plans referenced in the conditions of zoning are conceptual only unless specific aspects of the site plan or the site plan itself are approved as a separate zoning condition. Development shall meet or exceed the imposed zoning conditions and all other applicable law, standards and regulations of the City. Compliance with the conditions of zoning shall be demonstrated prior to the issuance of a land disturbance permit or building permit and conditional improvements shall be in place prior to the issuance of the first certificate of occupancy.

8.3.9 Modifications and changes to approved conditions of zoning.

A. The director of planning shall have sole authority to approve minor changes to conditions attached to an approved zoning amendment.

1. Minor changes are those that implement only slight alterations to the approved conditions made necessary by actual field conditions at the time of development, and that do not alter the impact of the development on nearby properties nor the intent or integrity of the conditions as originally imposed.
2. Any request for minor changes to conditions shall be filed with the director of planning or his/her designee on a written form which shall include a full description of the documents and/or information necessary for the application to be considered complete.
3. At a minimum, if an approved site plan exists, the request for minor changes shall be accompanied by four (4) copies of the proposed revised site plan. The director of planning shall decide whether to grant or deny the request for minor changes to conditions within thirty (30) calendar days of receipt of a complete application for such minor changes. If the director of planning does not decide within thirty (30) days, the request for minor change shall be deemed denied as of the thirty-first day after receipt of a complete application.
4. After making a decision, the director of planning shall have ten (10) calendar days to post a sign on the subject property which reflects the decision of the director and includes the deadline for taking an appeal of the decision. Person(s) identified in section 87.5.2.B. shall have fifteen (15) calendar days from the posting of the sign to appeal the director of planning's decision by filing an application for appeal with the secretary of the zoning board of appeals.

B. Any major changes to conditions attached to an approved zoning amendment shall require an application and public hearings before the planning commission and the city council, as required in section 87.2.4 of this article for amendments to the official zoning map without limiting the meaning of the phrase, the following shall be deemed to constitute "major changes":

1. The movement of any building or structure adjacent to an exterior boundary line, closer to the boundary line of the property;
2. Any increase in the number of dwelling units or any increase in the total amount of floor space of any nonresidential building;
3. Any decrease in the size of residential units imposed in the original conditional zoning amendment;

4. Any change in any buffer requirement(s) imposed in the original conditional zoning amendment;
5. Any increase in the height of any building or structure;
6. Any change in the proportion of floor space devoted to different authorized uses; or
7. Any change to conditions, except minor changes, as defined in subsection A., imposed by the city council when approving any change to the official zoning map, commonly referred to as a rezoning or a zoning amendment.

8.4 Special Land Use Permits

8.4.1 Special land use permits generally.

A. A special land use permit is a means by which the city council gives special consideration, pursuant to a clear set of standards and criteria, to those types of uses which may or may not be compatible with uses and structures authorized as a matter of right within a particular zoning district. Special land use permits are required for uses that have operational characteristics and/or impacts that are significantly different from the zoning district's principal authorized uses and therefore require individual review pursuant to the standards and criteria set forth in this division and article.

B. Special land use permit applications shall be authorized only for those uses specifically listed in the applicable zoning district regulations, as permitted by special land use permit, and in compliance with any applicable supplemental regulations, according to article 4 or section 8~~7~~.4.7.

C. An applicant desiring to apply for a special land use permit authorized within a zoning district described in this chapter shall file an application with the planning department in accordance with this division. The city council, following consideration by the planning commission, shall determine whether the proposed use, in the particular location contemplated, meets the standards and criteria set forth in this division and chapter.

D. Such uses may further require, and the city council shall be authorized to impose, special conditions in order to assure their compatibility with surrounding uses and to minimize adverse impacts on the use of surrounding property.

8.4.2 Initiation of applications and public hearing requirements.

A. Procedures for applications shall comply with section 8~~7~~.2.2.

B. Applications for special land use permits require a public hearing, as provided for in section 8~~7~~.2.4.

8.4.3 Initiation of ordinance for application for special land use permit.

A. Upon receipt of a complete application for a special land use permit, the secretary of the planning commission shall prepare a proposed ordinance to grant the proposed special land use permit, and said proposed ordinance shall be referred to the planning commission for public hearing and consideration pursuant to the requirements of this chapter and presented to the city council at their next scheduled zoning meeting after appearance on the planning commission agenda.

8.4.4 Staff analysis, findings of fact, and recommendation on each application.

A. An application for a special land use permit shall be filed on forms provided by the planning department and shall not be considered an authorized application unless complete in all respects. Upon receipt of a complete application, the staff of the planning department shall conduct a site inspection and shall prepare an analysis of each application for a special land use permit and shall present its findings and recommendations in written form to the planning commission. Staff analysis and recommendations on each application for special land use permit shall be based on

the criteria contained in section 87.4.6 and, in addition, where applicable to the use proposed, on the criteria contained in section 87.4.7.

8.4.5 Special land use permit; criteria to be considered.

A. The following criteria shall be considered by the planning department, the planning commission, and the city council in evaluating and deciding any application for a special land use permit. No application for a special land use permit shall be granted by the city council unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application, and the application is in compliance with all applicable regulations in article 4:

1. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.
2. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.
3. Adequacy of public services, public facilities, and utilities to serve the proposed use.
4. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.
5. Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use.
6. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency.
7. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.
8. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.
9. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.
10. Whether or not the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.
11. Whether or not the proposed use is consistent with the policies of the comprehensive plan.
12. Whether or not the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.
13. Whether or not there is adequate provision of refuse and service areas.
14. Whether the length of time for which the special land use permit is granted should be limited in duration.
15. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.
16. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.

17. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.
18. Whether or not the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.
19. Whether the proposed use would result in a disproportionate proliferation of that or similar uses in the subject character area;
20. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.

8.4.6 Additional criteria for specified uses.

A. In addition to the criteria contained in section 8~~7~~.4.6 above, for which each applicant for a special land use permit is required to provide information, the following additional criteria shall apply to specific uses as specified below. No application for a special land use permit for the uses specified below shall be granted by the city council unless it is determined that, in addition to meeting the requirements contained within the zoning district in which such property is located and the criteria contained in section 8~~7~~.4.6 above, and complying with applicable regulations in article 4, satisfactory provisions and arrangements have been made concerning each of the following criteria:

1. *Telecommunications towers and antennas.* In determining whether to authorize a special land use permit for a telecommunication tower or antenna, the city council shall comply with and apply the requirements of Article 11. ~~section 4.2.57.~~
2. *Mine, mining operation, gravel pit, quarry, or sand pit.* In determining whether to authorize a special land use permit for a mine, mining operation, gravel pit, quarry, or sand pit, the city council shall also consider each of the following criteria:
    a. Whether the type and volume of traffic associated with such use will cause congestion in the streets and will create noise and vibration along streets used for residential purposes.
    b. Whether the applicant has provided a soil erosion control plan and a reuse or reclamation plan which meets the requirements of the City and the Georgia Surface Mining Act, O.C.G.A. § 12-4-70 et seq., as amended, and the Rules of Department of Natural Resources, Chapter 391-3-3, as amended.
    c. Whether or not the applicant meets the requirements of the city's noise ordinance.
3. *Child day care facility.* In determining whether to authorize a special land use permit for a child day care facility, the city council shall also consider each of the following criteria:
    a. Whether there is adequate off-street parking for all staff members and for visitors to the child day care facility.
    b. Whether the proposed off-street parking areas and the proposed outdoor play areas can be adequately screened from adjoining properties so as not to adversely impact any adjoining land use.
    c. Whether there is an adequate and safe location for the dropping off and picking up of children at the child day care facility.
    d. Whether the character of the exterior of the proposed structure will be compatible with the residential character of the buildings in the zoning district in which the child day care facility is proposed to be located, if proposed for a residential zoned district.

4. *Biomedical waste disposal facilities, disposal facilities, landfills, county or city solid waste disposal facilities, county or city solid waste landfills, private industry solid waste disposal facilities, solid waste handling facilities, solid waste thermal treatment technology facilities, and disposal facilities for hazardous and/or toxic materials including radioactive materials.* In determining whether to authorize a special land use permit for a biomedical waste disposal facility, disposal facility, landfill, county or city solid waste disposal facility, county or city solid waste landfill, private industry solid waste disposal facility, solid waste handling facility, solid waste thermal treatment technology facility, or disposal facility for hazardous and/or toxic materials including radioactive materials, the city council shall also consider each of the following criteria:
    a. Whether the proposed use does not pose any potential negative impact resulting from air pollution, degradation of soil and/or water quality, noise, odor, or other negative environmental effects.
    b. Whether the proposed use will not have a significant deleterious effect on use of land and value of existing housing in adjacent and nearby neighborhoods.
    c. Whether the proposed use will not create a negative traffic impact on any adjacent or nearby residential street(s) resulting from truck and other vehicular traffic associated with the facility.
    d. Whether the proposed use does not represent an over-concentration of such uses in the area.

8.4.7 Action by the planning commission.

A. Planning staff shall provide the members of the planning commission complete information on each proposed application for a special land use permit that the commission considers, including a copy of the application and all supporting materials. The planning commission, after conducting a public hearing with public notice, as required by this article, shall vote on its recommendation to be provided to the city council.
B. The planning commission may recommend approval of the application, approval of the application with conditions, denial of the application, or deferral of the application.
C. The planning commission may recommend the imposition of conditions based upon the facts of a particular application in accordance with section 7.3.9.
D. The planning commission recommendation on each application shall be based on a determination as to whether or not the applicant has met the criteria contained in section 7.4.6, the criteria contained in section 7.4.7 where applicable to the use proposed, and the requirements of the zoning district in which such use is proposed to be located.

8.4.8 Action by the city council.

A. The city council, after conducting the public hearing with public notice as required by this chapter, shall vote to approve the application, approve the application with conditions, deny the application, defer the application, or, upon request of the applicant, to permit withdrawal of the application without prejudice.
B. The city council may impose conditions based upon the facts of a particular application in accordance with section 87.4.9.
C. The decision of the city council on each application for special land use permit shall be based on a determination as to whether or not the application satisfies the criteria contained in section 87.4.6, the criteria contained in section 87.4.7 where applicable to the use proposed, and the requirements of the zoning district in which such use is proposed to be located.

D. The city council may specify the duration of each such special land use permit approved.

8.4.9 Appeals of decisions of the city council.

A. All appeals of all final decisions of the city council under the provisions of this division shall be as follows:
    1. Any person aggrieved by a final decision of the city council on an amendment to the zoning ordinance which rezones property from one (1) zoning classification to another or which changes zoning conditions, or which denies any such ordinances may seek review of such decision by petitioning the Superior Court of DeKalb County via direct appeal, setting forth plainly the alleged errors. Such petition shall be filed within thirty (30) days after the final decision of the city council is rendered.
    2. Any person aggrieved by a final decision of the city council on a special land use permit may seek review of such decision by petitioning the Superior Court of DeKalb County via a writ of mandamus plainly setting forth the alleged errors. Such petition shall be filed within thirty (30) days after the final decision of the city council is rendered.

8.4.10 Limitations of special land use permits.

A. **Development of an approved special use**. The issuance of a special land use permit shall only constitute approval of the proposed use, and development of the use shall not be carried out until the applicant has secured all other permits and approvals required by any applicable law or regulation.
B. **Expiration of a special land use permit**. Unless a building permit or other required approval(s) is applied for within twelve (12) months of the city council's approval, and construction pursuant to such building permit is promptly begun and diligently pursued thereafter, the special land use permit shall expire automatically, unless the permit is extended upon application to the city council in accordance with subsection C. of this section.
C. **Time extension of a special land use permit**. A time limitation imposed on special land use permits by the city council and the expiration date established pursuant to subsection B. of this section may be extended once for twelve (12) consecutive months upon written request by the applicant and approval by the planning director. Any further time extensions shall be by the city council upon written request by the applicant and approval of the city council after compliance with the public notice provisions of section 8~~7~~.2.4.C. In considering a request to extend, the planning director and the city council shall consider the criteria described in section 8~~7~~.4.6.
D. **Limitations on approvals for special land use permits**. A special land use permit shall expire automatically and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of twelve (12) consecutive months.
E. **Modifications to a special land use permit**. Changes to an approved special land use permit, including changes to approved conditions, expansion of the approved use, or expansion of building square footage, shall be subject to the same application, review and approval process as a new application, including the payment of relevant fees.

8.4.11 Transfer of special land use permits.

A. A special land use permit, including the site plan and any conditions imposed at the time of the grant of the special land use permit by the city council, is granted to the person, corporation or other legal entity that applied for the permit.
    1. A special land use permit expires automatically upon change in ownership of the subject property, unless the special land use permit is transferred as authorized in this paragraph.

2. A special land use permit may only be transferred from one (1) person, corporation, or other legal entity to another person, corporation, or other legal entity upon application to the director of planning.
3. Any such application by any person, corporation, or other legal entity to transfer a special land use permit shall be accompanied by an affidavit of the proposed transferee certifying that the new owner or operator is familiar with and will abide by the approved site plan and all of the conditions, if any, imposed by the city council at the time of the grant of the special land use permit.

B. If an application to the city council for a special land use permit is submitted due to an existing violation of this chapter and such application for special land use permit is denied, the violation shall be required to be corrected within thirty (30) days of such denial. Notwithstanding the foregoing, the director of planning may extend the deadline for correction of the violation for a period up to ninety (90) days following the denial of the special land use permit application upon a showing that the violation cannot reasonably be corrected within thirty (30) days.

8.5 Variances and Appeals to The Zoning Board of Appeals

8.5.1 Testimony and burden of proof.

The chairperson of the zoning board of appeals, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses by subpoena.

A. **Requirements.** The standards and requirements of this zoning ordinance and decisions made by public officials are presumed to be valid and just. It shall be the responsibility of an applicant seeking relief to assume the burden of proof and rebut this presumption by presenting sufficient facts and evidence to explain how the proposed appeal or variance is consistent with the general spirit and intent of this zoning ordinance and the comprehensive plan.

B. **Review**. It is the duty of the zoning board of appeals to review such facts and evidence in light of the intent of the zoning ordinance to balance the public health, safety and general welfare against the injury to a specific applicant that would result from the strict application of the provisions of this zoning ordinance to the applicant's property.

8.5.2 Appeals of decisions of administrative officials.

A. **General power**. The zoning board of appeals shall have the power and duty to hear and decide appeals where it is alleged by the appellant that there is error in any final order, requirement, or decision made by an administrative official based on or made in the enforcement of this zoning ordinance or as otherwise authorized by local law or the Code of the City of Stonecrest. Administrative officials must make final decisions covered by this section within one hundred eighty (180) days of receipt of all necessary information to make such decision. A failure to act prior to the passage of one hundred eighty (180) days shall not be construed to be a final order, requirement or decision within the meaning of this division. If a decision is not made by the one hundred eighty-first day, the requested decision is deemed denied, and becomes appealable. All such appeals shall be heard and decided following the notice requirements of section 8~~7~~.2.4, and pursuant to the following criteria and procedural requirements.

B. **Appeals of decisions of administrative officials.** Appeals of decisions of administrative officials may be filed by (1) any person aggrieved by or (2) an owner of property within two hundred fifty (250) feet of the nearest property line of the property that is the subject of any final order, requirement, or decision of an administrative official, based on or made in the enforcement of this zoning ordinance, or as otherwise authorized by local law or the Code of the City of Stonecrest. by filing with the secretary of the zoning board of appeals an application for appeal,

specifying the grounds thereof, within fifteen (15) days after the action was taken by the official that is the subject of the appeal.

C. **Appeal stays all legal proceedings.** An appeal of a decision of an administrative official stays all legal proceedings in furtherance of the action or decision appealed from unless the official from whom the appeal is taken certifies to the zoning board of appeals, after notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would, in that official's opinion, cause imminent peril to life or property. In such a case, legal proceedings shall be stayed only pursuant to a restraining order granted by a court of competent jurisdiction directed to the officer from whom the appeal is taken and on due cause shown.

D. **Appeal stays land disturbance or construction activity in certain situations.** If the action or decision appealed from permits land disturbance or construction activity to commence or continue on residentially zoned property, the appeal stays the land disturbance or construction activity until the zoning board of appeals issues a decision on the appeal. Thereafter, land disturbance or construction activity in such cases shall only be stayed by an order from a court of competent jurisdiction. In all cases involving non-residentially zoned property, the appeal to the zoning board of appeals does not stay land disturbance or construction activity; such activity shall only be stayed by an order from a court of competent jurisdiction.

E. **Order granted by court.** Thereafter, in such situations land disturbance or construction activity shall only be stayed by an order granted by a court of competent jurisdiction.

F. **Time of hearing.** The zoning board of appeals shall fix a reasonable time for the hearing of the appeal and give notice thereof pursuant to the requirements of section 87.2.4 as well as written notice to the appellant. Any party may appear at the hearing in person, by an agent, by an attorney, or by the submission of written documentation.

G. **Decision of the zoning board of appeals.** Following the consideration of all testimony, documentary evidence, and matters of record, the zoning board of appeals shall make a determination on each appeal. The zoning board of appeals shall decide the appeal within a reasonable time, but in no event more than sixty (60) days from the date of the hearing. An appeal shall be sustained only upon an expressed finding by the zoning board of appeals that the administrative official's action was based on an erroneous finding of a material fact, erroneously applied the zoning ordinance to the facts, or that the administrative official acted in an arbitrary manner. In exercising its powers, the zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit, provided all requirements imposed by any applicable laws are met.

8.5.3 Applications for variances; and criteria for deciding applications for variances.

The zoning board of appeals shall hear and decide applications for variances from the strict application of the regulations of this chapter and chapter 21 where the strict application of any regulation enacted under said chapters would result in exceptional and undue hardship upon the owner of such property. In determining whether or not to grant a variance, the board shall apply the criteria specified in this section to the facts of each case. The board may attach reasonable conditions to any approved variance in accordance with section 87.3.9. Once imposed, conditions shall become an integral part of the approved variance and shall be enforced as such. No changes to an approved condition attached to a variance shall be authorized except by re-application to the zoning board of appeals in full compliance with the applicable provisions of this division. No relief may be granted or action taken under the terms of this division unless such relief can be granted without substantial detriment to the public good and without

substantial impairment of the intent and purpose of this chapter and the comprehensive plan. The zoning board of appeals shall apply the following criteria to the types of applications specified below as follows:

A. Variances from the provisions or requirements of this chapter other than variances described in section 87.5.4 shall be authorized only upon making all of the following findings:
   1. By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as, but not limited to, floodplain, major stand of trees, steep slope), which were not created by the owner or applicant, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district.
   2. The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.
   3. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.
   4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.
   5. The requested variance would be consistent with the spirit and purpose of this chapter and the Comprehensive Plan text.
B. Appeals of decisions regarding building architectural design standards shall be evaluated using the same criteria as section 87.6.7.B.
C. Appeals to the height standards, but not to add stories, shall be evaluated using the criteria as follows:
   1. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.
   2. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.
   3. Adequacy of public services, public facilities, and utilities to serve the proposed use.
   4. Whether or not the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.
   5. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.
   6. Whether or not the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.

8.5.4 Applications for variances to reduce or waive off-street parking or loading space requirements.

A. The zoning board of appeals shall hear and decide applications for variances to reduce or waive required off-street parking or loading spaces in accordance with the provisions and standards of this section. All such applications shall be heard and decided based on the notice requirements of section 78.2.4. The zoning board of appeals may waive or reduce the required number of parking or loading spaces in any district only upon an expressed finding that:

1. The character of the use of the building(s) is such as to make unnecessary the full provision of parking or loading spaces;
2. The provision of the full number of parking spaces would have a deleterious effect on a historic building, site, district or archaeological resource;
3. The use has a characteristic that differentiates it from the typical use example used in the formulation of this zoning ordinance;
4. The location of the proposed development is relatively isolated where the opportunity for diversity of use, pedestrian access, and alternative modes is not available; or
5. The developer is providing the additional spaces for general public parking (for hourly or daily parking charges) to serve surrounding development.

8.5.5 Limitations of authority of the zoning board of appeals.

A. No variance shall be granted by the zoning board of appeals to:
   1. Allow a structure or use not listed as a permitted use or a special use in the applicable zoning district or a density of development that is not authorized within such district. This prohibition does not apply to any variance from the supplemental regulations of article 4 of this zoning ordinance or from any other accessory feature or characteristic of a permitted or special use, unless said variance is otherwise prohibited by the regulations of this chapter.
   2. Allow any variance which conflicts with or changes any requirement enacted as a condition of zoning or of a special land use permit by the city council.
   3. Reduce, waive or modify in any manner the minimum lot width unless the purpose is to reverse a lot merger.
   4. Reduce, waive or modify in any manner the minimum lot area established by this chapter.
   5. Extend the time period for a temporary outdoor social, religious, entertainment or recreation activity approved by the director of planning.
   6. Permit the expansion or enlargement of any nonconforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring special land use permit.
   7. Permit the reestablishment of any nonconforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring special land use permit where such use has lapsed pursuant to the requirements and limitations of article 8 of this chapter.
   8. Permit customer contact for a home occupation authorized by this chapter.
   9. Allow any variance to increase the height of a building which will result in adding a story.

8.5.6 Decision by the zoning board of appeals.

A. Each application presented to the zoning board of appeals regarding a variance shall be scheduled for a public hearing within sixty (60) days of the filing of a complete application and shall be supported by findings and conclusions which shall be a part of the record established by the zoning board of appeals for each application. The zoning board of appeals shall grant or deny the variance. In its variance decision, the zoning board of appeals must include findings of fact citing evidence of compliance with all applicable criteria imposed by this chapter or other applicable provisions of law. The zoning board of appeals may adopt the findings of fact of the staff or the applicant, they may adopt the findings of fact of the staff or applicant with modifications, or they may adopt a separate set of facts developed by the zoning board of appeals.

8.5.7 Compliance with standards upon denial.

A. In such case that an application to the zoning board of appeals is initiated due to an existing violation of this chapter and such application is denied, the violation shall be required to be corrected within thirty (30) days of such denial or as specified by the zoning board of appeals if a greater time period is required. The maximum extension of time the board may grant for correction shall be ninety (90) days.

8.5.8 Appeals of decisions of the zoning board of appeals.

A. All appeals of all final decisions of the zoning board of appeals under the provisions of this chapter shall be as follows:
    1. Only persons aggrieved by a final decision of the zoning board of appeals may seek review of such decision by petitioning the Superior Court of DeKalb County by writ of certiorari, setting forth plainly the alleged errors. Such petition shall be filed within thirty (30) days after the final decision of the zoning board of appeals is rendered.

8.5.9 Fair Housing Act accommodation variance.

A. Notwithstanding any other provisions in this chapter to the contrary, the zoning board of appeals may grant a variance to the limitations of this chapter that might have a discriminatory impact on a handicapped person, as that term is defined in the Federal Fair Housing Act, including but not limited to Article 4 ~~sections 4.2.41 and 4.2.28~~ as well as the terms defined therein.
    1. A Fair Housing Act accommodation variance shall be issued if the applicant for such a variance shows a documented need for accommodation based on medical or scientific studies, that the requested accommodation is the minimum necessary variance from the restrictions of the Code, that the requested accommodation does not impose an undue burden or expense on the city or its citizens, and that the requested accommodation does not effectively create a fundamental alteration of the existing zoning scheme.
    2. An application for a Fair Housing Act accommodation variance shall comply with all other procedural requirements for consideration and approval of variances in this division.

8.6 Special Administrative Permits; Waivers and Variances

8.6.1 Special administrative permits generally.

A. The director of planning is hereby authorized to consider and decide requests for special administrative permits specifically authorized in this zoning ordinance. All such requests for special administrative permits shall be filed in writing on forms promulgated by the director of planning.

8.6.2 Standards for special administrative permits, criteria to be applied.

A. All applications filed for special administrative permit with the director of planning shall be considered and decided pursuant to the standards contained in sections 8~~7~~.4.6 and 8~~7~~.4.7 of this chapter, and any supplemental regulations, as applicable, in article 4. All special administrative permits approved by the director of planning shall specify the length of time of the duration of each such special administrative permit

8.6.3 Time limitations.

A. All applications for special administrative permits shall be considered and decided by the director of planning no later than thirty (30) days from the receipt of a complete application for such special administrative permit, unless an extension of time is agreed to by the applicant and the director of planning.

B. If the director of planning does not render a decision on the application within thirty (30) days, the application shall be deemed denied as of the thirty-first day after receipt of a complete application.

8.6.4 Administrative variances, administrative waivers: authority.

A. The director of planning is hereby authorized to consider and grant or deny, pursuant to the procedures and standards contained in this division, an administrative variance or an administrative waiver from the following regulations and subject to the standard limitations:

1. Reduce by variance any front, side or rear yard setback by an amount not to exceed ten (10) percent of the district requirement, but not including any transitional buffer zone or any setback which is a condition of zoning or special land use permit, pursuant to the standards specified in section 87.5.3.
2. Reduce by variance the required spacing between buildings in districts where multiple buildings are authorized on a single lot in an amount not to exceed ten (10) percent of the requirement, pursuant to the standards specified in section 87.5.3.
3. Reduce by variance the off-street parking or loading requirements imposed by this chapter in an amount not to exceed ten (10) percent of the district requirement, pursuant to the standards specified in section 87.5.4.
4. Increase by variance the retaining wall height as set forth in article 5, division 4 by an amount not to exceed two (2) feet, but no such variance is allowed for property located in a historic district.
5. Increase by variance the distancing requirements for retaining walls set forth in article 5, division 4 by an amount not to exceed two (2) feet.
6. Increase by variance the elevation of residential thresholds as set forth in article 5, division 2 by two (2) feet.
7. Reduce by variance, as follows, if necessary, to allow reasonable use following a public road right-of-way donation or acquisition:
    a. To reduce required minimum lot size by up to fifty (50) percent only to maintain the pre-determined yield.
    b. To reduce required setbacks for a permitted or existing structure on a lot in the event of public road right-of-way donations or acquisition that would otherwise cause the lot to be non-conforming with respect to the minimum setback standards.
    c. To reduce the number of parking spaces for any existing or permitted structure below the minimum required parking spaces applicable to the use.
8. Waive architectural building standards and designs provided in article 5, building form standards. The planning director shall notify the city council in writing within ten (10) days of granting said waiver.
9. No administrative variance or waiver shall be authorized to delete, modify, or change in any manner any condition imposed by the city council or the zoning board of appeals.

8.6.5 Procedures for applications for administrative variances and administrative waivers.

A. An application for administrative variance or administrative waiver shall be submitted to the director of planning on forms approved by the director of planning, along with any such fees as may be established by the city council.

1. The director of planning shall review and decide upon each complete application pursuant to the applicable standards referred to in section 87.6.7. A written decision on each such application shall be issued no later than thirty (30) days from the date a complete

application was filed, unless an extension is agreed to by the applicant and director of planning. If the director of planning does not render a decision on the application within thirty (30) days, the application shall be deemed denied as of the thirty-first day after receipt of a complete application.

2. The application for an administrative variance or administrative waiver shall state the specific regulation from which exception is sought and the reasons the exception is needed. The application shall contain such information as the director of planning deems necessary to evaluate the request.

3. It shall be the applicant's burden to provide sufficient justification for granting the variance or waiver.

4. The director of planning and staff shall prepare an evaluation statement concerning each application showing the impact of the applicable criteria as set forth in this division.

5. No later than ten (10) calendar days after making a decision, the director of planning shall post a sign on the subject property which reflects the decision of the director of planning and the deadline for taking an appeal of the decision to the zoning board of appeals.

8.6.6 Criteria for deciding administrative variances and administrative waivers.

A. The director of planning shall grant or deny applications for administrative variances from the strict application of the regulations identified in section 87.6.5.A., where the strict application of the associated regulations would result in exceptional and undue hardship upon the owner of such property. In determining whether or not to grant a variance, the director shall apply the criteria specified in sections 87.5.3 and 87.5.4 to the facts of each application.

1. The director of planning shall consider administrative waivers to amend, reduce, or waive architectural, design, or building material standards found in article 5, building form standards using the following criteria:

   a. Whether the proposed change(s) in appearance will have a substantial adverse effect on the design standards set out in article 5.

   b. The extent to which the proposed project complies with the design standard in terms of architectural style, general design arrangement, texture and color (non-painted surfaces) material of architectural features, and other site features.

   c. The extent to which the proposal is compatible with other structures in the area.

B. When issuing a written decision on an administrative waiver request, the director of planning may make a decision to approve the waiver, approve with conditions, or deny the waiver, and shall cite the grounds relied upon in reaching the decision.

8.6.7 Persons entitled to appeal to the zoning board of appeals.

A. Any person identified in section 87.5.2.B. shall have the right to appeal by a decision of the director of planning related to administrative permits, variances or waivers to the zoning board of appeals. Such petition shall be filed within thirty (30) days after the decision of the director is rendered.

8.7 Enforcement, Violations, and Penalties

8.7.1 Administration and enforcement; granting of permits.

A. The director of planning shall be responsible for the interpretation, administration and enforcement of the provisions of this chapter. The director of planning shall have the duty to issue development permits as required with respect to this chapter.

8.7.2 Permit requirements.

A. **Development permits.** Unless otherwise exempted by this article, a development permit shall be required for any proposed use of land or buildings in order to assure compliance with all provisions of this chapter and all other city ordinances and regulations before any building permit is issued or any improvement, grading, or alteration of land or buildings commences.

B. **Building permits and certificates of occupancy required.** A building permit and a certificate of occupancy shall be obtained from the director of planning prior to occupancy of any building or structure. Such permit and certificate of occupancy shall be approved by the director of planning.

C. **Applications for permits and certificates of occupancy.**
   1. All applications for development permits shall be made to the director of planning.
   2. All applications for building permits and certificates of occupancy shall be made to the director of planning.
   3. Prior to the release of a development permit, compliance with zoning shall be reviewed and verified by the director of planning.
   4. All applications for development permits, building permits and development permits shall require a certificate of appropriateness from the Historic Preservation Commission if the project is located in a historic district or on a historic property.

D. **Development and building permits; plans required.**
   1. *Plans required.* All applications for development permits shall be accompanied by complete plans, which shall be drawn to scale, filed in duplicate, and contain the following information:
      a. The name and signature of the author, and the author's address and telephone number;
      b. The actual shape and dimensions of the lot to be built upon, based on an actual survey by a professional engineer or land surveyor registered in the State of Georgia;
      c. All required building setback lines, buffer zones, and open space required by this chapter;
      d. The exact sizes and locations on a lot of the buildings and accessory buildings then existing and the lines within which the proposed building or structure shall be erected or altered;
      e. The current zoning classification of the property including zoning conditions and zoning variances, if any;
      f. The existing or intended use of each building or part of building, and the number of families or housekeeping units the building is designed to accommodate;
      g. Such other information as may be required by the director of planning with regard to the lot and neighboring lots as may be necessary to determine and provide for the application of and enforcement of the requirements of this chapter.
   2. Plans will be returned to the owner when the plans have been approved by the director of planning.

3. Approval of the preliminary subdivision plat and compliance with all applicable provisions of the subdivision regulations contained in chapter 14 and in this chapter shall constitute approval of the development permit for a subdivision.
4. Development permits for individual structures within approved residential subdivisions or developments shall not be required.

8.7.3 Issuance of development permits.

A. All development permits shall be issued by the director of planning, which shall in no case grant any development permit for the use, construction or alteration of any land or building if the land or building as proposed to be used, constructed or altered would be in violation of any of the provisions of this chapter or any other ordinances and laws of the city or the state, except as provided herein.

B. Development permits issued on properties for which any variance or special exception has been approved by the board of zoning appeals shall be in compliance with all of the terms and conditions of such approval.

C. Development permits issued on properties for which any special land use permit has been approved by the city council shall be in compliance with all of the terms, conditions, and site plans related to such approval.

D. Development permits issued on properties in an R-SM. MR-1, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4 or MU-5 district ~~(or prior classifications of retired districts of CH, TND, or any PC district)~~ shall be in compliance with the final plans approved by the director of planning.

E. Development permits issued on properties for which conditional zoning is approved shall be in compliance with the approved statement of zoning conditions for such application. Minor alterations of conditions shall be authorized only in accordance with the provisions of this chapter.

8.7.4 Duration of validity of development permits.

A. A development permit shall be valid for two (2) years from its issuance subject to the following provisions:
   1. If the work authorized in any development permit has not begun within six (6) months from the date of issuance thereof, the permit shall expire.
   2. If the work described in any development permit has not been substantially completed within two (2) years of the date of issuance thereof, the permit shall expire.

8.7.5 Building inspection.

A. The building inspection duties of the director of planning with respect to this chapter shall include, but not be limited to:
   1. Issuance of building permits in accordance with all provisions of this chapter and only after the director of planning has issued a development permit.
   2. Making field inspections to determine that the building or structure being constructed, reconstructed or structurally altered or used is being constructed or modified in accordance with the site plan for which a development permit and building permit have been issued. When a violation is found to exist, the director of planning shall immediately initiate appropriate legal action to ensure compliance.
   3. Ensuring that all construction has been completed in accordance with all applicable requirements of the Code of the City of Stonecrest prior to allowing occupancy.

B. **Inspection; right of entry.** Upon presentation of city identification to the developer, contractor, owner, owner's agent, operator or occupant, city employees authorized by the director of planning may enter during all reasonable hours any property for the purpose of making

inspections to determine compliance with the provisions of this chapter. Should access to the property be denied, an inspection warrant may be obtained as authorized in section 7.7.11 below.

C. **Inspection; warrants.** The director of planning, in addition to other procedures provided, may obtain an inspection warrant under the conditions specified in this division. The warrant shall authorize the director of planning or his designee to conduct a search or inspection of property, either with or without the consent of the person whose property is to be searched or inspected, under the conditions set out in this section.
    1. Inspection warrants may be issued by the recorder's court when the issuing judge is satisfied that all of the following conditions are met:
        a. The person seeking the warrant must establish under oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection which includes that property or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of that property.
        b. The issuing judge determines that the issuance of the warrant is authorized by this section and applicable state and federal law.
    2. An inspection warrant shall be validly issued only if it meets all of the following requirements:
        a. The warrant is attached to the affidavit required to be made in order to obtain the warrant.
        b. The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the owner or possessor of the property can reasonably determine from it the property for which the warrant authorizes an inspection.
        c. The warrant indicates the conditions, objects, activities, or circumstances which the inspection is intended to check or reveal.
        d. The warrant refers, in general terms, to the ordinance provisions sought to be enforced.

8.7.6 Certificates of occupancy.

A. Certificates of occupancy are required as follows and shall be issued by the director of planning only after all requirements of this chapter and other applicable parts of the Code of the City of Stonecrest have been met:
    1. **For new or altered structures and uses**. No person shall use or permit the use of any building, structure, or premises or part thereof hereafter created, erected, changed, converted, enlarged or moved, wholly or partly, in use or structure, until a certificate of occupancy reflecting the extent and location of the use shall have been issued to the owner or tenant by the director of planning. Where a building permit is involved, such certificate of occupancy shall show that the structure or use, or both, to the affected part thereof, is in conformance with the requirements of this chapter. It shall be the duty of the director of planning to issue such certificate of occupancy if the director of planning finds that all of the requirements of this chapter have been met, and to withhold such certificate of occupancy if the director finds that all of the requirements of this chapter have not been met.
    2. **Temporary certificates of occupancy.** A temporary certificate of occupancy for a part of a building or premises may be issued in accordance with the requirements of section 7-33 of chapter 7, and the director of planning may impose such additional conditions and

safeguards as are necessary in the circumstances of the case to protect the safety of the occupants and of the general public.

3. **Certificates of occupancy for existing uses or structures**. An owner may request a new certificate of occupancy for existing uses or structures. Said requests shall be in the form required by the director of planning and shall require all professional surveys or certifications required by the director of planning to adequately comply with said request. The director of planning shall require as a part of said request, fees to process said requests as are established by the city council. Upon review of the application and other relevant investigation by the director of planning, if in conformance with the requirements of this chapter, the director of planning shall issue a certificate of occupancy for any buildings, premises or use, certifying that the building, premises or use is in conformance with the requirements of this chapter.

8.7.7 Records.

A. The director of planning shall maintain records of all official administrative actions taken by their department pursuant to their duties as set forth in this division. The director of planning shall further maintain records of all complaints filed with their department pursuant to the requirements of this chapter and of all actions taken with regard to such complaints, and of all violations discovered by whatever means, with remedial action taken and disposition of cases. All such records shall be public records and shall be retained in accord with Georgia's Records Act, O.C.G.A. § 50-18-90 et seq., and pertinent record retention schedules.

8.7.8 Fees.

A. Fees and charges for permits and inspections shall be as established by official action of the governing authority.

8.7.9 Violations of this chapter.

A. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or use any land in the city, or cause the same to be done, contrary to or in violation of any of the provisions of this chapter.

B. **Remedies.** In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of any provision of this chapter, the city may, in addition to other remedies, and after due notice to the owner of the violation, issue a citation for violation of this chapter requiring the presence of the violator in the recorder's court. The city may also in such cases institute injunction or other appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use or to correct or abate the violation or to prevent the occupancy of the building, structure or land. Where a violation of this chapter exists with respect to a structure or land, the director of planning may, in addition to other remedies, require that public utility service be withheld therefrom until such time as the structure or premises is no longer in violation of this chapter.

8.7.10 Notice to stop work; revocation of permits.

A. Whenever any building or premises is being constructed, used, or occupied contrary to the provisions of this chapter or chapter 7, the director of planning may order the work stopped in accordance with the provisions of chapter 7.

B. The director of planning may revoke any building permit or certificate of occupancy for any land, building or this chapter in order to protect the health, safety and general structure being constructed, used or occupied in violation of welfare of the residents of the city.

8.7.11 Penalties.

A. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of an offense and upon conviction in recorder's court shall be punished as is provided in section 1-10 of the Code. Where any violation continues, each day's continuance of a violation shall be considered a separate offense. The owner of any buildings or premises or parts thereof, where anything in violation of this chapter exists, and any architect, builder, contractor or any other agent of the owner, or any tenant, who commits or assists in the commission of any violation, shall be guilty of a separate offense. In addition, the city may revoke the business license of any entity found guilty of violating this chapter in accordance with the procedures of this subsection for a period of time not to exceed five (5) years, except to the extent prohibited by law.

8.7.12 Repeal of conflicting ordinances; validity of prior approvals and actions.

A. Nothing herein shall be construed as repealing the conditions of use, operation, or site development accompanying zoning approval(s) or permits legally and validly issued under previous zoning ordinances or resolutions in DeKalb County, provided further that modification or repeal of these past conditions of approval may be accomplished as authorized and provided by this chapter. All variances and exceptions heretofore granted by the zoning board of appeals shall remain in full force and effect, and all terms, conditions and obligations imposed by the zoning board of appeals shall remain in effect insofar as required for the initiation of any proceedings against these violations and for the prosecution of any violations heretofore commenced.

9 Article 9. - Nonconformities

9.1 Applicability, purpose, intent.

9.1.1 Applicability.

A. Nonconforming regulations apply only to those nonconforming situations that were legally authorized when established or that were subsequently approved through procedures in effect at the time the approval was obtained. Additionally, except as provided in section 9.1.5.B., nonconforming situations must have been maintained continuously and without interruption since the initial existence or subsequent approval of the nonconforming situation. Nonconforming situations which were not authorized when established or have not been continuously maintained over time in accordance with this subsection have no legal right to continue and must terminate as set forth herein.

B. **Documentation.** An owner or applicant may request from the director of planning a determination of nonconforming status. The owner or applicant must provide documentation sufficient to show that the situation was authorized when established and was continuously maintained over time. Upon receipt of the owner or applicant's evidence, the director of

planning will determine if the evidence is satisfactory and, if so, shall issue a written determination that the lot, building, structure and/or use is a legal nonconforming situation. The burden of establishing the nonconforming status of a particular lot, building, structure or use is on the applicant or owner of the property or use.

C. **Evidence that a nonconforming situation was authorized when established.** Standard evidence that the proposed nonconforming situation was authorized, or legal, when established includes, but is not limited to:
    1. Building or land disturbance permits;
    2. Business licenses;
    3. Adopted zoning ordinances or maps in force at the time of permitting;
    4. Conditions of zoning;
    5. Other appropriate evidence as determined by the director of planning or designee.
D. **Evidence that a nonconforming situation has been continuously maintained since inception.** Standard evidence that the proposed nonconforming use has been continuously maintained without interruption since inception includes, but is not limited to:
    1. Utility bills;
    2. Tax records;
    3. Business licenses;
    4. Advertisements in dated publications;
    5. Insurance policies;
    6. Leases;
    7. Receipts; and
    8. Other appropriate evidence as determined by the director of planning or designee.
E. **Evidence of discontinuance or abandonment.** When considering whether a nonconforming situation has been continuously maintained without interruption since inception, the director of planning may consider evidence of the following:
    1. Failure to maintain regular business hours, typical or normal for the use;
    2. Failure to maintain equipment, supplies or stock-in-trade that would be used for the active operation of the use;
    3. Failure to maintain utilities that would be used for the active operation of the use;
    4. Failure to pay taxes, including but not limited to sales tax, workers' compensation taxes, corporate taxes that would be required for the active operation of the use;
    5. Failure to maintain required local, state or federal licenses or other approvals that would be required for the active operation of the use;
    6. Failure to maintain applicable business license(s); and
    7. Other appropriate evidence as determined by the director of planning.
F. **Change to a conforming situation.** A nonconforming situation may be changed to a conforming situation by right. Once a conforming situation occupies a site that was previously nonconforming, the nonconforming rights are lost, and a nonconforming situation shall not be re-established.
G. **Maintenance.** Normal maintenance and repair of nonconforming situations is allowed and does not alter legal conformity status.
H. **Strengthening and restoring to safe condition.** Nothing in this article shall prevent the strengthening or restoration to a safe condition of any part of a building or structure declared

unsafe by the director of planning, and such strengthening or restoration shall not cause the loss of nonconforming status, provided such strengthening or restoration would not constitute a violation of section 98.1.15's regulation of reconstruction of damaged or destroyed nonconforming structures.

9.1.2 Purpose and intent.

A. Within the zoning districts established by this chapter, or by amendments that may later be adopted, there exist lots, uses of land, uses of land and buildings, uses of land and structures, and characteristics of buildings, structures and sites which were lawful before the effective date of this chapter's adoption or amendment, but that are now prohibited under the terms of this chapter or due to future amendments, collectively referred to as nonconforming situations. Such nonconforming situations are hereby declared to be incompatible with authorized and permitted uses in the zoning districts involved. It is the intent of the city council to require the cessation of certain nonconforming situations and to permit others to continue until they are otherwise removed or cease. It is further the intent of the city council that nonconforming situations not be used as grounds for adding other buildings, structures, or uses of land prohibited by this chapter, and that no such non-conforming building, structure, or use of land be enlarged, expanded, moved, or otherwise altered in a manner that increases the degree of nonconformity, except where expressly authorized in this zoning ordinance.

9.2 Nonconforming regulations.

9.2.1 Legal nonconforming lot.

A. A lot of record that at the effective date of this zoning ordinance does not conform to the applicable minimum road frontage requirement, minimum lot area, or lot width requirements for the zoning district in which it is located may still be used as a building site provided that the height, buffer, setback, and other dimensional requirements of the zoning district in which the lot of record is located are complied with, or a variance therefrom is obtained.

9.2.2 Legal nonconforming single-family lots; lot merger requirements.

A. In any zoning district in which single-family dwelling units are allowed, a single-family dwelling unit and allowed accessory structures may be erected on any single nonconforming lot of record so long as such single nonconforming lot of record is not in common ownership with any other contiguous lot or lots. A property owner shall not be permitted to erect a structure on a nonconforming lot of record if he could have used his contiguous land to avoid the nonconformity.

B. Two (2) or more contiguous lots of record that are held in common ownership on the effective date of this section or come into common ownership after the effective date of this section shall be governed by this subsection B. or subsection C. If any contiguous lots of record held in common ownership do not meet the requirements established in this Code for street frontage, access requirements, lot width or lot size, then all of the contiguous lots of record held in common ownership shall be considered to be an undivided lot for the purpose of compliance with the provisions of this Code. No portion of the resulting undivided lot shall then be considered a separate lot, a nonconforming lot of record or used or conveyed in a manner which is not in compliance with the existing street frontage, access, lot width or lot area requirements established by this Code and/or any amendments thereto. No division of any hereby merged nonconforming lots of record held in common ownership shall be made which creates a substandard lot. If two (2) or more contiguous nonconforming lots of record are in common ownership and, as merged, the property is compliant for development with a single-family

dwelling without violating the provisions of this Code, then none of the former nonconforming lots of record may be considered nonconforming and authorized for single-family development. A property owner shall not be permitted to create a nonconforming lot of record if he could have used his contiguous lots to avoid the nonconformity.

C. Two (2) or more nonconforming contiguous lots of record that are held in common ownership as of the effective date of this section, or that come into common ownership after the effective date of this section shall be governed by the requirements of subsection B. unless the owner obtains a variance from the Zoning Board of appeals pursuant to the provisions and the criteria set forth in article 8~~7~~.

D. Whenever a variance from the strict application of subsection B. is sought with respect to properties located within a historic district as defined in chapter 13.5 of this Code, the variance applicant shall first obtain a certificate of appropriateness from the historic preservation commission finding that the proposed variance allowing the subject lot to retain its legal nonconforming status will not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or the historic district. In approving such a certificate of appropriateness, the historic preservation commission may include a finding that merger of lots pursuant to the strict application of subsection B. would have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or the historic district.

9.2.3 Nonconforming use.

A. A legal use in existence on the effective date of this zoning ordinance or any amendment thereto may be continued even though such use does not conform with the use provisions of the zoning district in which said use is located, except as otherwise provided in this section.

1. Change of use. A nonconforming use shall not be changed to another nonconforming use. A change in tenancy or ownership shall not constitute termination or abandonment of the nonconforming use, provided that the use itself remains unchanged and is continuously maintained.
2. Discontinuance or abandonment. A nonconforming use shall not be re-established after discontinuance or abandonment for six (6) consecutive months, unless the cessation of the nonconforming use is a direct result of governmental action impeding access to the property. Vacancy or non-use of a building for six (6) continuous months, regardless of the intent of the owner or tenant, shall constitute discontinuance or abandonment under this subsection.
3. A nonconforming use of land shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.

9.2.4 Nonconforming structures.

A. A legal structure in existence on the effective date of this zoning ordinance or any amendment thereto that could not presently be built under the provisions of this chapter because of restrictions on building area, lot coverage, height, minimum yard setbacks, or other characteristics of the structure or its location on the lot shall be deemed a legal nonconforming structure subject to this article 8.

1. No legal nonconforming structure shall be enlarged, or structurally altered, in a way that increases its degree of nonconformity, except as expressly permitted in this article 8.
2. Alteration of legal nonconforming structures occupied by permitted, conforming uses may be allowed for improvement or modification, provided that the structure may not be enlarged and the alterations must either comply with this chapter or result in a reduction in site or structure nonconformity. See also section 9~~8~~.1.16.

9.2.5 Nonconforming parking.

A. On an existing structure, no new permitted use may be substituted, nor shall an existing permitted use be expanded unless the requirements for off-street parking and loading shall be met for the proposed use and for any expansion, unless a variance is granted, pursuant to article 8.~~7.~~

B. New or additional automobile parking, service, or storage areas may be added to a legal nonconforming structure or site that contains a conforming use, provided that all required landscaping, lighting, and screening requirements are met in the new or additional parking, service or storage area.

9.2.6 Prior nonconformities.

A. The adoption of this chapter shall not extend the six-month time period of discontinuance or abandonment set forth in section 9~~8~~.1.5.B. for a legal nonconforming use that was nonconforming prior to the time this chapter was adopted.

B. A use, lot, building, or structure that was previously legally nonconforming shall become conforming if, as a result of amendments to this chapter, such use, lot, building, or structure complies with the requirements of this chapter.

9.2.7 Nonconforming signs.

A. See chapter 21, signs for provisions regarding nonconforming signs.

9.2.8 Nonconformities caused by government action.

A. If a property is required by a federal, state or local government to provide right-of-way or easements that cause an existing structure to have non-conforming yards or setbacks, the property and structure shall be deemed to be legal nonconforming, and, from that time forward, the owner may not expand any existing building in a way to increase the degree of nonconformity or to build new structures that are nonconforming.

9.2.9 Rezoning that results in nonconforming structures.

A. For structures or lots that become nonconforming due to rezoning, the structure or lot shall be considered legal nonconforming, subject to the requirements of this article.

9.2.10 Nonconforming uses requiring a special administrative or special land use permit.

A. No use, building or structure that was authorized as of right prior to the effective date of this chapter but would require a special administrative permit or special land use permit upon the effective date of this chapter, shall be enlarged, expanded, moved, or otherwise altered in any manner except after application for and approval of the required special administrative permit or special land use permit. Normal repair and maintenance of legal nonconforming buildings and structures is authorized without the need for special permits. If the use of a legal nonconforming building or structure is discontinued for a continuous period of six (6) months, it may not be reestablished unless such discontinuance was a direct result of governmental action as provided by section 8.1.11.

9.2.11 Buildings and structures where construction has begun.

A. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any legal nonconforming building or structure for which land disturbance or building permits were lawfully applied for or issued, or for which preliminary or final subdivision plats were lawfully submitted, prior to the effective date of this chapter or amendment thereto, provided:

1. any application on which reliance is placed for the existence of nonconforming rights must have been complete as that term is defined in article 10;
2. such permit or approval has not by its own terms expired; and

3. actual building construction is carried on pursuant to said permit or approval and limited to and in strict accordance with said permit or approval.

B. Notwithstanding any other provisions to the contrary, no renewals or extensions of such permit or approval shall be authorized.

9.2.12 Reconstruction of damaged or destroyed nonconforming structures.

A. A legal nonconforming building or structure that has been damaged by fire, flood or other natural cause to an extent that the estimated cost of reconstruction does not exceed sixty (60) percent of its fair market value according to the DeKalb County Tax Assessor's valuation for the tax year in which the damage occurred, as determined by the director of planning, may be reconstructed and used as it was prior to being damaged if a complete permit application is submitted for said re-construction within two (2) years of the date of the damage and the work progresses continuously upon issuance of the permit therefor. If said building or structure has been determined by the director of planning to have been damaged to an extent that the estimated cost of reconstruction exceeds sixty (60) percent of its fair market value according to the DeKalb County Tax Assessor's valuation for the tax year in which the damage occurred, then any repair, reconstruction or new construction shall conform to the then existing requirements of the zoning district in which said building or structure is located.

9.2.13 Expansion, redevelopment or improvement of legal nonconforming buildings, structures and/or sites.

A. **Major redevelopment.** Expansion, alteration or redevelopment of a legal nonconforming building or structure to an extent that the estimated cost of the expansion, alteration or redevelopment exceeds sixty (60) percent of its fair market value prior to expansion, alteration or redevelopment according to the DeKalb County Tax Assessor's valuation of the improvements for the tax year in which the first permit for expansion, alteration or redevelopment is applied for shall require the entire building or structure to conform to Code in every respect, except as approved by variance or special administrative permit as applicable.

B. **Minor redevelopment**. Expansion, alteration or redevelopment of a legal nonconforming building or structure to an extent that the estimated cost of the expansion, alteration or redevelopment is no greater than sixty (60) percent of its fair market value prior to expansion, alteration or redevelopment according to the DeKalb County Tax Assessor's valuation of the improvements for the tax year in which the first permit for expansion, alteration or redevelopment is applied for shall require the portion of the building or structure comprising the expansion, alteration or redevelopment to conform to all codes that are relevant to the nature of the expansion, alteration or redevelopment.

C. Proposed improvements to access, parking, landscaping, pedestrian systems, lighting, utilities, and stormwater facilities, shall conform in every respect, except as approved by variance or special administrative permit as applicable.

D. Notwithstanding subsections A., B., and C. above, no building or structure on property on which a nonconforming use is located shall be expanded, altered, or redeveloped in any way.

9.2.14 Prior variances, special exceptions, and special permits authorized.

A. Variances and special permits lawfully authorized and granted prior to the effective date of this zoning ordinance shall continue in effect, provided the terms and conditions of said authorization are followed.

10 Article 10. - Definitions

10.1 Statement of intent and purpose.

A. The definitions contained herein shall apply to this chapter. Any word or phrase not defined below but otherwise defined in the Code shall be given that meaning. All other words or phrases shall be given their common ordinary meaning unless the context clearly indicates otherwise.

10.2 Interpretation.

A. For the purpose of this chapter, words and terms are to be interpreted as follows:
   1. Unless the obvious construction of the wording indicates otherwise, words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; words used in the singular number include the plural; and words used in the plural include the singular. An abbreviated word shall have the same meaning as the unabbreviated word.
   2. The word "shall" means "must" or "is mandatory".
   3. Unless otherwise specified, all distances shall be measured horizontally and at right angles or radially to the line in relation to which the distance is specified.
   4. The word "lot" shall be deemed also to mean "plot"; the word "used" shall be deemed also to include "designed", "intended", or "arranged to be used"; the term "erected" shall be deemed also to include "constructed", "reconstructed", "altered", "placed", "relocated" or "removed".
   5. The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of building."
   6. Where words are not herein defined, those words, terms and phrases, when used in this article, shall have the meanings ascribed to them as directed above, except where the text clearly indicates a different meaning.

10.3 Defined terms.

ADA: The Americans with Disabilities Act.

"A" weighted sound level: The sound level reported in units of dB(A) approximating the response of human hearing when measuring sounds of low to moderate intensity as measured using the "A" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors.

Abandonment: The relinquishment, discontinuance, and cessation of a use, other than as a result of government action, for any continuous period of time as may be provided in this chapter.

Abutting: Having property or district lines in common. This does not include property separated by a road or right-of way.

Accessory building: A building detached from the principal building located on the same lot and customarily incidental and subordinate in area, extent, and purpose to the principal building or use.

Accessory dwelling unit: See Dwelling unit, accessory.

Accessory equipment: See section 4.2.57.B.

Accessory structure: A structure detached from the principal building and located on the same lot and customarily incidental and subordinate in area, extent, and purpose to the principal building or use. Compare with Building, primary.

Accessory use: A use of land or building or structure or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use. See article 4 for supplemental regulations.

Active recreation: Leisure activities, usually performed with others, often requiring equipment, and taking place at prescribed places, sites, or fields. The term "active recreation" includes, but is not limited to, swimming, tennis, and other court games, baseball and other field sports, golf, and playground activities.

Activity center: A character area designed by the Comprehensive Plan as a Regional Center, Town Center, or Neighborhood Center.

Adaptive reuse: Buildings and sites constructed and developed originally for one (1) use but converted to or repurposed for a use not traditionally occupying the building or development form. For example, the conversion of former hospital or school buildings to residential use, or the conversion of an historic single-family home to office use.

Adjoining property: A property that touches or is directly across a street, easement, or right-of-way (other than an interstate, principal arterial, urban freeway/expressway or urban principal arterial) from the subject property.

Adult day care: Any public or private nonprofit organization or any for-profit center that (a) is licensed or approved by Federal, State or local authorities to provide nonresidential adult day care services to functionally impaired adults (as defined in this section) or persons 60 years of age or older in a group setting outside their homes or a group living arrangement on a less than 24-hour basis and (b) provides for such care and services directly or under arrangements made by the agency or organization whereby the agency or organization maintains professional management responsibility for all such services. Such centers shall provide a structured, comprehensive program that provides a variety of health, social and related support services to enrolled adult participants through an individual plan of care.

Adult and sexually-oriented business: means and “adult bookstore or adult video store,” an “adult cabaret,” an “adult motion picture theatre,” a “semi-nude model studio,” or a “sexual device shop” as those terms are defined in Chapter 15, Article XII, Section 15.12.2..

Affordable housing: Housing that has a sale price or rental amount that is within the means of a household that may occupy middle, moderate, or low-income housing. In the case of dwelling units for sale, housing that is affordable means housing in which mortgage, amortization, taxes, insurance, and condominium or association fees, if any, together constitute no more than twenty-eight (28) percent of such gross annual household income for a household of the size which may occupy the unit in question. In the case of dwelling units for rent, housing that is affordable means housing for which the rent and utilities constitute no more than thirty (30) percent of such gross annual income for a household of the size that may occupy the unit in question.

Aggrieved person: A person who either (a) is the applicant or the owner of property that is the subject of an application or a decision by an administrative official; or (b) has a substantial interest in an action appealed from and that is in danger of suffering special damage or injury not common to all property owners similarly situated.

Agricultural activities: Activities performed to cultivate the soil, produce crops, or raise livestock.

Agricultural produce stands: A temporary building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs, or plants and may include accessory sales of other unprocessed foodstuffs,

home processed food products such as jams, jellies, pickles, sauces, or baked goods, and home-made handicrafts.

Alcohol outlet: A retail establishment that sells beer, wine, or distilled liquor for off-site consumption. This includes grocery stores and retail stores that may sell beer, malt beverages, hard cider and/or wine for off-site consumption, as well as other products. The area devoted to the sale and storage of alcohol shall not exceed twenty (20) percent of gross floor area.

All-weather material: A hard surface, dust-free material, capable of withstanding normal weather conditions during ordinary use without substantial deterioration. Gravel, rock, or screenings alone, without use of a petroleum or cement binder, does not meet the definition of an all-weather material.

Alley: A minor way, which is used primarily for vehicular service access to the back or side of properties otherwise fronting on a street.

Alternative energy production: An energy production site or facility that is dedicated to the commercial production of electricity by means of wind, solar, biomass, grease, oil, or other non-petroleum energy source.

Alternative fuel vehicle: A vehicle that runs on a fuel other than "traditional" petroleum fuels (petrol or diesel) including: biodiesel, denatured alcohol, electricity, hydrogen, methanol, mixtures containing up to eighty-five (85) percent methanol or denatured ethanol, natural gas, and propane (liquefied petroleum gas).

Amateur radio service: Radio communication services, including amateur satellite service and amateur service, which are for the purpose of self-training, intercommunication, and technical investigations carried out by duly licensed amateur radio operators solely for personal aims and without pecuniary interest, as defined in title 47, Code of Federal Regulations, Part 97 and regulated there under.

Amateur radio service antenna structure: A tower and antenna for radio transmission and reception which is maintained by a licensed amateur radio operator as an accessory structure.

Ambulance service facility: A privately owned facility for the dispatch, storage, and maintenance of emergency care vehicles.

Amenity: A natural or man-made feature that enhances a particular property, increasing aesthetics and desirability to the owner or community.

Amplified sound reproduction device: Any device capable of producing, reproducing, or emitting sounds by means of any loudspeaker or amplifier.

Amusement park: An outdoor recreation facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment.

Animal: Any vertebrate member of the animal kingdom, excluding humans.

Animal hospital: A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use of an animal hospital as a kennel shall be limited to short-term boarding and shall be only incidental to such hospital use.

Animal shelter/rescue center: A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public organization or by an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other non-profit organization devoted to the welfare, protection, and humane treatment of animals.

ANSI: The American National Standards Institute.

Antenna: See section 4.2.57.B.

Antique shop: A place offering antiques for sale. An antique, for purposes of this chapter, shall be a work of art, piece of furniture, decorative object, or the like, of or belonging to the past, at least thirty (30) years old.

Apartment: See Dwelling, multi-family.

Apartment unit: One (1) or more rooms with a private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing four (4) or more dwelling units.

Apiary: A place where beehives of honeybees are kept.

Apiculture: See Beekeeping.

Apparel store: A retail store where clothing is sold, such as department stores, dry goods and shoe stores, and dress, hosiery, and millinery shops.

Appeal: A review authorized by this chapter of any final order, requirement, or decision of the planning director or designee that is based on or made in the enforcement of this chapter.

Applicant: A person who acts in his or her own behalf or as the agent of a property owner, who seeks a zoning decision, or who seeks a decision regarding a permit or approval by the director of planning.

Arcade: An area contiguous to a street or plaza that is open and unobstructed to a height of not less than twelve (12) feet and that is always accessible to the public.

Archaeological resource: Any material remains of past human culture or activities which are of archaeological interest, including, but not limited to the following: basketry, bottles, carvings, graves, human skeletal materials, pit houses, pottery, rock intaglios, rock paintings, soapstone quarries, structures or portions of structures, tools, weapons, weapon projectiles, or any portion or piece of any of the foregoing items. Non-fossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources under the regulations of this chapter, unless found in archaeological context. No item shall be deemed to be an archaeological resource under the regulations of this chapter unless such item is at least two hundred (200) years of age.

Art, private: A work or collection, usually displayed in a gallery or curated space, that is owned by a private individual or entity.

Art, public: Any visual work of art located so as to be visible in a public, city-owned area; on the exterior of any city-owned facility; within any city owned facility in areas designated as public areas, lobbies, or public assembly areas; or on non-city property if the work of art is installed or financed, either wholly or in part, with city funds or grants procured by the city. Such public art shall not contain characteristics of an advertising sign.

Art gallery: An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This definition does not include libraries, museums, or non-commercial art galleries.

Articulated façade: A building elevation that faces a street and that is constructed with a variety of surfaces, materials, colors, projections, recesses, or similar features.

Asphalt manufacturing: An industrial facility used for the production of asphalt, concrete, or asphalt or concrete products that are used in building or construction, and that includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production

process or of finished products manufactured on the premises, or the storage and maintenance of required equipment, but does not include the retail sale of finished asphalt or concrete products.

Assembly hall: A meeting place at which civic, educational, political, religious, or social groups assemble regularly or occasionally; including but not limited to schools, churches, theaters, auditoriums, funeral homes, stadiums, and similar places of assembly.

Assisted living facility: A multi-family structure whose occupants are fifty-five (55) years of age or older, or where each unit is occupied by at least one (1) person who is fifty-five (55) years of age, and where occupants receive assistance with daily living activities.

Atrium: An open hall lighted from above, into which rooms open at one (1) or more levels.

Attic: An open space at the top of a house just below the roof; often used for storage.

Authorized (permitted) use: Any use allowed by right in a zoning district and subject to the restrictions applicable to that zoning district.

Automobile: A self-propelled, free-moving vehicle, which is licensed by the appropriate state agency as a passenger vehicle. For the purpose of this chapter, the term "automobile" shall include motorcycles, scooters, small trucks used for daily passenger trips, sports utility vehicles (SUVs), and similar passenger vehicles or any vehicle classified by the Georgia Department of Driving Services as a Class "C" vehicle.

Automobile and truck rental and leasing: A business that rents or leases automobile or light trucks and may store the automobiles and trucks on the same site as the business office.

Automobile brokerage: The business of providing services for the purchase or leasing of a vehicle, whether non-commercial or commercial and including trailers and R.V.s. The brokered vehicles are not stored on the same lot as that on which the business office is located. A vehicle brokerage may find the desired vehicle, negotiate the price, or lease contract, manage paperwork associated with the sale or lease, or secure financing for the sale or lease of the vehicle.

Automobile dealership: See Automobile sales.

Automobile mall: A single location that provides sales space and centralized services for a number of automobile dealers and may include related services as auto insurance dealers and credit institutions that provide financing opportunities.

Automobile manufacture: A facility engaged in the manufacture of passenger cars, light trucks, and/or light commercial vehicles.

Automobile parts or tire store: A building that is used for the retail sale of new or used parts or tires for non-commercial vehicles. This term does not include outdoor storage yards.

Automobile recovery and storage: A facility that provides temporary outdoor storage of Class "C" passenger vehicles and motorcycles that are intended to be claimed by the titleholders or their agents. Such storage includes vehicles that have been towed, or that will be transported to a repair shop or will be subject to an insurance adjustment after an accident. See Vehicle storage and Tow service.

Automobile rental and leasing: A business that rents or leases automobiles.

Automobile repair and maintenance, major: A business that services passenger vehicles including the dismantling and repair of engines, transmissions, carburetors, drive shafts, and similar major vehicle parts, the provision of collision repair services including body frame straightening and body part replacement, or the painting or re-painting of passenger vehicles and motorcycles. Major automobile repair establishments may also perform minor automobile repairs.

Automobile repair and maintenance, minor: A business that repairs, replaces, or services tires, ignitions, hoses, spark plugs, and other minor vehicle parts as part of the regular upkeep of passenger vehicles and motorcycles, and may perform regular maintenance such as brake repair and replacement, lubrication, or replacement of small or incidental automobile parts. Minor automobile repair and maintenance may also, as an accessory function, include automobile detailing, including the application of paint protectors, the cleaning or polishing of a vehicles interior, exteriors, or engine, and the installation of aftermarket parts and accessories such as tinting, alarms, sound systems, spoilers, sunroofs or headlight covers. Minor automobile repair and maintenance does not include the dismantling and repair of engines, transmissions, or drive shafts, the provision of collision repair services including body frame straightening and body part replacement, or the painting or re-painting of passenger vehicles. Minor automobile repair does not include automobile car washes where vehicles are washed and/or waxed either by hand or by mechanical equipment.

Automobile sales: A business establishment that engages in the retail sale or the leasing of new or used automobiles, small passenger trucks, motorcycles, or other passenger vehicles. Such merchandise may be stored on the same lot as that on which the business office is located. An automobile sales dealership may be located in an automobile mall. See Automobile mall, Automobile brokerage.

Automobile service station: A building, structure, or land used primarily for the sale of automotive fuels such as gasoline. This term includes the following accessory uses: convenience stores; the sale of incidental vehicle parts and fluids such as motor oil, coolant, windshield wipers, seat or floor pads; and minor automobile repair as defined in this chapter.

Automobile upholstery shop: A building in which automobile seats are re-covered or re-upholstered. For the purposes of regulating home occupations, an automobile upholstery shop shall be considered to be major automobile repair.

Automobile wash/wax service: A building, structure, or land that is used for the washing, waxing, cleaning, or detailing of automobiles as defined in this article. The service may be enclosed in a building or conducted outdoors, includes mobile wash/wax service, and may be a principal or accessory use.

Automobile wrecking yard: See Salvage yard.

Awning: A roof-like cover, usually of canvas or plastic, which can fold, collapse and retract, extended over or before places like storefront, window, door or deck as a shelter from the sun, rain, or wind.

Balcony: A horizontal flat surface that projects from the wall of a building, is enclosed by a parapet or railing, and is entirely supported by the building.

Bank: A facility for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

Barber shop: An establishment or place of business within which the practice of barbering is engaged in or carried on by one (1) or more barbers.

Basement: A space having one-half (0.5) or more of its floor-to-ceiling height below the average finished grade of the adjoining ground and with a floor-to-ceiling height of not less than six and one-half (6.5) feet.

Beauty salon: A commercial building, residence, or other building or place where hair cutting, or styling or cosmetology is offered or practiced on a regular basis for compensation. This term includes the training of apprentices under the regulation of such training by the appropriate licensing board.

Bed and breakfast: Accessory use of a single-family detached dwelling or commercial building by the owner who resides on location, to provide sleeping accommodations to customers. Breakfast may also be provided to the customers at no extra cost. For the purpose of this definition, the term "customer" means a person who pays for the sleeping accommodations for fewer than thirty (30) consecutive days.

Bedroom: A private room planned and intended for sleeping, separated from other rooms by a door, accessible to a bathroom without crossing another bedroom, and having a closet.

Beekeeping: The maintenance of honeybee colonies, commonly in hives, by humans.

Beer growler: An alcohol outlet that pours beers from a tap into reusable containers for off-site consumption. This definition does not include distilled liquor sales.

Beer or malt beverage: Any alcoholic beverage obtained by fermentation of any infusion or decoction of barley, malt, hops or any other similar product, or any combination of such products in water, containing up to fourteen (14) percent alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer and strong beer. The term "malt beverage" does not include sake, known as Japanese rice wine.

Best management practices (BMP): Activities, procedures, structures or devices, systems of regulations and activities, or other measures that prevent or reduce pollution of the waters of the United States. BMPs are intended to: a) control soil loss, protect natural features such as trees, and reduce water quality degradation; b) control drainage from outside storage of materials; c) minimize adverse impacts to surface and groundwater flow and circulation patterns, and to the chemical, physical, and biological characteristics of streams and wetlands; and d) control industrial plant site runoff, spillage, leaks, sludge or waste disposal.

Blight: A state or result of being blighted or deteriorated; dilapidation or decay. A structure is blighted when it exhibits objectively determinable signs of deterioration sufficient to constitute a threat to human health, safety, and public welfare such as inadequate public or community services, vacant land with debris, litter, lack of utilities, accumulation of trash and junk or general disrepair including but not limited to peeling paint, broken windows, deteriorating wood. Also see chapter 18, article III of the Code.

Block: An area of land bounded by a street, or by a combination of streets and public parks, cemeteries, railroad right-of-way, exterior boundaries of a subdivision, shorelines of waterways, or corporate boundaries. In cases where the platting is incomplete or disconnected, the director of planning may delineate the outline of the block.

Blockface: That portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

Boarding house: A building containing one (1) or more lodging units but not more than twenty (20) lodging units, all of which offer non-transient lodging accommodations, available only at weekly or longer rental rates to the general public and not for a specific program. Meals may only be provided from a single central kitchen and compensation for such meals, if provided, shall be included in the weekly or longer rental rate. No restaurant, meeting, reception, or banquet facilities shall be provided.

Borrow pit: A pit from which sand, gravel or other construction material is taken for use as fill in at another location.

Brewpub/Brewery: A commercial business which conducts the retail sale of beer (malt beverages with alcohol content as defined by federal law) which is brewed on the premises in compliance with applicable state and federal laws. Such establishments may also include restaurants as an accessory use. See also Light malt beverage manufacturing.

Broker: A party that mediates between a buyer and a seller.

Buffer: That portion of a lot set aside for open space and/or visual screening purposes, pursuant to a condition or conditions imposed in the enactment of a conditional zoning ordinance or special land use permit or by the zoning board of appeals in the grant of a variance, to separate different use districts, or to separate uses on one (1) property from uses on another property of the same use district or a different use district. Any such buffer shall not be graded or otherwise disturbed, and all trees and other vegetation shall remain, provided that additional trees and other plant material may be added to such landscaped buffer.

Buildable area: The area of a lot remaining after all setback requirements, including buffers, have been met.

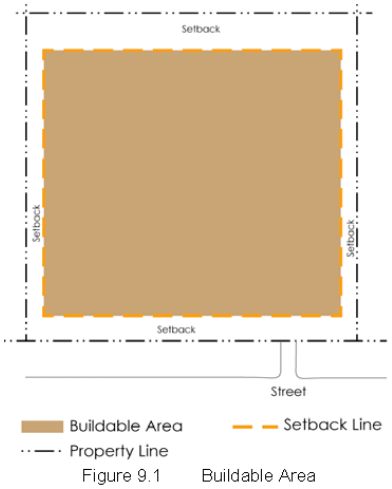


Figure 9.1 Buildable Area

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building coverage: The maximum area of the lot that is permitted to be covered by buildings, including principal structures, structured parking and roofed accessory structures. For the purposes of this chapter, building coverage does not include wooden decks, stone walkway and patios set without grout, and pervious, permeable, or porous pavements.

Building entrance feature: An architecturally designed element for entrances and exits of the building.

Building footprint: The outline of the total area covered by a building's perimeter at the ground level.

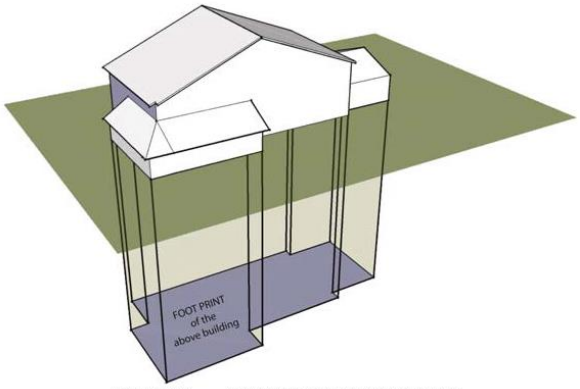


Figure 9.2 Illustration of Building Footprint

Building form: A design term that refers to the shape and/or configuration of a building and the space created by the building. Attributes of building form may include: the building relationship to the street, sidewalk, and/or other buildings and uses; the general usage of floors (office, residential, retail) which influence form; height, and/or; physical elements of the building (such as stoops, porches, entrances, materials, window coverage).

Building frontage: The maximum width of a building measured in a straight line parallel with the abutting street or fronts upon a public street, a customer parking area, or pedestrian mall, and has one (1) or more entrances to the main part of the building or store.

Building height (as to all structures with the exception of single-family detached dwellings): The vertical distance from the average finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs. See article 5.

Building height (as to single-family detached dwellings): The vertical distance from the front-door threshold of the proposed residential structure to the highest point of the roof of the structure. See article 5.

Building mass: The overall visual impact of a structure's volume; a combination of height and width, and the relationship of the heights and widths of the building's components.

Building materials supply establishment: A facility for the sales of materials used in the construction of a building such as cement, brick, steel, etc.

Building, primary or principal: A structure in which is conducted the principal use of the lot on which it is located.

Building scale: The relationships of the size of the parts of a structure to one another and to humans.

Building width: The distance from the exterior face of the building siding as measured from side to side.

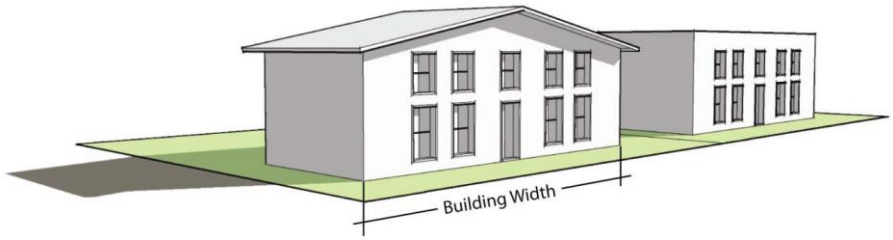


Figure 9.3 Illustration of Building Width

Bulkhead: A structural panel just below display windows on storefronts. Bulkheads can be both supportive and decorative in design. Bulkheads from the 19th century are often of wood construction with rectangular raised panels while those of the 20th century may be of wood, brick, tile, or marble construction.

Bury pit: A place where construction waste or refuse caused by the dismantling of a building or structure is dumped and covered with soil.

Bus rapid transit (BRT): A permanent, integrated transit system that uses buses or specialized vehicles on roadways or dedicated lanes to transport passengers to their destinations.

Business service establishment: An entity primarily engaged in rendering services to businesses on a fee or contract basis, including the following and similar services: advertising and mailing; building maintenance; employment services; management and consulting services; protective services; commercial research; development and testing; photo finishing; and personal supply services.

Business vehicle: Vehicle, or heavy construction equipment, or trailer used to transport passengers or property in furtherance of a commercial enterprise. Business vehicle may include, but is not limited to: pick-up trucks with exterior equipment storage, passenger vans, passenger vehicles with or without logos or advertisements identifying the commercial enterprise, ambulances, limousines, taxi cabs, tow trucks, earthmoving machinery such as bobcats and bulldozers, dump trucks, flatbed trucks, box vans, any vehicle with a trailer attached to it, tractors, "dually" trucks (pick-up trucks with four (4) wheels on the rear axle), heavy construction equipment, and semi-tractor cabs whether or not a trailer is attached.

"C" weighted sound level: The sound level reported in units of dB(C) as measured using the "C" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors.

Campus style development: A development type which is primarily characterized by having several separate buildings on one (1) site, unified through design and landscape elements.

Canopy: A protective roof-like covering, often of canvas, mounted on a frame over a walkway or door.

Canopy tree: A deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purpose of a canopy tree is to provide shade to adjacent ground areas.

Car wash: A facility for washing, waxing, and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Car wash, self-service: A car wash wherein operating functions are performed entirely by an operator owner with the use of washing, waxing, and drying equipment supplemented with manual detailing by the operator owner.

Catering establishment: An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

Cellar: A space having less than one-half (0.5) or more of its floor-to-ceiling height below the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six-and-one-half (6.5) feet.

Cemetery: Property used for the interring of the dead. See Georgia cemetery regulations.

Chapel: See Place of worship.

Check cashing facility: A person, business or establishment licensed by the State of Georgia pursuant to O.C.G.A. § 7-1-700 et seq. that for compensation engages, as a principal use, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. "Check cashing facility" does not include a state or federally chartered bank, savings association, credit union, or industrial loan company.

Childcare center: ~~A building(s) in which housing, meals, and twenty-four-hour continuous watchful oversight for six (6) or more children under the age of eighteen (18) are provided and which facility is licensed or permitted as a child caring institution by the State of Georgia.~~ A program operated by a person, society, agency, corporation, institution, or group that receives pay for group care. It provides care for seven (7) or more children under the age of 18 for less than 24 hours per day.

Childcare Home: ~~A building(s) in which housing, meals, and twenty-four-hour continuous watchful oversight of up to five (5) children under the age of eighteen (18) are provided and which facility is licensed or permitted by the State of Georgia.~~ A program that operates in a private residential home for less than 24 hours per day. It provides care for three (3) children, but no more than six, under the age of 18 for pay. This service may be open for 24 hours but cannot care for an individual child for 24 hours.

Church: See Place of worship.

Cistern: An underground reservoir or tank for storing rainwater.

City: The City of Stonecrest, Georgia, a political subdivision of the State of Georgia. When appropriate to the context, the term "city" also includes authorized officers, employees and agents thereof.

Clinic, health services: A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human diseases, pain, injury, deformity or physical condition, including but not limited to a general hospital, diagnostic center, treatment center, rehabilitation center, extended care center, nursing home, intermediate care facility, outpatient laboratory, or central services facility serving one or more such institutions.

Club, private: A group of people organized for a common purpose to pursue common goals, interests, or activities and characterized by definite membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws, such as country clubs and golf clubs, but excluding places of worship, personal service facilities, and sexually oriented businesses which shall be defined and regulated as otherwise provided herein. Private club shall also mean, where the context requires, the premises and structures owned or occupied by members of such group within which the activities of the private club are conducted.

Clubhouse: A structure in which the activities of a private club are conducted.

Cluster housing development: A development that permits a reduction in lot area provided there is no increase in overall density of development, and in which all remaining land area is perpetually and

properly protected, maintained and preserved as undivided open space or recreational or environmentally sensitive areas.

Code: The City of Stonecrest Code of Ordinances.

Coliseum: A large building with tiers of seats for spectators at sporting or other recreational events.

Collector street: A street or road designated as a collector street in the DeKalb County Transportation and Thoroughfare Plan.

College: A post-secondary institution for higher learning that grants associate or bachelor's degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. This shall also include community colleges that grant associate or bachelor's degrees or certificates of completion in business or technical fields.

Collocation: See section 4.2.57.B.

Colonnade: A series of columns placed at regular intervals, usually supporting a roof.

Columbarium: A structure with niches for the placement of cinerary urns.

Commercial district: Any parcel of land which is zoned for any commercial use including regional commercial centers, neighborhood and community-oriented stores, shopping centers and other developed centers where commercial land uses predominate. Such districts would include O-I, O-I-T, C-2, NS, and C-1.

Commercial parking garage/structure: A covered or sheltered structure of one (1) or more stories designed, constructed and used for the parking of motor vehicles for profit.

Commercial parking lot: An uncovered or unsheltered structure of one (1) or more stories designed, constructed and used for the parking of motor vehicles for profit.

Commercial recycling: All types of recycling materials, which have a known recycling potential, can be feasibly recycled, have been diverted or removed from the solid waste stream for recycling, whether or not requiring subsequent separation and processing, generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial recycling materials.

Commercial solid waste: All types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial wastes.

Common open space: Open space designed for common use by all property owners in the development.

Common ownership: Ownership as recognized by law of real property by one (1) or more persons, their parents, brothers, sisters, children over the age of eighteen (18), spouses or any association, firm, corporation or partnership in which such person or spouse is a corporate officer, partner or is a stockholder with an ownership interest of ten (10) or more percent.

Community garden: See Urban garden.

Community living arrangement: A residence(s) through its ownership or management that provides or arranges for the provision of daily personal services, supports, care, or treatment for two (2) or more adults who are not related to the owner or administrator by blood or marriage and whose residential services are financially supported by funds designated through the Georgia Department of Behavioral Health and Developmental Disabilities. These establishments can only serve up to 6 persons. A CLA state

license that allows more than 6 persons is regulated as a personal care facility in the City of Stonecrest. See Personal care home, personal care facility.

Compact design: The design of a structure and or development that encourages efficient land use and the preservation of open space, usually via building more vertically, and by minimizing surface parking.

Compatible (as used in article 2, purpose and intent for each established district): Land development that is consistent with existing, identified physical elements in proximity to that land development, such as architectural style, building mass, building scale, land uses, and landscape architecture.

Complainant: Any person who has registered a noise or code complaint with an authorized enforcement agency that he or she is the recipient of noise or nuisance on a protected property category. A complainant must have an interest in the protected property as an owner, tenant, or employee.

Complete or complete application: When used in conjunction with an application under this zoning ordinance, the term "complete" shall mean containing all of the required elements, information, fees, approvals or other materials as set forth in this zoning ordinance, other applicable provisions of the Code, state law, and in the most recent checklist previously issued by the director of planning.

Composting: The controlled biological decomposition of organic matter into a stable, odor-free humus.

Comprehensive plan: The DeKalb County Comprehensive Plan adopted by the board of commissioners, as adopted by the City of Stonecrest, as it may be amended from time to time, which divides the incorporated areas of the city into land use categories and which constitutes the official policy of the city regarding long-term planning and use of land.

Compressed gas station: A facility that sells compressed gas, which is gas mainly comprised of methane that is stored under high pressures in its gaseous form, as an alternative to gasoline, diesel fuel and liquefied petroleum gas.

Concert hall: An open, partially enclosed, or fully enclosed facility used or intended to be used primarily for concerts, spectator sports, entertainment events, expositions, and other public gatherings. Typical uses and structures include concerts, conventions, exhibition halls, sports arenas, and amphitheaters.

Conditional approval: The imposition of special requirements, whether expressed in written form or as a site plan or other graphic representation, made a requirement of development permission associated with a particular parcel or parcels of land and imposed in accordance with the terms of this chapter.

Condominium: A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis in compliance with Georgia Law.

Condominium unit: A unit intended for any type of use with individual ownership, as defined in the Georgia Condominium Act, together with the undivided interest in the common elements appertaining to that unit.

Connectivity ratio: A ratio of links to nodes in any subdivision.

1. The connectivity ratio shall be the number of street links divided by the number of nodes or end links, including cul-de-sac heads.
2. A link shall be any portion of a street, other than an alley, defined by a node at either end. Stub-outs to adjacent property shall be considered links. For the purpose of determining the number

of links in a development, boulevards, median-divided roadways, and divided entrances shall be treated the same as conventional two-way roadways.

3. A node shall be the terminus of a street or the intersection of two (2) or more streets. Any curve or bend of a street that exceeds seventy-five (75) degrees shall receive credit as a node. Any curve or bend of a street that does not exceed seventy-five (75) degrees shall not be considered a node. A divided entrance shall only count once.

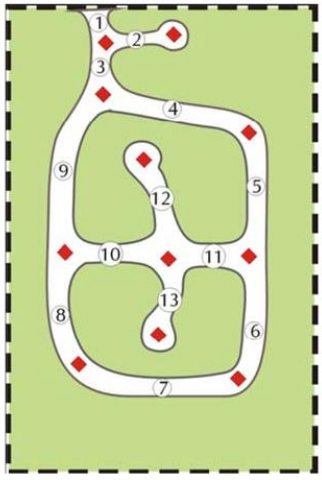


Figure 9.4 Example 1: Does not meet ratio

(13 links / 11 nodes = 1.18)

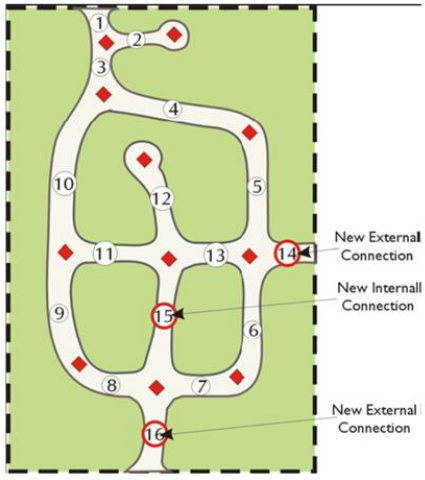


Figure 9.5 Example 2: Modified to meet ratio

(16 links / 11 nodes = 1.45)

Conservation area: Any area designated as containing physical features of natural, historical, social, cultural, architectural, or aesthetic significance to be restored to or retained in its original state or enhanced to promote existing natural habitat.

Conservation easement: A restriction or limitation on the use of real property which is expressly recited in any deed or other instrument of grant or conveyance executed by or on behalf of the owner of the land described therein and whose purpose is to preserve land or water areas predominantly in their natural scenic landscape or open condition or in an agricultural farming, forest or open space use.

Construction: Any site preparation, assembly, erection, repair, alteration or similar action, including demolition of buildings or structures.

Continuing care retirement community: A residential facility providing multiple, comprehensive services to older adults. Such facility normally contains a combination of independent living units, assisted living, and skilled nursing care units as defined herein. Such facilities generally provide support services, such as meals, laundry, housekeeping, transportation, and social and recreational activities.

Continuous sound: Any sound with duration of more than one (1) second, as measured with a sound level meter set to the "slow" meter response.

Contractor, general: A contractor or builder engaged in the construction of buildings like residences or commercial structures.

Contractor, heavy construction: A contractor or builder engaged in the heavy construction activities such as paving, highway construction, landscaping, and utility construction.

Contractor, special trade: Industries in the special trade contractor's subsector engage in specialized construction activities, such as plumbing, painting, and electrical work.

Convalescent home: A nursing care facility.

Convenience store: Any retail establishment offering for sale items such as household items, newspapers and magazines, prepackaged food products, sandwiches and other freshly prepared foods, and beverages, for off-site consumption. When a convenience store sells unopened alcoholic beverages, it is also considered to be an alcohol outlet. A convenience store may also include accessory fuel pumps.

Convent: A building or buildings used as both a place of worship and as a residence, operated as a single housekeeping unit, solely by and for a group of women who have professed vows in a religious order and who live together as a community under the direction of a local supervisor designated by the order.

Cornice: Any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.

Corridor: A broad geographical band that follows a general directional flow connecting major sources of trips that may contain a number of streets, highways, and transit route alignments.

Cottage homes: Small detached dwelling units arranged on a single site whereby the dwelling units are arranged so that each unit faces a common open space.

County or city recycling: Any recycling materials, which have a known recycling potential, can be feasibly recycled, have been diverted or removed from the solid waste stream for recycling, whether or not requiring subsequent separation and processing, derived from households, including single family, duplex, and multi-family residences, hotel and motels, picnic grounds and day use recreation areas.

County or city solid waste: Any solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks and means solid waste from single family, duplex, and multi-family residences, hotel and motels, picnic grounds and day use recreation areas. The term includes yard trimmings and commercial solid waste but does not include solid waste from mining, agricultural, or silvicultural operations or industrial processes or operations.

County or city solid waste disposal facility: Any facility or location where the final deposition of any amount of county or city solid waste occurs, whether or not mixed with or including commercial or industrial solid waste, and includes, but is not limited to, county or city solid waste landfills and county or city solid waste thermal treatment technology facilities.

County or city solid waste landfill: A disposal facility where any amount of county or city solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludge, or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon.

Cremation: The reduction of a dead human body or a dead animal body to residue by intense heat.

Crematorium: A location containing properly installed, certified apparatus intended for use in the act of cremation. Crematoriums do not include establishments where incinerators are used to dispose of toxic or hazardous materials, infectious materials or narcotics.

Cultural facility: A building or structure that is primarily used for meetings, classes, exhibits, individual study, referral services, informational and entertainment presentations, and other similar programs oriented around the customs and interests of a specific group of people, including but not limited to an

immigrant, ethnic, or national minority group, or the heritage of defined geographic region. Movies, theater performances and similar entertainment may occur in a cultural facility, but the purpose of the cultural facility is not to provide a venue solely for such entertainment. A cultural facility may be programmed, managed, or operated by a public, private, or non-profit entity.

Curb cut: A curb break, or a place or way provided for the purpose of gaining vehicular access between a street and abutting property.

Dairy: A commercial establishment for the manufacture, processing, or sale of dairy products.

Dance school: A school where classes in dance are taught to four (4) or more persons at a time.

Day: Unless otherwise stated, day or days refer to calendar days.

Day spa: See Health spa.

Decay resistant wood: Wood harvested from tree species that are known to have extractives in the heartwood which are toxic to fungi.

Decibel (dB): The unit for the measurement of sound pressure based upon a reference pressure of twenty (20) micro pascals (zero (0) decibels), i.e., the average threshold of hearing for a person with very good hearing.

Deciduous tree: A tree that loses all of its leaves for part of the year.

Deficiencies: Exterior conditions or signs of neglect within a conservation subdivision and within the Stonecrest Area Overlay District that contributes to nuisances, hazards, or unkempt appearances, such as, but not limited to: uncut or overgrown grass or weeds, peeling paint, severe corrosion, or wood rot; accumulation of trash or debris; fallen, dead, dying, damaged, or diseased trees or shrubbery; severe erosion; stagnant pools of water; broken inoperable, or severely damaged benches, seating, paving, walls, fences, gates, signs, fountains or other structures, furnishings or equipment which is intended for decoration or use by the public. This definition shall only be applicable to the Stonecrest Area Overlay District regulations and the conservation subdivision regulations.

DeKalb County Transportation and Thoroughfare Plan: The DeKalb County Transportation and Thoroughfare Plan, as adopted by the board of commissioners and by the City of Stonecrest, as amended from time to time.

Demolition: Any dismantling, destruction or removal of buildings, structures, or roadways whether man-made or natural occurring both above and below ground.

Demolition of an infill building: The destruction and removal of an existing building or structure in whole or in part whether such destruction and removal involve removal of all or part of the prior foundation.

Density: The number of dwelling units per gross acreage of land.

Dental clinic: See Office, dental.

Department of community affairs (DCA): The state department that provides a variety of community development programs to help the state's communities realize their growth and development goals.

Department store: A business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed enclosed and are exhibited and sold directly to the customer for whom the goods and services are furnished.

Deterioration: A condition of a building or a portion of a building characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay, neglect, lack of maintenance, or excessive use.

Development permit: Any permit that authorizes land disturbance for the use, construction thereon or alteration of any real property within the incorporated limits of the city.

Development of regional impact (DRI): A large-scale development that is likely to have regional effects beyond the local government jurisdiction in which it is located and meets the DCA requirements for review.

Director of planning: The Director of the Department of Planning and Sustainability, or his/her designee.

Dispatch office: An office used exclusively for the communication and dispatch of taxis, ambulances, limousines and similar vehicles, with no fleet parking or storage allowed.

Disposal facility: Any facility or location where the final deposition of solid waste occurs including, but is not limited to, landfills and solid waste thermal treatment technology facilities.

Distillery: An operation that involves the process of vaporization and subsequent condensation, as for purification or concentration of beverages. There may also be a retail and/or restaurant space associated with the operations with the sale of beverages made on site.

Dormitory: A building intended or used principally for sleeping accommodations where such building is related to an educational or public institution, including religious institutions, and located on the campus of that institution.

Dripline: A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Drive-in theater: An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures on a paid admission basis to patrons seated in automobiles.

Drive-through facility: A business establishment so developed that its retail or service character includes a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

Drive-through restaurant: A retail establishment where food and/or drinks are prepared and may be consumed by customers within the principal building, or may be ordered and picked up from an exterior service window that serves customers while in their automobiles. The term "drive-through restaurant" includes restaurants that serve customers at an exterior walk-up service window.

Driveway: A private roadway providing access for vehicles to an individual lot, parking space, garage, dwelling, or other structure.

Dry cleaning agency: An establishment or agency maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

Dry cleaning plant: An establishment for dry cleaning or laundry where the operation, equipment and machinery are on site.

Durable materials: Materials that can resist wear, tear and decay from use, time and other conditions like weather.

Dwelling, mobile home: See Mobile home.

Dwelling, single-family: A building designed for and containing one (1) dwelling unit.

Dwelling, single-family attached: A dwelling unit located in a building in which multiple units are attached by a common party wall.

Dwelling, single-family detached: A dwelling unit on an individual lot unattached to another dwelling unit.

Dwelling, single-family detached condominiums in the Residential Neighborhood Conservation District: Single family detached dwelling units which are owned under the condominium form of ownership such that there are no individual lots associated with the units and the common areas are held in common ownership by a condominium association.

Dwelling, three-family or triplex: A building designed for and containing three (3) dwelling units.

Dwelling, two-family or duplex: A building designed for and containing two (2) dwelling units.

Dwelling, urban single-family: Residential buildings that share similar configuration to townhouse developments; however, they may be attached or detached and may have lot lines that coincide with the building envelope.

Dwelling unit: One (1) or more rooms, designed, occupied, or intended for occupancy as a separate living quarters, with cooking, sleeping, and bathroom facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

Dwelling unit, accessory: A dwelling unit located on the same lot as a single-family dwelling, either within or attached to the single-family dwelling, or detached, and is a separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities.

Dwelling unit, efficiency or studio: A self-contained residential unit consisting of not more than one (1) room together with a private bath and kitchen facilities.

Dwelling unit, multi-family: One (1) or more rooms with a private bath and kitchen facilities comprising an independent, self-contained residential unit in a building containing four (4) or more dwelling units.

Dyeworks: A facility or workshop where the process of applying a comparatively permanent color to fiber, yarn or fabric takes place.

Edifice: A building or a structure, especially one (1) of imposing appearance or size, which has a roof and walls and stands permanently in one (1) place.

Elevation: An architectural term referring to the view of a building seen from one (1) side; it is a flat representation of one (1) façade. This is the most common view used to describe the external appearance of a building. Each elevation is labeled in relation to the yard it faces (front, rear or side).

Elevation height: Above sea level or ground level. See Grade, existing.

Emergency work: Any work or action necessary to deliver essential services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions.

Enclosed area: Surrounded by a fence or walls, sheltered by a structure with a roof and no side walls, but not located within a building.

Encroachment: A building or some portion of it, or a wall or fence, which extends beyond the land of the owner and illegally intrudes upon land of an adjoining owner, a street or an alley.

Environmental contamination: A presence of hazardous substance(s) in the environment. From the public health perspective, environmental contamination is addressed when it potentially affects the health and quality of people living or working nearby.

Exceptional topographical restrictions: The physical condition of a lot or parcel, determined by the contours of the land itself, which may inhibit or alter the compliant status of an existing or proposed structure.

Explosive manufacture or storage: The manufacture or storage of any chemical compound mixture or device, the primary and common purpose of which is to function by explosion with substantially simultaneous release of gas and heat, the resulting pressure being capable of producing destructive effects.

Extended stay hotel/motel: Any building containing six (6) or more guest rooms rented or leased for sleeping purposes for periods less than one (1) month, but in excess of one (1) week, and that contain kitchen facilities for food preparation including, but not limited to, refrigerators, stoves, and ovens.

Exterior insulation and finishing system (EIFS): A type of building exterior wall cladding system that provides exterior walls with an insulated finished surface and waterproofing in an integrated composite material system.

Extraneous sound: A sound of high intensity and relatively short duration, which is neither part of the neighborhood residual sound, nor comes from the sound source under investigation.

Façade: One exterior side of a building, usually, but not always, the front. In this chapter and the design standards, it may be synonymous with architectural elevation. In architecture, the façade of a building is often the most important from a design standpoint, as the façade elements of wall face, parapet, fascia, fenestration, and canopy establish the architectural aesthetic of a building creating the public realm.

Façade, primary: Refers to the exterior building wall considered the front and features the main entrance to the building. Synonymous with front façade.

Fair market value: The price a property would likely bring if offered for sale in the marketplace.

Fairgrounds: An area of land use including but not limited to: agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, and theaters. Fairgrounds do not include racetracks or motorized contests of speed.

Family: One (1) or more individual(s) related by blood, marriage, adoption, or legal guardianship, or not more than three (3) unrelated individuals, who live together in a single dwelling unit and who function as a single housekeeping unit, have established ties and familiarity with each other, jointly use common areas, interact with each other, and share meals, household activities, expenses and responsibilities. This definition shall include three (3) or fewer mentally handicapped, developmentally disabled persons, and other handicapped persons, as defined in the Fair Housing Act, 42 U.S.C. § 3601 et seq., living as a housekeeping unit and otherwise meeting the definition of "family" herein. For the purposes of calculating the number of persons who live in a dwelling, family members who are related by blood or legal status shall count as one (1) person.

Family day care home: A private residence in which a business, registered by the State of Georgia, is operated by any person who receives pay for supervision and care for fewer than twenty-four (24) hours per day, not more than six (6) persons who are not residents in the same private residence. For purposes of this zoning ordinance, a family day care home may be operated as a home occupation, subject to the requirements of this zoning ordinance.

Family-oriented entertainment venues: Places of entertainment intended to serve families.

Farm equipment and supplies sales establishment: Establishments selling, renting, or repairing agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching.

Farmer's market: A market, usually held out-of-doors, in public spaces, where farmers and other vendors can sell produce or value-added products.

Farming, active: The growing of crops, plants, and trees. The term also includes the maintaining of horses, livestock, or poultry for the residents' needs or use, and the sale of agricultural products grown on the premises.

Fascia: A type of roof trim mounted on exposed rafter ends or top of exterior walls to create a layer between the edge of the roof and the outside.

Fat rendering: Any processing of animal byproducts into more useful materials, or more narrowly to the rendering of whole animal fatty tissue into purified fats like lard or tallow.

Fee simple: Absolute title to land, free of any other claims against the title, which one can sell or pass to another by will or inheritance. Fee simple ownership includes the land immediately underneath a unit and may or may not include land in front of and behind a building.

Fee simple condominium declaration: An official affidavit filed attesting to the fact that the owner of a condominium development that was the subject of a site development plan approved prior to August 31, 2012, no longer intends to sell units in the subject development as condominiums and will offer for sale such units as fee simple condominium units and that otherwise the development shall conform to a previously approved condominium development plan consisting of the same units along with the same related facilities on the same tract of land as the previously approved condominium development.

Fee simple condominium development: A development where the owner of a unit possesses fee simple interest to the exterior walls and roof of the unit, as well as fee simple interest to the land lying immediately beneath the unit and coincident with the external walls of such unit as depicted on a recorded final plat. A fee simple condominium unit must be a part of an approved development in which all other land consists of privately owned common areas, utilities, streets, parking, stormwater management, landscaping and other facilities that are owned by all unit owners on a proportional, undivided basis in compliance with Georgia law and subject to a mandatory property owners association organized in accordance with Georgia law.

Fence: A structure designed to provide separation and security constructed of materials including chain link, wire, metal, artistic wrought iron, vinyl, plastic and other such materials as may be approved by the director of planning.

Fenestration: The arrangement, proportioning, and design of windows and doors in a building.

Fertilizer manufacture: The manufacture and storage of organic and chemical fertilizer, including manure and sludge processing.

Fitness center: Building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary and usual recreational activities, operated for profit or not-for-profit and which can be open only to bona fide members and guests of the organization or open to the public for a fee but specifically excluding sexually oriented businesses. Accessory uses which support the principal use can include therapy treatments such as massage, mediation and other healing arts. This term shall not include hospitals or other professional health care establishments separately licensed as such by the State of Georgia.

Flea market: An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

Floodplain: Land within the special flood hazard area (SFHA) or covered by the "future-conditions" flood as defined in chapter 14 of the Code.

Floodway: The channel of a stream, river, or other watercourse and the adjacent areas that must be reserved in order to discharge the special flood hazard area (SFHA) flood without cumulatively increasing the water surface elevation more than a designated height.

Floor area: The gross heated horizontal areas of the floors of a building, exclusive of open porches and garages, measured from the interior face of the exterior walls of the building. For non-residential construction, net floor area is measured as the usable, heated floor space and gross floor area is measured as the total floor space.

Floor area of accessory building: The gross horizontal areas of the floors of an accessory building, measured from the exterior faces of the exterior walls of the accessory building.

Floor area ratio (FAR): The relationship between the amount of gross floor area permitted in a building (or buildings) and the area of the lot on which the building stands. FAR is computed by dividing the gross floor area of a building or buildings by the total area of the lot. For purposes of this calculation, parking areas or structures shall not be included in floor area.

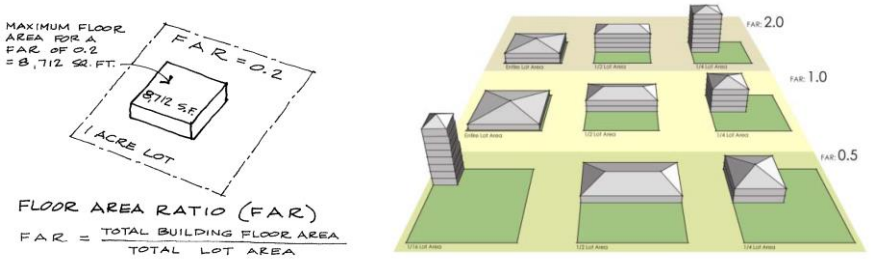


Figure 9.6 Illustration of Floor Area Ratio (FAR)

Florist: An enclosed retail business whose principal activity is the selling of plants which were grown off-site.

Forestry: Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.

Fortunetelling: Fortunetelling shall include all forms of foretelling, including, but not limited to, palm reading, casting of horoscopes, and tea leaf reading.

Fraternal organization: A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings and formal written membership requirements. See also Club.

Fraternity house: A building containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for fraternity members and their guests or visitors and affiliated with an institution of higher learning.

Freestanding Bar: an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and which derives at least fifty (50) percent of its total annual gross food and beverage sales from the sale of beverages, including but not limited to taverns, nightclubs, cocktail lounges, and cabarets. Also see *late night establishment*.

Freestanding wall: A wall or an upright structure of masonry, wood, plaster, or other building material standing on its own foundation and not attached to any part of a building.

Freeway: A multiple-lane roadway carrying local, regional, and interstate traffic of relatively high volumes which permits access only at designated interchanges and is so designated in the comprehensive plan.

Freight service: An establishment primarily engaged in undertaking the transportation of goods and people for the compensation, and which may in turn make use of other transportation establishments in effecting delivery. This definition includes parking lots for overnight truck storage, and such establishments as commercial distribution services, freight forwarding services, and freight agencies.

Frequency: The time rate of repetition of sound waves in cycles per second, reported as Hertz (Hz), also referred to as "pitch."

Frontage, lot: The horizontal distance for which the boundary line of a lot and a street right-of-way line are coincident.

Front façade: See Façade, primary.

Fuel and ice dealers manufacture and wholesaler: An establishment primarily engaged in the sale to consumers of ice, bottled water, fuel oil, butane, propane and liquefied petroleum gas, bottled or in bulk, as a principal use.

Funeral home: A building used for the preparation of deceased humans for burial or cremation and display of the deceased and rituals connected therewith before burial or cremation, including the storage of caskets, funeral urns, funeral vehicles, and other funeral supplies, and where allowed by use standards, crematoriums. See Crematorium.

Furniture sales and showroom: A retail trade establishment primarily engaged in the sale and exhibition of furniture or home decoration items.

Garage: A part of a residential building or a separate structure on the same lot as the residence designed to be used for the parking and storage of vehicles that belong to the residents or visitors of the building.

Gas regulator station: An assemblage of equipment which reduces, regulates, and meters natural gas pressure in the transmission line, holder, main, pressure vessel, or the compressor station piping. This may include auxiliary equipment such as valves, control instruments, or control lines as well as piping.

General aviation airport: Civilian airports that do not serve scheduled passenger service

General business office: Any building or part of a building in which one (1) or more persons are employed in the management or direction of an agency, business or organization, but excludes such uses as retail sales, manufacturing, assembly or storage of goods, or assembly and amusement.

Gift shop: A retail store where items such as art, antiques, jewelry, books, and notions are sold.

Glue manufacture: The manufacturing of glue, epoxy, sealant or other adhesives.

Go-cart: A small low motor vehicle, with four (4) wheels and an open framework, used for racing.

Go-cart concession: A place, usually sheltered, where patrons can purchase snacks or food accessory to go-cart racing.

Go-cart track: A track or network of tracks used for the racing of go-carts.

Golf course: A tract of land laid out with at least nine (9) holes for playing a game of golf and improved with tees, green, fairways, and hazards. A golf course may include a clubhouse, restrooms, driving range and shelters as accessory uses.

Grade, average finished. The average level of the finished surface of the ground adjacent to the exterior walls of the building determined by dividing the sum of the elevation of the highest point and the elevation of the lowest point by two (2).

Grade, existing: The elevation of the ground surface before development.

Grade finished: The final grade of the ground surface after development.

Grassed playing fields: Reasonably flat and undeveloped recreation areas intended for a variety of informal recreational uses, including but not limited to walking, kite-flying, flying disc-throwing, and recreational games of soccer, softball, or cricket. In the creation of grassed playing fields, minimal grading may be used; however, specimen trees may not be damaged or removed. Grassed playing fields may not include recreation areas with amenities for a particular sport, such as baseball diamonds or golf courses.

Gravel pit: An open land area where sand, gravel, and rock fragment are mined or excavated for sale or off-site use. Gravel pit includes sifting, crushing, and washing as part of the primary operation. To excavate the rock, blasting also may be necessary.

Grazing land, pastureland: Any open land area used to pasture livestock in which suitable forage is maintained over eighty (80) percent of the area at all times of the year.

Greenhouses, commercial: A retail or wholesale business whose principal activity is the selling of plants grown on the site and having outside storage, growing, or display.

Greenspace: Undeveloped land that has been designated, dedicated, reserved, or restricted in perpetuity from further development, which is not a part of an individual residential lot.

Grid pattern: A continuous web of streets in which most streets terminate at other streets to form multiple vehicular and pedestrian connections. Streets are to be laid out with primarily linear features, but the grid may be broken by circles, ovals, diagonals, and natural curves to add visual interest.

Grocery store: A store where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers other home care and personal care products, and which is substantially larger and carries a broader range of merchandise than convenience stores.

Ground cover: Small plants such as ivy, ferns, mosses, grasses, or other types of vegetation, that normally cover the ground and include trees of less than six (6) inches caliper.

Group homes: See Child caring facility, childcare home, Personal care homes, group, Personal care facility, Supportive living, Transitional housing facility.

Gym: See Fitness center.

Hardscape: The inanimate elements of landscaping, especially any masonry work or woodwork. For instance, stone walls, concrete or brick patios, tile paths, wooden decks and wooden arbors would all be considered part of the hardscape.

Hardship: A condition of significant practical difficulty in developing a lot because of physical problems relating solely to the size, shape or topography of the lot in question, which are not economic difficulties, and which are not self-imposed.

Hardware store: A facility of thirty thousand (30,000) or less square feet gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, house wares and household appliances, garden supplies, and cutlery.

Health spa: A nurturing, safe, clean commercial or not-for-profit establishment, which employs professional, licensed therapists whose services include massage and body or facial treatments. Private treatment rooms are provided for each client receiving a personal service. Massage treatments may include body packs and wraps, exfoliation, cellulite and heat treatments, body toning, waxing, aromatherapy, cleansing facials, medical facials, nonsurgical face lifts, electrical toning, and electrolysis. Hydrotherapy and steam and sauna facilities, nutrition and weight management, spa cuisine, and exercise facilities and instruction may be provided in addition to the massage and therapeutic treatment services. Full-service hair salons, make-up consultation and application and manicure and pedicure services may be provided as additional services. This specifically excludes sexually oriented businesses.

Heavy equipment: Heavy duty vehicles that are designed for executing construction tasks involving earthwork operations or other large construction tasks.

Heavy industrial: The building or premises where the following or similar operations are conducted: processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise, or equipment, including the wholesale or distribution of said goods, merchandise, or equipment when not conducted wholly within a building or other enclosed structure or when such operations generate measurable dust, vibrations, odor, glare or emissions beyond the property on which said building or structure is located.

Heavy manufacturing: See Heavy industrial.

Heavy vehicle repair: Major or minor repair of non-passenger vehicles that are classified by the Georgia Department of Driving Services as a Class E, F, or Commercial vehicle.

Heliport: An area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate state agency and approved for the loading, landing, and takeoff of helicopters and including auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment.

High-rise building or structure: A building of any type of construction or occupancy having floors used for human occupancy located more than fifty-five (55) feet above the lowest floor level having building access of three (3) stories or greater unless otherwise defined by individual zoning or overlay district.

High-rise in the I-20 Corridor Overlay District: A building in the I-20 Corridor Overlay District that is nine (9) or more stories in height.

High-rise in the Stonecrest Area Overlay District: A building in the Stonecrest Area Overlay District that is eleven (11) or more stories in height.

Historic: A building, structure, site, property or district identified as historic by the Stonecrest City Historic Preservation Commission, by listing on the Georgia or National Register of Historic Places, by listing as a National Historic Landmark, or determined potentially eligible for listing in the National Register of Historic Places as a result of review under Section 106 of the National Historic Preservation Act, as amended.

Hobby, toy and game store: A retail establishment for sale and exhibition of items related to hobbies such as arts and crafts materials, toys, or items related to games.

Home improvement center: A facility greater than thirty thousand (30,000) square feet gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, house wares and household appliances, garden supplies, and cutlery.

Home occupation: An occupation carried on by an occupant of a dwelling unit as a secondary use of the dwelling that is incidental to the primary use of the dwelling unit for residential purposes and is operated in accordance with the provisions of this chapter. Home occupation does not include "private educational use" as defined in this chapter.

Homeless shelter: A building or buildings in which is provided overnight housing and sleeping accommodations for one (1) or more persons who have no permanent residence and are in need of temporary, short-term housing assistance on a nightly basis. These facilities may also provide meals and social services including counseling services. Compare with Transitional housing facility.

Hookah Bar or Lounge: establishments that allow the consumption of tobacco products on site. These may be an accessory use to a "free standing bar" or managed as a "tobacco retail store".

Hospice: Any facility that provides coordinated program of home care with provision for inpatient care for terminally ill patients and their families. This care is provided by a medically directed interdisciplinary team, directly or through an agreement under the direction of an identifiable hospice administration. A hospice program of care provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of patients and their families, which are experienced during the final stages of terminal illness and during dying and bereavement.

Hospital: An institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

Hotel/motel: 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.

Household pet: A domestic animal that is customarily kept for pleasure rather than utility or profit and that is normally kept within a residence for personal use and enjoyment including domestic dogs, domestic cats, domestic potbellied pigs, canaries, parrots, parakeets, domestic tropical birds, hamsters,

guinea pigs, lizards and turtles. Household pet does not include livestock, poultry, and snakes, nor does it include hybrids of animals normally found in the wild.

Ice manufacturing plant: A comprehensive installation for the production and storage of ice, including the icemaker itself, harvesting and storage equipment, and the physical building.

Impervious surface: A surface that either prevents or retards the entry of surface water into the soil mantle and causes surface water to run off in greater quantities or at an increased flow rate when compared to natural, undeveloped soil mantle. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, paved areas, pavement graveled areas, packed or oiled earthen materials or other surfaces which similarly impede the natural infiltration of surface waters. Open uncovered flow control or water quality treatment facilities shall not be considered as impervious surfaces. See Lot coverage for exemptions.

Impulsive sound: A single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one (1) second characterized with an abrupt onset and rapid decay.

INCE: The Institute of Noise Control Engineering.

Indoor recreation: A commercial recreational land use conducted entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletic and health clubs, auditorium, bowling alley, club or lounge, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, pool or billiard hall, skating rink, swimming pool, tennis court.

Industrial district: Any parcel of land which is zoned for industrial use including property used for light and heavy distribution, warehouses, assembly, manufacturing, quarrying, truck terminals and landfills. Such districts include M and M-2 districts.

Industrial recycling: Recycling materials generated by construction, manufacturing or industrial processes or operations that is not a hazardous material as defined herein. Such materials have a known recycling potential, can be feasibly recycled, have been diverted or removed from the solid waste stream for recycling, whether or not requiring subsequent separation and processing, and include, but are not limited to, materials resulting from the following manufacturing processes: inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textiles; transportation equipment.

Industrial solid waste: Solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste as defined herein. Such wastes include, but are not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textiles; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

Industrialized building: Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation-site without disassembly, damage to, or destruction thereof.

Infill building: Any building built or proposed to be built on an infill lot.

Infill development: A development surrounded by or in close proximity to areas that are substantially or fully developed.

Intermediate care home: A facility which admits residents on medical referral; it maintains the services and facilities for institutional care and has an agreement with a physician or dentist who will provide continuing supervision including emergencies; it complies with rules and regulations of the Georgia Department of Human Resources or state agency as may have jurisdiction. The term "intermediate care" means the provision of food, including special diets when required, shelter, laundry and personal care services, such as help with dressing, getting in and out of bed, bathing, feeding, medications and similar assistance, such services being under appropriate licensed supervision. Intermediate care does not normally include providing care for bed-ridden patients except on an emergency or temporary basis.

Intermodal freight terminal: An industrial establishment in which freight is transferred in containers from truck to railroad cars for transportation.

Inter-parcel access: A physical way or means to facilitate movement of pedestrians and/or vehicles between adjacent lots (that is, "lot-to-lot access") without generating additional turning movements on a public street.

Jewelry repair shop: Establishment primarily engaged in the provision of jewelry repair services to individuals.

Junk vehicle: Any vehicle that is in such a state of disrepair as to be inoperable and does not bear a current license plate.

Junkyard: Any lot or lot and building(s) in combination which is utilized for the parking, storage or disassembling of junk vehicles; storage, bailing or otherwise dealing in bones, animal hides, scrap iron and other metals, used paper, used cloth, used plumbing fixtures, old refrigerators and other old household appliances, and used brick, wood or other building materials. These uses shall be considered junkyards whether or not all or parts of these operations are conducted inside a building or in conjunction with, in addition to or accessory to other uses of the premises.

Keeping of poultry: The breeding, boarding, and caring of poultry for personal or agriculture use, or raised for sale and profit.

Keeping of livestock: The breeding, boarding and caring of livestock for personal or agricultural use, or raised for sale and profit.

Keeping of pigeons: The breeding, boarding, and caring of pigeons for personal or agriculture use, or raised for sale and profit.

Kennel, breeding: A kennel where no more than ten (10) dogs, registered with a nationally recognized registration organization, over the age of six (6) months are owned, kept or harbored for the purpose of breeding purebred or pedigreed dogs, provided, however, this definition shall not apply to zoos or to animal hospitals operated by a veterinarian, duly licensed under the law.

Kennel, commercial: An establishment for the boarding, caring for and keeping of dogs over the age of six (6) months other than a breeding kennel or a noncommercial kennel.

Kennel, noncommercial: An establishment for the boarding, caring for and keeping of more than three (3) but not more than ten (10) dogs over the age of six (6) months, not for commercial purposes.

Kidney dialysis center: An establishment where a process of dialysis, an artificial process of getting rid of waste and unwanted water from blood, is carried out for the patients whose kidneys have been damaged or lost kidney function.

Kindergarten: An establishment operated by any person wherein compensation is paid for providing for the care, supervision, instruction, and protection of seven (7) or more children who are under the age of seven (7) years for less than twenty-four (24) hours per day, without transfer of legal custody. For the purpose of this zoning ordinance, a kindergarten school is considered to be a child day care center or facility.

Kiosk: A freestanding structure upon which temporary information and/or posters, notices, and announcements are posted.

Kitchenette: A small, compact apartment kitchen, often part of another room utilized for different activities.

Kitchen facilities: A room used to prepare food containing, at a minimum, a sink and a stove or oven.

Laboratories (medical/dental): A facility offering diagnostic or pathological testing and analysis of diagnostic tests related to medical or dental care industry.

Land use: A description of how land is occupied or utilized.

Landfill: An area of land on which or an excavation in which solid waste is placed for permanent disposal and which is not a land application unit, surface impoundment, injection well, or compost pile.

Landscape area: An area set aside from structures and parking which is developed with natural materials (i.e., lawns, trees, shrubs, vines, hedges, bedding plants, rock) and decorative features, including paving materials, walls, fences, and street furniture.

Landscape business: A business whose primary operation is the sale and installation of organic and inorganic material, plants, pine straw and other limited accessory products for the landscape industry and the storage and use of associated landscape vehicles and equipment.

Landscape strip: A strip intended to be planted with trees, shrubs, or other vegetation. Same as landscape zone.

Landscaped space: The areas of a parking lot which are planted with trees, shrubs and ground cover, plazas, fountains and other hardscape elements and similar features which are located within such parking lot and which are generally accessible to patrons or the general public during normal business hours.

Large-scale retail: A singular retail or wholesale user who occupies no less than sixty thousand (60,000) square feet of gross floor area.

Late-night establishment: Any establishment licensed to dispense alcoholic beverages for consumption on the premises where such establishment is open for use by patrons beyond 12:30 a.m.

Laundry: A facility used or intended to use for washing and drying of clothes and fabrics.

Laundry, coin operated: A self-service laundry facility where clothes are washed and dried by washing and drying machines that require coins to operate.

Laundry pick-up station: A facility where clothes and linens are dropped off for laundry or dry cleaning and where clothes and linen are picked up once they are cleaned. These facilities do not perform dry cleaning on site. See Dry cleaning agency.

Leachate collection system: A system at a landfill for collection of the leachate which may percolate through the waste and into the soils surrounding the landfill.

Leasing office: A facility where commercial or residential spaces available for renting are exhibited, or where documents related to the lease agreements are prepared. This facility may also be used to collect rent or used by occupants to report needs of services or other support.

Library: A public facility, a room or building, for the exhibition and use, but not sale of literary, scientific, historical, musical, artistic or reference materials.

Light industrial: The following or similar operations: processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise, or equipment, other than light malt beverages, including the wholesale or distribution of said goods, merchandise, or equipment, when conducted wholly within a building or other enclosed structure, and when such operations generate no measurable dust, vibrations, odor, glare or emissions beyond the property on which said building or structure is located.

Light malt beverage manufacturer: A malt beverage manufacturer licensed as a brewpub per O.C.G.A. § 3-5-36 or licensed as a brewery per O.C.G.A. § 3-5-24. All state and federal licensing and regulatory requirements shall be met prior to the approval of a certificate of occupancy for this use. See also Brewpub.

Light manufacturing: See Light industrial

Liner building: A specialized building, parallel to the street, which is designed to conceal areas like a parking lot, parking deck or loading docks.

Liquor store: See Alcohol outlet. An establishment in which the main activity is the sale of alcoholic beverages and more than 50% of all sales are from alcohol.

Live-work unit: A structure or portion of a structure that combines residential living space with an integrated workspace used principally by the occupant of the unit.

Livestock: Domestic animals and fowl customarily kept on a farm including horses, mules, donkeys, cows, cattle, sheep, goats, ducks, geese and turkeys.

Lodge: A membership organization that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests. There are no sleeping facilities. This definition shall not include fraternities or sororities. (See also fraternal organization.)

Lodging unit: One (1) or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with sleeping, and bathroom facilities provided within the lodging unit for the exclusive use of a single family maintaining a household.

Lot: A portion or parcel of land intended as a unit for transfer of ownership or for development or both, intended to be devoted to a common use or occupied by a building or group of buildings devoted to a common use, and having principal frontage on a public road or an approved private road or drive.

Lot area: The total area within the lot lines of a lot, excluding any street rights-of-way.

Lot, buildable area of: See Buildable area.

Lot, conforming: A designated parcel, tract, or area of land which meets the lot area, lot width and street frontage requirements of this chapter.

Lot, contiguous (as used in section 8.1.4): Lots adjoining the rear or either side of the lot(s).

Lot, corner: A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street.

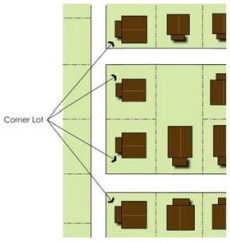


Figure 9.7 Corner Lots

Lot coverage: That portion of a lot that is covered by buildings, structures, driveways or parking areas, and any other impervious surface. For purposes of calculating lot coverage, wooden decks, stone walkways and patios set without grout, or pervious, permeable, or porous pavements shall be considered pervious.

Lot, double-frontage: A lot that abuts two (2) parallel streets or that abuts two (2) streets that do not intersect at the boundaries of the lot. A double-frontage lot may also be referred to as a through lot.

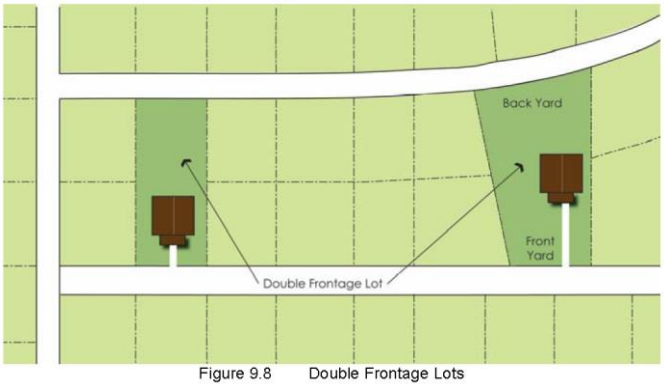


Figure 9.8 Double Frontage Lots

Lot, flag: A tract or lot of land of uneven dimensions in which the portion fronting on a street is less than the required minimum width required for construction of a building or structure on that lot. A flag lot may also be referred to as a panhandle lot.

Lot, interior: A lot, other than a corner lot, abutting only one (1) street.

Lot, irregular: A lot of such a shape or configuration that technically meets the area, frontage, and width to depth requirements of this ordinance but meets these requirements by incorporating unusual elongations, angles, curvilinear lines unrelated to topography or other natural land features.

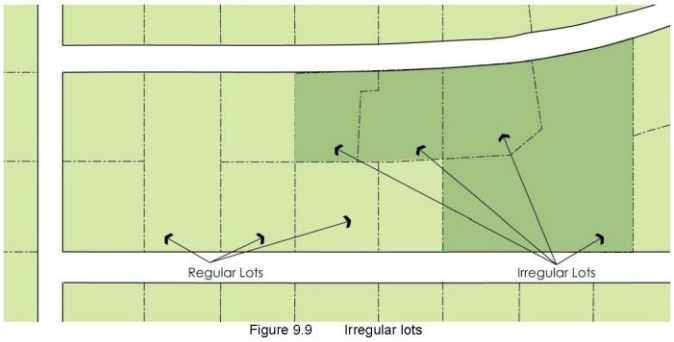


Figure 9.9 Irregular lots

Lot of record: A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Clerk of Superior Court of DeKalb County, Georgia, or a parcel of land described by metes and bounds, the plat or description of which has been recorded in said office.

Lot of record, nonconforming: A designated parcel, tract, or area of land legally existing at the time of the enactment of this chapter or amendment of this chapter which does not meet the lot area, lot width, or public or private street frontage and access requirements of this chapter.

Lot remnant: Any portion or portions of a lot not suitable for building because of its size and remaining after the transfer of other portions of said lot to adjoining lots.

Lot, substandard: A designated parcel, tract, or area of land created after the time of enactment of this chapter or amendment of this chapter which does not meet the lot area, lot width, or public or private street frontage and access requirements of this chapter. Such a lot is illegal except where created by governmental action in which case such lot shall have the status of a nonconforming lot of record.

Lot width: The horizontal distance measured at the building line between the side lines of a lot, measured at right angles along a straight line parallel to the street, or in case of a curvilinear street, parallel to the chord of the arc.

Low-rise in the I-20 Corridor Overlay District: A building in the I-20 Corridor Overlay district that is one (1) to four (4) stories in height.

Low-rise in the Stonecrest Area Overlay District: A building in the Stonecrest Area Overlay district that is one (1) to three (3) stories in height.

Lumber supply establishment: A facility for manufacturing, processing, and sales uses involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes.

Mail room: A room in an office which mail, and package shipments are prepared, and deliveries accepted.

Major automobile repair and maintenance shop: See Automobile repair, major.

Major intersection: The intersection of a major arterial striate with a major or minor arterial street.

Major modification: See section 4.2.57.B.

Major modification to zoning conditions: See article 8~~7~~.

Major thoroughfare: A street, road or highway shown as a major thoroughfare in the DeKalb County Transportation and Thoroughfare Plan.

Manufactured home, class I: A single-family dwelling unit that is constructed in accordance with the Federal Manufactured Home Construction and Safety Standards and bears an insignia issued by the U.S. Department of Housing and Urban Development, or a single family dwelling unit that, if constructed prior to applicability of such standards and insignia requirements, was constructed in conformity with the Georgia State Standards in effect on the date of manufacture.

Manufactured home, class II: A single-family dwelling unit meeting the requirements of a Manufactured Home Class I and, in addition, bears the insignia of the Southern Standard Building Code Congress International.

Massage establishment: Any business properly licensed under section 15-266 that is established for profit and employs one (1) or more massage therapists, operates or maintains for profit one (1) or more massage apparatus, and which, for good or valuable consideration, offers to the public facilities and personnel for the administration of massages, within the meaning of said section 15-266. This term shall not include hospitals or other professional health care establishments separately licensed as such by the State of Georgia.

Materials recovery facility: A handling facility that provides for the extraction of recoverable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

Mausoleum: A building containing above-ground tombs.

Meat processing: A building where live animals are killed and processed; and/or a building where meat, poultry, or eggs are cooked, smoked, or otherwise processed or packed but does not include a butcher shop or rendering plant.

Medium and high-density residential zoning districts. Any of the following zoning districts: R-SM, MR-1, MR-2, HR-1, HR-2, and HR-3

Mid-rise in the I-20 Corridor Overlay District: A building in the I-20 Corridor Overlay district that is five (5) to eight (8) stories in height.

Mid-rise in the Stonecrest Area Overlay District: A building in the Stonecrest Area Overlay district that is four (4) to ten (10) stories in height.

Mine: A cavity in the earth from which minerals and ores are extracted; and the act of removing minerals and ores from the earth.

Mineral extraction and processing: Extraction and processing of metallic and nonmetallic minerals or materials, including rock crushing, screening, and the accessory storage of explosives.

Mini-warehouse or self-storage facilities: A building or group of buildings in a controlled-access and secured compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the storage of customers' goods or wares, and may include climate control.

Miniature golf course: A novelty version of golf played with a putter and a golf ball on a miniature course, typically with artificial playing surfaces, and including obstacles such as bridges and tunnels.

Mining: Extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term mining includes quarrying; ground-water diversion; soil removal; milling, such as crushing, screening, washing, and floatation; and other preparation customarily done at the mine site as part of a mining activity.

Minor automobile repair and maintenance shop: See Automobile repair, minor.

Minor modification to zoning conditions: See article 8~~7~~

Minor thoroughfare: A street, road or highway shown as a minor thoroughfare in the DeKalb County Transportation and Thoroughfare Plan.

Mixed-use building or development: A development which incorporates a variety (two (2) or more) of land uses, buildings or structures, that can include both primary residential uses and primary nonresidential uses which are part of the same development. Such uses may include, but not be limited to, residential, office, commercial, institutional, recreational or public open space, in a compact urban setting that encourages pedestrian oriented development that can result in measurable reductions in traffic impacts. Such a development would have interconnecting pedestrian and vehicular access and circulation.

Mixed-use zoning districts: Any of the following zoning districts: MU 1 - 5

Mobile home : A structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, when erected on site, is three hundred twenty (320) or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; and manufactured prior to June 15, 1976.

Mobile home lot: A parcel of land, approved pursuant to the subdivision requirements of chapter 14 of the Code, in a mobile home park which is intended and used for the placement of a single mobile home and for the exclusive use of its occupants.

Mobile home park: A parcel of land which has been planned and improved pursuant to the requirement of this chapter and chapter 14 of the Code for the placement of mobile homes for non-transient use.

Mobile home sales: Exhibition and sale of mobile homes.

Mobile home stand: That part of a mobile home lot which has been reserved for the placement of a mobile home for non-transient use.

Modular home: A factory-manufactured single-family dwelling which is constructed in one (1) or more sections and complies with the definition of "industrialized building."

Monastery: A building or buildings used as both a place of worship and as a residence, operated as a single housekeeping unit, solely by and for a group of men who have professed vows in a religious order and who live together as a community under the direction of a local supervisor designated by the order.

Monopole: See section 4.2.57.B.

Mortuary: An establishment in which the deceased are prepared for burial or cremation. The facility may include a crematory, a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings or display of funeral equipment.

Mosque: See Place of worship.

Muffler: A sound-dissipative device or system for lessening the sound of the exhaust of an internal combustion machine where such a device is part of the normal configuration of the equipment.

Multi-family dwelling, supportive living: Four (4) or more dwelling units in a single building or group of buildings which are designed for independent living for persons with disabilities of any kind and in

which are provided supportive services to the residents of the complex but which supportive services do not constitute continuous twenty-four-hour watchful oversight, and which does not require licensure as a personal care home by the Office of Regulatory Services of the State of Georgia Department of Human Resources.

Multi-use property: Any distinct parcel of land that is being used for more than one (1) land use purpose.

Museum: A building or structure that is primarily used as a repository for a collection of art or natural, scientific, or literary objects, and is intended and designed so that members of the public may view the collection, with or without an admission charge, and which may include as an accessory use the sale of goods to the public or educational activities.

Natural state: That condition that arises from or is found in nature and not modified by human intervention; not to include artificial or manufactured conditions.

Nature preserve: An area or a site with environmental resources intended to be preserved and remain in a predominately natural or undeveloped state to provide resource protection and possible opportunities for passive recreation and environmental education for present and future generations in their natural state.

Neighborhood: An area of the city within which residents share a commonality of interests including distinct physical design and street layout patterns, a shared developmental history, distinct housing types, or boundaries defined by physical barriers such as major roads and railroads or natural features such as creeks or rivers.

Neighborhood residual sound level: That measured value that represents the summation of the sound from all of the discrete sources affecting a given site at a given time, exclusive of extraneous sounds, and those from the source under investigation. Neighborhood residual sound level is synonymous with background sound level. Neighborhood residual sounds are differentiated from extraneous sounds by the fact that the former is not of a relatively short duration, although they are not necessarily continuous.

New construction on an infill lot: The replacement of an existing residential building or structure with a new building, structure or an addition that increases the usable square footage in the building, structure or addition.

News dealer: A person who sells newspapers and magazines as a retailer.

News stand: A temporary structure, manned by a vendor that sells newspapers, magazines, and other periodicals.

Nightclub: A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and musical entertainment is allowed, where music may be live, disc-jockey, karaoke, and/or non-acoustic.

Node: A concentration of population, retail, and employment within a well-defined area that has a diverse mix of land uses and a pedestrian and transit orientation.

Noise control officer: A city employee or agent who has received noise enforcement training and is currently certified in noise enforcement.

Noise sensitive facility: Any facility whose operations may be detrimentally impacted by excessive sound levels. Such facilities include but are not limited to schools, hospitals, and places of worship.

Nonconforming characteristic(s) of building or structure: A building or structure, legally existing on the effective date of this chapter, but which fails to comply with one (1) or more of the district or general

non-use development regulations adopted under the terms of this chapter which are applicable to said building or structure, including, but not limited to, setbacks, lot frontage, lot area, building height limitations, off-street parking or loading, buffers, landscaping or any other applicable development regulation.

Nonconforming use of land: A use of land, legally existing on the effective date of this chapter, but which is not an authorized use under the terms of this chapter in the district in which such land is located.

Nonconforming use of land and building(s), or nonconforming use of land and structure(s): A use of land and building(s) or land and structure(s), in combination, legally existing on the effective date of this chapter, but which is not an authorized use of land and building(s) or land and structure(s), in combination, under the terms of this chapter in the district in which such use is located.

Nonconforming use requiring special exception or special land use permit: A use of land, or land and building(s) or structure(s) in combination, legally existing on the effective date of this chapter, but which is not an authorized use under the terms of this chapter in the district in which such use is located but is permitted only upon approval of a special exception or special land use permit by the appropriate body.

Nonresidential development: All commercial, office, institutional, industrial and similar lands and uses.

Non-residential zoning district: Any of the following zoning districts: NS, C-1, C-2, OI, OD, M and M-2.

Non-transient lodging accommodations: Long-term or permanent sleeping accommodations offered to persons as a residence, domicile, or settled place of abode.

Nursery, plant: An establishment for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed building.

Nursing care facility: An establishment providing inpatient nursing and rehabilitative services to patients who require health care but not hospital services, where such services have been ordered by and under the direction of a physician and the staff includes a licensed nurse on duty continuously with a minimum of one (1) full-time registered nurse on duty during each day shift. Included are establishments certified to deliver skilled nursing care under the Medicare and Medicaid programs. The term includes convalescent homes with continuous nursing care, extended care facilities, skilled nursing homes and intermediate care nursing homes.

Nursing home: A facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision; maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has an agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the patients; and complies with rules and regulations of the Georgia Department of Human Resources or state agency with jurisdiction as may be reorganized.

Office, dental: A building used exclusively by dentists and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.

Office, medical: A building or floor used exclusively by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.

Office, professional: An office for the use of a person or persons generally classified as professionals, such as architects, engineers, attorneys, accountants, doctors, dentists, chiropractors, psychiatrists, psychologists, and the like.

Office park: A large tract of land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

Office supply store: A facility established where office supplies, furniture and technology regularly used in offices are exhibited and sold.

Official zoning map or maps: The zoning map(s) of the City of Stonecrest which are adopted with and incorporated by reference as a part of this chapter and amendments to the official zoning map are synonymous with and commonly referred to as rezonings..

One-part commercial block style: A single-story building that has a flat roof, a façade that is rectangular in shape, and in which the fenestration in the façade is equal to seventy-five (75) percent of the width of the front façade of the building.

Open space: A portion of a development project or lot that is intended to be free of buildings or parking lots. Open space may be in its natural state or improved with recreation amenities.

Open space, clubhouse or pool amenity area: An open space that can be found in a neighborhood park, mini-park or alone as an amenity area for the residents of a developed community. Clubhouse/pool areas can include swimming pools, group activity rooms, outdoor eating areas, and/or exercise stations, and must meet all applicable building and health codes.

Open space, enhanced: A planned open area suitable for relaxation, recreation or landscaping which may be held in common or private ownership, provided that all residents of the development in which the open space is located shall have a right to enter and use the open space. Such enhanced open spaces may include walkways, patios, recreational amenities, picnic pavilions, gazebos and water features. See article 5 for types of open space functions considered "enhanced."

Open space, green: An informal area for passive use bound by streets or front facing lots, typically between five hundred (500) square feet and one (1) acre, which is small, civic, surrounded by buildings, natural in its details, and may be used to protect specimen trees and provide for conservation functions.

Open space, greenway: An open space that typically follows natural or constructed features such as streams or roads and is designed to incorporate natural settings such as creeks and significant stands of trees, and is used for transportation, recreation, and environmental protection. Greenways are natural (i.e., informally planted) in their details except along rights-of-way, and may contain irregular topography.

Open space, neighborhood park: An open space designed for active or passive recreation use.

Open space, playground or tot lot: An open space that provides play areas for toddlers and children as well as open shelter and benches, which is located in a neighborhood, or as part of a larger neighborhood or community park and urban center, including retail shopping areas.

Open space, plaza: An open space paved in brick or another type of impervious surface that provides passive recreation use adjacent to a civic or commercial building.

Open space, pocket park: An open space that provides active recreational facilities, most often in an urban area that is surrounded by commercial buildings or houses on small lots, and is typically less than one-quarter (¼) of an acre.

Open space, square: An open space used to emphasize important places, intersections, or centers, bounded by streets or front-facing lots, typically between five hundred (500) square feet and one (1) acre.

Operator: A person who conducts a home occupation, has majority ownership interest in the home occupation, lives full-time in the dwelling on the subject property, and is responsible for strategic decision and day to day operation of the home occupation.

Ordinary maintenance: See section 4.2.57.B.

Ornamental metal: Any metalwork that serves as adornment and/or non-structural purposes during construction of a building.

Outdoor advertising service: A service to provide advertisements visible in the outdoors such as billboards.

Outdoor amusement enterprise: Any outdoor place that is maintained or operated for provision of entertainment or games of skill to the general public for a fee where any portion of the activity takes place outside of a building, including but not limited to a golf driving range, archery range, or miniature golf course. This use does not include a stadium or coliseum.

Outdoor amusement service facility in the Stonecrest Compatible Use Overlay District: Any outdoor place that is maintained or operated for a fee to the general public where one or more of the following activities take place: miniature golf, paint ball, vehicle racing, vehicle performances, skeet range, shooting range, rides, carnival, water park, circus, rodeo, bull riding, or zoo.

Outdoor display: An outdoor arrangement of items or products for sale, typically not in a fixed location capable of rearrangement, designed for advertising or identifying a business, product or service.

Outdoor manufacturing: A facility established for manufacturing activities that takes place outside an enclosed building.

Outdoor recreation: A recreational land use conducted outside of a building, including athletic fields; miniature golf, skateboard park; swimming, bathing, wading and other therapeutic facilities; tennis, handball, basketball courts, batting cages, trampoline facilities.

Outdoor storage: The keeping, in an unenclosed area, of any goods, material, or merchandise associated with a land use. Storage does not include the parking of any vehicles or outdoor display of merchandise. This term includes outdoor work areas. See Vehicle storage yard.

Outdoor theater: An outdoor open space where dramatic, operatic, motion picture, or other performance, for admission to which entrance money is required takes place.

Overstory tree: Any self-supporting woody plant of a species that normally achieves an overall height at maturity of thirty (30) feet or more.

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

Parapet: That portion of a wall that extends above the roof line.

Parcel: See Lot.

Parking or park: The standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading of property or passengers.

Parking, valet: Parking of vehicles by an attendant provided by the establishment for which the parking is provided.

Parking aisle: An area within a parking facility intended to provide ingress and egress to parking spaces.

Parking bay: The clear space containing one (1) or two (2) rows of parking stalls and a parking aisle.

Parking garage: A covered or sheltered structure designed, constructed and used for the parking of motor vehicles.

Parking lot: Any area designed for temporary storage of motor vehicles by the motoring public in normal operating condition, whether for a fee or as a free service.

Parking space: A paved area of not less than one hundred twenty (120) square feet (small car space) or not less than one hundred fifty-three (153) square feet (large car space) space with dimensions of not less than eight (8) feet wide by fifteen (15) feet deep (small cars) or eight (8) feet six (6) inches wide by eighteen (18) feet deep (large cars), the exclusive purpose of which is for the parking of a vehicle.

Parking structure: A structure or portion thereof composed of one (1) or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade with those levels being either open or enclosed.

Party House: A single-family detached dwelling unit, including all accessory structures, which is used for the purpose of hosting a commercial event. For this definition, commercial event includes parties, ceremonies, receptions or similar-scale gatherings where the attendees are charged entry to the event, either in cash money or other remuneration, or the structure and its curtilage otherwise functions as a commercial recreation facility. An event produced by an owner-occupier of the property, or a long-term lessee residing on the property for a period not less than one year, where no remuneration is charged to guests shall not qualify under this definition.

Pastureland: See Grazing land.

Path: A paved or structurally improved walkway that provides access to areas within a development.

Paved: A structurally improved surface supporting the intended or allowed uses of traffic. An area may be covered by asphalt, concrete, permeable pavement or permeable pavement system that is acceptable to the director of planning. For the purposes of a driveway for the parking of automobile(s), two (2) paved tire tracks with an unpaved area between them shall be considered paved.

Pavement, permeable: Pavement materials including pervious asphalt and concrete, interlocking pavers, modular pavers, and open-celled paving or similar materials that allow the infiltration of water below the pavement surface. Pavement must support the expected loading and traffic.

Pawn shop: Any entity engaged in whole or in part in the business of lending money on the security of pledged goods (as that term is defined in O.C.G.A. § 44-12-130(5)), or in the business of purchasing tangible personal property on a condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from persons or sources other than manufacturers or licensed dealers as part of or in conjunction with the business activities described in this paragraph. Includes title pawn or title loan agency.

Pedestrian oriented: A density, layout and infrastructure that encourages walking and biking within a subdivision or development, including short setbacks, front porches, sidewalks, and bike paths.

Permitted use: Any use which can be undertaken without approval by the designated authority of a special land use permit, special exception, or special administrative permit which is required by the terms of this chapter.

Personal assistance services: Assistance to an individual with, or supervision of self-administration of, medication, ambulation, and transfer from location to location, and/or essential activities of daily living, such as eating, bathing, grooming, dressing, and toileting.

Personal care facility: A building(s) in which housing, meals, personal assistance services, and twenty-four-hour continuous watchful oversight to seven (7) or more persons are provided and which facility is licensed or permitted as a personal care home by the State of Georgia. The term "personal care facility" shall not include a "childcare center," "childcare home," "transitional housing," a "rehabilitation housing facility," a "rooming house," or a "boarding house." ~~"Personal care facility" includes a "community living arrangement," which is an establishment licensed by the State of Georgia and providing a residence for adults receiving care for mental health, development disabilities, and/or addictive diseases.~~

Personal care home: A building(s) in which housing, meals, personal assistance services, and twenty-four-hour continuous watchful oversight to up to six (6) persons are provided and which facility is licensed or permitted as a personal care home by the State of Georgia. The term "personal care home, group" shall not include a "childcare center," "childcare home," "transitional housing," a "rehabilitation housing facility," a "rooming house," or a "boarding house." "Personal care home" includes a "community living arrangement," which is an establishment licensed by the State of Georgia and providing a residence for adults receiving care for mental health, development disabilities, and/or addictive diseases.

Personal services establishment: An establishment primarily engaged in providing services involving the care of a person or providing personal goods where the sale at retail of such goods, merchandise, or articles is only accessory to the provision of such services, including barber shops, beauty shops, tailor shops, laundry shops, dry cleaning shops, shoe repair shops, and similar uses, but specifically excluding sexually oriented businesses.

Pervious area: An area maintained in its natural condition or covered by a material that permits infiltration or percolation of water into the ground.

Pervious pavers: A range of sustainable materials and techniques for permeable pavements with a base and sub-base that allow the movement of stormwater through the surface.

Pet day care: Any premises containing four (4) or more dogs, where dogs are dropped off and picked up daily between the hours of 7:00 a.m. and 7:00 p.m. for temporary care on site and where they may be groomed, trained, exercised, and socialized, but are not kept or boarded overnight, bred, sold, or let for hire. Use as a kennel shall be limited to short-term boarding and shall be only incidental to such dog day care. See Kennel, commercial.

Pet cemetery: Property used for the interring of dead domestic animals.

Pet grooming: The hygienic care and cleaning of a dog, as well as enhancement of a dog's physical appearance.

Pet shop: A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and livestock.

Pharmacy (retail): A place where drugs and medicines are legally prepared and dispensed and which is licensed by the state.

Phased development: A development project that is constructed in increments, each stage being capable of meeting the regulations of this chapter independently of the other stages.

Physical therapy facility: A facility where service of developing, maintaining, and restoring maximum movement and functional ability is provided to individuals.

Pitch of roof lines: The ratio of the rise to the run of a roof.

Place of worship: A lot or building wherein persons assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship. The term shall also include any of the following accessory uses and buildings: schools, religious education, social gathering rooms, food service facilities, indoor and outdoor recreation facilities, child day care center, kindergarten, parsonage, rectory or convent and columbarium.

Plainly audible: Any sound that can be detected by a person using his or her unaided hearing faculties.

Planned industrial center: An industrial development planned with multiple buildings for industrial users.

Plant material: Material derived from plants.

Plant nurseries, commercial: See Greenhouses, commercial.

Planting strip: A strip of land intended to contain plant materials for the purpose of creating visual and physical separation between uses or activities.

Plat:

1. A map representing a tract of land, showing the boundaries and location of individual properties and streets;
2. A map of a subdivision or a site plan.

Pervious surface: An area that allows water to enter the soil mantle at a natural rate of flow. Compare with Impervious surface.

Porch, enclosed: A porch attached to the main building, which is covered by a roof and includes walls or windows.

Porch, open: A porch does not have walls or windows but may have a roof. ~~that is not covered by a roof.~~

Portable storage container: Any non-motorized vehicle, trailer or fully enclosed container intended for the temporary storage of items until relocated to another location or a long-term storage facility. Storage containers include but are not limited to PODS, Pack-Rats and similar containers.

Porte-cochere: A porch or a structure attached to a residence and erected over a driveway, not exceeding one (1) story in height and open on two (2) or more sides.

Post office: A public facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

Poultry: Domestic fowl including chickens, duck, turkeys and geese raised for food (either meat or eggs) or profit.

Primary conservation area: That portion of a site in the R-NC (Neighborhood Conservation) District for which application is made for cluster housing development which consists of areas that are unbuildable due to the presence of wetlands, floodplains, steep slopes, or other similar environmental conditions.

Primary material: The building material comprising the acceptable, dominant portion of a building exterior façade, as defined by standards within this ordinance. Compare with Secondary material.

Primary street: A street with access control, channelized intersections, and restricted parking that collects and distributes traffic to and from minor arterials.

Principal structure: The building in which the principal use of the lot is located.

Principal use: The primary or predominant use of any lot.

Printing and publishing establishments: An establishment providing printing, blueprinting, photocopying, engraving, binding, or related services.

Printing and publishing establishments (limited): A printing establishment providing convenience mailing, photocopying and accessory retail-oriented services, not exceeding five thousand (5,000) square feet of floor area.

Private ambulance service: A privately-owned facility for the dispatch, storage and maintenance of emergency medical care vehicles; transportation via ambulance; the provision of out-of-hospital emergency medical care to a patient from or in an ambulance; the trip to the site of a patient for the purpose of providing transport or out-of-hospital emergency medical care; the trip to or from any point in response to a medical emergency dispatch from the 9-1-1 Center.

Private drive: A drive or road on privately owned property, by an individual or a group of owners who share the use and maintain the road without assistance from a government agency. A private drive has not been transferred to a governing entity. An easement of use on the private drive or road shall permit use by the public. A private drive is allowed to be exempt from the public street regulations of chapter 14 of the Code but shall meet dimensional requirements established in article 5.

Private educational use: The instruction, teaching or tutoring of students by an occupant of a residential dwelling as a secondary use of the dwelling that is incidental to the primary use of the dwelling unit for residential purposes. No articles or products shall be sold on the premises other than by telephone. Such instruction, teaching or tutoring shall be limited to a maximum of three (3) students at a time, excluding children residing in the dwelling, and shall be limited to the hours of 9:00 a.m. to 9:00 p.m. Such private educational use shall be allowed as a permitted use in all districts where home occupations are allowed but private educational uses shall be subject to the supplemental regulations in article 4.

Private industry solid waste disposal facility: A disposal facility which is operated exclusively by and for a private solid waste generator for the purpose of accepting solid waste generated exclusively by said private solid waste generator.

Private restrictive covenants: Private restrictions on the use of land or structures imposed by private contract, such as subdivision covenants.

Private right-of-way: Any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is not owned, leased, or controlled by a governmental entity.

Private road: See Private drive.

Private street: An access way similar to and having the same function as a public street, providing access to more than one (1) property but held in private ownership. Private streets, when authorized, shall be developed in accordance with the specifications for public streets established in the Code.

Produce: Products from farms and gardens such as fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.

Production, field crops: Establishment for commercial agricultural field and orchard uses including production of field crops; may also include associated crop preparation services and harvesting activities,

such as mechanical soil preparation, irrigation system construction, spraying, crop processing, and sales in the field not involving a permanent structure.

Production, fruits, tree nuts, and vegetables: Establishment for commercial agricultural field and orchard uses including production of fruits, tree nuts and vegetables.

Prohibited uses: Anything not expressly permitted within this zoning ordinance or by resolution. Examples may include structures, land uses, materials, or development control parameters.

Public right-of-way: Any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

Public space in the I-20 Corridor Overlay District: Space located on the exterior of buildings in the I-20 Corridor Overlay District that is available and accessible to the general public. Public space may include, but is not limited to, natural areas, green space, open space, riparian zones, lakes and pools, paths, multipurpose trails, outdoor recreation areas, lawns, landscape strips and other improved landscaped areas, common areas, plazas, terraces, patios, observation decks, fountains, sidewalks, transitional buffer zones and other outdoor public amenities. Space provided as result of the pedestrian circulation requirement shall be credited to the requirement for public space. Such public space is required at ground level, and buildings may not occupy such public space above a height of one (1) story. Exterior public spaces shall not include areas used for vehicles, except for incidental service, maintenance or appropriate emergency access only *Public space in the Stonecrest Area Overlay District:* Space located on the exterior of buildings in the Stonecrest Area Overlay District that is available and accessible to the general public. Public space may include, but is not limited to, natural areas, greenspace, open space, riparian zones, lakes and ponds, paths, multipurpose trails, outdoor recreation areas, lawns, landscape strips and other improved landscaped areas, common areas, plazas, terraces, patios, observation decks, fountains, sidewalks, transitional buffer zones and other outdoor public amenities. Space provided as result of the pedestrian circulation requirement shall be credited to the requirement for public space. Such public space is required at ground level, and buildings may occupy such space above a height of one (1) story. Exterior spaces shall not include areas used for vehicles, except for incidental service, maintenance or appropriate emergency access only.

Public uses: Land or structures owned by a federal, state or local government, including but not limited to a board of education, and used by said government for a necessary governmental function.

Quarry: A mine where rock, ore, stone, or similar materials are excavated for sale or for off-site use. Quarry includes rock crushing, asphalt plants, the production of dimension stone, and similar activities.

Quick copy and printing store: A facility established for the reproduction and printing of written or graphic materials on a custom order basis for individuals or businesses.

Railroad car classification yard: A railway yard at freight train stations used to separate railway cars onto one of several tracks.

Rainwater harvesting: Gathering, or accumulating and storing, of rainwater from roof, ground or other catchments in order to reduce or avoid use of water from mains or from water sources like lakes and rivers.

Recovered materials: Those materials which have a known use, reuse, or recycling potential; can be feasibly used, reused, or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

Recovered materials center: A facility in which materials that would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

Recovered materials processing: Activity of preparing source-separated recoverable materials, such as newspapers, glassware, and metal cans, including collecting, storing, flattening, crushing, or bundling prior to shipment to others who will use those materials to manufacture new products. The materials are stored on-site in bins or trailers for shipment to market. "Processing" shall mean the preparation of material for efficient shipment by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting, or cleaning.

Recovered materials processing with solid waste by-product: Same as above except that the processing involves the disposal of a solid waste by-product.

Recreation: The refreshment of body and mind through forms of play, amusement, or relaxation. The recreational experience may be active, such as boating, fishing, and swimming, or may be passive, such as enjoying the natural beauty of the shoreline or its wildlife.

Recreation, passive: Recreation that involves existing natural resources and has a minimal impact on the existing condition of the resources.

Recreation club: A not-for-profit association of people organized for the purpose of providing recreation facilities and programs and characterized by certain membership qualifications, payment of fees and dues, and a charter or bylaws. Recreation club shall also mean, where the context requires, the premises and structures owned or occupied by members of such association within which the activities of the recreation club are conducted.

Recreational vehicle: Any vehicle, whether or not motorized, that is intended for personal recreational use and not intended for daily transportation. Such vehicles may include but are not limited to Class A and C motor homes, campervans, bus conversions, boats, military surplus vehicle, all-terrain vehicles (ATVs), and similar vehicles intended for recreational purposes. Pick-up trucks with a fully enclosed bed that are used for daily transportation do not qualify as recreational vehicles.

Recreational vehicle park: A commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included.

Recreational vehicle/boat sales and service: A facility established for the exhibition, sale, and repair of recreational vehicles/boats.

Recycling collection point: A neighborhood drop-off point for the temporary storage of recyclables.

Recycling materials: Those materials which have a known recycling potential, can be feasibly recycled, and have been diverted or removed from the solid waste stream for recycling, whether or not requiring subsequent separation and processing. See Recovered materials.

Recycling plant: A facility in which materials that would otherwise become solid waste are collected, separated, and recycled. See Recovered materials and recovered material processing.

Rehabilitation housing facility: An establishment primarily engaged in inpatient care of a specialized nature with staff to provide diagnosis and/or treatment.

Repair, small household appliance: A business established to provide a service of repairing small household appliances like microwaves, etc.

Replacement: See section 4.2.57.B.

Research and training facilities: Any facility owned by a private party, institution or government where research and training activities related to various fields like science, arts, etc. are conducted.

Residence hall: See Dormitory.

Residential component: The primarily residential portion of a development that may contain a mix of single family detached, single family attached and multi-family dwelling units and may include small scale, non-residential uses.

Residential zoning district: Any of the following zoning districts: RE, R-100, R-85, R-75, R-60, MHP, RNC, RSM, MR-1, MR-2, MU-1, MU-2, -MU-3, MU-4, MU-5.

Residential use: The occupation of a building and land for human habitation.

Restaurant: ~~An establishment where food and drink are prepared, served, and consumed primarily within the principal building.~~ Any establishment or area which is primarily devoted to the serving of food to the public or guests and which contains a dining area. The term "restaurant" shall not include a cocktail lounge or tavern if said cocktail lounge or tavern is a *freestanding bar* area as defined in this code. The term "restaurant" shall include any dining area located within a health care, educational, or childcare facility. Food courts within enclosed shopping malls shall be treated as restaurants.

Restaurant, drive-through: An establishment where food and drink are prepared which may be consumed within the principal building or which may be ordered and picked up from a service window for off-site consumption.

Retail: The sale of goods, wares or merchandises directly to the end-consumer.

Retail warehouse/wholesale: An establishment exceeding seventy thousand (70,000) square feet of gross floor area and offering a full range of general merchandise to the public and may include gasoline.

Retaining wall: A structure constructed and erected between lands of different elevations to protect structures and/or to prevent erosion.

Riding academy: A facility designed and used for recreational riding, training and instruction purposes, and allowing both on-site boarding or trailering of horses to the facility.

Riding stable: A building where horses and ponies are sheltered, fed, or kept.

Right-of-way line: The limit of publicly owned land or easement encompassing a street or alley.

Salvage yard: Land and/or buildings used for the dismantling, cutting up, compressing or other processing of waste items or materials, such as scrap, paper, metal, tires, large household appliances, such as washing machines or refrigerators, automobiles or other vehicles, or inoperable machinery. Salvaged materials may be stored outdoors or in a building and may be sold wholesale or retail. Typical uses include paper and metal salvage yards, used tire storage yards, or retail and/or wholesale sales of used automobile parts and supplies. This term includes junk yards.

Sand pit: A surface mine or excavation used for the removal of sand, gravel, or fill dirt for sale or for use off-site.

Satellite television antenna: An apparatus capable of receiving but not transmitting television, radio, or cable communications from a central device transmitting said communications.

Sawmill: A facility where logs or cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

Sawmill, temporary or portable: A facility where sawing related machines are installed on the site temporarily to run as sawmill, but which can be moved by removing and reinstalling the machines to some other site.

School, elementary: Public, private or parochial school offering education for first through fifth grade.

School, high: Public, private or parochial school for the ninth through twelfth grades.

School, middle: Public, private or parochial school offering education for sixth through eighth grade.

School, parochial: School run by a church or parish and engages in religious education in addition to the conventional education.

School, private: Any building or group of buildings, the use of which meets state requirements for elementary, middle, or high school education and which use does not secure a major part of its funding from any governmental agency.

School, public: A building or group of buildings used for educational purposes, which meets state requirements for elementary, middle, or high school education, and that is funded by a government agency.

School, specialty: A school specializing in teaching martial arts, dance, music, visual arts and similar fields.

School, vocational: A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills or specialized curriculum for special needs individuals or the arts. This classification excludes establishments providing training in an activity that is not otherwise permitted in the zone.

Screening fence: An opaque structure designed to provide a visual barrier constructed of materials including wood, chain link with wood or plastic inserts, metal, vinyl, plastic and other such materials as may be approved by the director of planning.

Secondary conservation area: That portion of a site for which application is made for cluster housing development which consists of those areas of land which are outside the primary conservation area but which are environmentally sensitive, historically or culturally significant, scenic, or which possess other unusual attributes that merit conservation.

Secondary material: Complimentary building material allowed by zoning standards. Compare with Primary material.

Secondhand store: A facility for retail or consignment sales of previously used merchandise, such as clothing, household furnishings or appliances, sports/recreational equipment. This classification does not include secondhand motor vehicles, parts, or accessories.

Semi-nude: The exposure of one (1) or more, but not all, of the following: human genitals or pubic region, buttocks, or female breasts below a point immediately above the top of the areola.

Senior housing: A multiple-family building or detached dwelling unit, or a combination of both housing types, which is occupied by at least one (1) person who is fifty-five (55) years of age or older per dwelling unit. Also called Senior Living.

Senior living: See Senior housing.

Service area: An outdoor work area associated with a commercial use, including work areas where goods and products are assembled, constructed, or repaired but not permanently stored.

Service organization: A voluntary non-profit service club or organization where members meet regularly to perform charitable works or raise money for charitable works.

Setback: The minimum horizontal distance required between the property line and the principal building or structure on a lot or any projection thereof except the projections allowed pursuant to article 5.

Shared parking: Parking shared by two (2) or more lots or uses for which the peak parking demands are not at the same time, and parking that can reasonably be shared by such lots or uses. The number of parking spaces in a shared parking facility is less than the combined total of the required minimum number of spaces for each individual use.

Shelter for homeless persons: A building or buildings in which is provided overnight housing and sleeping accommodations for one (1) or more persons who have no permanent residence and are in need of temporary, short-term housing assistance, and in which may also be provided meals and social services including counseling services. Compare with Transitional housing facility.

Shelter for battered persons: See Shelter for homeless persons.

Shoe repair: An establishment where shoes and boots are repaired remodeled or rebuilt by skilled shoe repairers. The establishment may also mend items like handbags and luggage.

Shopping center: A group of at least two (2) commercial establishments typically planned, constructed, and managed as a single entity, with on-site parking for customers and employees, and with delivery of goods separate from customer access.

Short Term Vacation Rental: any dwelling unit, single-family dwelling, multi-family dwelling unit, two-family dwelling, three-family dwelling, duplex, triplex, urban single-family dwelling, condominium, townhouse, cottage development, dwelling unit, and structure used for residential dwelling that permits any portion of the premises or dwelling unit to be used for the accommodation of transient guests, for a fee, for less than 30 consecutive days, without the owner present on premises. This is also identified as "STVR". Also see Bed and Breakfast.

Shrub: A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground. It may be deciduous or evergreen.

Sidewalk: A hard surface, ADA compliant, clear pathway that does not include any street furniture.

Sight triangle: A triangular area of visibility required on a corner of a roadway intersection to allow for the safe operation of vehicles, trains, pedestrians, and cyclists in the proximity of intersecting streets, rail lines, sidewalks, and bicycle paths.

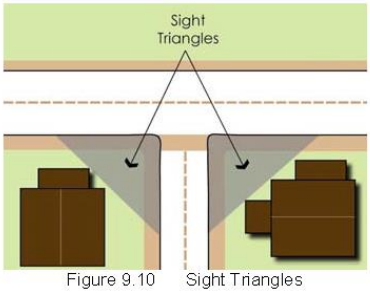


Figure 9.10 Sight Triangles

Single-family zoning district: Any of the following zoning districts: RE, R-LG, R-100, R-85, R-75, R-60, MHP, and R-N(c)

Site: The lot, area of a lot, or assemblage of lots subject to development.

Site plan: That plan required to acquire a development, construction or building permit which shows the means by which the developer will conform to applicable provisions of this chapter and other applicable ordinances.

Small Box Discount Store: A retail establishment with a floor area less than 12,000 square feet that offers for sale a combination and variety of convenience shopping goods and consumer shopping goods, and continuously offers a majority of the items in their inventory for sale at a price per item of $5.00 or less. This definition shall control any use that fits into same despite otherwise being termed "Grocery Store," "Retail, 5000 sf or less," "Retail, over 5000 sf," or "Variety Store" under the provisions of the City of Stonecrest Zoning Ordinance and Use Table. Small Box Discount Stores shall be a prohibited use in every zoning district of the City of Stonecrest.

Solar Energy System: Solar Energy System (SES) means a device or structural design feature that provides for the collection of solar energy for electricity generation, consumption, or transmission, or for thermal applications.For purposes of the City of Stonecrest zoning code, SES refers only to (1) photovoltaic SESs that convert solar energy directly into electricity through a semiconductor device or (2) solar thermal systems that use collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling. SES as used in the City of Stonecrest zoning code excludes concentrated solar power, which uses mirrors to focus the energy from the sun to produce electricity.

- *Integrated Solar Energy System* means an SES where solar materials are incorporated into building materials, such that the two are reasonably indistinguishable, or where solar materials are used in place of traditional building components, such that the SES is structurally an integral part of a house, building, or other structure. An Integrated SES may be incorporated into, among other things, a building facade, skylight, shingles, canopy, light, or parking meter.
- *Rooftop Solar Energy System* means an SES that is structurally mounted to the roof of a house, building, or other structure and does not qualify as an Integrated SES.
- *Ground Mounted Solar Energy System* means an SES that is structurally mounted to the ground and does not qualify as an Integrated SES. For purposes of the Stonecrest zoning code, any solar canopy that does not qualify as an Integrated SES shall be considered a Ground Mounted SES, regardless of where it is mounted.
- *The Footprint of a Ground Mounted SES* is calculated by drawing a perimeter around the outermost SES panels and any equipment necessary for the functioning of the SES, such as transformers and inverters. The Footprint does not include any visual buffer or perimeter fencing. Transmission lines (or portions thereof) required to connect the SES to a utility or consumer outside the SES perimeter shall not be included in calculating the Footprint.
    - Ground Mounted SESs shall be delineated by size as follows:
        - Small Scale Ground Mounted Solar Energy System (Small Scale SES) means a Ground Mounted SES with a Footprint of less than two [2] acres.
        - Intermediate Scale Ground Mounted Solar Energy System (Intermediate Scale SES) means a Ground Mounted SES with a Footprint of between [2 – 15] acres.

- Large Scale Ground Mounted Solar Energy System (Large Scale SES) means a Ground Mounted SES with a Footprint of more than [15] acres.

Soldier course: A course of upright bricks with their narrow faces showing on the wall surface.

Solid waste: Any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or source, special nuclear, or byproduct material as defined by the Federal Atomic Energy Act of 1954, as amended (68 State. 923).

Solid waste handling: The storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste or any combination of such activities.

Solid waste handling facility: A facility primarily used for the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste.

Solid waste thermal treatment technology facility: Any solid waste handling facility, the purpose of which is to reduce the amount of solid waste to be disposed of through a process of combustion, with or without the process of waste to energy.

Solid waste transfer facility: A facility or site at which temporary storage and transfer of solid waste from one (1) vehicle or container to another, generally of larger capacity, occurs prior to transportation to a point of processing or disposal. A solid waste transfer facility is an intermediary point between the location(s) of waste generation (e.g., households, businesses, industries) and the site(s) of ultimate processing or disposal.

Sorority house: A building containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for sorority members and their guests or visitors and affiliated with an institution of higher learning.

Sound level meter: An instrument that conforms to ANSI S1.4-1983 or its successors.

Special administrative permit: A written authorization granted by the director of planning for a use of land pursuant to an application which that official is authorized to decide, in cases where a permit is required, pursuant to the procedures and criteria contained in article 8~~7~~.

Special events facility: A building and/or premises used as a customary meeting or gathering place for personal social engagements or activities, where people assemble for parties, weddings, wedding receptions, reunions, birthday celebrations, other business purposes, or similar such uses for profit, in which food and beverages may be served to guests. This definition shall not include places of worship.

Special exception: The approval by the zoning board of appeals of an application which that board is authorized to decide as specified within a zoning district pursuant to the procedures and criteria contained in article 8~~7~~ of this chapter.

Special land use permit: The approval of a use of land that the city council is authorized to decide as specified within a zoning district pursuant to the procedures and criteria contained in article 8~~7~~ of this chapter.

Special permit: A special administrative permit, special exception, or special land use permit.

Specialty store: A store, usually retail, that exhibits and sells specific or specialized types of items or brand. For example, a specialty store may sell cellular phones or organic food, or video games exclusively.

Sporting goods store: A store that exclusively exhibits and sells items related to sports including, but not limited to, instruments, gears, shoes, and clothes.

Stadium: A structure with tiers of seats rising around a field or court, intended to be used primarily for the viewing of athletic events. The structure may also be used for entertainment and other public gathering purposes, such as conventions, circuses, or concerts.

State: The State of Georgia.

Steady tonal quality: Sound emissions comprised of a single frequency or a narrow cluster of frequencies, which may be referred to as a whine, hum or buzz, with measured sound levels not fluctuating by more than plus or minus three (3) dBA.

Stealth telecommunications facility: See section 4.2.57.B.

Stepback: A step-like recession in the profile of a building, whereby the exterior wall surface of each successive story is located farther towards the interior of the building than the exterior wall of the story below it. Stepbacks may result from the transitional height plane requirement. See Transitional height plane.

Stoop: A small porch, platform, or staircase leading to the entrance of a house or building.

Storage building: Any structure that is used for storage and does not have a door or other entranceway into a dwelling unit and that does not have water fixtures within its confines, the use of which is limited solely to storage of inanimate objects.

Stormwater management facility: Those structures and facilities that are designed for the collection, conveyance, storage, treatment and disposal of stormwater runoff into and through the drainage system.

Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above or, if there is no floor above, the space between the floor and the ceiling next above. Each floor or level in a multistory building used for parking, excluding a basement, shall be classified as a story.

Street, public: Any right-of-way set aside for public travel deeded to the county or city and any right-of-way which has been accepted for maintenance as a street by the county or city.

Street right-of-way line: The dividing line between a lot, tract or parcel of land and a street right-of-way.

Structure: Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on or in the ground. This does not include telephone poles and utility boxes.

Subdivision: As defined in chapter 14 of the Code.

Subdivision, major: All subdivisions not classified as minor subdivisions, including, but not limited to, subdivisions of five (5) or more lots, or any size subdivision requiring any new street, public or private.

Subdivision, minor: A division of land into not more than four (4) lots, provided:

- A minor subdivision does not require the construction of any public improvements including street, sidewalks, sewer or water lines and street trees.
- All lots and any remaining tract shall be consistent with all applicable requirements of this zoning ordinance, including lot size, setbacks, frontage on a public road, width to depth ratio, and lot width.

- At the time of filing of a subdivision plat, the property owner shall be required to show all possible lots which are permitted to be created through minor subdivision provisions of this zoning ordinance.

Supplemental zone: The additional sidewalk area other than the required sidewalk used to support outdoor dining or other amenities.

Support structure(s): See section 4.2.57.B.

Supportive living: Dwelling units in a single building or group of buildings which are designed for independent living for persons with disabilities of any kind and in which are provided supportive services to the residents, but which supportive services do not constitute continuous twenty-four-hour watchful oversight, and which does not require licensure as a personal care home by the Office of Regulatory Services of the State of Georgia Department of Human Resources. ~~A non-institutional, independent group living environment that integrates shelter and service needs of functionally impaired and/or socially isolated elders who do not need institutional supervision and/or intensive health care.~~

Sustainable development: A development that maintains or enhances economic opportunity and community well-being while protecting and restoring the natural environment upon which people and economies depend. Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs.

Synagogue: See Place of worship.

Tandem parking: A parking space within a group of two (2) or more parking spaces arranged one (1) behind the other such that the space nearest the street serves as the only means of access to the other space(s).

Tattoo parlors and piercing studios: An establishment whose principal business activity, is the practice of one (1) or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Taxi stand: A reserved area where taxis or cabs are parked.

Telecommunications antenna: See Article 11. ~~See section 4.2.57.B.~~

Telecommunications facility/tower: See Article 11. ~~See section 4.2.57.B.~~

Telecommunications tower: See Article 11. ~~See section 4.2.57.B.~~

Telecommunications tower or antenna height: See Article 11. ~~See section 4.2.57.B.~~

Telephone exchange building: A building used exclusively for the transmission and exchange of telephone messages. The term shall not include wireless telecommunication towers or antennas.

Temple: See Place of worship.

Temporary outdoor sales or event, seasonal: Outdoor sales of products associated with seasons, holidays and agricultural seasons.

Temporary produce stand: A temporary vending structure used for the sale and/or display of seasonal produce.

Tennis courts, play and recreation areas, community: A public or private facility for the playing of tennis, swimming, or other type of outdoor recreation, including related retail sales and an accessory restaurant. This term does not include amenities for a subdivision or other form of housing.

Theater: A structure used for dramatic, operatic, dance, or music performances, or the rehearsal and presentation of other similar performing arts events, or for motion pictures, for which an admission fee is charged. Such establishments may include related services such as food and beverage sales and other concessions.

Threshold: The top of the subfloor in the opening that is designated as the front door of a dwelling.

Thrift store: A for-profit or non-profit business or organization that engages or specializes in the sale or resale of previously owned or used goods. This term includes antique shops, consignment stores, and secondhand stores.

Tire retreading and recapping: Businesses that primarily repair and retread automotive tires.

Tobacco retail store: a retail establishment that sells tobacco products including but not limited to cigars, cigarettes, hookah products, vape pens, and associated merchandise. Allowed to have on-site consumption in accordance with DeKalb County Clean Air Ordinance as well as State and Federal Laws.

Total sound level: That measured level which represents the summation of the sounds from the sound source under investigation and the neighborhood residual sounds which affect a given place at a given time, exclusive of extraneous sound sources.

Tow service: Establishment that provides for the removal and temporary storage of vehicles, but does not include disposal, permanent disassembly, salvage, or accessory storage of inoperable vehicles. See also Automobile recovery and storage.

Townhouse: One (1) of a group of three (3) or more single-family dwelling units, attached side-by-side by a common wall. See Dwelling, single-family.

Townhouse, stacked: Multi-family building with the appearance of a townhouse (side-by-side attached), but which has multiple dwelling units whereby a unit is located above or below another.

Trailer: Any non-motorized vehicle or wheeled attachment designed to be towable, including, but not limited to landscape utility trailers, horse trailers, storage trailers, campers, recreational vehicle trailers designed for temporary living quarters while traveling or camping, fifth-wheel trailers, pop-up campers, transport trailers, and boat trailers.

Transit: The conveyance of persons or goods from one (1) place to another by means of a local, public transportation system.

Transit oriented development (TOD): Moderate and high-density mixed-use development which is located along transit routes and encourages pedestrian use of public transportation.

Transitional buffer zone: A natural or planted buffer area between two (2) different land uses which is intended to provide protection between said land uses and which meets the criteria for said buffer specified in article 5.

Transitional height plane: A geometric plane that establishes the maximum permitted height of a building in a district that allows a greater density than that of an adjoining lower-density residential district. The transitional height plane shall begin at a point thirty-five (35) feet above setback or transitional buffer line, whichever is furthest from the property line, then extend at an upward angle of forty-five (45) degrees over the lot of the building.

Figure 9.11 Transitional Height Plane

Transitional housing facility: A building or buildings in which is provided long-term but no permanent living accommodations for persons who have no permanent residence and are in need of long-term housing assistance on at least a monthly basis. This includes all sponsored programs such as housing for previously jailed or criminally convicted persons, persons recovering from addiction, and/or persons suffering other hardship. These facilities may also provide meals and social services including counseling services. These are permitted in two categories including 6 or less persons and 7-20 persons. Compare with homeless shelter, personal care home, and Multi-family dwelling, supportive living. ~~A building or buildings in which is provided long-term but no permanent living accommodations for more than six (6) persons who have no permanent residence and are in need of long-term housing assistance. Compare with Homeless shelter.~~

Transparent material: Any material which allows light to be transmitted and objects to be seen clearly and with definition.

Transportation equipment and storage or maintenance (vehicle): Any building, premises or land in which or upon which is the storage or maintenance of motor freight vehicles or equipment, without services provided, such as those provided by a truck stop. Compare with Truck terminal.

Tree: Any living, self-supporting, woody perennial plant which has a trunk caliper of two (2) inches or more measured at a point six (6) inches above the ground and which normally attains a height of at least ten (10) feet at maturity usually with one (1) main stem or trunk and many branches.

Tree canopy: The area directly beneath the crown and within the outermost edges of the branches and leaves of a tree.

Truck stop: Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into such commercial vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may also include overnight accommodations and restaurant facilities primarily for the use of truck crews.

Truck terminal: An area and building where vehicles load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

Turnaround: A space, as in a driveway, permitting the turning around of a vehicle.

Two-part commercial block style: A building of two (2) stories or greater in height that has a flat roof and is characterized by a horizontal division of the building façade into two (2) distinct zones. These zones may be similar in design but shall be clearly separated from one another. The ground floor level of the building shall contain fenestration equal to seventy-five (75) percent of the width of the front façade of the building.

Universal barrier: A type of root barrier for street trees.

Understory tree: A deciduous or evergreen tree which attains a mature height of no greater than thirty (30) feet.

University: See College.

Urban garden: A lot, or any portion thereof, managed and maintained by a person or group of persons, for growing and harvesting, farming, community gardening, community-supported agriculture, or any other use, which contributes to the production of agricultural, floricultural, or horticultural products for beautification, education, recreation, community or personal use, consumption, sale, or donation. An urban garden may be a principal or accessory use on lots including, but not limited to, those owned by individuals, non-profit organizations, and public or private institutions like universities, colleges, school districts, hospitals, and faith communities. This definition excludes gardens accessory to an individual's residence.

Usable satellite signals: Satellite signals from all major communications satellites that, when viewed on a conventional television set, are at least equal in picture quality to those received from local commercial television stations by way of cable television.

Use: The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

Utility: Any public or private agency that provides for the generation, transmission or distribution of electricity, gas, water, stormwater, wastewater, communication, transportation, or other similar service, excluding those utilities that are public uses.

Valet: See Parking, valet.

Value added products: Prepared farm products such as baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, smoked or canned meats or fish, sausages, or other prepared foods.

Van service: A commercial or not-for-profit service in which the provider offers transportation service to clients from their home to another destination, such as a medical service facility or other destination.

Variance: Permission to depart from the requirements of this chapter pursuant to the requirements of article 8~~7~~.

Vehicle storage yard: A building or land that is used principally for long-term parking of any class of passenger or non-passenger vehicles, including but not limited to automobile fleets associated with commercial business, delivery trucks or other commercial vehicles, or associated with government operations such as school buses, postal delivery trucks, or sanitation trucks. The term "vehicle storage yard" includes off-site parking of commercial vehicles such as those used in light or heavy landscaping or construction but does not include transportation vehicle such as semi-tractor trailers. A vehicle storage yard may include minor repair of the vehicles as an accessory use. Compare with Auto recovery and storage.

Vehicle trip: A vehicular movement either to or from the subject property by any vehicle used in a home occupation, any vehicle associated with a home occupation, or any customer or client vehicle.

Vehicular use area: Any portion of a site or a property, paved or unpaved, designed to receive or accommodate vehicular traffic, including the driving, parking, temporary storage, loading, or unloading of any vehicle.

Veterinary clinic: See Animal hospital.

Videotape sales and rental store: An establishment primarily engaged in the retail rental or lease of video tapes, films, CD-ROMs, laser discs, electronic games, cassettes, or other electronic media. Sales of film, video tapes, laser discs, CD-ROMs, and electronic merchandise associated with VCRs, video cameras and electronic games are permitted accessory uses.

Viewshed: The total visible area from an identified observation position or positions.

Village center: The central shopping or gathering place within a traditional neighborhood which contains commercial uses and open space, and which may contain public space.

Wall: A structure used as a solid retaining, screening, or security barrier constructed of materials including brick, stone, concrete, concrete block, ceramic tile or other aggregate materials and other such materials.

Wall plane: An area of a wall between a wall offset and another wall offset or a corner.

Waste to energy facility: A solid waste handling facility that provides for the extraction and utilization of energy from county or city solid waste through a process of combustion.

Weekday: The time period of the week that begins at 7:00 a.m. on each Monday and ends at 6:00 p.m. on each Friday.

Weekend: The time period of each week that begins at 6:00 p.m. on each Friday and ends at 7:00 a.m. on each Monday.

Wetlands: An area of land meeting the definition of "wetlands" set forth in 33 C.F.R. Part 328.3(b) of the Code of Federal Regulations, as amended, and that is subject to federal, state or local regulations governing land meeting that definition.

Wind turbine: A turbine, a rotating machine which mounted on a tower, is used to capture energy from the wind to produce electricity.

Workforce housing: For-sale housing that is affordable to those households earning eighty (80) percent of median household income for the Atlanta Metropolitan Statistical Area (MSA) as determined by the current fiscal year HUD income limit table at the time the building is built.

Wireless telecommunications store: Any retail store selling wireless telecommunications equipment or associated devices such as cellphones. Not permitted to have cell towers, small cell antennas or any other antennas on site.

Xeriscape: A landscape designed and maintained with the principles that promote good horticultural practices and efficient use of water and is characterized by the use of vegetation that is drought-tolerant or of low water use in character.

Yard: That area of a lot between the principal building and adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

Yard sale: The temporary residential sale of tangible personal property, such as but not limited to, household items, clothing, tools, toys, recreational equipment, or other used or secondhand items normally found in and about the home. This definition includes the terms estate sale, if held outside, garage sale, basement sale, carport sale, moving sale, or rummage sale. This temporary use may be conducted by an individual, multiple persons, churches, social civic or charitable organizations, a neighborhood group, church or civic association.

Yard, corner side: An open-space area of a corner lot between the exterior side lot line and the required exterior side building setback line, extending between the front building setback line and the rear building setback line.

Yard, front: An area extending across the total width of a lot between the front lot line and the building. With respect to limitations within the front yard, there can only be one (1) front yard.

Yard, interior side: A yard extending between the front and rear yards and being that area between the side lot line, where the side lot line is coincidental with the side or rear lot line of an adjacent lot, and that line or lines established by the side wall or walls of the principal structure.

Yard, rear: A yard extending across the total width of a lot between side lot lines and being that area between the rear lot line and that line or lines established by the rear wall or walls of the principal structure projected to intersect the side lot lines.

Yard, side: A yard extending between the front and rear yards and being that area between the side lot lines and the principal structure.

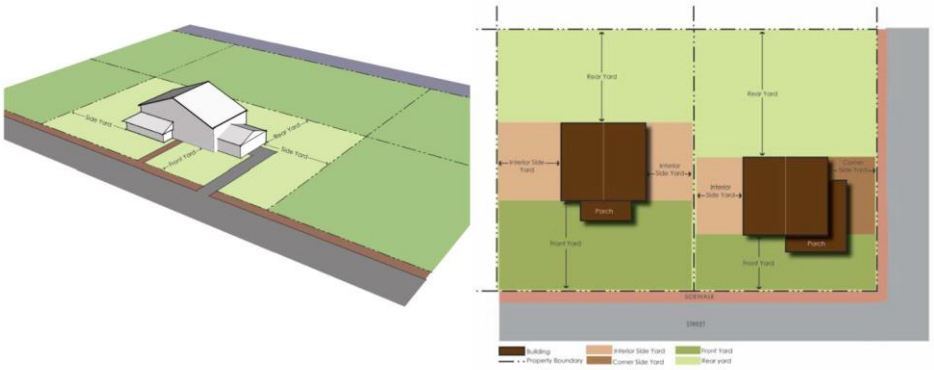


Figure 9.12 Illustration of Yard

Zero lot line: When location of a building in such manner that one (1) or more of building's exterior wall is allowed to rest directly on the lot line or property boundary.

Zoning decision: Final legislative action by a local government which results in:

- The adoption of a zoning ordinance;
- The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance;
- The adoption of any amendment to a zoning ordinance which rezones the property from one zoning classification to another;

- The adoption of an amendment to a zoning ordinance by a municipal local government which zones property to be annexed into the municipality;
- The grant of a permit relating to a special use of property, as defined in O.C.G.A. § 36-66-3, and as may hereafter be amended by Georgia law; or
- Denial of the aforementioned ordinances or permits.

11 Article 11. - Wireless telecommunications (cell tower).

11.1 Purpose and goals.

A. The purpose of this section is to ensure that residents, public safety operations, and businesses in City of Stonecrest have reliable access to wireless telecommunications networks and state of the art communication services while also ensuring that this objective is achieved in a manner consistent with City of Stonecrest's planning and zoning standards, to maintain to the extent possible the aesthetic integrity of the community, and in accordance with applicable state law and with federal law, regulations, and guidance, including the Telecommunication Act of 1996 which preserved, with certain limitations, local government land use and zoning authority concerning the placement, construction, and modification of wireless telecommunication facilities.

B. The goals of this section are:
   1. To ensure City of Stonecrest has sufficient wireless infrastructure to support its public safety communications throughout the city;
   2. To provide access to reliable wireless telecommunication services by residents, businesses, and visitors throughout all areas of the city
   3. To minimize the total number of support structures within the city by promoting and encouraging the joint use of new and existing wireless support structures among wireless service providers;
   4. To encourage the location of wireless support structures, to the extent possible, in areas where adverse impacts on the community will be minimized;
   5. To encourage the design and construction of towers and antennas to minimize adverse visual impacts;
   6. To avoid potential damage to property caused by wireless communications facilities by ensuring that such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or when determined to be structurally unsound;
   7. To preserve those areas of scenic or historic significance;
   8. To facilitate implementation of an existing tower map for City of Stonecrest;
   9. To promote and encourage the joint use of new and existing tower sites among service providers;
   10. To enhance the ability of the providers of wireless communications services to deliver such services to the community effectively and efficiently;
   11. To be consistent with all overlay districts within the city, to the extent practicable and so as to not to conflict with this section.
   12. To encourage the location of telecommunication facilities, including all Telecommunication Support Structures, Equipment and/or Antenna(s) in nonresidential areas;

13. To promote health, safety, and general welfare of the public by regulating the siting of and establishing development standards for wireless facilities and related wireless support structures, equipment, and infrastructure; and
14. To follow and promote policies embodied in Section 704 of the Federal Telecommunications Act of 1996 and O.C.G.A. §36-66B-1, et. seq., in such manner as not to unreasonably discriminate between providers of functionally equivalent wireless services or to prohibit or have the effect of prohibiting personal wireless services in the City.
15. To comply in good faith with the provisions of SB66, codified in Georgia Law as O.C.G.A. §36-66C-1, et. seq., the "Streamlining Wireless Facilities and Antennas Act" ("ACT"). If any provisions of this section or Article as a whole conflict with the provisions of the ACT, the provisions of the ACT shall control.

11.2 Definitions.

For the purposes of this Article, the following definitions apply. Words not defined herein shall be construed to have the meaning given by common and ordinary usage and shall be interpreted within the context of the sentence and section in which they occur:

Accessory equipment (or Equipment) means any device or telecommunications infrastructure component serving or being used in conjunction with the delivery or transmission of all types of Telecommunication Services. This equipment includes, but is not limited to, Antennas, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures, small cell devices and similar wireless transmitters or conduits.

Administrative approval means zoning approval that the director of planning is authorized to grant in the form of a special administrative permit.

Administrative review means evaluation of an application by the director of planning in connection with the review of an application for a building permit.

Alternative Telecommunication Support Structure means clock towers, bell towers, water tanks, church steeples, light/power poles, electric transmission support structures, man-made trees and similar natural or man-made alternative-design mounting structures that camouflage or conceal the presence of Antennas or telecommunication support structures. An Alternative Telecommunication Support Structure may include a pre-existing building and outdoor advertising sign.

Antenna means any communications equipment that transmits, receives, or transmits and receives electromagnetic radio signal used in the provision of all types of wireless communication services including, but not limited to, cellular, paging, personal communications services (PCS) or microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

Applicant means a person or entity with an application for an administrative or special use permit for the erection of, Modification of, or Co-location of Telecommunication Facilities in the City, whether located on private lands or in a Public Right-of-Way. For purposes of this section, this term shall include any Co-Applicant or party with an ownership interest in a proposed or affected existing Telecommunication Facility, including, but not limited to, property owners, telecommunication support structure owners, and any proposed tenants for the facility.

Application means a formal request submitted to the City of Stonecrest to construct, collocate or modify a Telecommunication Facility, Telecommunication Support Structure or Alternative Telecommunication Support Structure.

Attached wireless telecommunications facility means an antenna or antenna array that is secured to an existing building or structure (except an antenna support structure) with any accompanying pole or device which attaches it to the building or structure, together with transmission cables and an equipment cabinet, which may be located either on the roof or inside/outside of the building or structure, and do not significantly change the profile of the existing structure and are not readily noticeable to the untrained eye. Attached wireless telecommunications facilities may be concealed or contained in an architectural feature and should complement the existing theme and rhythm of the structure. An attached wireless telecommunications facility is considered to be an accessory use to the existing principal use on a site.

Carrier on wheels or *cell on wheels ("COW")* means a portable self-contained telecommunications facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure, though it may use a separate temporary mast for the placement of antennas.

Collocate or *collocation* means the placement or installation of new wireless facilities on previously approved and constructed Telecommunication Support Structures or Alternative Telecommunication Support Structures, including monopoles and towers, both self-supporting and guyed, in a manner that negates the need to construct a new freestanding Telecommunication Support Structure or Alternative Telecommunication Support Structure. Such term includes the placement of accessory equipment within an existing equipment compound.

Commission means the Georgia Public Service Commission.

Decorative Pole means a pole owned by the City of Stonecrest that is specially designed and placed for aesthetic purposes.

Distributed antenna systems ("DAS") means a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure. A DAS is considered a type of Small Cell Installation.

Equipment compound means an area surrounding or adjacent to the base of a wireless support structure within which accessory equipment is located.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Fall zone means the maximum distance from its base a Telecommunication Support Structure or Alternative Telecommunication Support Structure will collapse in the event of a failure, usually less than the total height of such structure. This distance must be defined by a professional civil or structural engineer licensed in the State of Georgia.

Geographic search area (GSA) means a geographic area designated by a wireless provider or operator as the area within which a new telecommunication facility must be located to serve an identified system need, produced in accordance with generally accepted principles of wireless engineering.

Grantee means an Applicant in receipt of written authorization from the City to erect, operate, and/or maintain Telecommunication Facilities in the Public Right-of-Way.

Guyed Structure means a style of Telecommunication Support Structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.

Height means the distance measured from ground level to the highest point on a Telecommunication Support Structure or Alternative Telecommunication Support Structure, including all Antennas or lighting rods.

Micro Wireless Facility means a Small Cell Installation not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height that has an exterior antenna, if any, no longer than 11 inches.

Modification means the improvement, upgrade, expansion, or replacement of wireless facilities on an existing Telecommunication Support Structure or Alternative Telecommunication Support Structure or within an existing equipment compound, including improvements, upgrades, expansions, or the replacement of any existing telecommunication Equipment, conduit, or infrastructure apparatus, provided such improvement, upgrade, expansion, or replacement does not increase the Height of the Telecommunication Support Structure.

Monopole means a single, freestanding Telecommunication Support Structure that consists of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of support structure is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on the roof of a building.

Ordinary maintenance means action taken to ensure that telecommunications facilities and support structures are kept in good operating condition. Ordinary maintenance includes inspections, testing and modifications that maintain functional capacity, aesthetic and structural integrity; for example, the strengthening of a support structure's foundation, or of the support structure itself. Ordinary maintenance includes replacing antennas of a similar size, weight, shape and color and accessory equipment within an existing telecommunications facility, and relocating the antennas of approved telecommunications facilities to different height levels on an existing Telecommunication Support Structure or Alternative Telecommunication Support Structure upon which they are currently located. Ordinary maintenance does not include modifications.

Pole means a vertical pole, such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal or other material that is lawfully located or to be located within a right of way, including without limitation a replacement pole and an authority pole. Such term shall not include any other Telecommunication Support Structure or Alternative Telecommunication Support Structure, as otherwise defined herein, Decorative Pole, or electric transmission structure.

Provider means any legal entity authorized and/or engaged in the provision of Telecommunication Services.

Public Right(s)-of-Way means and includes all public streets and utility easements now or hereafter owned by or granted to the City, but only to the extent of the City's right, title, interest or authority to authorize or permit an Applicant to occupy and use such streets and easements for the erection and operation of Telecommunication Facilities.

Public Street means a street, road, highway, boulevard, freeway, lane, path, alley, court, sidewalk, parkway, or drive which is owned by a public entity or to which a public entity has an easement for street purposes, and with respect to which, and to the extent that, the City has a right to grant use of the surface of and space above and below in connection with an authorized Provider of Telecommunication Services and/or owner of Telecommunication Facilities.

Small Cell or *Small Cell Installation* means an antenna facility that meets the following conditions:

- Mounted on structures 50 feet or less in Height, including their antennas; or
- Mounted on structures no more than 10 percent taller than other adjacent structures; or
- Do not extend existing structures on which they are located to a Height of more than 50 feet or by more than 10 percent, whichever is greater;

- Each antenna, excluding associated Equipment, is no more than three cubic feet in volume; and
- All wireless equipment associated with the structure, including any pre-existing associated Equipment on the structure, is no more than 28 cubic feet in volume.

Substantial Increase in Size means:

- Any increase in an existing Telecommunication Support Structure's Height by more than 10% or 10 feet (on private property) or 20 feet (on Rights-of-Way), whichever is greater, or width of the added appurtenances more than 20 feet on property or 6 feet on the Right-of-Way, as previously approved by the City or County, as a result of Modification or Collocation of Antennas or similar telecommunication Equipment;
- An increase in the dimensions of a Telecommunication Facility's Equipment compound as approved by the City or County as a result of Modification or Collocation by more than 10%, inclusive of the increase due to placement of an additional Equipment compound or, if in the Right-of-Way, an installation of any Equipment compound where none existed prior to the Modification or Collocation;
- A Modification or Collocation that will, as proposed, violated condition(s) of approval of an existing Telecommunication Facility, including any subsequently adopted amendments;
- A Modification or Collocation of Equipment that, as proposed, will exceed the applicant weight limits for an existing Telecommunication Facility, as approved by the City or County;
- The addition of more than four (4) new Equipment cabinets or one (1) new shelter;
- The excavation outside existing leased or owned property and current easements; and/or
- For concealed or stealth-designed facilities, if a Modification or Collocation would defeat the concealment elements of the Telecommunication Facility or base station.

Telecommunications facility(ies) means any physical component utilized in the provision of all types of Telecommunications Services, including all Telecommunication Support Structures, Alternative Telecommunication Support Structures, Antennas, Equipment, infrastructure apparatus, based support mechanism, accessory equipment, towers, Monopoles, Small Cell Installations, and physical attachments necessary for the provision of such Telecommunication Services.

Telecommunication Facility Owner(s) means any person or entity that directly or indirectly owns, controls, operated or manages Telecommunication Facilities, including any related Equipment or property within the City, used or to be used for the purpose of offering or transmitting signals used in the provision of any Telecommunication Services.

Telecommunication Service(s) means the transmittal of voice, data, image, graphic, and video programming between or among points by wire, cable, fiber, optics, laser, microwave, radio, satellite, or other facilities. This term shall include commercial mobile radio services, unlicensed wireless services, and common carrier wireless exchange services as identified in the Telecommunications Act of 1996.

Telecommunication Support Structure means a freestanding structure that is designed to support or capable of supporting and constructed primarily for the purpose of supporting telecommunication Equipment; this term shall include self-supporting, guyed, and Monopole support structures. The term includes, and is not limited to, radio and television transmission telecommunication support structures, microwave telecommunication support structures, common-carrier telecommunication support structures, cellular telecommunication support structures, man-made trees, Alternative

Telecommunication Support Structures, and other similar structures. In the Public Right-of-Way, only Telecommunication Support Structures erected for the installation of Small Cells shall be permitted.

Utility means any person, corporation, municipality, county, or other legal entity or department thereof or entity related or subordinate thereto, providing retail or wholesale electric, data, cable, or Telecommunication Services, or otherwise subject in any way to the lawful jurisdiction of the Commission.

Visual Quality means the appropriate design, arrangement, and location of Telecommunication Support Structures in relation to the built or natural environment to avoid abrupt or severe differences.

11.3 Approvals required for telecommunications facilities, stealth, and new support structures.

A. It shall be unlawful for any person to erect, install, construct, enlarge, move, alter or convert any tower or antenna or cause the same to be done within City of Stonecrest except in accordance with the provisions of this section. In addition, except as otherwise specifically provided herein, all towers and antennas shall also comply with all regulations applicable to the zoning district in which said tower or antenna is located and any permits authorizing said tower or antennas.
    1. All telecommunications facilities, stealth and new support structures shall require the issuance of a building permit in compliance with the administrative review processes described in this chapter. The building permit for a telecommunications facilities, stealth and new support structures shall be in addition to either a special administrative permit or a special land use permit if required.
    2. Telecommunications facilities, stealth and new support structures permitted pursuant to Table 4.1 upon issuance of a special administrative permit by the director of planning shall be considered in accordance with the standards set forth in this chapter. A building permit for a telecommunications facilities, stealth and new support structures may be applied for and considered contemporaneously with an application for a special administrative permit.
    3. Telecommunications facilities, stealth and new support structures not permitted by a special administrative permit shall be permitted upon the granting of a special land use permit by the City of Stonecrest City council in accordance with the standards set forth in this chapter, before submittal for administrative review (building permit).

11.3.1 Exemptions

B. Ordinary maintenance of existing telecommunications facilities, stealth and new support structures shall be exempt from zoning and permitting requirements. In addition, the following facilities are not subject to the provisions of this chapter:
    1. Antennas used by residential households solely for broadcast radio and television reception;
    2. Satellite antennas used solely for residential or household purposes;
    3. Telecommunication facilities, towers, stealth and new support structures, and monopoles located on city-owned property;
    4. COWs placed for a period of not more than one hundred twenty (120) consecutive days at any location within City of Stonecrest after a declaration of an emergency or a disaster;
    5. Television and AM/FM radio broadcast towers and associated facilities; and
    6. Small Cell facilities when located within a building interior.
    7. With respect to a pole or decorative pole on the right of way on which the Small Cell facility is co-located, inspections, testing, repairs and modifications that maintain functional capacity and aesthetic and structural integrity, provided that modifications are limited by the structural load analysis supplied by the Applicant in its prior Application for installation of the Facility.

8. Inspections, testing, or repairs that maintain functional capacity or the replacement or upgrade of Antennas or other components of the Small Cell facility on the right of way, such as a swap out or addition of Antennas and radio equipment as required by the Applicant, with Antennas and other components that are substantially similar in color, aggregate size, and other aesthetics to that previously permitted by the City and consistent with the Height and volume limits for Wireless Installations under this section, so long as the pole, decorative pole, or support structure will structurally support, or prior installation will be modified to support, the structural load in accordance with the structural load analysis supplied by the Applicant in its prior Application for the Installation.
9. Installation, placement, maintenance, operation or replacement of Micro Wireless Facilities that are suspended on cables that are strung between poles or support structures in the right of way in compliance with applicable codes, subject to the requirement that other applicable permits, such as electrical, excavation, street closure, or as otherwise required by this Code, be obtained.

11.4 Telecommunications facilities, and modifications permitted by administrative review (building permit).

11.4.1 Telecommunications facilities located on existing structures.

A. Attached wireless telecommunications facilities are permitted in all zoning districts, except single family residential, when located on any existing structure (other than a single family residential structure or a multi-family residential structure less than four (4) stories or fifty (50) feet in height) subject to administrative review in accordance with the requirements of this [chapter].
B. Attached wireless telecommunication facilities may exceed the maximum building height limitations within a zoning district, above the roof line of a flat roof or the top of a parapet wall to which they are attached, but shall be camouflaged or screened with an architectural feature compatible with the building. Modifications are permitted to all existing stealth and support structures and associated equipment compounds in accordance with the requirements of this chapter. Any modification involving increasing the height of an existing tower, either directly or by replacement, shall be permitted only upon a demonstration deemed sufficient to the director of planning that increasing structure height will allow collocation on the tower by a wireless service provider and that such collocation will obviate the need for a new telecommunications facility in the same geographic search area (GSA). Approval of a modification involving an increase in the height of an existing tower, either directly or by replacement, shall also authorize a corresponding increase in the size of the associated equipment compound sufficient to accommodate the accessory equipment needed by the wireless service provider collocating on the tower.
C. A monopole or replacement pole that will support utility lines as well as a telecommunications facility shall be permitted within utility easements or rights-of-way, in accordance with the requirements of this chapter, subject to the following regulations:
    1. The utility easement or right-of-way shall be a minimum of one hundred (100) feet in width.
    2. The easement or right-of-way shall contain overhead utility transmission and/or distribution structures that are eighty (80) feet or greater in height.
    3. The height of the monopole or replacement pole may not exceed by more than thirty (30) feet the height of existing utility support structures.
    4. Monopoles and all accessory equipment shall be set back a minimum of fifteen (15) feet from all boundaries of the easement or right-of-way.
    5. Single carrier monopoles may be used within utility easements and rights-of-way due to the height restriction imposed by subsection c. above.

(i) Poles that use the structure of a utility tower for support are permitted. Such poles may extend up to twenty (20) feet above the height of the utility tower.

6. The director of planning must issue a written decision approving, approving with conditions, or denying the application for modification or collocation within ninety (90) days of submission of the initial application.

11.5 Erection of new Small Cell Installations and support structures and certain other Telecommunication Support Structures permitted by special administrative permit.

11.5.1 New support structures.

A. New Telecommunication Support Structures and Alternative Telecommunication Support Structures for Small Cell Installations shall be permitted in all zoning districts and Public Rights-of-Way by special administrative permit.

B. New Telecommunication Support Structures and Alternative Telecommunication Support Structures, from fifty (50) feet up to one hundred ninety-nine (199) feet in height shall be permitted by special administrative permit in the OI, OD, C-1, C-2, M and M-2 zoning districts.

C. Attached wireless telecommunications (AWT) Antennas are allowed in single family residential districts, RE, R-100, R-85, R-75, R-60 and RSM. An AWT shall be located only on property that is used for non-residential purposes and attached to non-residential structures. The height of the facility shall be measured to include the height of the structure. These facilities shall be permitted by special administrative permit in accordance with the requirements of this chapter.

11.5.2 Cell on wheels/carrier on wheels (COW) facilities.

A. The use of COWs shall be permitted in any zoning district after special administrative permit approval and administrative review (building permit).

B. COWs may be placed for a period of not more than one hundred twenty (120) consecutive days at any location within unincorporated City of Stonecrest if used during a non-emergency or special event.

C. Placement of a COW for the purpose of providing wireless telecommunication service in connection with a special event, subject to the COW's compliance with all federal requirements, may be up to forty-five (45) consecutive days before such special event, for the duration of the event, and for up to fourteen (14) consecutive days thereafter.

D. After a declaration of an emergency or disaster by federal or state government, by City of Stonecrest, or a determination of public necessity by the director of planning, COWs are authorized without permitting. COW’s may not be placed in the right of way.

11.5.3 General standards, design requirements, and miscellaneous provisions.

A. Unless otherwise specified herein, all telecommunications facilities and support structures permitted by special administrative permit approval are subject to the applicable general standards and design requirements contained herein.

11.6 Special administrative permit review process.

All special administrative permit applications must contain the following:

A. The special administrative permit application form signed by the Applicant, and which shall include the Applicant’s name, address, telephone number, and email address, including emergency contact information, as well as names, addresses, telephone numbers, and email addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application.

B. A copy of a lease or letter of authorization from the owner of the property and/or the structure, pole or decorative pole on which the telecommunications facility and support structure are or proposed to be located evidencing the applicant's authority to pursue the application, if applicable. Such submissions need not disclose the financial lease terms.
C. For non-right of way applications, site plans detailing proposed improvements complying with the City's site plan requirements. Site plans must depict all improvements and satisfaction of all applicable requirements contained in this Code, including property boundaries, setbacks, topography, elevation sketch, landscaping, fencing, and dimensions of improvements.
D. Proof of and/or certified copies of any required approval, registration, and/or licensure from the Commission for any Provider of Telecommunication Services to provide such services in the State of Georgia, where applicable, and any other required FAA, FCC, or otherwise state and federal approval, registration, and/or licensure required to erect, Modify, or Collocate the proposed Telecommunication Facility.
E. An affirmative declaration that the Applicant shall comply with all applicable federal, state, and local laws and regulations, including all applicable provisions of the City's Code of Ordinances and conditions imposed by the City regarding the erection and maintenance of Telecommunication Facilities.

11.6.1 New support structure on private property:

A. A statement indicating why collocation could not meet the applicant's requirements. Such statement may include justifications, including why collocation is either not reasonably available or technologically or structurally feasible, as applicable, to document the reason why collocation is not a viable option.
B. The applicant shall provide a list of all the existing structures considered by it as alternatives to the proposed location. The applicant shall provide a written explanation why the alternatives considered were either reasonably unavailable, or technologically or structurally infeasible.
C. Applications for new support structures with accompanying telecommunications facilities shall be considered together as one (1) application requiring only a single application fee.
D. A list of all towers and support structures in City of Stonecrest in which the applicant has an ownership interest or use agreement. The list shall include the location, the type of structure, the height of the structure, the number of facilities located on the same structure, and the number of facilities for which collocation would be available under existing conditions.
E. A color propagation map demonstrating the existing coverage of all telecommunications facilities owned and proposed by the applicant within the GSA.
F. Current and proposed coverage map for the proposed tower.
G. A structural integrity analysis of a tower shall be included where antennas and equipment will be attached to such existing tower, or to establish the fall zone. Such certification and structural integrity analysis shall bear the signature and seal of a professional engineer licensed in the State of Georgia.
H. A special administrative permit application fee as listed in City of Stonecrest's published fee schedule. Such fee for Small Cell Installations shall not exceed $500 for the first five locations submitted concurrently, and $100 for each additional location thereafter.
I. Any other information as the director of planning may require demonstrating full compliance with this section, all other ordinances of the City and all applicable requirements of state or federal law.

11.6.2 Procedure for private property applications.

A. Within thirty (30) days of receipt of an application for special administrative permit, or within ten (10) days if for Small Cell Installations, the director of planning shall either: (1) inform the applicant in writing of the specific reasons why the application is incomplete and does not meet the submittal

requirements; or (2) deem the application complete. If the director informs the applicant that its application is incomplete within thirty (30) days, the overall timeframe for review is suspended until such time that the applicant provides the requested information necessary to complete the application. In can of Small Cell Installations, the first subsequent resubmittal shall restart the review period anew.

B. An applicant that receives notice of an incomplete application may submit additional documentation to complete the application. An applicant's failure to complete the application within sixty (60) days after receipt of written notice of incompleteness shall result in the withdrawal of the application without prejudice. An application withdrawn without prejudice may be resubmitted as a new application upon the filing of a new application fee.

C. The director of planning must issue a written decision approving, approving with conditions, or denying the application for the erection of a new Telecommunication Support Structure or Alternative Telecommunication Support Structure within one hundred fifty (150) days of the submission of the initial application, or ninety (90) days in the case of application for the erection of a new Small Cell Installation, unless the director of planning notified applicant in writing that its application was incomplete within thirty (30) days of filing. If so, the remaining time from the applicable total review time is suspended until the applicant provides the missing information.

D. Upon receipt of a completed application, the director of planning shall post a sign on the subject property with information concerning the name of the applicant, a short summary of what the application is requesting, and a deadline for decision. The same information shall also be published in the City's legal organ in the next available edition after receipt of a completed application. In addition, the application shall be forwarded to the Mayor and City Council. Upon making a decision to approve or deny the application, the director of planning shall send notice of such decision to the Mayor and City Council and publish same in the City's legal organ in the next available edition.

11.6.3 Additional Requirements for Right-of-Way Applications.

A. Applicants seeking to Modify, Collocate or erect new Small Cell Installations on any Public Right-of-Way within the municipal limits of the City shall provide the following in addition to the requirements of this subsection:
   1. A general description of the proposed work and the purposes and intent of the proposed facility. The scope and detail of such description shall be appropriate to the nature and character of the physical work to be performed, with special emphasis on those matters likely to be affected or impacted by the physical work proposed
   2. Detailed construction drawings regarding the proposed use of the right of way
   3. To the extent the proposed installation involves co-location on a pole, decorative pole, or support structure, a structural report performed by a duly licensed engineer evidencing that the pole, decorative pole, or support structure will structurally support the co-location, or that the pole, decorative pole, or support structure may and will be modified to meet structural requirements, in accordance with applicable codes
   4. Visual depictions or representations if such are not included in the construction drawings;
   5. Information indicating the horizontal and approximate vertical location, relative to the boundaries of the right of way, of the Small Cell Installation for which the application is being submitted;
   6. If the application is for the installation of a new pole or decorative pole, a certification that the Applicant has determined, after diligent investigation, that it cannot meet the service objectives of the permit by co-locating on an existing pole or support structure on which:
      a. The Applicant has the right to co-locate subject to reasonable terms and conditions; and
      b. Such co-location would not impose technical limitations or significant additional costs.

7. The Applicant shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and shall provide a written summary of the basis for such determination;
    a. If the Applicant is not provider of wireless services, a certification that a wireless service provider has requested in writing that the Applicant co-locate the Small Cell Installation or install, modify, or replace the pole or decorative pole at the requested location
8. Any material change to information contained in an Application shall be submitted in writing to the Director of Planning within 30 days after the events necessitating the change. Failure to do so shall be a violation of this section.

11.6.4 Procedure for Right of Way Applications.

A. Within 20 days of receipt of a written application pursuant to this section, the Director of Planning shall:
    1. Notify the Applicant in writing of the commencement and completion dates of any widening, repair, reconstruction, or relocation of the applicable right of way that is scheduled to commence, or is anticipated in good faith to commence, within 24 months after the Application is filed;
    2. Notify the Applicant of any aspect of the Application that appears to be grounds for the denial of the Application pursuant to this section; and
    3. Determine whether the Application is complete and inform the Applicant of his determination in writing.
B. If the Application is deemed incomplete, the Director of Planning shall specifically identify in writing all missing information within such 20-day period.
C. If notified of incompleteness, the Applicant may submit such missing information within 20 days of the receipt of the notification from the City, and, upon resubmission, any subsequent review for completeness shall be limited to the previously missing information. If the Application remains incomplete or is materially changed other than to address the missing information, the Director of Planning shall notify the Applicant of such within 10 days of the resubmission and such notice shall constitute an official denial of the Application.
D. Within 30 days of the City's written determination that the Application is complete, or upon it becoming complete by operation of law 20 days after submission, for a co-location, and within 70 days for installation, modification or replacement of a pole or decorative pole, the Director of Planning shall make the determination whether to approve or deny the Application.
E. A decision to deny the Application shall be in writing, shall identify all reasons for denial, and shall identify the provision(s) of this section on which the denial was based.
F. If the City fails to act on an application within the review period provided in this section, the Applicant may provide the City written notice that the time period for acting has lapsed, and the Director of Planning shall then have 20 days after receipt of said notice to render a written decision. If the Director of Planning does not act within that additional 20 days, the Application shall be deemed to be approved by operation of law.

11.6.5 Standards of review for Right of Way Applications

A. The Director of Planning shall approve the Right of Way Permit Application unless the co-location of a Small Cell Installation or requested installation, modification, or replacement of a pole or decorative pole:
    1. Interferes with the operation of traffic control equipment;
    2. Interferes with the sight lines or clear zones for transportation or pedestrians;
    3. Fails to comply with the Americans with Disabilities Act, 42 U.S.C. Section 12101, et. seq., or similar laws of general applicability regarding pedestrian access or movement;

4. Requests that ground-mounted equipment be located more than 7.5 feet in radial circumference from the base of the pole, decorative pole, or support structure to which the Antenna would be attached, provided that this shall not serve as reason for denial if the Applicant can show that the greater distance is necessary to avoid interfering with sight lines or clear zones for transportation or pedestrians or to otherwise protect public safety;
5. Fails to comply with applicable codes;
6. Fails to comply with the maximum limitations of what is defined as a Small Cell Installation under this Section or otherwise refuses to locate the facilities underground in those areas where the City requires same of all utilities in the right of way;
7. With respect to an Application to install a pole or decorative pole, interferes with the widening, repair, reconstruction, or relocation of a public road or highway by the City or GDOT that has been advertised for bid and scheduled for completion within six months after the Application is filed;
8. With respect to an Application to install a pole or decorative pole, interferes with a public works construction project governed by Chapter 91 of Title 36 of the O.C.G.A. and scheduled for completion within six months after the application is filed;

B. Fails to comply with aesthetic requirements or alternate location requirements of this section;
C. Fails to comply with laws of general applicability that address pedestrian and vehicular traffic and safety requirements; or
D. Fails to comply with laws of general applicability that address the occupancy or management of the right of way and that are not otherwise inconsistent with this Section or the ACT.

11.7 Special land use permit review process.

A. Erection of a new telecommunications facility and new support structure, located in a medium to high density residential district, or NS and OIT, from 51 to 150 feet in Height (except for an attached wireless telecommunication facility) shall meet the requirements of this chapter and shall be approved by a special land use permit subject to:
   1. The submission requirements below;
   2. The applicable standards below; and
   3. The requirements of the special land use permit general requirements provided in this Chapter.

11.7.1 Submission requirements for special land use permit applications.

A. All special land use permit applications for telecommunications facilities, stealth and new support structures, must contain the following:
   1. The special land use permit application form signed by applicant.
   2. A copy of a lease or letter of authorization from the property owner evidencing applicant's authority to pursue the special land use permit application. Such submissions need not disclose the financial lease terms.
   3. A legal description of the parent tract, the leased parcel and any associated easements, as applicable.
   4. A scaled site plan clearly indicating the location, type and height of the proposed tower or accessory structure to be utilized, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines and residential structures (if located on adjacent property), elevation drawings of the proposed tower, design of the tower and how visible obtrusiveness is reduced, accessory structure and any other structures, topography on site and of surrounding property, existing streams, wetlands and floodplains, and other information deemed necessary by the director of planning to assess compliance with this section.

5. A letter of intent providing a detailed narrative regarding the proposed facility, including the needs it is intended to meet, the area to be served, design characteristics, collocation alternatives, nature of uses on adjacent properties, and any other information deemed necessary by the director of planning to provide an adequate description of the proposal.
6. A radio frequency study including a description of the area of coverage, capacity and radio frequency goals to be served by the proposed facility, and the extent to which such proposed facility is needed for coverage or capacity needs. The study shall include all planned, proposed, in-service or existing sites operated by the applicant in or near the boundaries of and a color propagation study demonstrating the existing coverage of all telecommunications facilities owned and proposed by the applicant within the GSA. The study shall also demonstrate that the proposed height is the minimum necessary to achieve the required coverage. The study shall bear the signature of a qualified radio frequency engineer.
7. Certification that the telecommunications facility, the foundation and all attachments are designed and will be constructed to meet all applicable local codes, ordinances, and regulations, including any and all applicable city, state and federal laws, rules, and regulations. A structural integrity analysis of an existing tower shall be included where antennas and equipment will be attached to such existing tower. Such certification and structural integrity analysis shall bear the signature and seal of a professional engineer licensed in the State of Georgia.
8. Line-of-sight diagram or photo simulation, showing the proposed support structure set against the skyline and viewed from at least four (4) directions within the surrounding areas.
9. A list of all towers and support structures in City of Stonecrest in which the applicant has an ownership interest or use agreement. The list shall include the location, the type of structure, the height of the structure, the number of facilities located on the same structure, and the number of facilities for which collocation would be available under existing conditions.
10. A statement indicating why collocation is not feasible. Such statement shall include:
11. Such technical information and other justifications as are necessary to indicate the reasons why collocation is not a viable option; and
12. A list of the existing structures considered by the applicant as possible alternatives to the proposed location and a written explanation why the alternatives considered were structurally deficient or otherwise unsuitable.
13. A statement certifying that the proposed stealth or new support structure will be made available for collocation to other service providers at commercially reasonable rates.
14. Notification to surrounding property owners as required by this chapter.
15. A special land use permit application fee as listed in City of Stonecrest's published fee schedule.
16. Proof of and/or certified copies of any required approval, registration, and/or licensure from the Commission for any Provider of Telecommunication Services to provide such services in the State of Georgia, where applicable, and any other required FAA, FCC, or other State and Federal approval, registration, and/or licensure required to erect the proposed new Telecommunication Support Structure or Alternative Telecommunication Support Structure.

11.7.2 Procedure for special land use permit

A. Within thirty (30) days of the receipt of an application for special land use permit, the director of planning shall either: (1) inform the applicant in writing of the specific reasons why the application is incomplete and does not meet the submittal requirements; or (2) deem the application complete. If the director informs the applicant in writing that its application is incomplete within thirty (30) days, the overall timeframe for review is suspended until such time that the applicant provides the requested information necessary to constitute a complete application.

B. If an application is deemed incomplete, the applicant may submit additional materials to complete the application. An applicant's unreasonable failure to complete the application within sixty (60) days after receipt of written notice of incompleteness shall result in the withdrawal of the application without prejudice. An application withdrawn without prejudice may be resubmitted upon the filing of a new application fee.
C. A complete application for a special land use permit shall be scheduled for a hearing date as required by City of Stonecrest.
D. The posting of the property and public notification of the application shall be accomplished in the same manner required for any special land use permit application under this chapter.
E. The director of planning must provide the applicant with a written decision of the City Council approving, approving with conditions, or denying the request within one hundred fifty (150) days of the submission of the initial application unless the director of planning notified applicant in writing that its application was incomplete within thirty (30) days of filing. If so, the remaining time from the one hundred-fifty-day total review time is suspended until the applicant provides the missing information in writing.

11.7.3 General standards and design requirements.

A. *Design.* Support structures shall be subject to the following:
   1. Designed to accommodate a minimum number of collocations based upon their height, as follows:
   2. Support structures less than one hundred (100) feet in height shall be designed to support at least two (2) antenna arrays;
   3. Support structures between one hundred (100) and one hundred fifty feet (150) shall be designed to support at least three (3) antenna arrays; and
   4. Support structures greater than one hundred fifty (150) feet in height shall be designed to support at least four (4) antenna arrays.
   5. The compound area surrounding the support structure must be in the minimum size to accommodate accessory equipment for the appropriate number of collocations.
   6. Property leased or purchased for the purpose of a telecommunication facility is not required to have minimum road frontage or lot area of the zoning district. However, the applicant must demonstrate access to a public road via an access easement.
   7. Upon request of the applicant, the director of planning may waive the requirement that new support structures accommodate the collocation of other service providers if the director of planning determines that collocation at the site is not essential to the public interest and that the construction of a shorter support structure with fewer antennas would minimize adverse impact on the community.
B. *Setbacks.*
   1. Property lines. Unless otherwise stated herein, stealth and new support structures shall be set back from all property lines a distance of the fall zone plus twenty (20) feet, or if adjacent to property zoned residential, the greater of (a) the fall zone plus twenty (20) feet or (b) one hundred (100) feet.
   2. Residential dwellings. There shall be no setback requirement from dwellings located on the same parcel as the proposed structure.
   3. Unless otherwise stated herein, all accessory equipment shall be set back from all property lines in accordance with the minimum setback requirements in the underlying zoning district and any overlay district. Accessory equipment associated with an existing or replacement utility pole shall not be subject to setback requirements.

4. The zoning board of appeals shall have the authority to vary any required setback upon the request of the applicant if:
5. The applicant provides a letter stamped by a certified structural engineer licensed in the State of Georgia documenting that the proposed structure's fall zone is less than the requested setback; and
6. The proposed Telecommunication Support Structure or Alternative Telecommunication Support Structure is consistent with the purposes and intent of this ordinance.

C. *Height*.
1. In non-residential districts, support structures shall be designed to be the minimum height needed to meet the service objectives of the applicant, but in no event shall exceed one hundred ninety-nine (199) feet in height as measured from the base of the structure to its highest point, excluding any appurtenances.
2. In medium and high-density residential districts, stealth support structures shall not exceed one hundred fifty (150) feet. Stealth support structures shall be measured from the base of the structure to the top of the highest point, excluding appurtenances. Any proposed stealth support structure shall be designed to be the minimum height needed to meet the service objectives of the applicant.
3. In all zoning districts, the zoning board of appeals shall have the authority to vary the height restrictions listed in this section upon the request of the applicant and a satisfactory showing of need for a greater height. With its variance request the applicant shall submit such technical information or other justifications as are necessary to document the need for the additional height to the satisfaction of the zoning board of appeals.

D. *Aesthetics*. Amateur radio Telecommunication Support Structures, or receiver-only Antennas, shall not be subject to the provisions of this subsection unless such structures exceed thirty-five (35) feet in Height.
1. Lighting and marking. Telecommunications facilities or support structures shall not be lighted or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA). If lighting is required, the City may review the available federally approved lighting alternatives and approve the design that would cause the least disturbance to the surrounding area.
2. Signage. Signs located at the telecommunications facility shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information as required by government regulation. Commercial advertising is strictly prohibited.
3. Landscaping. The visual impacts of a Telecommunication Facility and support structure shall be mitigated by landscaping. Unless located in heavily wooded areas, or on Public Rights-of-Way, Telecommunication Facilities shall be landscaped with a landscape buffer which effectively screens the view of the facility from all sides. The use of existing plant material and trees shall be preserved to the maximum extent practicable and may be used as a substitute for, or in supplement towards, meeting landscaping requirements.
4. Landscape buffers shall be a minimum of ten (10) feet in width and located outside the fenced perimeter of the Telecommunication Facility compound.
5. All landscaping shall be of the evergreen variety and shall conform to the City's buffer standards.
6. Telecommunication Support Structures and Antennas shall either maintain a galvanized steel outer shell or, subject to any applicable standards of the FAA and FCC, shall be painted a neutral color so as to reduce visual obtrusiveness.
7. All Telecommunication Support Structure sites and related structure designs shall use materials, colors, textures, screening, and landscaping that will blend the Telecommunication Facilities to the natural setting and surrounding environment.

8. For Antennas erected on an Alternative Telecommunication Support structure, the Antenna and supporting electrical and mechanical ground Equipment shall be a neutral color so as to make the Antenna and related Equipment as visually unobtrusive as is reasonable.
9. Telecommunication Support Structures in the Public Right-of-Way must be substantially similar in appearance to adjacent light poles or other similar structures so as to blend in to same, including any design requirements of the adjacent zoning or overlay district. All Equipment associated with a Telecommunication Support Structure in the Public Right-of-Way that are not placed on the Structure itself must either be located on adjacent private property, buried underground, or both. Any such Equipment placed on the Structure itself must be on the side of the Structure facing away from the Public Right-of-Way, if at all physically possible.

E. *Accessory equipment, including any buildings, cabinets or shelters.*
1. Accessory equipment shall be used only to house equipment and other supplies in support of the operation of the on-site telecommunication facility or support structure.
2. Any equipment not used in direct support of such on-site operation shall not be stored on the site.
3. Accessory equipment must conform to the setback standards of the applicable zoning districts. In the situation of stacked equipment buildings, additional screening/landscaping measures may be required by the director of planning in order to accomplish the purposes and goals of this section.

F. *Stealth design telecommunications facilities.*
1. Any telecommunications facility that otherwise complies with the requirements of this chapter, including procedural approvals, may be designed as a stealth telecommunication facility.
2. Stealth telecommunication facilities are mandatory in medium and high-density residential districts and shall not exceed one hundred fifty (150) feet in height. All towers in medium and high-density residential districts must be approved by a special land use permit.
3. Antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer

G. No sound emanating from the facility generator during normal operations shall be audible above seventy (70) decibels which would allow normal conversation within fifteen (15) feet of the compound.

11.8 Pre-existing Facilities.

A. Any pre-existing Telecommunication Facility which does not meet the requirements of this section shall be considered nonconforming and subject to the nonconforming use provisions of the zoning ordinance; provided, however, that the installation of a new Antenna on a pre-existing Telecommunication Support Structure shall not constitute the expansion of a nonconforming use provided that
1. the new Antenna does not result in a Substantial Increase in Size and
2. the resulting Height of the pre-existing Telecommunication Support Structure is less than the maximum Height the Telecommunication Support Structure previously approved by the City.

11.9 Annual Registration of Telecommunication Facilities.

A. The owner of any Telecommunication Facility shall submit an annual registration of such Facility on such forms as the director of planning shall prescribe.
1. The tax parcel identification and physical street address for the parcel on which such Telecommunication Facility is located.
2. Describe all Telecommunication Support Structures, Alternative Telecommunication Support Structures, Antennas, and other Telecommunication Equipment on the site, describe in detail any

improvements during the preceding calendar year, and, for Telecommunication Support Structures only, state the total gross income from all improvements on the site for the preceding calendar year

3. Filed with the City on or before April 1st of each year and shall be accompanied by an annual administrative fee in an amount as established by the Mayor and Council.

11.10 Principal or Accessory Use.

A. A Telecommunication Support Structure and/or Antenna is considered a principal use if located on any parcel as the sole or primary structure, and is considered an accessory use if located on a parcel shared with a different existing primary use or existing structure. An existing use or structure on the same parcel shall not preclude the installation of an antenna or Telecommunication Support Structure. For purposes of determining whether the erection of a Telecommunication Support Structure or Antenna complies with the requirements of the zoning district in which it is located (including, but not limited to, all setback and buffer requirements), the dimensions of the entire parcel shall control, even though the Antenna or Telecommunication Support Structure may be located on a leased area within the dimensions of such parcel.

11.11 Inventory of Existing Sites for New Telecommunication Support Structure or Alternative Telecommunication Support Structure Applications.

A. The City shall maintain an itemized list of all Telecommunication Support Structures or Alternative Telecommunication Support Structures, active and inactive, which are located within the municipal limits of the City. This list shall include specific information about the location (latitude and longitude coordinates), Height, design, Telecommunication Support Structure type and general suitability for Antenna co-location of each Telecommunication Support Structure and authorized Alternative Telecommunication Support Structures, and other pertinent information as may be decided by the City.

1. To facilitate collocation of Antennas, each Applicant seeking to erect a new Telecommunication Support Structure or Alternative Telecommunication Support Structure, or to modify any such existing structure, shall provide to the City an itemized list of its existing Telecommunication Support Structures and authorized Alternative Telecommunication Support Structures as provided for below. Applicants seeking to erect an amateur radio Telecommunication Support Structure or Antenna less than thirty-five (35) feet in Height shall be exempt from this provision.
2. Each Applicant seeking to erect a new Telecommunication Support Structure or Alternative Telecommunication Support Structure or to modify existing support structures shall provide the City with an itemized list, including all of the following: a complete listing of all Applicant-owned Telecommunication Support Structures that are within the municipal limits of the City or within one-quarter (1/4) mile of the municipal limits of the City; with respect to each listed Telecommunication Support Structure, specific information, including the location (latitude and longitude coordinates), Height, design, structure type, and general suitability for Antenna collocation; and other pertinent information as may be required by the director of planning. The City shall share such information with any other Applicant under this section or any other organization or governmental entity seeking to locate a Telecommunication Facility within the municipal limits of the City, provided, however, that the City shall not, by sharing such information, in any way be deemed to have represented or warranted that such sites are available or suitable.

3. An application, with the exception of an application to erect an amateur radio telecommunication support structure or Antenna less than thirty-five (35) feet in Height as set forth herein, shall not be considered complete without the itemized list required in this subsection.

11.12 Documentation from Applicable Regulatory Agencies and Review for Aviation Purposes.

A. Any applicant for the erection of a Telecommunication Facility governed by this section shall demonstrate compliance with all FAA and FCC regulations with respect to prior approval, registration and/or licensure of a proposed Telecommunication Facility. No building permit shall be issued until an Applicant has received approval from the FAA and/or registered the proposed facility with the FCC where required and provided copies of all applicable approvals, registrations, and/or licenses to the City. In the alternative, Applicants may demonstrate that such prior authorization and/or registration is not required to be accompanied by a sworn affidavit asserting same. All Telecommunication Facilities must meet or exceed current standards and regulations of the FAA, the FCC, the Commission, and any other agency of the federal government authorized to regulate such facilities.

11.13 Building Codes; Safety Standards.

A. To ensure structural integrity of Telecommunication Facilities, the owner, permittee, or subsequent lessee of a Telecommunication Support Structure or Alternative Telecommunication Support Structure shall ensure that all applicable Telecommunication Facilities on such site are maintained in compliance with standards contained in applicable local building codes. If, upon inspection, the City concludes that an applicable Telecommunication Facility fails to comply with all governing codes and standards, or constitutes a danger to persons or property, then upon receipt of written notice by the owner, permittee, or lessee of such a facility, the recipient shall have fifteen (15) days to bring the Telecommunication Facility into compliance with such standards. If the owner, permittee, or lessee fails to bring the Telecommunication Facility into compliance within the 15-day period, the City may, at the direction of the City Manager, remove the non-compliant Telecommunication Facility at the owner, permittee, or lessee's expense. Prior to the removal of any telecommunication facility, the City may consider detailed plans submitted by the owner, permittee, or subsequent lessee for repair of substandard Telecommunication Support Structures and may grant a reasonable extension of the above-referenced compliance period. Any such removal by the City shall be in the manner provided in O.C.G.A. §§ 41-2-7 through 41-2-17.

11.14 Change of Ownership or Control Notification.

A. Upon the transfer of ownership or control of any Telecommunication Facility, the party transferring such ownership or control shall notify the City of the transaction in writing within thirty (30) days.

11.15 Revocation or Termination of Permit.

A. Any authorization to erect or operate Telecommunication Facilities may be revoked for the following reasons:
   1. Erection or operation of Telecommunication Facilities at an unauthorized location;
   2. Misrepresentation or lack of candor by or on behalf of a Grantee in any representation to the City;
   3. Abandonment of applicable Telecommunication Facilities;
   4. Failure to pay required reasonable fees or costs, as may be required in this section;
   5. Failure to meet any provision of the annual registration requirement in this section;

6. Failure to pay required fees or costs for access and use of Public Rights-of-Way, as may be required in this section; and
7. Violation of a material provision of the City's Code of Ordinances or violation of a material condition set forth in any permit or authorization to erect and operate Telecommunication Facilities.

11.16 Access to the Public Right-of-Way.

A. The City shall not require any Telecommunications Facility Owner to sign an agreement of any kind as pre-condition for access to the City's Right of Way. The provisions of this section and the ACT shall serve as the only pre-conditions for location of Telecommunication Facilities in the Rights-of-Way. Any Telecommunications Facility Owner may, voluntarily, enter into any such Right of Way access agreement with terms that deviate from the provisions of the ACT or this section, so long as said agreements are available for public inspection and are non-discriminatory as to terms and conditions with different Telecommunication Facility Owners.

11.17 Limitations on Municipal Authority.

A. In regulating the erection and maintenance of Telecommunication Facilities, whether located on private lands or in Public Rights-of-Way, the City shall not:
    1. Condition the approval of any application for a new Telecommunication Support Structure or Alternative Telecommunication Support Structure on a requirement that a Modification or Collocation to such structure be subject to a review inconsistent with this section;
    2. Required the removal of an existing Telecommunication Support Structure, Alternative Telecommunication Support Structure, or Telecommunication Facility as a condition of approval of an application for a new Telecommunication Facility unless such existing Telecommunication Support Structure, Alternative Telecommunication Support Structure, or Telecommunication Facility is abandoned and owned by the Applicant;
    3. Require the Applicant to place an Antenna or other Equipment on publicly owned land or on a publicly or privately owned water tank, building, or electric transmission tower as an alternative to the location proposed by the Applicant.

11.18 Fees.

A. **Private Property Installations.** The fees levied and charged for all persons and businesses for non-Small Cell Installations subject thereto shall be set forth on a schedule which may be amended from time to time by resolution of the Mayor and Council, a copy of which shall be maintained on file in the City Clerk's office and with the director of planning. Said fees are levied and assessed in addition to any business or occupational taxes assessed and levied under the City Code. Applications for Small Cell Installations on private property, whether collocation or erection of new infrastructure, shall not be charged more than $500 for up to the first five (5) locations requested concurrently, and $100 for each additional location therefrom. The City shall not seek reimbursement from an Applicant for fees, consultation fees, registry fees, audit fees, or otherwise payment in connection with an application subject to this section on a contingency fee arrangement.

B. **Right of Way Installation.**
    1. Application Fee for co-location of a Small Cell Installation on an existing pole: $100 for each facility.
    2. Application Fee for each replacement pole with an associated Small Cell Installation: $250.00.
    3. Application Fee for each new pole with an associated Small Cell Installation: $1,000 per pole.

C. **Right of Way Occupancy Rate.**
    1. Co-Located Small Cell Installation on existing or replacement pole: $100.00 per year.
    2. New Pole with associated Small Cell Installation: $200.00 per year.
    3. Annual Attachment rate for poles owned by the City: $40.00 per year per Small Cell Installation.
    4. On January 1, 2021, each of the fees delineated above shall increase 2.5 percent annually.

11.19 Bond Requirement for new Telecommunication Support Structures.

A. Prior to the issuance of a permit for the erection of a Telecommunication Support Structure or Alternative Telecommunication Support Structure on private property, an Applicant shall procure a bond or an irrevocable letter of credit in an amount not less than twenty-five thousand dollars ($25,000.00) conditioned upon the removal of the Telecommunication Support Structure or Alternative Telecommunication Support Structure, should it be deemed abandoned under the provisions set forth in this section. Such bond or letter of credit (a) shall be renewed at least every two (2) years during the life of the Telecommunication Support Structure, (b) shall not expire unless the City is given sixty (60) calendar days' prior written notice, (c) shall include the name, address, telephone number, and contact for the provider of bond or letter of credit and (d) in the case of a bond, shall include the statement that the provider of the bond is listed in the latest issue of the U.S. Treasury Circular 570.

11.20 Non-Discrimination.

A. In evaluating any application governed by this section, the City shall not unreasonably discriminate among telecommunication providers of functionally equivalent services and technical capabilities and/or deny an application based solely on the financial status of an Applicant, type of Telecommunication Services to be provided should a prospective application be approved, and/or thee content of telecommunications to be provided by and/or through proposed Telecommunication Facilities.

11.21 Inspections.

A. Whenever inspections of the premises used for or in connection with a Telecommunication Support Structure, Alternative Telecommunication Support Structure, or Antenna are provided for or required by ordinance, or are reasonably necessary to ensure compliance with any ordinance provision or to detect violations thereof, it shall be the duty of the Applicant, or the person(s) responsible for the premises to be inspected, to admit thereto for the purpose of making the inspection any officer, agent, or employee of the City who is authorized or directed to make such inspection, at any reasonable time that admission is requested.

B. In addition to any other penalty which may be provided, the permit granted to any Applicant who refuses to allow any authorized officer, agent or employee of the City to make any inspection provided for in subsection (a) hereinabove, or who interferes with such officer or employee while in the performance of his duty in making such inspection may be suspended or revoked at the reasonable discretion of the director of planning.

11.22 Penalties for Violation.

A. In addition to the other remedies available to the City for violation of this section set forth herein or in any other applicable provisions of the City Code, the municipal court of the City, after notice to the Applicant or permittee and hearing, may impose a civil fine for failure to comply with the provisions of this section or a sentence not to exceed sixty (60) days. Such a civil fine shall not exceed one thousand dollars ($1,000.00) per day and may be enforced by the contempt power of the court. In addition, the Applicant or permittee shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing contained in this subsection shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation of this section.

11.23 Appeals of Decisions of the Mayor and Council.

A. Appeals of the decisions of Mayor and Council under this section shall be by writ of certiorari to the Superior Court of DeKalb County in accordance with State Law.

11.24 Miscellaneous provisions.

A. **Fencing.**
   1. All Telecommunication Support Structures and related Equipment shall be enclosed by fencing not less than six (6) feet in Height and shall also be equipped with appropriate anti-climbing devices. Telecommunication Support Structures on the Public Right-of-Way shall be exempt from the fencing requirement.
   2. Fencing shall be decorative, including brick or concrete columns.
   3. The director of planning may waive the requirement of subsection (j)(1)a. above if it is deemed that a fence is inappropriate or unnecessary at the proposed location in order to accomplish the purposes and goals of this section.

B. **Amateur radio Telecommunication Support Structures or receive-only** Antennas shall not be subject to the provisions of this subsection unless such structures exceed thirty-five (35) feet in Height.

C. **Neighborhood identity**. If located in residential area, Telecommunication Facilities may incorporate features that identify neighborhoods, such as banner arms or monuments.

D. **Abandonment and removal.** Any Telecommunication Support Structure or Antenna that is not operated for a continuous period exceeding six (6) months, or 12 months on right of way, shall be considered abandoned, and the owner of such Telecommunication Facility shall place the applicable Antenna or Telecommunication Support Structure into operation or remove the same. The director of planning must first provide written notice to the owner of the support structure and give the owner the opportunity to take such action(s) as may be necessary to reclaim the support structure within ninety (90) days of receipt of said written notice. In the event the owner of the support structure fails to reclaim the support structure within the ninety-day period, the owner of the support structure shall be required to remove the same within six (6) months

thereafter at the owner's expense. If said support structure is not removed within the required period of time, the City may, at the direction of the City Manager, and in the manner provided in O.C.G.A. §§41-2-7 through 41-2-17, remove such Antenna or Telecommunication Support Structure at the owner's expense, plus an additional fine of $500. If there are two or more users of a single Telecommunication Support Structure, this provision shall not become effective unless and until all users cease utilizing the Telecommunication Support Structure. Until the owner pays said expense and penalty, the owner shall not be entitled to apply for, or receive, any future permits under this section.

E. **Multiple uses on a single parcel or lot.** Telecommunications facilities and support structures may be located on a parcel containing another principal use on the same site or may be the principal use itself.

11.25 Telecommunications facilities and support structures in existence on the date of adoption of this section.

A. Telecommunications facilities and support structures that were legally permitted nonconforming uses on or before the date this chapter was enacted shall be considered a legal, lawful use, subject to the nonconforming use regulation in this chapter and state law.
B. Ordinary maintenance may be performed on a nonconforming support structure or telecommunications facility.
C. Collocation or modifications of telecommunications facilities on an existing nonconforming support structure shall not be construed as an expansion, enlargement or increase in intensity of a nonconforming structure and/or use and shall be permitted through the administrative approval of a building permit process.

11.26 Contents of Application for Right of Way Installations.

A. Applications for Right of Way Installations shall contain the following:
    1. The Applicant's name, address, telephone number, and email address, including emergency contact information;
    2. The names, addresses, telephone numbers, and email addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application.
    3. A general description of the proposed work and the purposes and intent of the proposed facility. The scope and detail of such description shall be appropriate to the nature and character of the physical work to be performed, with special emphasis on those matters likely to be affected or impacted by the physical work proposed.
    4. Detailed construction drawings regarding the proposed use of the right of way.
    5. To the extent the proposed installation involves co-location on a pole, decorative pole, or support structure, a structural report performed by a duly licensed engineer evidencing that the pole, decorative pole, or support structure will structurally support the co-location, or that the pole, decorative pole, or support structure may and will be modified to meet structural requirements, in accordance with applicable codes.
        a. Visual depictions or representations if such are not included in the construction drawings.
        b. Information indicating the horizontal and approximate vertical location, relative to the boundaries of the right of way, of the Small Cell Installation for which the application is being submitted.

        c. If the application is for the installation of a new pole or decorative pole, a certification that the Applicant has determined, after diligent investigation, that

it cannot meet the service objectives of the permit by co-locating on an existing pole or support structure on which:

B. The Applicant has the right to co-locate subject to reasonable terms and conditions; and such co-location would not impose technical limitations or significant additional costs.
    1. The Applicant shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and shall provide a written summary of the basis for such determination.
    2. A certification that the Applicant has permission from the owner to co-locate on the structure or pole.
    3. If the Applicant is not provider of wireless services, a certification that a wireless service provider has requested in writing that the Applicant co-locate the Small Cell Installation or install, modify, or replace the pole or decorative pole at the requested location.
    4. Any material change to information contained in an Application shall be submitted in writing to the Community Development Director within 30 days after the events necessitating the change. Failure to do so shall be a violation of this Section.

11.27 Procedure after submission of right of way application.

A. Within 20 days of receipt of a written application pursuant to this section, the Community Development Director shall:
    1. Notify the Applicant in writing of the commencement and completion dates of any widening, repair, reconstruction, or relocation of the applicable right of way that is scheduled to commence, or is anticipated in good faith to commence, within 24 months after the Application is filed;
    2. Notify the Applicant of any aspect of the Application that appears to be grounds for the denial of the Application pursuant to this section; and
    3. Determine whether the Application is complete and inform the Applicant of his determination in writing.
B. If the Application is deemed incomplete, the Community Development Director shall specifically identify in writing all missing information within such 20-day period.
C. If notified of incompleteness, the Applicant may submit such missing information within 20 days of the receipt of the notification from the Community Development Director, and, upon resubmission, any subsequent review for completeness shall be limited to the previously missing information. If the Application remains incomplete or is materially changed other than to address the missing information, the Community Development Director shall notify the Applicant of such within 10 days of the resubmission and such notice shall constitute an official denial of the Application.

11.28 Time for Review of Right of Way Application.

A. Within 30 days of the Community Development Director's written determination that the Application is complete, or upon it becoming complete by operation of law 20 days after submission, for a co-location, and within 70 days for installation, modification or replacement of a pole or decorative pole, the Community Development Director shall make the determination whether to approve or deny the Application.

B. A decision to deny the Application shall be in writing, shall identify all reasons for denial, and shall identify the provision(s) of this section on which the denial was based.

C. If the Community Development Director fails to act on an application within the review period provided in this section, the Applicant may provide the City written notice that the time period for acting has lapsed, and the City shall then have 20 days after receipt of said notice to render a written decision. If the Community Development Director does not act within that additional 20 days, the Application shall be deemed to be approved by operation of law.

11.29 Standards of Review.

A. The Community Development Director shall approve the Application unless the co-location of a Small Cell Installation or requested installation, modification, or replacement of a pole or decorative pole:
   1. Interferes with the operation of traffic control equipment;
   2. Interferes with the sight lines or clear zones for transportation or pedestrians;
   3. Fails to comply with the Americans with Disabilities Act, 42 U.S.C. Section 12101, et. seq., or similar laws of general applicability regarding pedestrian access or movement;
   4. Requests that ground-mounted equipment be located more than 7.5 feet in radial circumference from the base of the pole, decorative pole, or support structure to which the Antenna would be attached, provided that this shall not serve as reason for denial if the Applicant can show that the greater distance is necessary to avoid interfering with sight lines or clear zones for transportation or pedestrians or to otherwise protect public safety;
   5. Fails to comply with applicable codes;
   6. Fails to comply with the maximum limitations of what is defined as a Small Cell Installation under this section or otherwise refuses to locate the facilities underground in those areas where the City requires same of all utilities in the right of way;
   7. With respect to an Application to install a pole or decorative pole, interferes with the widening, repair, reconstruction, or relocation of a public road or highway by the City or GDOT that has been advertised for bid and scheduled for completion within six months after the Application is filed;
   8. With respect to an Application to install a pole or decorative pole, interferes with a public works construction project governed by Chapter 91 of Title 36 of the O.C.G.A. and scheduled for completion within six months after the application is filed;
   9. Fails to comply with aesthetic requirements or alternate location requirements of this section;
   10. Fails to comply with laws of general applicability that address pedestrian and vehicular traffic and safety requirements; or
   11. Fails to comply with laws of general applicability that address the occupancy or management of the right of way and that are not otherwise inconsistent with this section or the ACT.

11.30 Expiration of Permit

A. The co-location, installation, modification or replacement for which a permit is issued under this section shall be completed within six (6) months after issuance, provided that the City shall grant an extension for up to an additional six (6) months upon written request made before the expiration of the initial six-month period if a delay results from circumstances beyond the reasonable control of the Applicant.

11.31 Relocation, Recondition, and Replacement.

A. If the City requires any widening, repair, reconstruction, or relocation of a public road or highway, or relocation of poles, support structures, or Small Cell Installations as a result of a public project, the Telecommunication Facility Owner shall relocate poles and support structures that have been installed in the right of way at no cost to the City in case said poles and support structures are found

to unreasonably interfere with the widening, repair, reconstruction or relocation project or the public project. The Telecommunication Facility Owner shall relocate the poles or support structures:

1. By the date designated in a written notice by the City that contains a good faith estimate of the date by which the City intends to commence work so long as the time frames are applied to all utilities in the right of way, provided, however, that the date designated for relocation shall be at least 45 days after the City provides written notice of same; or
2. Within the time frame that the Telecommunication Facility Owner estimates in good faith is reasonably needed to complete the relocation, so long as such good faith estimate is provided to the City in writing within 30 days following receipt of the City's written notice and explains in detail why such relocation cannot be reasonably completed by the date designated by the City.
3. The Telecommunication Facilities Owner shall reasonably cooperate with the City to carry out reconditioning work activities for any poles or decorative poles owned by the City in a manner that minimizes interference with the approved use of the facility. The City shall use reasonable effort to provide the Telecommunication Facility Owner with written notice of reconditioning work at least 120 days before such work begins. Upon receiving such notice, it shall be the Telecommunication Facility Owner's sole responsibility to provide adequate measures to cover, remove, or otherwise protect the facility from the consequences of the reconditioning work, including but not limited to paint and debris fallout. The City reserves the right to require removal of all facilities from the City's pole and surrounding premises during reconditioning work, provided that the requirement to remove such is contained in the written notice required herein. All costs associated with the protection measures shall be the sole responsibility of the Telecommunication Facility Owner.

B. In the case of the City needing to replace its poles or decorative poles, the City shall provide the Telecommunication Facility Owner with at least 120 days written notice of same before the City may remove the Facility. The City shall promptly notify the Telecommunication Facility Owner when the poles have been replaced and the equipment can be reinstalled. During the replacement work, the Telecommunication Facility Owner may maintain a temporary communications facility on the property, or, after approval by the City, on any land owned or controlled by the City in the vicinity of the property.
C. If the Telecommunication Facility Owner fails to relocate a support structure as required in this section, or fails to provide a good faith estimate of the time needed to relocate, the City shall have the right, ten (10) days after written notice of same, to cut power or move any support structure or pole located in the right of way as the City may determine to be necessary, appropriate, or useful in order to commence work on the public project.

11.32 Public Safety.

A. An Applicant in the Public Right-of-Way shall employ due care during the installation and maintenance process and shall comply with all safety and Public Right of Way protection requirements in the City codes and regulations and State Law.
B. An Applicant or permittee pursuant to this section shall not place any Small Cell Installations, support structures, poles or decorative poles where they will interfere with any existing infrastructure or equipment and shall locate its lines and Equipment in such a manner as not to interfere unnecessarily with the usual vehicular or pedestrian traffic patterns or with the rights or reasonable convenience of owners of property that abuts any Public Right of Way.
C. If the City determines that a Telecommunication Facility Owner's activity in the Public Right of Way pursuant to this section creates an imminent risk to public safety, the City shall provide written notice to the Facility Owner requiring the Facility Owner to address said risk. If the Facility Owner fails to

address the issue within 24 hours of the written notice, the City shall be authorized to address said issue at the Facility Owner's expense.

D. Any damage to the Public Right of Way caused by the activities of the Telecommunication Facility Owner while occupying, installing, repairing or maintaining Small Cell Installations, poles, or support structures shall be repaired promptly by the Facility Owner. If the Facility Owner fails to conduct such repairs within 90 days of receipt of a written notice from the City notifying the Facility Owner of the damage to the right of way, the City shall be authorized to correct and repair the damage at the Facility Owner's expense, plus a $500.00 penalty. Failure of the Facility Owner to pay the City's expenses under those circumstances, as well as the penalty, shall result in the Facility Owner being prohibited from applying for, or receiving, any further permits under this section until the full amount is paid to the City.

11.33 Alternate Locations.

A. For application for new poles in the Public Right of Way in areas zoned for residential use, the City may propose an alternate location in the Public Right of Way within 100 feet of the location set forth in the application, and the Applicant shall use the City's proposed alternate location unless the location imposes technical limits or significant additional costs, a fact the Applicant must certify to have determined in good faith, based on the assessment of a licensed engineer, and shall provide a written summary of the basis for such determination.

11.34 First Come First Served Requests.

A. If multiple Applications are received by the City to install two or more poles or decorative poles at the same location or to co-locate two or more Small Cell Installations on the same pole, decorative pole or support structure, the Applications shall be considered in the order they were received once deemed complete and, if a permit is granted for the first completed application, the subsequent completed applications for the same location shall be deemed to be automatically denied.

CITY COUNCIL AGENDA ITEM

SUBJECT: Special Land Use Petition SLUP-21-001
(7300 Stonecrest Concourse)

( ) ORDINANCE **( ) POLICY** **( ) STATUS REPORT**

( ) DISCUSSION ONLY **( ) RESOLUTION** **(X) OTHER**

Date Submitted: 03/17/21 **Work Section:** **Council Meeting: 03/22/21**

SUBMITTED BY: Christopher Wheeler, Planning and Zoning Director.

PURPOSE: Request a special land use permit for a late-night establishment.

FACTS AND ISSUES: This item was heard at the March 2nd, 2021 Planning Commission Meeting. The applicant requested a Special Land Use Permit to operate as a late-night establishment. The Planning Commission recommended approval with conditions.

OPTIONS: Approve; Deny; or make Alterative conditions

RECOMMENDED ACTION:
Planning Commission unanimously recommended conditions of SLUP-21-001 at the March 2nd meeting.

ATTACHMENTS:
1 03/17/21 Application
2 03/17/21 Staff Report
3 03/17/21 Powerpoint

PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-21-001

Planning Commission March 2nd, 2021 / Mayor and City Council Meeting March 22nd, 2021

GENERAL INFORMATION

Petition Number:	SLUP-21-001
Applicant:	Bernice Monger
Owner:	Lithonia Properties
Project Location:	7300 Stonecrest Concourse
District:	District 1
Acreage:	2.22 acres
Existing Zoning:	C-1 (Local Commercial) District
Proposed Request:	Special Land Use Permit to operate as late night establishment.
Comprehensive Plan Community: Area Designation	Regional Center
Proposed Development/Request:	The applicant is requesting a Special Land Use Permit to operate as a late night establishment per Sec. 4.2.32 of the Stonecrest Zoning Ordinance.
Staff Recommendations:	***Approved with Conditions***
Planning Commission:	***Approved with Conditions***

Aerial Map

ZONING CASE: **SLUP-21-001**

ADDRESS: **7300 Stoncrest Concourse**

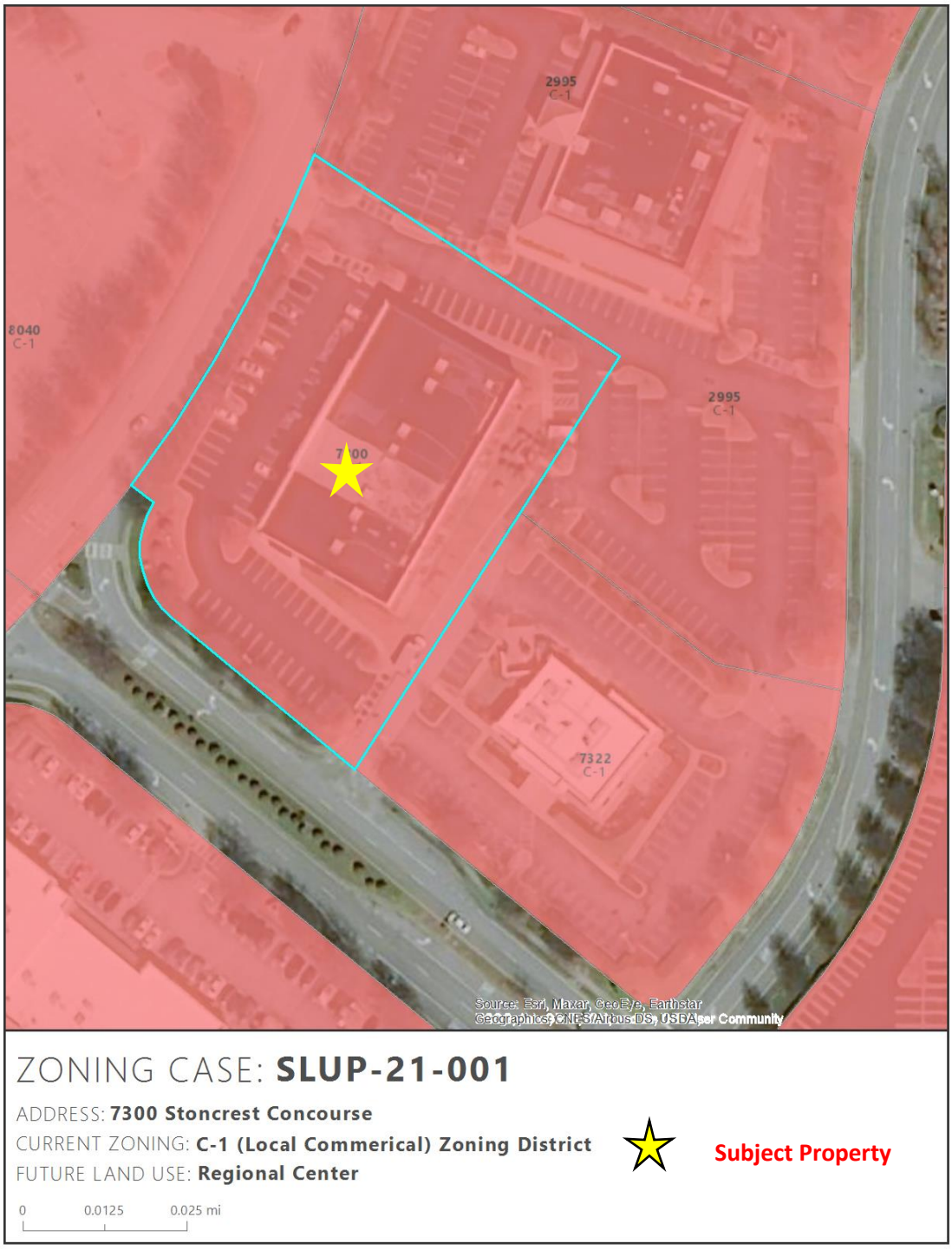
CURRENT ZONING: **C-1 (Local Commerical) Zoning District**

FUTURE LAND USE: **Regional Center**

0 0.0125 0.025 mi

Subject Property

Zoning Map

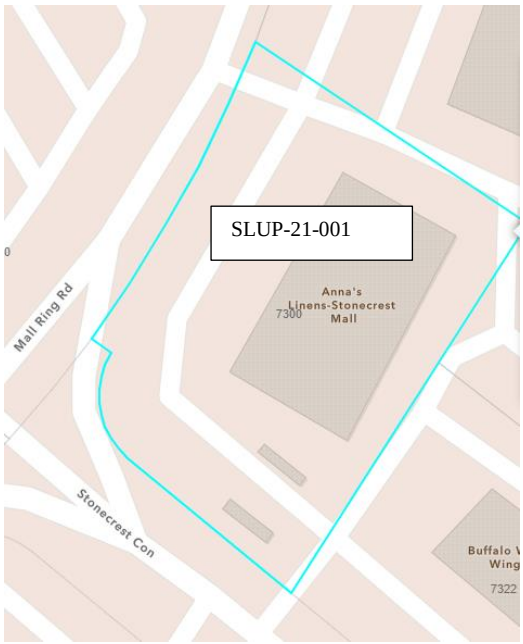

2995
C-1
8040
C-1
2995
C-1
7322
C-1
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, and the GIS User Community
ZONING CASE: SLUP-21-001
ADDRESS: 7300 Stoncrest Concourse
CURRENT ZONING: C-1 (Local Commerical) Zoning District
FUTURE LAND USE: Regional Center
Subject Property
0
0.0125
0.025 mi

PROJECT OVERVIEW

Location

The subject property is located at 7300 Concourse. The subject property is located in multiparcel commercial development located to east of the Mall of Stonecrest.

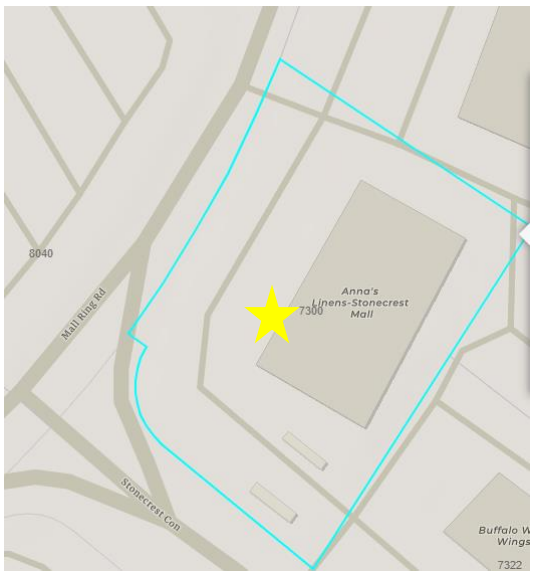
The property is bounded By Mall Ring to the west and Stonecrest Concourse to the south. The AEI Startup Factory is located to the north of the subject property and Belinda Restaurant to the east of the subject property.



Background

Currently, the property has kept its original zoning classification of C-1 (Local Commercial) under Stonecrest Zoning Ordinance. The property was developed in part of a plan development for the Mall of Stonecrest.

The existing building is a muilt-tenant building with several business located in different suites. The property is even throughout.



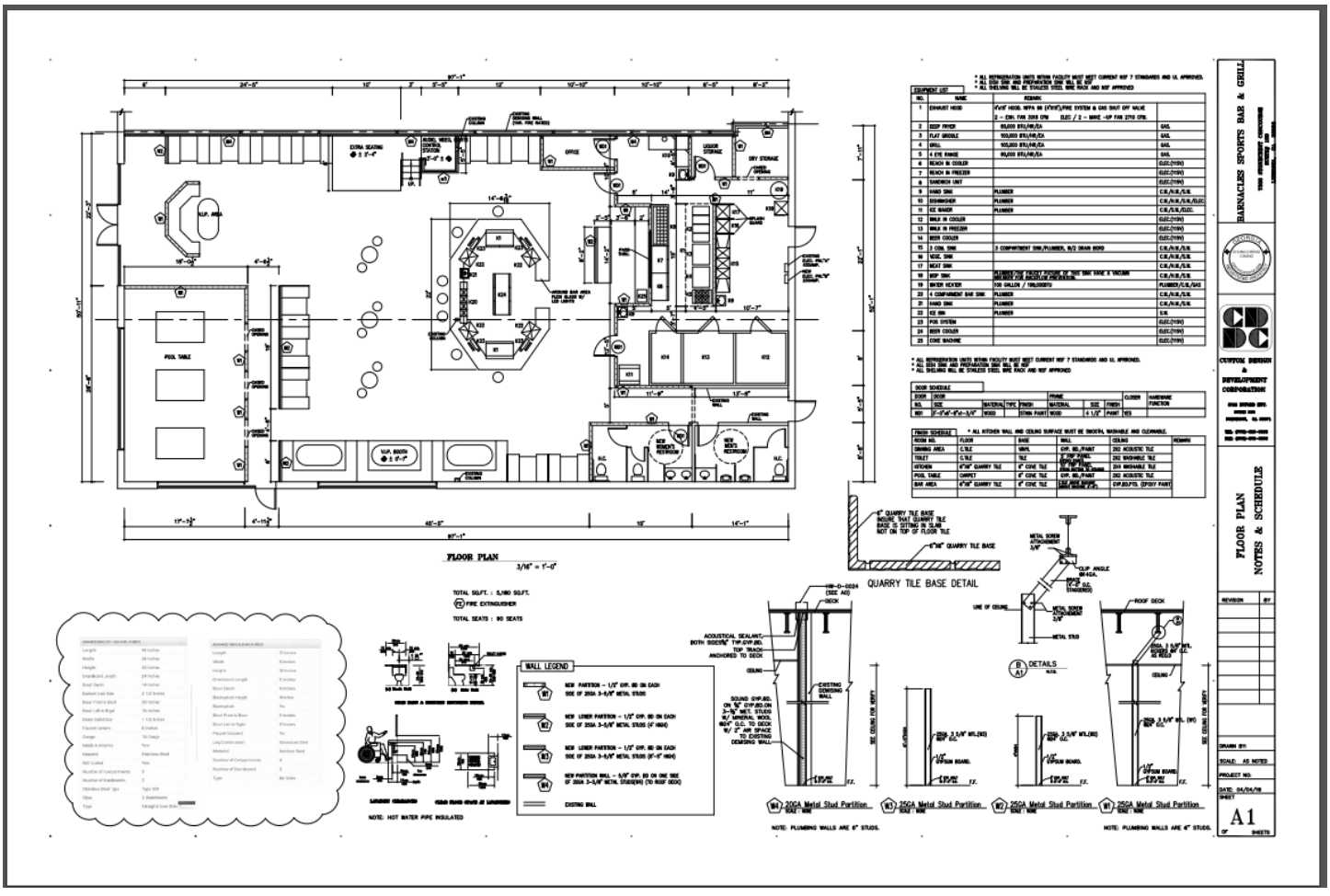
PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-21-001

Rezoning Request

The applicant is requesting a special land use permit to operate as a late-night establishment. A late-night establishment is defined as any establishment licensed to dispense alcoholic beverages for consumption on the premises where such establishment is open for patrons beyond 12:30 am. The applicant's current business is a restaurant and bar. The existing business model and exterior of the building will not change only the hour of operation.

Interior Floor Plan



Elevations

Public Participation

Property owners within 500 feet of subject property were mailed notices of the proposed rezoning in October. The community meeting was held on October 30th, 2020, at 11:00 am at via zoom.com. No one was in attendance.

CRITERIA OF REVIEW

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

A. Adequacy of the size of the site for the use contemplated and whether or not the adequate land area is available for the proposed use, including the provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.

The 5,000 square foot suite on 1.64 acres is adequate for the operation of a late-night establishment. The use will meet all other applicable requirements of the zoning district in which the usage is proposed.

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

The proposed use of late-night establishments is located in a commercial development corridor with other commercial services. The proposed use will be compatible with other properties and land uses in the district.

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

There are adequate public services, public facilities, and utilities to sever the proposed use.

D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.

Stonecrest Concourse is classified as a local street, the staff does have concern the public road may not have enough traffic capacity for the proposed use and may cause traffic and congestion in the area.

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

The existing land use located along the access routes to the site would not be adversely affected by the vehicles' character or the volume of traffic generated by the proposed use. Stonecrest Concourse is designed to handle a large volume of traffic.

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

The site's existing commercial structure is accessed by vehicles via a current curb cut with a driveway on Stonecrest Concourse and Mall Ring Road. Emergency vehicles can access the site from the existing driveways.

G. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.

The proposed use will not create an adverse impact upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use. The use will not change as the applicant is operating as a restaurant.

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

The proposed use is not expected to create an adverse impact upon any adjoining land use because of the hours of operation. The property sits in an existing commercial development where many businesses will be closed if the extended hours are approved.

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

The proposed use will not create an adverse impact upon any adjoining land use because of the manner of operation. The existing use as a restaurant will not change, only the hours of operation will be extended.

J. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.

The proposed use is consistent with the zoning district classification requirement in which the use is proposed to be located.

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

The proposed use of late-night establishment is a use consistent with the policies of the comprehensive plan. Located in the Regional Center character area, the character area policy states entertainment as appropriate land use.

L. Whether the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.

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

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

The applicant will provide an adequate refuse and service area.

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

Staff believes there is not a compelling reason to limit the special land use duration as the applicant

O. Whether the size, scale, and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale, and massing of adjacent and nearby lots and buildings.

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

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

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

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

The proposed use submitted to Staff has met all the requirements within the supplemental regulation Sec 4.2.32 set forth by the zoning ordinance.

R. Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.

The proposed development would not exceed the height of nearby residential structures. The existing building would be similar to the building height abutting the property located in the immediate area. There will be no negative show impact on any adjoining lot.

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

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

STAFF RECOMMENDATION

Base on the findings and conclusions, it appears the applicant does meet all the criteria for approval. Therefore, Staff recommends ***Approval of SLUP-21-001 with the following condition:***

1. Allow a late-night establishment at 7300 Concourse Road. Late Night Establishment shall stop serving alcohol, and close doors to new patrons by 2:00 am, and all guest shall be off the premises by no later than 2:30 am
2. Compliance with the Stonecrest Noise Ordinance.
3. Minimum of one (1) outdoor security officer to provide security until a minimum of 30 minutes after closing.
4. Capacity shall be subject to the approval of the Fire Marshal's Office
5. No dance floor.

PLANNING COMMISSION

On Tuesday March 2, 2021 the Planning Commission recommend approval of SLUP-21-001 with the following conditions:

1. Allow a late-night establishment at 7300 Concourse Road. Late Night Establishment shall stop serving alcohol, and close doors to new patrons by 2:00 am, and all guest shall be off the premises by no later than 2:30 am
2. Compliance with the Stonecrest Noise Ordinance.
3. Minimum of one (1) outdoor security officer to provide security until a minimum of 30 minutes after closing.
4. Capacity shall be subject to the approval of the Fire Marshal's Office
5. No dance floor.

THE CITY OF STONECREST GEORGIA

Special Land Use Permit Application

Applicant Information

Name: Bernice Monger			
Address: 1460 Appian Way	Lawrenceville, GA	30046	
Phone: 6782372012	Fax:	Email bmonger1@gmail.com	

Owner Information

Owner's Name: Bernice Monger			
Owner's Address: 1460 Appian Way Lawrenceville, GA 30046			
Phone: 6782372012	Fax:	Email	
Property Address: 7300 Stonecrest Concourse Suite 100		Acreage:	
Parcel ID: 16 17001042			
Current Zoning Classification: C1			
Proposed Use of Property: Restaurant/Sport Bar			

Is this development and/or request seeking any incentives or tax abatement through the City of Stonecrest or any entity that can grant such waivers, incentives, and/or abatements? ○ Yes ☒ No

Property Information

Property Information: 7300 Stonecrest Concourse Suite 100 Lithonia, GA 30058
Barnacles Sport Lounge 5,000 sqft.

Affiddavit

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

Applicant's Name: Bernice Monger

Applicant's Signature: Bernice Monger Date: 9/28/2020

Sworn to and subscribed before me this 28 Day of September 2020

Notary

Notary Public: Richard L. Schoff

Signature: Richard L. Schoff

RICHARD L SCHOFF
Notary ID #124389376
My Commission Expires
November 12, 2022

My Commission Expires: Nov 12, 2022

☐ Application Fee ☐ Sign Fee ☐ Legal Fee

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

☐ Approved ☐ Approved with Conditions ☐ Denied Date:

08-03-2017

Print Screen

CITY OF STONECREST GEORGIA

Campaign Disclosure Statement

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

☐ Yes ☒ No

Applicant / Owner	
	Signature: Bernadette Singer
	Address: 1460 Appian Way Lawrenceville, GA 30046
	Date: 9/10/2020

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

Date	Government Official	Official Position	Description	Amount

STONECREST
GEORGIA

Applicant/Petitioner
Notarized Certification

Petitioner states under oath that: (1) he/she is the executor or Attorney-In-Fact under a Power-of- Attorney for the owner (attach a copy of the Power-of-Attorney letter and type name above as "Owner"); (2) he/she has an option to purchase said property (attach a copy of the contract and type name of owner above as "Owner"); (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease and type name of owner above as "Owner").

Applicant / Petitioner

Signature: Bernice Langes		Date: 9/28/2020
Address: 1460 Appian Way	City, State: Lawrenceville, GA	Zip: 30046
Phone: 678 237 2012		

Sworn to and subscribed before me this 28 day of Sept, 2020

Notary Public: Richard L Schoff

RICHARD L SCHOFF
Notary ID #124389376
My Commission Expires
November 12, 2022

Attorney / Agent

Signature:		Date:
Address:	City, State:	Zip:
Phone:		

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

Notary Public:

THE CITY OF STONECREST GEORGIA

Special Land Use Permit Application Checklist

(Incomplete applications will not be accepted)

- ❑ Pre-application meeting (A staff signed pre-application form must be submitted with application)
  - ☑ Completed application with all applicable information
  - ☑ Letter of intent
  - ☑ Public Participation Plan
  - ❑ Environmental Site Analysis Form
- ☑ Complete and detailed site plan of the proposed use prepared, signed and sealed by an architect, landscape architect or engineer licensed in the State of Georgia, showing the following, as relevant:
  - All buildings and structures proposed to be constructed and their location on the property;
  - Height of proposed building(s);
  - Proposed use of each portion of each building;
  - All driveways, parking areas, and loading areas;
  - Location of all trash and garbage disposal facilities;
  - Setback and buffer zones required in the district in which such use is proposed to be located;
  - Landscaping plan for parking areas; and
  - All additional requirements outlined under page 4 (Site Plan Checklist)
- ☑ Written legal description of the property matching the site plan.
- ☑ Building elevations (attached residential & non-residential).
- ☑ Signed and notarized affidavits of all owners. Use attached sheet.
- ☑ Signed and notarized affidavits of all applicants. Use attached sheet.
- ☑ Electronic version of the entirety of your application submittal, saved as a single PDF.

LETTER OF INTENT

Bernice Monger
Barnacles Sport Lounge
7300 Stonecrest Concourse #100
Lithonia, GA 30058
Bmonger1@gmail.com

October 1, 2020

City of Stonecrest
Community Development Department
3120 Stonecrest Blvd.
Stonecrest, GA 30038

To Whom It May Concern:

I am submitting this letter with the intent to officially apply for the Special Land Use Permit, as was required by the zoning department, in order to receive an official signed permit and authorization, which will allow Barnacles Sport Lounge to remain open after midnight in zone C1, which is already approve for late night entertainment.
We are currently open after midnight as permitted in our current zoning, "Zone C1".
There will be no changes to our current operational activities or building structure. This authorization will give us the official documented needed to remain open as a late night entertainment as we continue to follow set criteria listed in our current Zone C1.

Respectfully,

Bernice Monger

Special Land Use Permit Criteria

Analyze the impact of the proposed rezoning and provide a written point-by-point response to the following questions:

a. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located;

- There is no change being made to the building and business operation. However, there is adequate space as we are currently open on Friday and Saturday after midnight with sufficient parking provided for customers.

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

- Barnacles Sport Lounge has been open for over 2 years and is comparable with surrounding properties and land uses in the district.

c. Adequacy of public services, public facilities, and utilities to serve the use contemplated;

- There is no change being made to the building and business operation. Obtaining the permit will not affect current public services, facilities, and utilities.

d. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient
traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the
area;

- There is no change being made to the building and business operation. There is sufficient public street and this permit will not increase traffic nor create congestion.

e. Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use;

- Access route will not be adversely affected by the character of the vehicles or the volume of traffic.

f. Ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency;

- There is no change being made to the building that will affect pedestrian and automotive safety. The previous approval of entrances and exit route approved by city of Stonecrest planning and zoning remains remain intact with no changes made.

g. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use;

- The permit will not create any additional adverse impact to adjoined land use from noise, smoke, odor, dust, or vibration as there is no changes being made to the building or the business operation.

h. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use;

- The permit will not create any additional adverse impact by hours of operation.

i. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use;

- The permit will not create any additional adverse impact to adjoined land use from manner of operation.

j. Whether or not the proposed plan is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located;

- The is no change being made previously approved site plan, which is consistent with the requirements of the zoning district classification as approved by planning and zoning.

k. Whether or not the proposed use is consistent with the policies of the comprehensive plan;

- The permit is consistent with policies

l. Whether or not the proposed plan provides for all required buffer zones and transitional buffer zones where required by the regulations of the district in which the use is proposed to be located;

- Plan does not

m. Whether or not there is adequate provision of refuse and service areas;

- There is adequate vision of refuse and service area

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

- The permit should not be limited in duration due to the fact that the business is located and zoned in the area that is already approved for late night entertainment.

o. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the
subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings;

- The size, scale, and massing are appropriate, there is no change being made to building.

p. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources;

- The plan will not adversely affect any historic buildings, sites, districts, or archaeological resources.

q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit;

- The special land use permit to open after midnight satisfies the requirements of Zone C1.

r. Whether or not the proposed building as a result of its proposed height will create a negative shadow impact on any adjoining lot or building;

- The is going to be no physical change to the building therefore creating no negative shadow impact on any adjoining lot or building.

s. Whether the proposed use would result in a disproportionate proliferation of that or similar uses in the subject
character area; and

- Remain open after midnight will not result in an disproportionate proliferation

t. Whether the proposed use would be consistent with the needs of the neighborhood or to the community as a

whole, be compatible with the neighborhood,

- Remaining open after midnight will not provide any changes to the community or neighborhood as Barnacles Sport Lounge is currently location in zone C1 which is apart of the zoning that allow and is approved for late night entertainment per planning and zoning department.

THE CITY OF STONECREST GEORGIA

Property Owner(s)
Notarized Certification

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

Property Owner (If Applicable)

Signature: [signature] Date: 10/05/20

Address: 2060 Preservation Dr City, State: Alpharetta, GA Zip: 30005

Phone: 585-414-0435

Sworn to and subscribed before me this 5th day of October, 20 22

Notary Public: [signature]
Commission Exp.: March 10, 2024
Fulton County.

ELIZABETH FLORES NUNEZ
Notary Public - State of Georgia
Cherokee County
My Commission Expires Mar 10, 2024

Property Owner (If Applicable)

Signature: Date:

Address: City, State: Zip:

Phone:

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

Notary Public:

Property Owner (If Applicable)

Signature: Date:

Address: City, State: Zip:

Phone:

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

Notary Public:

LEASE AGREEMENT

THIS LEASE AGREEMENT (the "Lease") is made and entered into this _4th__ day of December, 2019, between, Lithonia Property, LLC., a Georgia Limited Liability Corporation the "Landlord") and United Entertainment LLC., a Georgia Limited Liability Corporation (the "Tenant").

W I T N E S S E T H:

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, adequacy, and sufficiency, of which is hereby acknowledged, Landlord and Tenant, intending to be legally bound, hereby agree as follows:

ARTICLE I
DEFINITIONS AND FUNDAMENTAL PROVISIONS

1.1 Addresses for Bills & Notices:

LANDLORD: Lithonia Property, LLC
12 Mountain Road
Rochester, NY 14625
ATTN: Taib Elkettani
Tel: 585-414-0435
Email: casaproperty.te@gmail.com

TENANT: United Entertainment LLC.
1460 Appian Way
Lawrenceville GA 30046
ATTN: Bernice P. Monger
Tel: 678-200-0503
Email: Barnaclesduluth@yahoo.com

1.2 Common Areas: Those areas, facilities, utilities, improvements, equipment, and installations, in the Shopping Center which are from time to time designated by Landlord for the nonexclusive use or benefit of Landlord and tenants of the Shopping Center, their employees, agents, customers, licensees and invitees. Common Areas include, but are not limited to, all parking lot areas, aisles, driveways, entrances, exits, walkways, sidewalks, roadways, loading area, service road, landscaped areas, exterior lighting, surface drainage facility, fences, roof gutters, and flat roof surface repair & maintenance.

1.3 Lease Term: Seven Years and Eight Months commencing on the date that the Tenant receives a fully executed lease from the Landlord and is granted full access to the Premises and expiring at 5:00 P.M. (EST) on the last day of the 84th Month of the Initial Term unless renewed as permitted herein. The first (1st) Lease Year shall consist of twelve (12) consecutive full calendar months plus the partial month, if any, caused by the Rental Commencement Date falling on other than the first day of a calendar month.

1.4 Minimum Rent: Initial Rate per Square Foot $15.00 NNN- Annual escalation of Three (3%) percent per annum commencing on the 37th month after Commencement Date.

Period	Square Footage	Annual Minimum Rent	Monthly Mini Rent	Rate/SF
Months 1-8	5,000	$0	$0	$0.00
Months 9-12	5,000	$25,000.00	$6,250.00	$15.00
Months 13-24	5,000	$75,000.00	$6,250.00	$15.00
Months 25-36	5,000	$77,000.00	$6,250.00	$15.00
Months 37-48	5,000	$77,250.00	$6,437.50	$15.45
Months 49-60	5,000	$79,567.00	$6,630.63	$15.91
Months 61-72	5,000	$81,954.53	$6,829.54	$16.39
Months 73-84	5,000	$84,413.16	$7,034.43	$16.88

First Option Rent:

Period	Square Footage	Annual Minimum Rent	Monthly Min Rent	Rate/SF
Year 1	5000	$86,945.56	$7,245.46	$17.39
Year 2	5,000	$89,553.92	$7,462.83	$17.91
Year 3	5,000	$92,240.54	$7,686.71	$18.45
Year 4	5,000	$95,007.75	$7,917.31	$19.00
Year 5	5,000	$97,857.99	$8,154.83	$19.57

Second Option Rent:

Period	Square Footage	Annual Minimum Rent	Monthly Min Rent	Rate/ SF

Restaurant/Sports Bar & Grill/Live Entertainment with Dj Music

Without limiting the generality of the immediately-preceding sentence, Tenant shall not use the Premises for any use described on **Exhibit C** attached hereto. Notwithstanding anything contained in this Lease to the contrary, any breach of this provision which is not cured within five (5) days of written notice from Landlord shall constitute a Tenant default. Landlord's failure to notify or provide notice of such default does not constitute an acceptance of such default and Landlord has the right during the entire term of the Lease and any extension periods to notify the Tenant of any default.

1.8 Permitted Trade Name: d/b/a Barnacles Sports Bar & Grill

1.9 Premises: That certain space known as Suite 100 of the Shopping Center, consisting 5,000 square feet, as more particularly depicted on the Site Plan attached hereto as **Exhibit A** (which Site Plan is solely for the purposes of identifying the Premises, and shall not be deemed to be a covenant or representation by Landlord with respect to the configuration of the Shopping Center or any other aspect thereof.

1.10 Advance Rent Deposit: Seven Thousand Six Hundred and Forty-Five Dollars and 83/100 ($7,645.83) to be applied as the first month's Minimum Rent and Operating Expenses first due and payable by Tenant hereunder upon execution of this Lease. The Advance Rent Deposit shall be paid to Landlord concurrently with the execution of this Lease.

1.11 Delivery of Possession: Upon full execution of the Lease.

1.12 Lease Commencement Date: Upon full execution of the Lease, Delivery and full Possession of the premises by Tenant.

1.13 Rental Commencement Date: Two hundred and Forty (240) days following full execution of this Lease Agreement. If the Premises are being leased in "AS IS" condition, then Tenant shall be deemed to have been given possession upon full execution of this Lease.

1.13 a. Rental Abatement Period: The Rental Abatement Period consists of a total of Two Hundred and Forty (240) days from the Lease Commencement Date. In the event that Tenant obtains his C.O.O. or opens for business within the Rental Abatement Period, the Tenant shall commence paying the Landlord his share of the C.T.I. expenses (CAM, Tax & Insurance). Rental payment shall start after the 240st day after the Lease Commencement Date.

1.14 Security Deposit: The security deposit shall be waived.

1.15 Tenant Allowance: An amount not to exceed Eighty-Seven Thousand Five Hundred dollars and no/100's ($87,500.00) (equating to $17.50 PSF) to be paid by Landlord to Tenant up on Tenant completing all the premises' improvements and presenting the Landlord with an unconditional Certificate of occupancy and lien waivers from all contractors. Tenant shall provide Landlord with permittable construction documents drawn by registered Architects and/or Engineers depicting the proposed Tenant Improvements for Landlord's approval. Tenant shall obtain the necessary building permits and comply with all applicable municipal codes, at his own cost. Tenant shall then select the various contractors, suppliers and vendors to successfully complete the renovations and open for business.

1.16 Shopping Center: That certain shopping center named as Stonecrest Festival and located at 7300 Stonecrest Concourse, Lithonia, GA 30038, DeKalb County, Georgia and more particularly described on **Exhibit A-1** attached hereto, as same may be altered, expanded, or reduced, from time to time at the discretion of Landlord.

ARTICLE II
DEMISE OF PREMISES

2.1 Lease: Landlord hereby leases and demises to Tenant the Premises together with the nonexclusive right to use the Common Areas subject to the terms of this Lease, and further subject specifically to the Rules and Regulations of the Shopping Center, attached hereto as **Exhibit F**. Landlord reserves the right to amend the Rules and Regulations from time to time in its reasonable discretion.

2.2 Acceptance of Premises by Tenant: Notwithstanding **Exhibit B** ("Landlord's Work"), Tenant agrees to accept the Premises in an "AS-IS, WHERE-IS" condition as tendered by Landlord, WITH TENANT AGREEING THAT SUCH CONDITION IS SUITED FOR THE PERMITTED USE. TENANT HAS CONDUCTED ITS OWN INDEPENDENT EXAMINATION OF THE PREMISES, AND HAS NOT RELIED UPON AND WILL NOT RELY UPON, EITHER DIRECTLY OR INDIRECTLY, ANY REPRESENTATION OR WARRANTY OF LANDLORD OR ANY OF LANDLORD'S AGENTS OR REPRESENTATIVES, AND TENANT HEREBY ACKNOWLEDGES THAT NO SUCH REPRESENTATIONS HAVE BEEN MADE. LANDLORD SPECIFICALLY DISCLAIMS, AND NEITHER LANDLORD NOR ANY OTHER PERSON IS MAKING, ANY REPRESENTATION, WARRANTY OR ASSURANCE WHATSOEVER TO TENANT, AND NO WARRANTIES OR REPRESENTATIONS OF ANY KIND OR CHARACTER, EITHER EXPRESS OR IMPLIED, ARE MADE BY LANDLORD OR RELIED UPON BY TENANT WITH RESPECT TO THE MAINTENANCE, REPAIR, CONDITION, OR DESIGN OF THE PREMISES, OR ANY PORTION THEREOF, INCLUDING BUT NOT LIMITED TO (A) ANY IMPLIED OR EXPRESS WARRANTY OF MERCHANTABILITY, (B) ANY IMPLIED OR EXPRESS WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE, (C) ANY IMPLIED OR EXPRESS WARRANTY OF CONFORMITY TO MODELS OR SAMPLES OF MATERIALS, (D) ANY CLAIM BY TENANT FOR DAMAGES BECAUSE OF DEFECTS, WHETHER KNOWN OR UNKNOWN, WITH RESPECT TO ANY IMPROVEMENTS OR PERSONAL PROPERTY LOCATED ON THE LAND, AND (E) THE COMPLIANCE OR LACK THEREOF OF THE PREMISES WITH

are available for Tenant's work or the date of Lease execution in the event the Premises is accepted in its "AS-IS, WHERE-IS" condition.

2.4 Surrender of Premises: At the expiration, or earlier termination, of the Lease Term, Tenant shall surrender the Premises to Landlord in a good and broom-clean condition, reasonable wear and tear excepted. Tenant shall promptly and at its sole expense repair any damage to the Premises caused by the removal of any furniture, trade fixtures, or other personal property, permitted or required by Landlord to be removed by Tenant from the Premises.

2.5 Renewal Option: Provided Tenant has never been in default under this Lease, Tenant shall have the option to extend the term of this Lease for Two (2) Option Periods of five (5) years each under the same terms and conditions as provided in the original Lease Term except for (a) Minimum Rent, which shall increase as set forth in Section 1.4 herein, and (b) no free rent or any other inducements from Landlord shall be provided with respect to any extension of the Term. To exercise said renewal option, Tenant shall give Landlord written notice of its election to renew the Lease Term not less than one hundred eighty (180) days prior to the expiration of the then-current Lease Term.

ARTICLE III
RENT AND OTHER CHARGES

3.1 Minimum Rent: Tenant hereby covenants to pay Minimum Rent, in advance, on a monthly basis on the first day of each calendar month during the Lease Term, without demand, deduction, or setoff whatsoever; it being specifically agreed and understood that the covenants of Tenant to pay Minimum Rent, Additional Rent, and all other Rent set forth in this Lease, are separate and distinct covenants of Tenant, not contingent upon the performance of any other terms or conditions of this Lease. Minimum Rent for any partial calendar month during the Lease Term shall be prorated on a per diem basis.

3.2 Utilities: Tenant shall promptly pay all charges for utilities and other services furnished to the Premises whether by Landlord or the applicable utility company. Landlord shall not be liable for any interruptions or curtailment in utility services whether for alteration, repair, or improvement, of the Premises or the Shopping Center. Tenant shall be solely responsible for any impact fees, tap fees, connection fees or any other fees imposed by any utility company or any governmental authority with respect to the Premises or Tenant's use thereof. In the event any of the Shopping Center's tenants protest the way the water/sewer usage and/or the sanitation charges are applied, due to the nature of the Tenant business, Landlord shall have the right to install a separate dedicated sub-water meter and/or provide the Tenant with a separate dedicated dumpster. In such event, Tenant agrees to pay for the metered water usage and/or the dedicated dumpster through his monthly estimated CAM expenses contribution.

3.3 Operating Expenses: Tenant shall pay to Landlord along with its monthly installment of Minimum Rent, as "Additional Rent", Tenant's monthly share of all costs incurred by Landlord in maintaining the Common Area's, lighting, repairing, maintaining, replacing, operating, cleaning, painting, sweeping, securing, managing, and insuring the portions of the Shopping Center which are the responsibility of Landlord hereunder, including, without limitation, payment of all insurance premiums (including Worker's Compensation insurance and fidelity bonds for personnel of Landlord [it being agreed and understood that Landlord may self-insure or internally perform other functions relating to the Shopping Center included in Operating Expenses, and, in such event, Landlord may include in Operating Expenses the reasonable and competitive cost of such functions performed internally by Landlord]) and taxes and assessments associated with the Shopping Center including Ring Mall charges (collectively, the "Operating Expenses"). Tenant's annual share of Operating Expenses shall be computed by multiplying Operating Expenses by a fraction, the numerator of which shall be the number of square feet of the Premises and the denominator of which shall be the number of square feet of gross leasable area of the Shopping Center with the exception of the water/sewer and sanitation charges which for all practical purposes the Tenant agrees to pay as part of his annual CAM charges any amount above $1164 per year with respect to the water/sewer services and any amount above $1584 per year with respect to the sanitation charges. Adjustments to estimates of Tenant's share of Operating Expenses shall be made on an annual basis, and adjustments shall be made as to underpayment or overpayment of Operating Expenses by Tenant upon the annual determination of the actual Operating Expenses for the Shopping Center.

3.4 Security Deposit: Intentionally Deleted

3.5 Rent. As used herein, the term "Rent" shall include Minimum Rent, Additional Rent, Tenant's share of Operating Expenses and all other additional charges or sums payable to Landlord hereunder. All Rent shall be paid without demand, deduction or setoff whatsoever.

3.6 Rent Credit: Landlord and tenant agree that rent is based on the leasable 5000 SF as reflected in paragraph 1.4 of this lease. In the event that said premises is re-measured and the new measurement is not equal to 5000 SF, rent shall be adjusted accordingly. It is further agreed that any rent adjustment shall be done during the lease term on a yearly basis at the time the yearly CAM, Tax and Insurance reconciliation are done. Should the re-measured leased space be 4970 SF as indicated on the existing floor plans, Landlord agrees to credit tenant $600 per year at the time the CAM, Tax, and Insurance reconciliations are done.

ARTICLE IV
PERMITTED USAGE

4.1 Use: Tenant shall use, occupy, and operate in the whole of the Premises solely for the Permitted Use and for no other purpose whatsoever. Tenant covenants to continuously operate in the whole of the Premises solely utilizing the Permitted Use and Trade Name during minimum business hours of 10:00 am to 8:00 pm, Monday through Friday, 10:00 a.m. to 6:00 p.m. on Saturday, and 12:00 p.m. to 6:00 p.m. on Sunday. Tenant shall not, without Landlord's prior written consent, use the Premises for any purpose which increases the insurance premium cost or invalidates any insurance policy carried on the Premises or the Shopping Center

4.4 Environmental Compliance. Tenant hereby agrees that: (a) Tenant shall conduct all of its operations at the Premises in compliance with all Environmental Laws, which term shall mean federal, state or local law, regulation, ordinance or the like governing, addressing or relating to Hazardous Substances, as hereinafter defined; (b) Tenant will not permit any Hazardous Substances to be brought into or stored on the Premises, except for the temporary storage in reasonable quantities of materials that are used in the ordinary course of the Permitted Use, provided such materials are properly stored in a manner and location meeting all Environmental Laws and approved in advance in writing by Landlord, provided that Tenant shall have obtained any required permits and shall pay any fees and provide any testing required by any governmental agency in connection therewith, and provided such materials shall be removed and disposed of by Tenant in accordance with all Environmental Laws and any required cleanup procedures shall be diligently undertaken by Tenant pursuant to all Environmental Laws; (c) Tenant will advise Landlord promptly in writing of any claim raised by any private party or governmental agency or relating to any use, discharge, dumping, spill or storage of any Hazardous Substance in any way affecting the Premises or the surrounding area; (d) no portion of the Premises will be used as a landfill or a dump; (e) Tenant will not install any underground or above-ground storage tanks of any type; (f) Tenant will not allow any surface or subsurface conditions to exist or come into existence that constitute, or with the passage of time may constitute a public or private nuisance. Landlord or Landlord's representative shall have the right, but not the obligation, to enter the Premises for the purpose of inspection to ensure compliance with all Applicable Laws, including all Environmental Laws. To the extent that Hazardous Substances are found to exist during any inspection or sampling event, Tenant shall be responsible for the expense of the inspection and sampling, as well as the expense of remediating the Hazardous Substances. Tenant shall indemnify, defend, and hold harmless Landlord from and against all claims, actions, damages, liability, and expense, of any nature whatsoever, foreseen or unforeseen as may result from Tenant's action or non-action with regard to its obligations under this Section or from Tenant's use of dry-cleaning solvents and dry-cleaning equipment at the Premises, including, without limitation, any claims for personal injury, property damage, or environmental damage that may result from Tenant's operation of a dry-cleaning business at the Premises. The costs for which Landlord is indemnified under this provision shall include, without limitation, legal fees, environmental consulting and engineering fees, and other professional or expert fees, which Landlord shall incur. The provisions of this Section 4.4 shall survive the expiration or early termination of this Lease.

As used herein, the term "Hazardous Substances" shall be interpreted broadly to include, but not be limited to, any material or substance that is defined, regulated or classified under federal, state, or local laws, including without limitation, as: (i) a "hazardous substance" pursuant to section 101 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §9601(14), section 311 of the Federal Water Pollution Control Act, 33 U.S.C. §1321, as now or hereafter amended; (ii) a "hazardous waste" pursuant to section 1004 or section 3001 of the Resource Conservation and Recovery Act, 42 U.S.C. §§6903, 6921, as now or hereafter amended; (iii) a toxic pollutant under section 307(a)(1) of the Federal Water Pollution Control Act, 33 U.S.C. §1317(a)(1); (iv) a "hazardous air pollutant" under section 112 of the Clean Air Act, 42 U.S.C. §7412, as now or hereafter amended; (v) a "hazardous material" under the Hazardous Materials Transportation Uniform Safety Act of 1990, 49 U.S.C. App. §1802(4), as now or hereafter amended; (vi) a toxic or hazardous material or substance pursuant to regulations promulgated now or hereafter under the aforementioned laws or any state or local counterpart to any of the aforementioned laws; (vii) a material or substance presenting a risk to human health or the environment under other applicable federal, state or local laws, ordinances, or regulations, as now or as may be passed or promulgated in the future; or (viii) any substance that after release into the environment and upon exposure, ingestion, inhalation, or assimilation, either directly from the environment or directly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavior abnormalities, cancer, or genetic abnormalities. "Hazardous Substances" specifically includes, but is not limited to, asbestos, polychlorinated biphenyls ("PCBs"), radioactive materials including naturally occurring radionuclides, petroleum and petroleum-based derivatives, and urea formaldehyde.

ARTICLE V
ALTERATION, REPAIR, AND MAINTENANCE

5.1 Alterations by Tenant: Tenant shall not make any alterations (including, but not limited to, alterations to the exterior, the storefront, signs, or utility lines or systems within or serving the Premises), nor secure any fixtures, equipment, machinery, or other apparatus, to the Premises without Landlord's prior written approval, and Tenant shall promptly remove upon order from Landlord any decoration or alteration made or installed upon the Premises without Landlord's written consent. Landlord shall have the right to run utility lines, pipes, roof drainage pipes, conduit, wire, ductwork, or sprinkler systems, where necessary, through, in, or beneath, the Premises, and maintain same in a manner which does not unduly interfere with Tenant's use thereof.

5.2 Repairs by Tenant: Tenant shall keep by routine maintenance, repair, at its sole cost and expense, the interior of the Premises, together with the storefront and all door frames, doors, plate glass and windows of the Premises, and all electrical, plumbing, heating, ventilating, air conditioning and any other mechanical installations serving the Premises or located therein, whether or not in or under the floor slab or on the roof of the Premises, in good condition and working order at all times during the Term hereto. Tenant shall contract for any necessary pest control or exterminating services for the Premises. Tenant agrees to employ a suitable licensed contractor to perform Tenant's obligations for maintenance of the heating, cooling and ventilating including at least semiannual inspections and cleaning of the system together with such servicing as each such inspection shall disclose, and shall at all times keep in force an effect a maintenance contract with such contractors with respect to same; and further, Tenant shall keep in force, at Tenant's expense, at all time during the term a contract for the regular service and maintenance of the HVAC equipment serving the Premises. In the event Tenant fails to perform its maintenance, and repair obligations as provided herein, Landlord may, at its option, perform such remedial action on behalf of Tenant, and Tenant agrees to pay to Landlord, as Additional Rent, the cost thereof plus fifteen (15.0%) percent overhead promptly upon demand by Landlord. In the event that an HVAC unit(s) needs to be replaced, and provided that the Tenant has been maintaining the HVAC unit(s) as required per this lease, Landlord shall replace such unrepairable unit(s) at the request of the Tenant and Tenant shall contribute fifty percent (50%) of such replacement cost(s).

5.3 Liens: Tenant hereby indemnifies and holds Landlord harmless against, and shall keep the Premises and the Shopping

maintenance, repairs shall be the sole responsibility of Tenant with respect to Tenant's premises and shall be prorated with respect to the Common Areas. Landlord shall be responsible for the repair of the roof and all leakage before turning over the premises to Tenant.

5.6 Tenant's Work: All work required to prepare the Premises for the Permitted Use ("Tenant's Work") which is not specifically described as Landlord's Work in Exhibit "B" shall be the sole obligation of Tenant and shall be performed at the sole cost of Tenant in accordance with plans and specifications to be approved by Landlord. Tenant agrees to provide Landlord with permittable construction documents drawn by registered Architects and/or Engineers depicting Tenant's Work.
Tenant shall also submit to Landlord a copy of the contractor's business license and a Certificate of Insurance from the contractor's insurer naming Landlord as an Additional Insured.

Tenant shall not be allowed to commence any Work until Landlord has approved in writing Tenant's proposed plans and specifications. Landlord and its representatives shall have the right to enter upon the Premises for the purpose of inspecting construction, the progress of the Tenant's Work, and compliance with the approved plans and specifications.

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ARTICLE VI
CASUALTY AND CONDEMNATION

6.1 Casualty. Landlord shall have the right, upon thirty (30) days prior written notice to Tenant, to terminate this Lease in the event (i) the Premises is damaged by fire or other casualty to the extent of more than ten (10.0%) percent of the replacement cost thereof, (ii) the Shopping Center is damaged by fire or other casualty to the extent of ten (10.0%) percent or more of the replacement cost thereof, (iii) any damage to the Premises cannot, in Landlord's sole discretion, be repaired within ninety (90) days of the date of such damage, or (iv) the Premises is damaged or destroyed during the last thirty (30%) percent of the Lease Term, or during any renewal or extension term of this Lease. If Landlord should elect to repair or rebuild the Premises because of any damage or destruction, Tenant shall at its sole expense replace all work and improvements originally installed or performed by Tenant, with such Tenant's work to be completed within ninety (90) days from Landlord's completion of Landlord's repair work (if any) subsequent to such casualty.

6.2 Condemnation. If the whole of the Premises, or so much thereof as to render the balance unusable by Tenant (as reasonably determined by Landlord), shall be taken under power of eminent domain, or otherwise transferred in lieu thereof, or if any part of the Shopping Center is taken and its continued operation is not in Landlord's sole opinion, economical, this Lease shall automatically terminate as of the date possession is taken by the condemning authority. No award for any total or partial taking shall be apportioned, and Tenant hereby unconditionally assigns to Landlord any award, which may be made in such taking or condemnation. In the event of a partial taking, which does not result in the termination of this Lease, Minimum Rent shall be apportioned according to the part of the Premises remaining usable by Tenant.

ARTICLE VII
INSURANCE AND INDEMNIFICATION

7.1 Insurance. Tenant shall maintain at its sole expense, commencing upon the date Tenant open for business or 10 business days thereafter and continuing throughout the Lease Term, commercial general liability insurance covering the Premises in a combined single limit amount of not less than $1,000,000.00 with a $2,000,000.00 aggregate limit, naming Landlord and any mortgagee(s) of the Shopping Center as additional insureds thereunder. Tenant shall also keep in force, at it sole expense, plate glass, fire and extended coverage insurance for the full replacement value of Tenant's improvements and Tenant's property, including, but not limited to, 100% of inventory, 100% of trade fixtures, 100% of furnishings and other personal property, naming Landlord and any mortgagee(s) of the Shopping Center as additional insureds thereunder. The fire and extended coverage insurance maintained by Tenant shall be written so as to provide that the insurer waives all right of recovery by way of subrogation against Landlord in connection with any loss or damage covered by the policy (Tenant for itself, its successors and assigns, hereby waives any right of recovery against Landlord, its successors or assigns, by virtue of any casualty to the Premises or the Shopping Center). In addition, Tenant shall keep in force workman's compensation or similar insurance to the extent required by law. Should Tenant fail to effect the insurance called for herein, Landlord may, at its sole option, procure said insurance and pay the requisite premiums, in which event, Tenant shall pay all sums so expended plus fifteen (15.0%) percent as overhead to Landlord, as Additional Rent, immediately upon demand. Each insurer under the policies required hereunder shall agree by endorsement on the policy, or by independent instrument furnished to Landlord, that it will give Landlord at least thirty (30) days prior written notice before any policy or policies affecting the Premises shall be altered or cancelled. Each policy of insurance referred to herein-shall name as the insured parties thereunder Landlord (including its agents and other parties designated by Landlord) and Tenant, as their interests may appear. The proceeds of such insurance shall not be used, except with the consent of Landlord, for any purpose other than the repair or replacement of property situated within the Premises, and for any third-party liability. Notwithstanding anything contained herein to the contrary, Tenant shall not be permitted to store, sell or give away any such fermented, alcoholic or other intoxicating liquor or beverage on the Premises unless (a) Landlord shall have specifically consented thereto in writing, (b) such use shall be within the Permitted Use, (c) Tenant shall have obtained all required licenses and permits in connection therewith, and such licenses and permits shall be in full force and effect, and (d) Tenant's insurance covers all claims arising under applicable laws relating to the storage, sale, use or giving away of any fermented, alcoholic or other intoxicating liquor or beverage, which claims could be asserted against Landlord, Tenant or the Premises, in amounts and form reasonably acceptable to Landlord. Tenant shall deliver a copy of said insurance to the Landlord upon obtaining the C.O.O and prior to opening for business. During the renovation period, Tenant's contractor shall carry liability insurance on the said premises and shall name the Landlord as additional insured.

ARTICLE VIII
DEFAULT AND REMEDIES

8.1 Events of Default: In the event Tenant (i) fails to pay all or any portion of any sum due from Tenant hereunder or pursuant to any Exhibit hereto as and when such payment is due; (ii) fails to cease all conduct prohibited hereby within two (2) business days upon receipt of written notice from Landlord; (iii) fails within two (2) business days to take actions in accordance with the provisions of written notice from Landlord to remedy Tenant's failure to perform any of the terms, covenants and conditions of this Lease; (iv) fails to conduct business in the Premises as herein required; (v) commits an act in violation of this Lease which Landlord has previously notified Tenant to cease more than once in any Lease Year; (vi) becomes bankrupt, insolvent or files any debtor proceeding, takes or has taken against Tenant any petition of bankruptcy; takes action or has action taken against Tenant for the appointment of a receiver for all or a portion of Tenant's assets, files a petition for a corporate reorganization; makes an assignment for the benefit of creditors, or if in any other manner Tenant's interest hereunder shall pass to another by operation of law (any or all of the occurrences in this subsection being deemed a default on account of bankruptcy for the purposes hereof and such default on account of bankruptcy shall apply to and include any guarantor of this Lease); (vii) commits waste to the Premises; or (viii) is otherwise in breach of Tenant's obligations hereunder and shall not have cured such other default within ten (10) days following written notice from Landlord; then Tenant shall be in default hereunder and Landlord may, at its option and without further notice to Tenant, terminate Tenant's right to possession of the Premises and without terminating this Lease re-enter and resume possession of the Premises and/or declare this Lease terminated, and may thereupon in either event remove all persons and property from the Premises, with or without resort to process of any court, either by force or otherwise. Notwithstanding such re-entry by Landlord, Tenant hereby indemnifies and holds Landlord harmless from any and all loss or damage, which Tenant may incur by reason of the termination of this Lease and/or Tenant's right to possession hereunder. In no event shall Landlord's termination of this Lease and/or Tenant's right to possession of the Premises abrogate Tenant's agreement to pay Rent for the full Lease Term. Following re-entry of the Premises by Landlord, Tenant shall continue to pay all Rent as it becomes due under the terms of this Lease, or at Landlord's option, all Rent for the balance of the Lease Term shall be deemed immediately due and payable by Tenant to Landlord, together with all other expenses incurred by Landlord in regaining possession, including full reimbursement of any and all free rents or abated rents as well as all unamortized, excluding any term associated with free or abated rent, leasing commissions and tenant improvement costs which were incurred by Landlord in connection with this Lease; it being understood that Landlord shall have no obligations to mitigate Tenant's damages by reletting the Premises. Should Landlord relet the Premises, Tenant shall also pay Landlord, as liquidated damages for the failure of Tenant to honor its obligations under this Lease, for each month of the period which would otherwise have constituted the balance of the Lease term, any deficiency between (i) the sum of the monthly installment of Minimum Rent and Additional Rent and other charges which would have been due under this Lease for such month and (ii) the net amount, if any, actually collected on account of the lease of the Premises for such month. In computing such liquidated damages, there shall be added to said deficiency such expenses as Landlord may incur in connection with any reletting, such as court costs, reasonable attorney's fees and disbursements, brokerage fees and expenses for preparing the Premises for reletting. Any such liquidated damages shall be paid in monthly installments by Tenant on the 1st day of each month, and any suit brought to collect the amount of deficiency for any month shall not prejudice the rights of Landlord to pursue similar proceedings regarding subsequent months.

If this Lease is terminated by Landlord as a result of the occurrence of an event of default, Landlord may declare to be due and payable immediately, the present value (calculated with a discount factor of eight percent [8%] per annum) of the difference between (i) the entire amount of Rent and other charges and assessments which in Landlord's reasonable determination would become due and payable during the remainder of the Lease Term determined as though this Lease had not been terminated, and (ii) the then fair market rental value of the Premises for the remainder of the Lease Term. Upon the acceleration of such amounts, Tenant agrees to pay the same at once, together with all Rent and other charges and assessments theretofore due, at Landlord's address as provided herein, it being agreed that such payment shall not constitute a penalty or forfeiture but shall constitute liquidated damages for Tenant's failure to comply with the terms and provisions of this Lease (Landlord and Tenant agreeing that Landlord's actual damages in such event are impossible to ascertain and that the amount set forth above is a reasonable estimate thereof).

8.2 Rights and Remedies: The various rights and remedies herein granted to Landlord shall be cumulative and in addition to any other rights or remedies which Landlord may be entitled to at law or in equity. The exercise of one or more rights or remedies of Landlord shall not impair Landlord's right to exercise any other right or remedy. In all events, Landlord shall have the right, upon notice to Tenant, to cure any breach by Tenant, at Tenant's sole cost and expense, and Tenant shall reimburse Landlord for such costs and expenses plus fifteen (15%) percent as overhead, immediately upon demand.

ARTICLE IX
ASSIGNMENT AND SUBLETTING

9.1 Assignment and Subletting: Tenant shall not, either voluntarily or by operation of law, sell, assign, hypothecate or otherwise transfer this Lease, or sublet the Premises or any part thereof (all of the foregoing collectively referred to as a "Transfer"), without the express prior written consent of Landlord. Tenant shall not be released from, and shall remain principally and primarily liable for, the full and prompt performance of each of the terms and provisions of this Lease following any Transfer. The acceptance by Landlord of Rent following any Transfer shall not be deemed to be a consent by Landlord to any such Transfer, nor shall such acceptance of Rent be deemed a waiver of any right or remedy of Landlord hereunder.

9.2 Exclusivity: During the Lease Term, and any extensions thereof, the Landlord shall not lease to any other tenant any unit in the shopping center to engage in any business engaging in a Sports bar or Night Club.

ARTICLE XI
MISCELLANEOUS

11.1 Attorney's Fees: If any Rent, Additional Rent, Additional Charges or other charges owing under this Lease are collected by or through an attorney at law, whether or not litigation is actually instigated, the Landlord shall be entitled to recover reasonable attorneys' fees in the amount of 15.00% of such sums due, as well as the other costs of such proceedings.

11.2 Late Charges: All Rent, Additional Rent, Additional Charges or other charges owing under this Lease and which are not paid 10 days after its due shall bear a fee of $150.00 for processing of late payments. In the event that any check, bank draft or other instrument given to Landlord for any payment under this Lease shall be dishonored for any reason whatsoever not attributable to Landlord (ii) Tenant shall replace such check with a cashier's check within 48 hours of notice (oral or written) to Tenant by Landlord of the dishonor, and (iii) Landlord shall have the right to elect that the next six (6) subsequent monthly installments of Minimum Rent and Additional Rent be paid by cashier's checks.

11.3 Accord and Satisfaction: No payment by Tenant or receipt by Landlord of a lesser amount than the charges herein stipulated shall be deemed to be other than on account of the earliest stipulated charges, nor shall any endorsement or statement on any check or letter accompanying any check or payment be deemed an accord and satisfaction, and Landlord may accept such check or payment without prejudice to Landlord's right to recover the balance of any amounts due hereunder or to pursue any other remedy provided herein.

11.4 Time of Essence: TIME IS OF THE ESSENCE OF THIS LEASE.

11.5 Holding Over: If Tenant holds over at the end of the Lease Term without the written consent of Landlord, Tenant shall be deemed a tenant-at-sufferance and Tenant shall pay to Landlord, during each month of such holdover period, as liquidated damages, a sum equal to double the highest amount of Rent paid by Tenant to Landlord during any month of the Lease Term; provided, however, acceptance of Rent by Landlord shall not be interpreted as a grant of permission for Tenant to continue in possession of the Premises.

11.6 Severability: In the event any provision of this Lease to any extent shall be deemed invalid or unenforceable, the remainder of this Lease shall not be affected thereby, and the Lease and the remaining provisions thereof shall be valid and enforceable to the full extent permitted by law.

11.7 Brokers: Tenant indemnifies Landlord, and Landlord indemnifies Tenant, against any claims for brokerage commissions in connection herewith, except for the brokerage commission payable to Schair & Associates, Inc. (the "Broker"). Tenant hereby acknowledges that Schair & Associates, Inc. has served solely as agent for Landlord in connection with this Lease and its commission shall be paid by Landlord in accordance with a separate agreement. Landlord hereby acknowledges that __N/A__ has served solely as agent for Tenant in connection with this Lease and its commissions shall be paid by Landlord in accordance with a separate agreement.

11.8 Waiver: No waiver by Landlord of any provision of this Lease shall be deemed to be a waiver of any other provision hereof or of any subsequent breach by Tenant of the same provision. Landlord's consent to, or approval of, any act by Tenant shall not be deemed to render unnecessary the obtaining of Landlord's consent to, or approval of, any subsequent act. No agreement by Landlord to accept Tenant's surrender of the Premises shall be valid unless in writing from Landlord.

11.9 Right of Entry: Landlord shall have free access to the Premises at all reasonable times to inspect the Premises and to make such repairs, additions, improvements, changes, or alterations, the Shopping Center, as Landlord may elect. Landlord may also place "For Lease" or "For Sale" signs on the Premises forty-five (45) days before the termination of this Lease. Landlord or its agents or designees, during the Term of this Lease, or any renewal thereof, may enter the Premises at reasonable hours to exhibit same to prospective purchasers or Tenants, or for any other reasonable purpose.

11.10 Successors and Assigns: Except as otherwise provided herein, this Lease shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, personal representatives, executors, successors and assigns.

11.11 Headings, Captions and References: The Article and Section captions contained in this Lease are for convenience only and do not in any way limit or amplify any terms or provisions hereof. The use of the terms "hereof," "hereunder" and "herein" shall refer to this Lease as a whole, except where noted otherwise.

11.12 Survival of Obligations: The provisions of this Lease with respect to any obligation of Tenant, including, without limitation, any indemnities of Tenant contained in this Lease, and Tenant's covenant to pay Rent, shall specifically survive the expiration or earlier termination of this Lease.

11.13 Landlord and Tenant Relationship: Nothing herein contained shall be deemed or construed by the parties hereto, nor by any other party, as creating the relationship of principal and agent or of partnership or of joint venture between the parties hereto. No estate shall pass from Landlord to Tenant, and this Lease shall not be subject to levy or sale.

11.14 Counterclaim and Jury Trial: In the event that the Landlord commences any summary proceedings or action for nonpayment of Rent or other charges provided for in this Lease, Tenant shall not interpose any counterclaim of any nature or description in any such proceeding or action. Tenant and Landlord both waive a trial by jury of any or all issues arising in any action

11.16 Representations: Tenant acknowledges that neither Landlord nor Landlord's agents, employees, or contractors have made any representations or promises with respect to the Premises, the Shopping Center, or this Lease, except as expressly set forth herein.

11.17 Landlord's Liability: In the event of any alleged default of Landlord, Tenant shall not seek to secure any claim for damages or indemnification by any attachment, levy, judgment, garnishment or other security proceedings against any property of the Landlord other than Landlord's equity in the Shopping Center. Landlord as used herein, shall include any assignee or other successor of the original Landlord or its successors or assigns.

11.18 Jurisdiction: The laws of the State in which the Shopping Center is located shall govern the interpretation, validity, performance, and enforcement, of this Lease.

11.19 Compliance with Law and Contracts. Tenant shall, at its expense, comply with and shall cause the Premises and Tenant's employees to comply with all Applicable Laws at all times during the Lease Term. Without limiting the foregoing, Tenant covenants and agrees to (a) conduct its operations on the Premises in a way that does not violate the Applicable Laws, and (b) take promptly, at its expense, whatever corrective measures are required by the Applicable Laws in the event of a violation. Tenant shall also, at its expense, comply with the requirements of all policies of insurance which at any time may be in force with respect to the Premises, and with the provisions of all contracts, agreements and restrictions affecting the Premises or any part thereof or the occupancy or use thereof. In addition, Tenant shall pay, as Rent, any future sales or rent tax or other tax imposed on Rent payments or upon Landlord based upon charges paid by Tenant to Landlord. "Applicable Laws" shall mean all laws, rules, orders, ordinances and regulations of the municipality, county and state in which the Premises are located, of the federal government, of any department or bureau of any of them, and of any other governmental authority having jurisdiction over the Premises, in effect from time to time during the Lease Term, which shall impose any duty on Landlord or Tenant with respect to the use, occupancy or alteration of the Premises, or Tenant's business conducted therein, including Environmental Laws and the Americans with Disabilities Act. Landlord makes no representation to Tenant that the conduct of the Permitted Use is permissable under Applicable Laws or under any private restrictions which are of public record, and Tenant agrees and acknowledges that it is Tenant's obligation to independently confirm same.

11.20 Authority and Good Standing. In the event Tenant hereunder is a corporation, limited liability company, partnership, or any other form of entity other than a natural person, the person(s) executing this Lease on behalf of Tenant hereby covenant and warrant that Tenant has been properly formed, is in good standing and is qualified to do business in the state in which the Shopping Center is located; all forms, reports, fees, taxes, and other documents and charges required to establish and maintain Tenant's good standing, qualification to do business and compliance with applicable laws have been and will continue to be filed and paid by Tenant when due; and such person(s) executing this Lease on behalf of Tenant are duly authorized by the appropriate persons or governing body of Tenant to execute and deliver this Lease on behalf of Tenant.

11.21 Estoppel Certificates: Within Seven (7) days after written request by Landlord, Tenant shall execute, acknowledge, and deliver, to Landlord, and to such other party or parties as may be designated by Landlord, a certificate stating that this Lease is in full force and effect and has not been modified, supplemented or amended in any way, except as indicated in such certificate; that all conditions and agreements hereunder to be performed by Landlord have been satisfied or performed, except as set forth in said certificate; that Tenant is not in default in the payment of Rent or any of the other obligations required of Tenant hereunder; that Tenant has paid Rent as of the date set forth in the certificate; and as to any other factual matter in connection with this Lease as is typically included in such statement of estoppel.

11.22 Entire Agreement: This Lease constitutes the entire agreement between the parties hereto with respect to the subject matter hereof and no subsequent amendment or agreement shall be binding upon either party unless it is signed by each party. The submission of this Lease shall not constitute an offer to Lease by Landlord and this Lease shall not be binding unless and until it is signed by Landlord and Tenant.

11.23 Exhibits and Addenda: All exhibits and addenda attached to this Lease are by this reference incorporated into this Lease. Insofar as such exhibits or addenda conflict with any of the terms or provisions contained in the text of this Lease, the terms and provisions of such exhibit or addenda shall govern and control.

11.24 Monthly and Annual Sales Reports. **Intentionaly Deleted.**

11.26 Lease Valid and Binding. Notwithstanding that the Rent Commencement Date shall occur and the Lease Term shall commence after the date of execution of this Lease, upon complete execution by the parties hereto this Lease shall be and is in full force and effect and valid and binding against the parties in accordance with (but always on and subject to) its terms and conditions, except that this Lease shall terminate if for any reason the Rent Commencement Date shall not have occurred prior to the second anniversary of the date hereof.

11.27 No Representations. Nothing contained in this Lease or any exhibit or rider attached hereto shall be construed, deemed or interpreted to be a warranty, representation or agreement on the part of Landlord that any local, regional or national chain store or any other merchant shall open or remain open for or operate a business, or occupy or continue to occupy any premises in or about the Shopping Center parcel during the Lease Term or any renewal or extensions thereof.

11.28 Errors and Ommissions. In the event that any inadvertent or unintentional clerical error(s) are made with respect to this Lease including (without limitaion) square footage, operating expense estimates and other clear mathematical error(s) with respect to Minimum Rent or Additional Rent due hereunder whether said errors are in Landlord's or Tenant's favor, then both parties hereto agree to cooperate fully in order to correct said error(s) via an amendment to this Lease as required. This provision shall also apply

deemed an accord and satisfaction, and Landlord may accept such check or payment without prejudice to Landlord's right to recover the balance of such rent or pursue any other remedy provided in this Lease.

11.31 Counterparts. This Lease may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one agreement.

11.32 EXHIBITS:

A. Site Plan
A-1 Legal Description of the Shopping Center
B. Landlord's Work
C. Prohibited Uses
D. Sign Criteria
E. Form of Guaranty
F. Rules and Regulations
G. Kitchen's work & Out Door Dining Built Out

11.33 Firearms. Tenant shall at all times prominently display signage prohibiting the carrying of firearms within the Premises to the extent same is permissible under applicable law and shall make its commercially reasonable efforts to prohibit the carrying of firearms and to enforce same.

11.34 No Easement for Light, Air, or View. Any elimination or shutting off of light, air, or view by any structure which may be erected on lands adjacent to the Premises shall in no way affect this Lease and Landlord shall have no liability to Tenant with respect thereto.

11.35 No Estate in Land. This contract and Lease shall create the relationship of landlord and tenant between Landlord and Tenant and no estate shall pass out of Landlord; Tenant has only a usufruct which is not subject to levy and sale, and not assignable by Tenant except as herein provided.

11.36 Confidentiality. Tenant hereby acknowledges and agrees with Landlord that the amount of Rent due and payable under this Lease and all other terms of this Lease negotiated between Landlord and Tenant shall be and remain confidential to the parties to this Lease, and Tenant, in consideration of Landlord's entering into this Lease, hereby agrees with Landlord that Tenant shall not disclose in any manner to any third party, except as may be required by law, the amount of the Rent due and payable by Tenant under this Lease or any of the other terms of this Lease; provided, however, that Landlord may disclose the terms of this Lease to potential lenders of Landlord, mortgagees or other parties taking a secured interest in the Premises, any investors, partners, or joint venture participants holding or potentially holding an interest in the Premises, and said parties' accountants, attorneys, and other representatives, and to any other third party with a reasonable need to know the terms of this Lease.

11.37 Landlord Lien. Landlord shall at all times have a valid first lien upon all of the personal property of Tenant situated in the Premises to secure payment of rent and other sums and charges due hereunder from Tenant to Landlord and to secure the performance by Tenant of each of the covenants, warranties, agreements and conditions hereof. Said personal property shall not be removed from the Premises without the consent of Landlord until all arrearage in Rent and other charges, as well as any and all other sums of money due hereunder shall first have been paid and discharged and until this Lease and all of the covenants, conditions, agreements and provisions have been fully performed by Tenant. Tenant shall from time to time execute any financing statements and other instruments necessary to perfect the security interest granted herein, and Landlord shall have the right to file any such financing statements as is necessary to perfect Landlord's security interest herein contained. The lien herein granted may be foreclosed in the manner and form provided by law for the foreclosure of security instruments or chattel mortgages, or in any other manner provided by law. This Lease is intended as and constitutes a security agreement within the meaning of the Uniform Commercial Code, as same is enacted by Governing Law.

11.38 WAIVER OF JURY TRIAL. TO THE EXTENT PERMITTED BY LAW, LANDLORD AND TENANT SHALL, AND THEY DO HEREBY, WAIVE TRIAL BY JURY IN ANY ACTION, PROCEEDING OR COUNTERCLAIM BROUGHT BETWEEN THE PARTIES HERETO OR THEIR SUCCESSORS OR ASSIGNS ON ANY MATTERS ARISING OUT OF, OR IN ANY WAY CONNECTED WITH, THIS LEASE, THE RELATIONSHIP OF LANDLORD AND TENANT, AND/OR TENANT'S USE OF, OR OCCUPANCY OF, THE PREMISES. TENANT SHALL NOT INTERPOSE ANY COUNTERCLAIM OR COUNTERCLAIMS IN A SUMMARY PROCEEDING OR IN ANY ACTION BASED UPON NON-PAYMENT OF RENT OR ANY OTHER PAYMENT REQUIRED BY TENANT HEREUNDER. THIS WAIVER IS MADE FREELY AND VOLUNTARILY, WITHOUT DURESS AND ONLY AFTER EACH OF THE PARTIES HERETO HAS HAD THE BENEFIT OF ADVICE FROM LEGAL COUNSEL ON THIS SUBJECT.

11.39 Lockbox. Landlord may, at its sole option, direct Tenant to pay Rent to a "lockbox" or other depository whereby checks issued in payment of Rent are initially cashed or deposited by a person or entity other than Landlord (albeit on Landlord's authority), then, in such event, for any and all purposes under this Lease: (i) Landlord shall not be deemed to have accepted such payment until ten (10) days after the date on which Landlord shall have actually received such funds, and (ii) Landlord shall be deemed to have accepted such payment if (and only if) within said ten (10) day period, Landlord shall not have refunded (or attempted to refund) any payment not made in strict compliance with this Lease to Tenant. Nothing contained in the immediately preceding sentence shall be construed to place Tenant in default of Tenant's obligation to pay Rent if and for so long as Tenant shall timely pay the entire Rent required pursuant to this Lease in the manner designated by Landlord. Further, upon Tenant's receipt of written notice from Landlord's mortgagee directing Tenant to deliver Rent and other sums due hereunder directly to mortgagee (or to an agent designated by such mortgagee), Tenant shall comply accordingly and is authorized by Landlord to do so.

11.41. Standard of Discretion. In any event Landlord's consent is required hereunder, unless expressly set forth to the contrary

IN WITNESS WHEREOF, the parties hereto have executed this Lease under seal the day and year first above written. This Agreement may be signed electronically and in multiple counterparts which when assembled shall constitute an original.

LANDLORD: Lithonia Property, LLC., a Georgia Limited Liability Corporation
:

Name: Taib Elkettani

Its: TaibElkettani

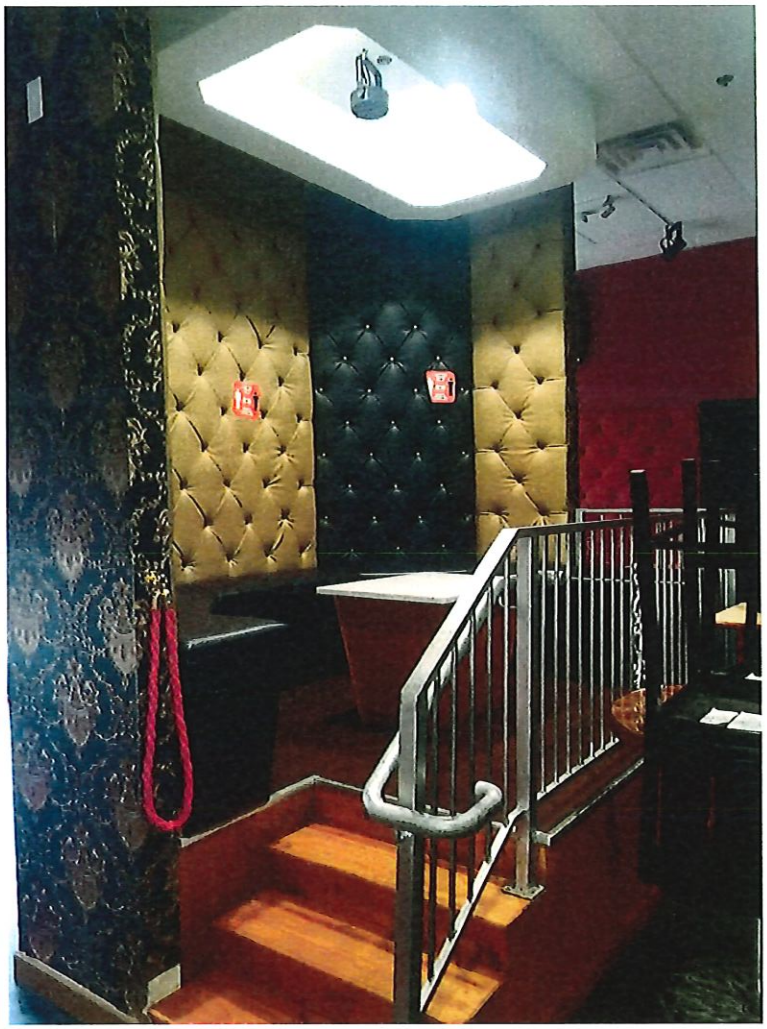
Date: 12/6, 2018

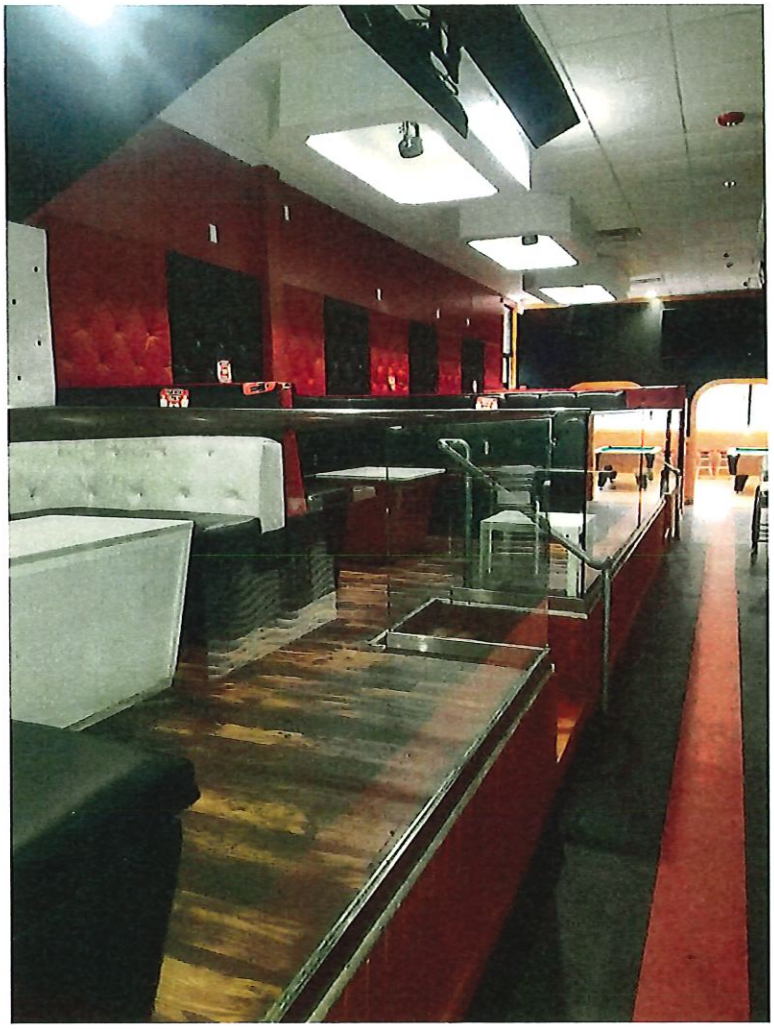
TENANT: United Entertainment LLC., a Georgia Limited Liability Corporation

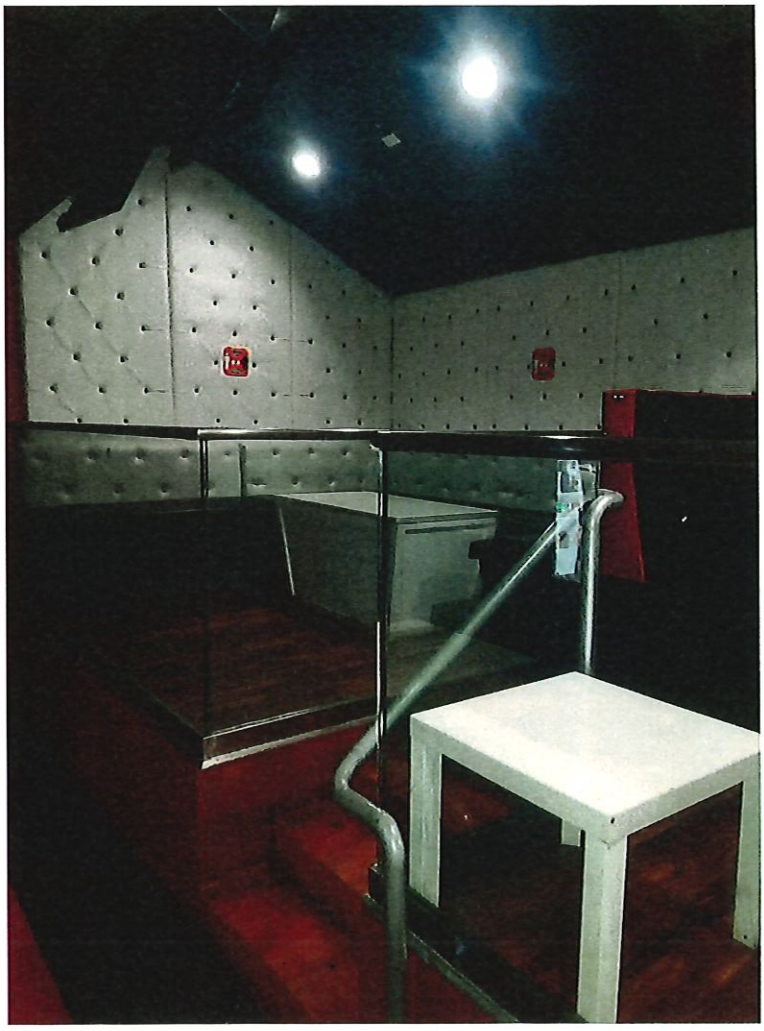
Name: Bernice P. Monger

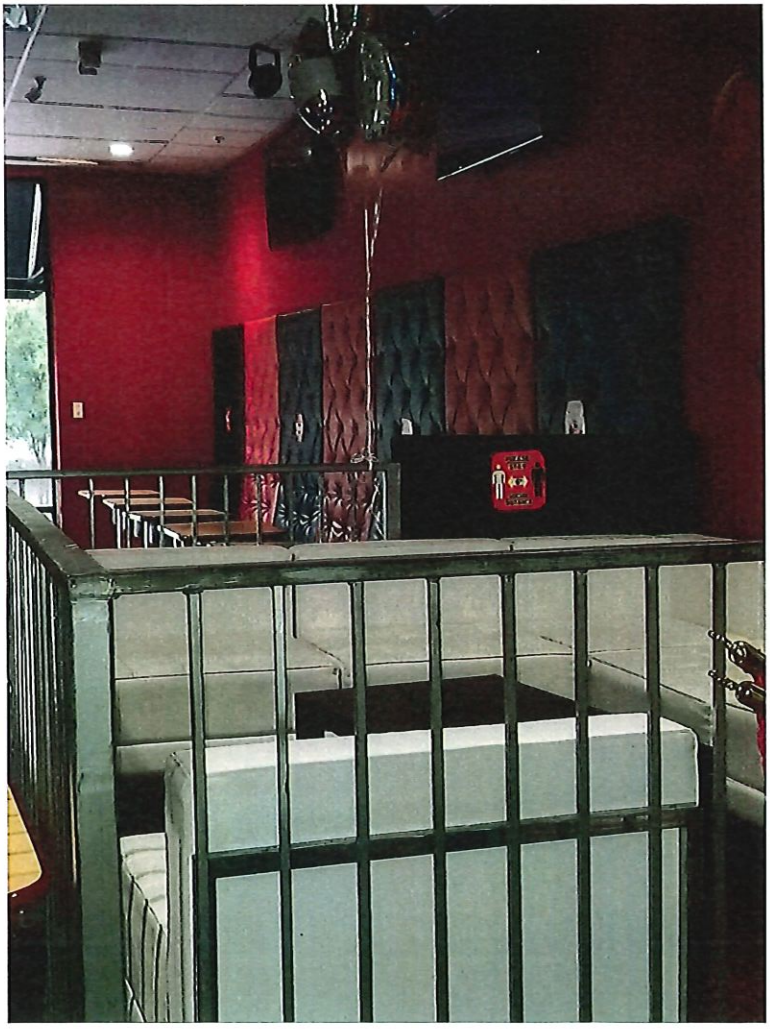
Its: ~~Bernice P. Monger~~

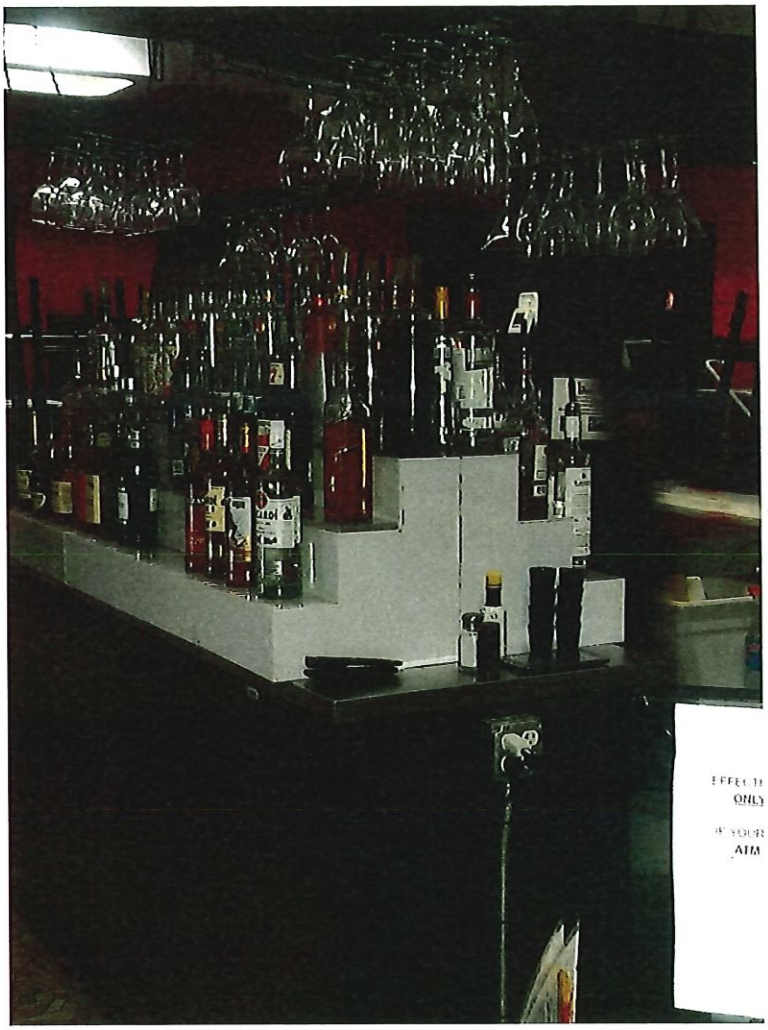
Date: 12/6, 2018

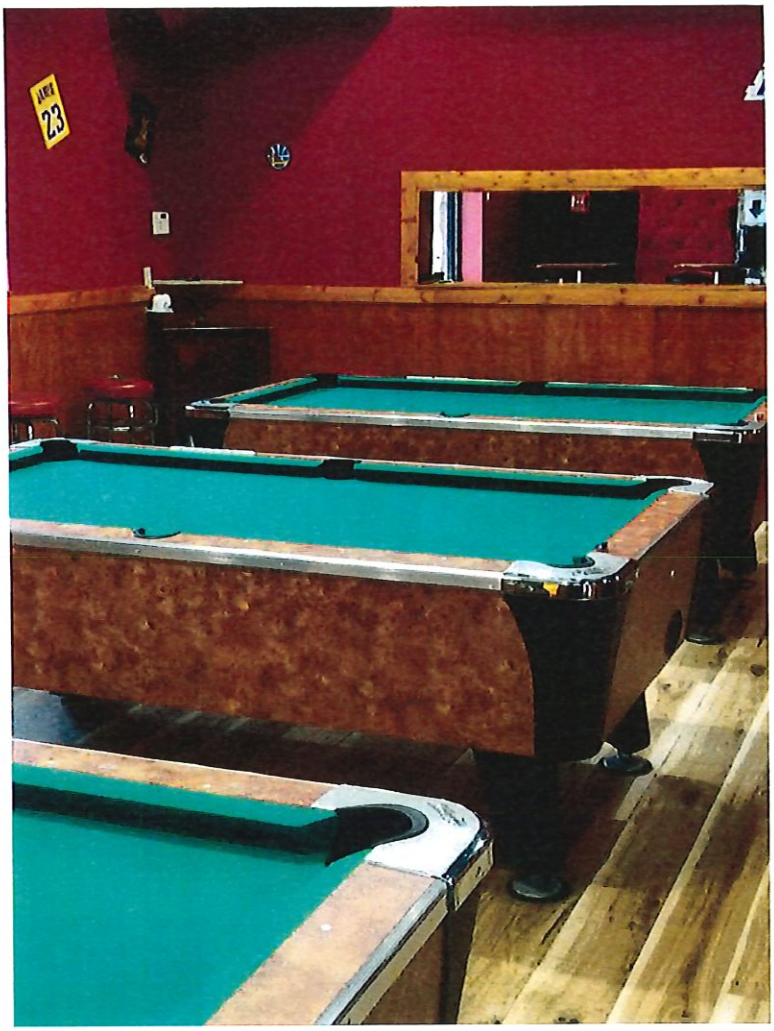








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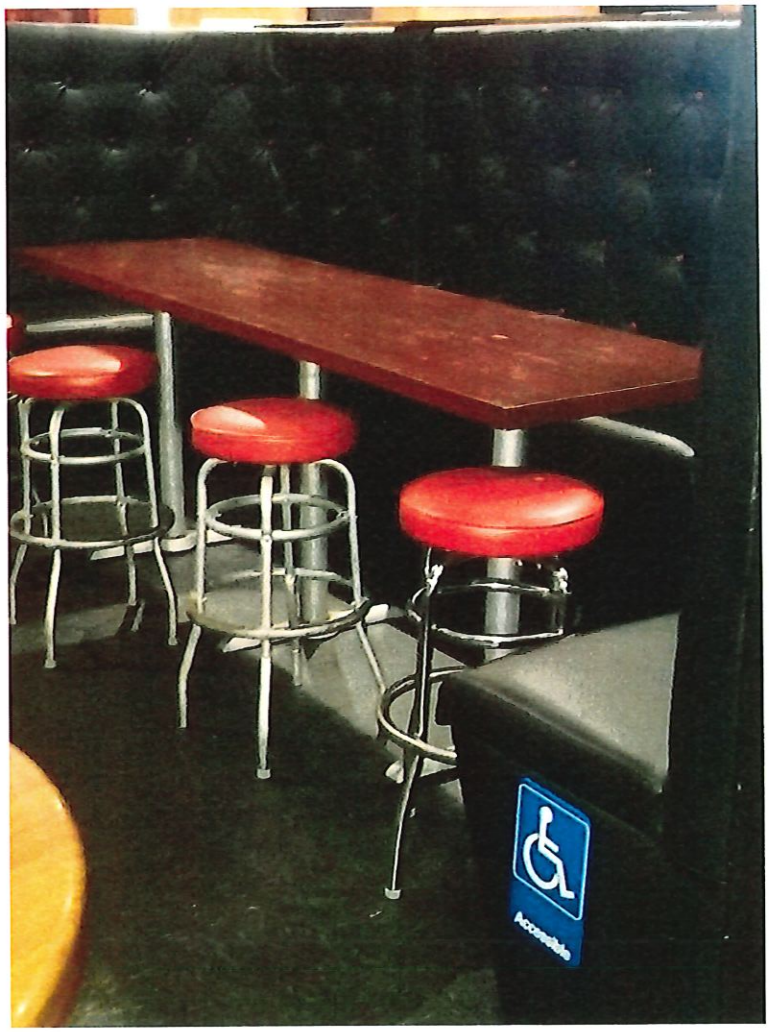
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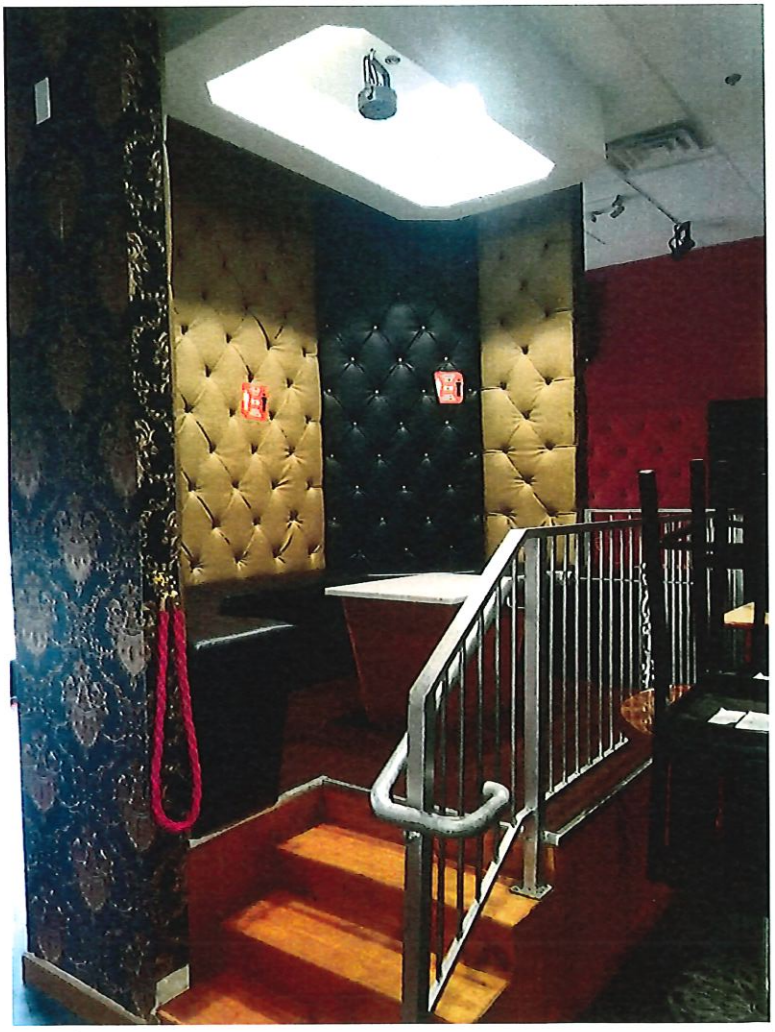

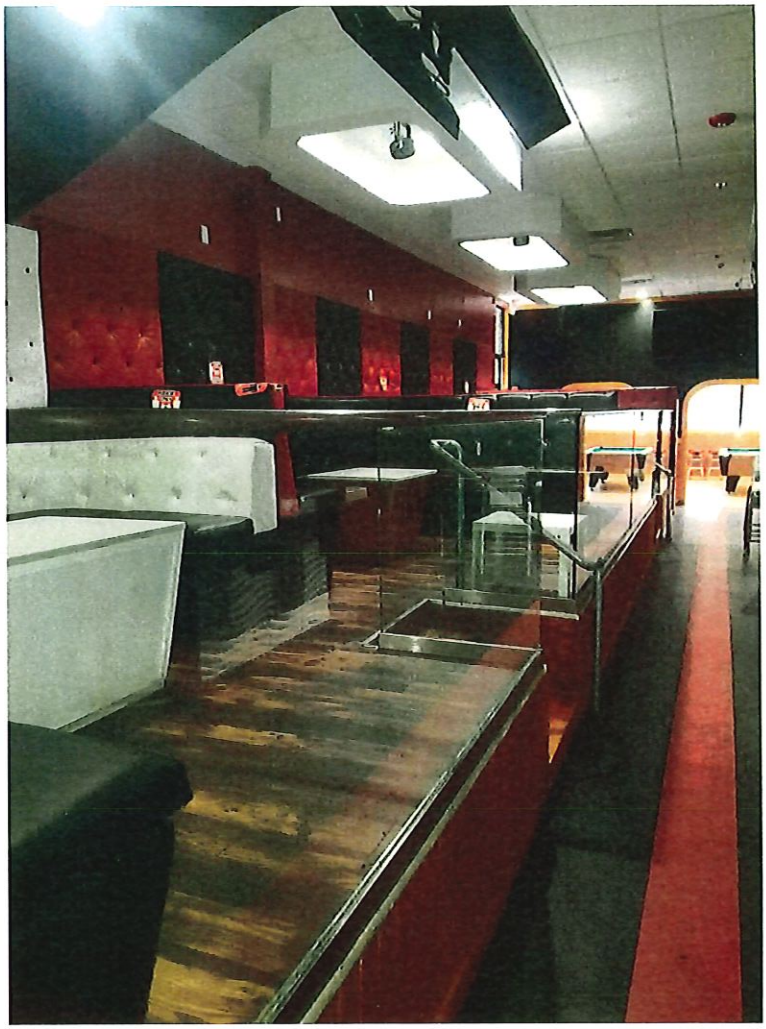

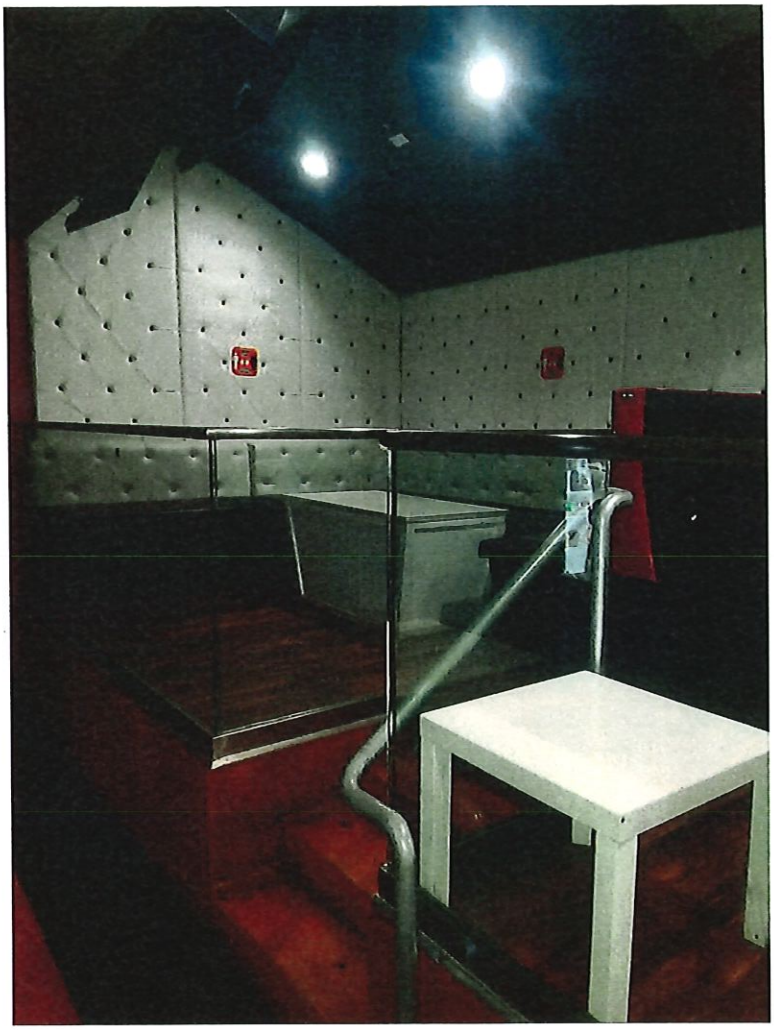

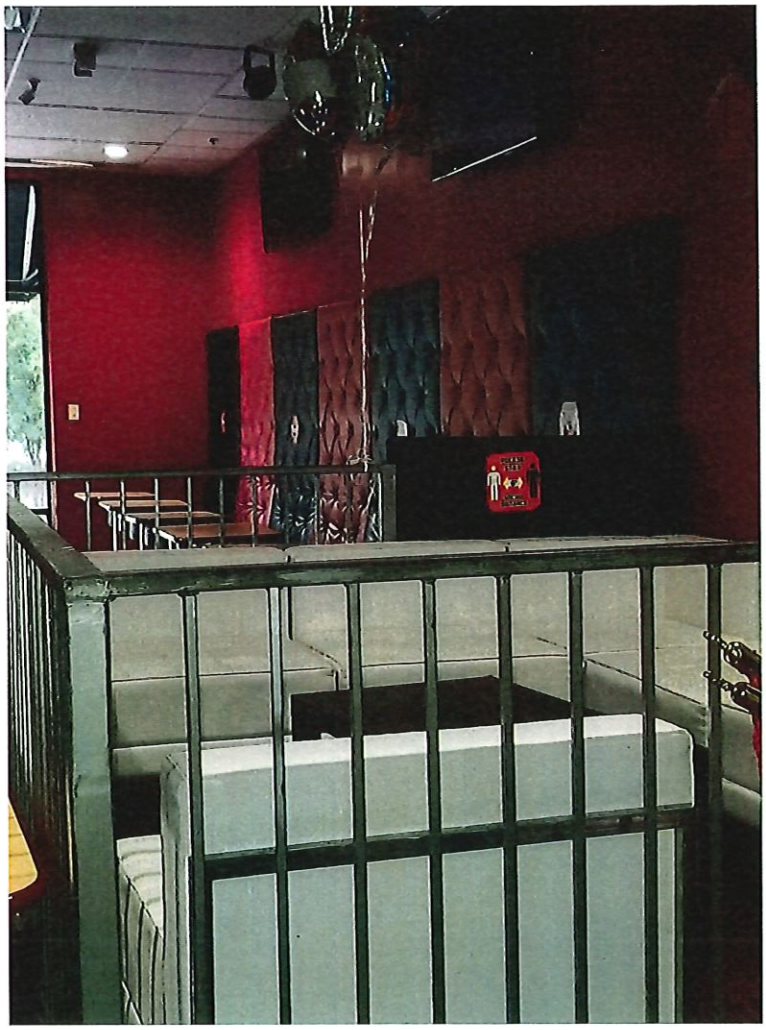

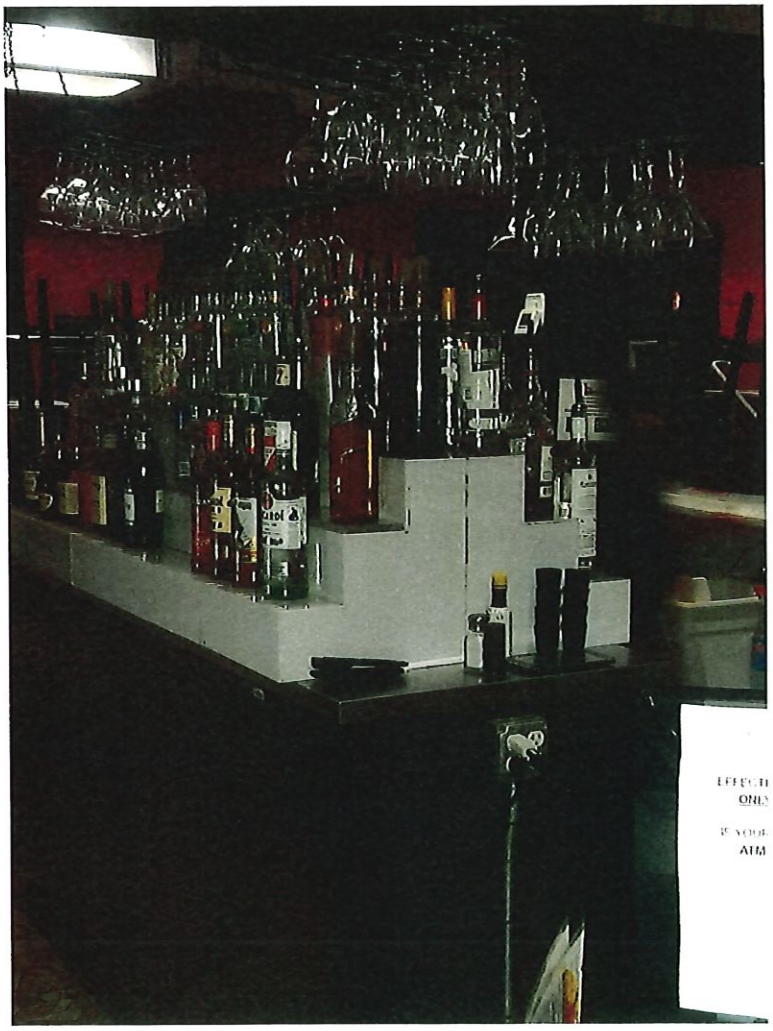

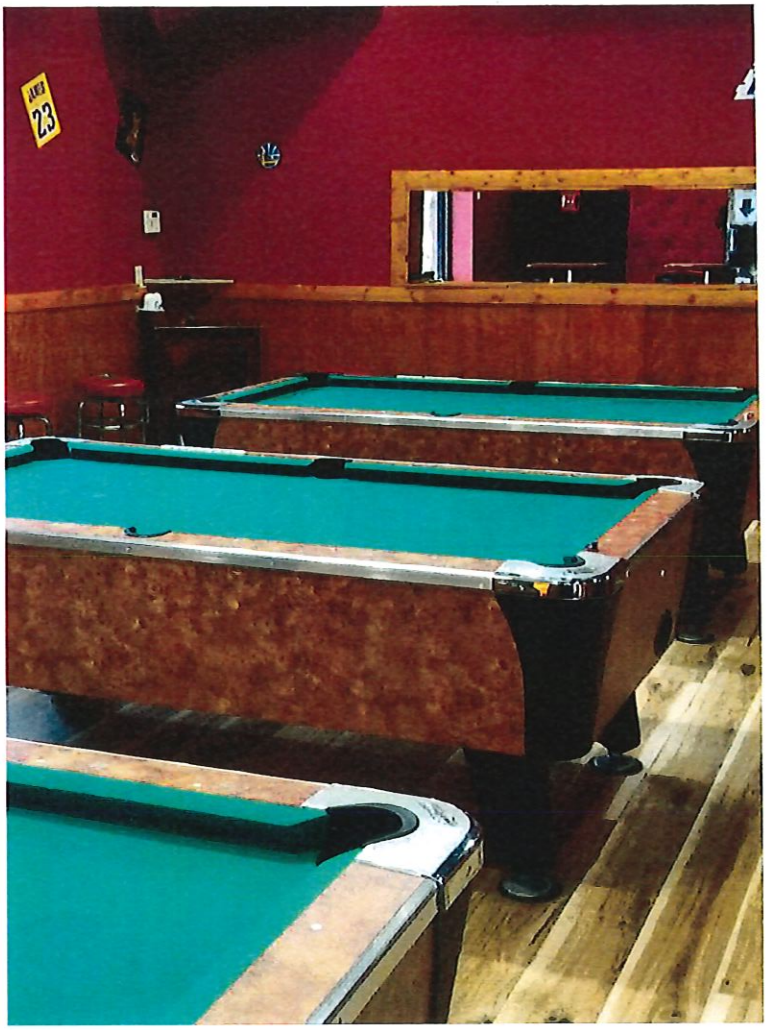
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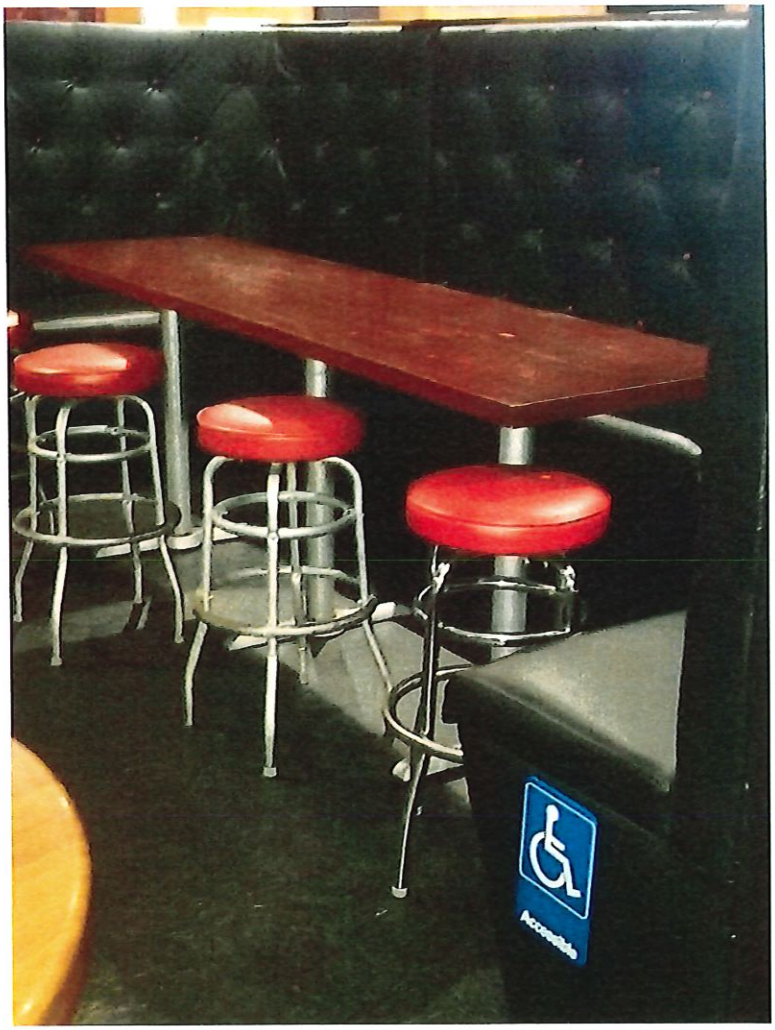
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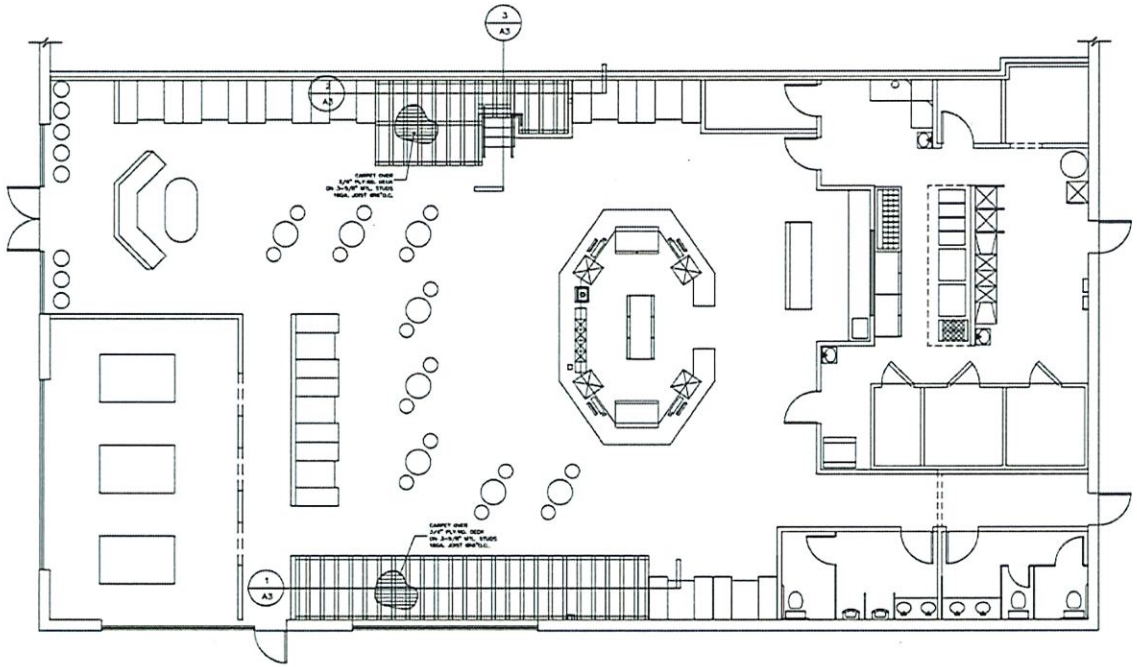
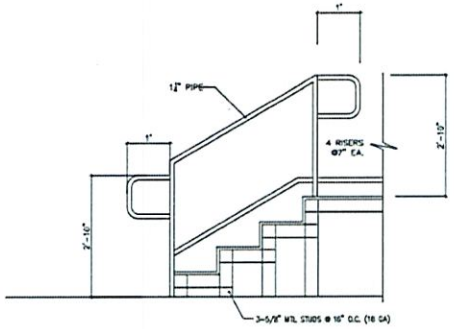


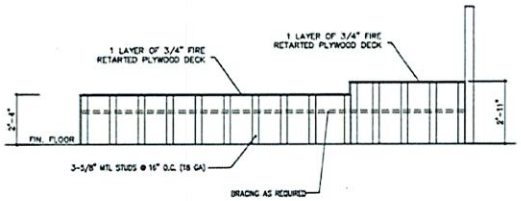
RAISED FLOOR FRAMING PLAN
3/16" = 1'-0"



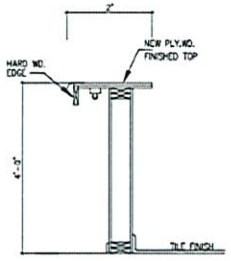
3 / A3 STAIR SECTION
3/8"=1'-0"

NOTES: HAND RAIL HIGH 2'-10" AFF.

NOTES: ALL WOOD TO BE FIRE RATED.



2 / A3 RAISED FLOOR FRAMING PLAN
3/8" = 1'-0"



BAR SECTION
3/4" = 1'-0"

NOTE: ALL WOOD JOIST & FRAMING SHALL BE FIRE RETARDANT TREATED.

1 / A3 RAISED FLOOR FRAMING PLAN
3/8" = 1'-0"

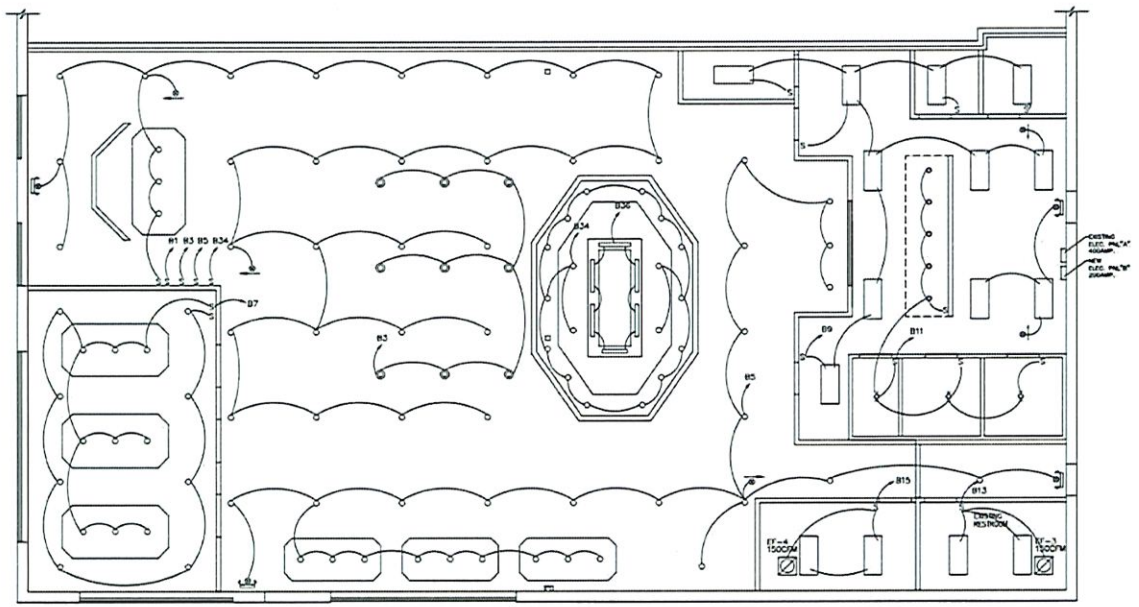
BARNACLES SPORTS BAR & GRILL
7100 STEVENSON CONCOURSE
SUITE# 100
IRVINE, CA. 92618

CUSTOM DESIGN & DEVELOPMENT CORPORATION
9720 IRVINE BLVD.
SUITE 100
IRVINE, CA. 92618
TEL: (714)-669-8888
FAX: (714)-679-2288

DETAILS
NOTES & SCHEDULE

REVISION	BY

DRAWN BY:
SCALE: AS NOTED
PROJECT NO:
DATE: 04/04/18
SHEET
A3
OF SHEETS



LIGHTING PLAN

3/16" = 1'-0"

ELECTRICAL POWER NOTES

1. Drawing are diagrammatic and indicate general arrangement of system and work. Follow drawing in laying out work and check drawings of other trades to verify existing space and conditions. Maintain design requirements but adjust as required to fit. Contractor shall provide complete and working system.
2. Verify locations and orientation of outlets and switches in finished rooms with the architectural drawing and owner's representatives. Locations of equipment and other moveable items are subject to modification and shall be verified with owner's representatives prior to installation.
3. Each panel board furnished and installed under this contract shall be complete with a ground bus. This ground bus shall have a conductor grounding location for every branch curcuit breaker and future breance circuit breaker location. The same shall apply to fused switch panels. The conductor grounding location shall be sized, in accordance with Table 250-122 of the National Electrical Code (NEC).
4. A pull box shall be installed between telephone outlets and the plywood mounting board installed for telephone equipment.
5. Contractor to verify conditions of existing panels, motors and service drops and make any changes required by this design or the NEC.
6. All work performed by the contractor on this project shall be performed in a workmanlike manner and in a accordance with all local and state code, the NEC, OSHA and National Electrical Safety.
7. All permits required for the construction of this work shall be obtained by the contractor. Copies of all permits shall be turned over to the owner at the completion of work.
8. Contractor shall provide "As Built" panel schedules complete with circuit designations and connected load data to the owner upon completion of work as well as placing a copy on the inside of the door of each panel.

PANELBOARD "B" SCHEDULE

PANEL B
208Y/120V 3ø 4W, 10000 A.I.C.

CKT NO	TO SERVE	LOAD KW	CKT BRKR TRIP POLES	200 AMP	M.L.O.	CKT BRKR POLES TRIP	LOAD KW	TO SERVE	CKT NO
1	LIGHTS (DINING AREA)	0.7	20/1			20/1	1.0	STORE SIGN	2
3	LIGHTS (DINING AREA)	1.0	20/1			20/1	1.0	RECEPT (POOL TABLE AREA)	4
5	LIGHTS (DINING AREA)	0.8	20/1			20/1	1.0	RECEPT (POOL TABLE AREA)	6
7	LIGHTS (POOL AREA)	0.5	20/1			20/1	1.0	RECEPT (DINING AREA)	8
9	LIGHTS (KITCHEN AREA)	1.3	20/1			20/1	1.0	RECEPT (DINING AREA)	10
11	LIGHTS (WC/WC/HOOD)	0.5	20/1			20/1	1.0	RECEPT (BACK AREA)	12
13	FANSLIGHTS (RESTROOM)	1.0	20/1			20/1	1.0	RECEPT (RESTROOM AREA)	14
15	FANSLIGHTS (RESTROOM)	1.0	20/1			20/1	1.0	RECEPT (DINING AREA)	16
17	RECEPT (POS SYSTEM)	1.0	20/1			20/1	1.0	RECEPT (STAGE AREA)	18
19	REACH IN COOLER	1.0	20/1			20/1	1.0	RECEPT (STAGE AREA)	20
21	BEER COOLER	3.0	20/2			20/1	1.0	RECEPT (STAGE AREA)	22
23						20/1	1.0	RECEPT (D.J. AREA)	24
25	REACH IN COOLER	1.0	20/1			20/1	1.0	RECEPT (D.J. AREA)	26
27	RECEPT (WET, STATION AREA)	1.0	20/1			20/1	1.0	RECEPT (OFFICE AREA)	28
29	SANDWICH UNIT	3.0	20/2			20/2	3.0	DISHWASHER	30
31									32
33	REACH IN COOLER	1.0	20/1			20/1	1.0	LIGHTS (BAR AREA)	34
35	REACH IN FREEZER	1.0	20/1			20/1	1.0	TV	36
37	RECEPT (WET, STATION)	1.0	20/1					SPARE	38
39	RECEPT (POOL TABLE AREA)	1.0	20/1					SPARE	40
41	SPARE							SPARE	42

CONNECTED LOAD = 37.8 X 1000 / 1.732 / 208 = 105.0 A

ALL BRANCH BREAKERS NOT SPECIFIED SHALL BE 20 AMP. SINGLE POLE. * MACR BREAKER

ALL BRANCH CIRCUITS CONDUCTORS NOT SPECIFIED SHALL BE #12 WIRE WITH #12 GROUND

EXISTING PANELBOARD "A" SCHEDULE

PANEL A
208Y/120V 3ø 4W, 10000 A.I.C.

CKT NO	TO SERVE	LOAD KW	CKT BRKR TRIP POLES	400 AMP.	M.L.O.	CKT BRKR POLES TRIP	LOAD KW	TO SERVE	CKT NO
1	EXISTING RTU #1 5TON	7.5	30/3			30/3	7.5	EXISTING RTU #2 5TON	2
3									4
5									6
7	GFI	1.0	20/1			20/1	1.0	GFI	8
9	EXISTING RTU #3 5TON	7.5	30/3			20/1	4.0	BEER WALK IN COOLER	10
11									12
13						20/1	4.0	WALK IN COOLER	14
15	GFI	1.0	20/1						16
17	EF-1	1.0	20/1			20/1	4.0	WALK IN FREEZER	18
19	EF-2	1.0	20/1						20
21	MUA-1	1.0	20/1					SPARE	22
23	MUA-2	1.0	20/1					SPARE	24
25	ICE MAKER	1.5	20/1					SPARE	26
27	RECEPT (DINING AREA)	1.0	20/1					SPARE	28
29	RECEPT (DINING AREA)	1.0	20/1					SPARE	30
31	SPACE							SPARE	32
33	SPACE							SPARE	34
35	SPACE							SPARE	36
37	SPACE					200/3	37.8	NEW ELEC. PNL. "B"	38
39	SPACE								40
41	SPACE								42

CONNECTED LOAD = 80.8 X 1000 / 1.732 / 208 = 225.0 A

ALL BRANCH BREAKERS NOT SPECIFIED SHALL BE 20 AMP. SINGLE POLE. * MACR BREAKER

ALL BRANCH CIRCUITS CONDUCTORS NOT SPECIFIED SHALL BE #12 WIRE WITH #12 GROUND

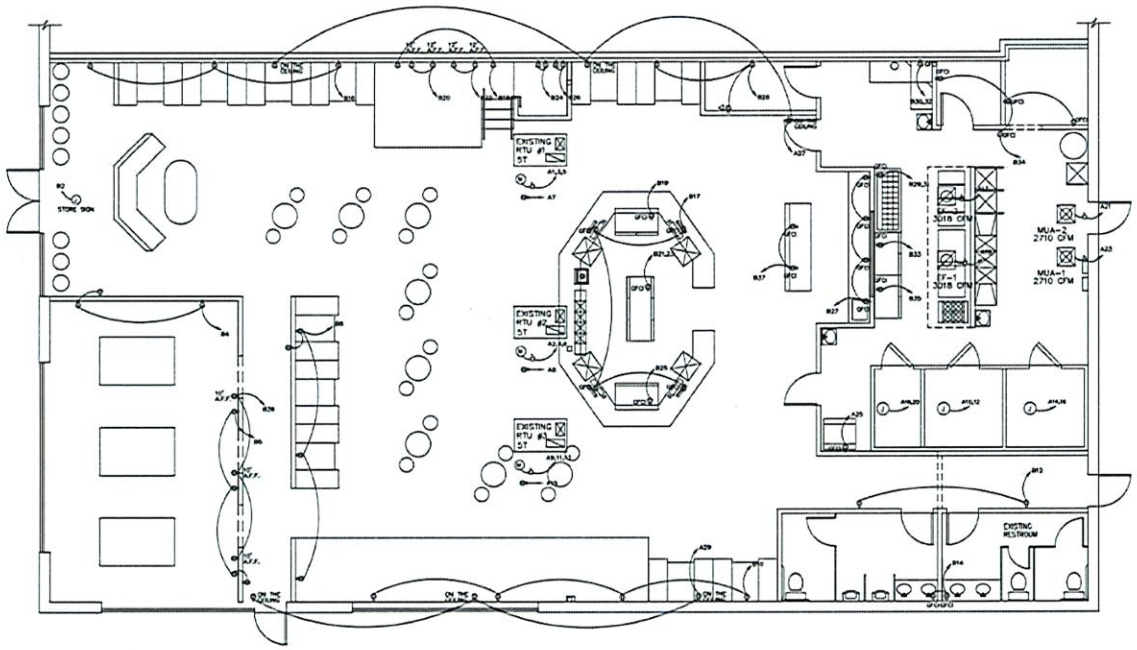
BARNACLES SPORTS BAR & GRILL
7000 STONECREST CONCOURSE
SUITE 100
LITHONIA, GA 30038

CUSTOM DESIGN & DEVELOPMENT CORPORATION
8700 OXFORD HWY.
SUITE 205
MARIETTA, GA 30071
TEL: (770)-509-0000
FAX: (770)-579-2000

LIGHTING PLAN
NOTES & SCHEDULE

REVISION	BY

DRAWN BY:
SCALE: AS NOTED
PROJECT NO:
DATE: 04/04/18
SHEET
E1
OF SHEETS



POWER PLAN

3/16" = 1'-0"

SYMBOLS

- RECESSED FLUORESCENT FIXTURE
- SURFACE MTD.FLUORESCENT FIXTURE AND OUTLET
- RECESSED PL FLUORESCENT FIXTURE AND OUTLET
- EXIT SIGN

WIRING DEVICES

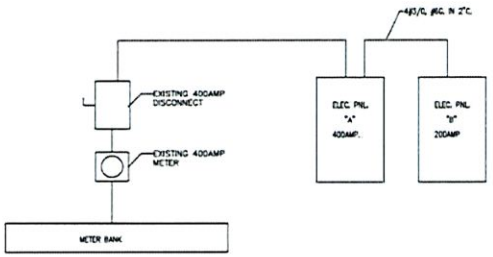
- S — SINGLE POLE TOGGLE SWITCH 20A/277V ARROW-HART 1991-48" AFF
- DUPLEX RECEPTACLE-15A/120V ARROW-HART 5262 18" AFF
- GF — GFI DUPLEX RECEPTACLE 15A/120V ARROW-HART GF 5242 42" AFF UNLESS NOTED OTHERWISE
- J — JUNCTION BOX

POWER

- CONDUIT AND WIRE CONCEALED IN CEILING AN/OR WALL
- CONDUIT AND WIRE CONCEALED IN FLOOR AN/OR UNDERGRADE
- DISCONNECT SWITCH 30A/3P UNLESS NOTED OTHERWISE
- AFF — ABOVE FINISHED FLOOR
- WP — NEMA 3R ENCLOSURE

SIGNAL

- TELEPHONE OUTLET 18" AFF - STUB 1" C. OUT ABOVE CEILING GRID



RISER DIAGRAM

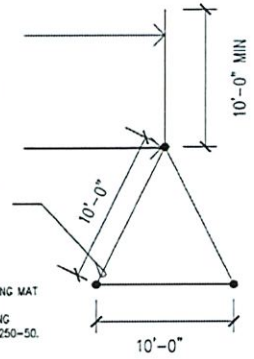
N.T.S.

INSTALL GROUND CONDUCTOR IN SCHEDULE 40 PVC- EXTEND TO SERVICE EQUIPMENT

THERMAL WELD #3/0 BARE COPPER CABLE TO 3/4" x 10'-0" COPPER -WELD GROUND RODS 24" BELOW GRADE. THERMAL WELD ALL CONNECTIONS BELOW GRADE.

ALL WIRE FOR GROUND GRIDS SHALL BE #3/0 AWG BARE COPPER

NOTE: IN ADDITION TO THE GROUNDING MAT THE CONTRACTOR SHALL PROVIDE A COMPLETE GROUNDING SYSTEM MEETING ALL REQUIREMENTS OF NEC ARTICLE 250-50.



GROUND MAT DETAIL

BARNACLES SPORTS BAR & GRILL

7200 STOCKBRIDGE CONCOURSE
SUITE# 150
LITHONIA, GA 30058

CUSTOM DESIGN & DEVELOPMENT CORPORATION

POWER PLAN
NOTES & SCHEDULE

REVISION	BY

DRAWN BY:

SCALE: AS NOTED

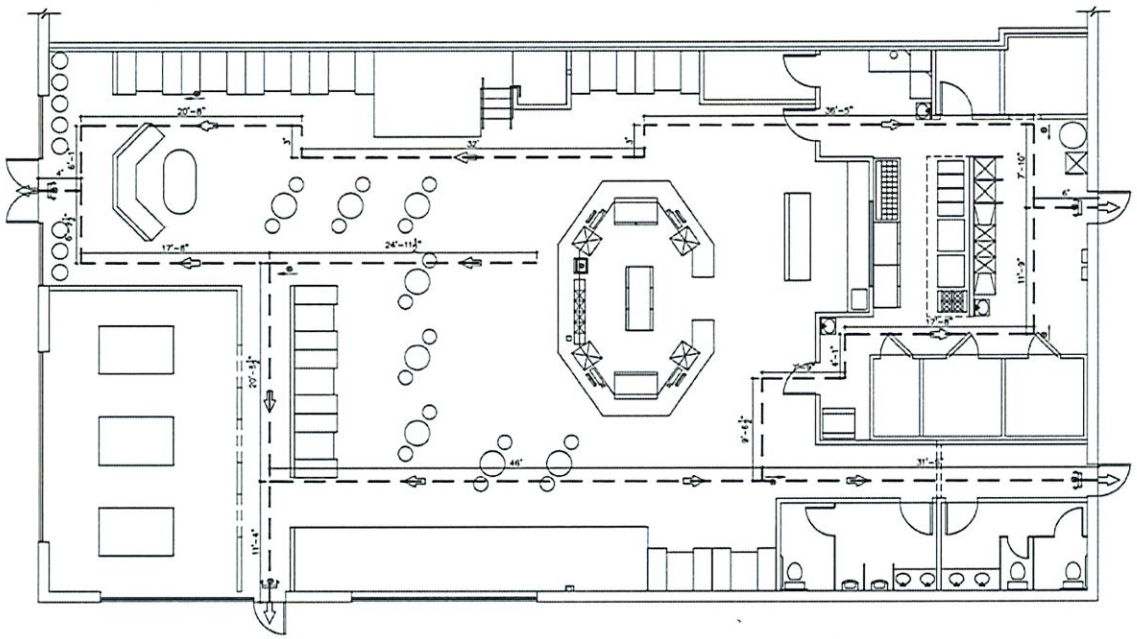
PROJECT NO:

DATE: 04/04/18

SHEET

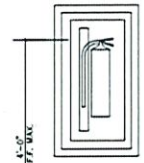
E2

OF SHEETS



LIFE SAFETY PLAN
3/16" = 1'-0"

TOTAL SQ.FT. : 3,180 SQ.FT.
(FE) FIRE EXTINGUISHER



REFER TO 1/LS1.1 FOR FIRE EXTINGUISHER LOCATIONS

LIFE SAFETY NOTES

NOTE: SECTIONS REFERENCED ARE FROM THE 2012 NFPA 101 LIFE SAFETY CODE WITH 2015 AMENDMENTS

12.2.3.5. – THE CLEAR WIDTH OF ANY CORRIDOR OR PASSAGEWAY SERVING AN OCCUPANT LOAD OF 50 OR MORE SHALL BE NOT LESS THAN 44 INCHES.
CORRIDORS NOT LESS THAN 44 INCHES

12.2.4.1. – AT LEAST ONE SEPARATE EXITS SHALL BE PROVIDED
3 EXITS ARE PROVIDED

12.2.5.1 – EXITS SHALL BE LOCATED REMOTELY FROM EACH OTHER AND SHALL BE ARRANGED TO MINIMIZE THE POSSIBILITY THAT THEY MIGHT BE BLOCKED BY ANY EMERGENCY.
EXISTS ARE LOCATED REMOTELY EACH OTHER

12.2.6 – TRAVEL DISTANCE TO EXITS, MEASURED IN ACCORDANCE W/ SECTION 7-6 SHALL NOT EXCEED 150 FEET.
TRAVEL DISTANCE DOES NOT EXCEED 150 FEET

12.2.8 – MEANS OF EGRESS SHALL BE ILLUMINATED IN ACCORDANCE WITH SECTION 7-8.
MEANS OF EGRESS ILLUMINATED

12.2.9. – EMERGENCY LIGHTING SHALL BE PROVIDED IN ACCORDANCE WITH SECTION 7-9.
EMERGENCY LIGHTING PROVIDED

12.2.10 – MEANS OF EGRESS SHALL HAVE SIGNS IN ACCORDANCE WITH SECTION 7-10.
MEANS OF EGRESS MARKED

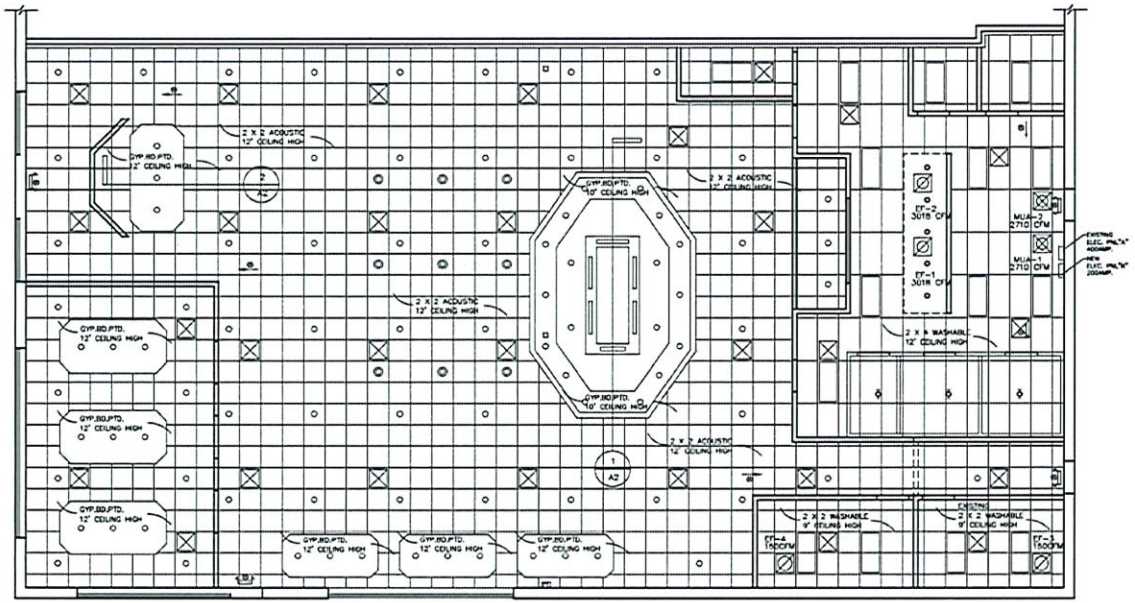
DARNACLES SPORTS BAR & GRILL
7300 STONECREST CONCOURSE
SUITE# 100
LITHONIA, GA 30058

CUSTOM DESIGN & DEVELOPMENT CORPORATION
3700 DUPONT BWY.
SUITE 300
SMYRNA, GA 30071
TEL: (770)-000-0000
FAX: (770)-070-0070

LIFE SAFETY PLAN
NOTES & SCHEDULE

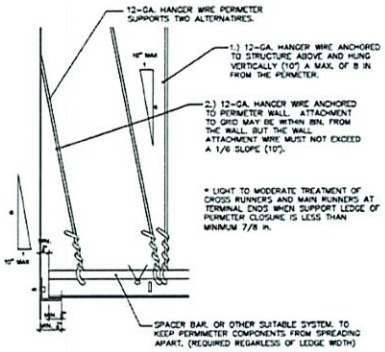
REVISION	BY

DRAWN BY:
SCALE: AS NOTED
PROJECT NO:
DATE: 04/04/18
SHEET
LS1
OF SHEETS



CEILING PLAN

3/16" = 1'-0"

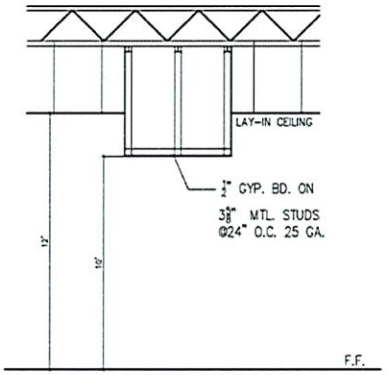


NOTE

1. CEILING: LAY – IN 2X2 REGULAR SUPENDED & COUSTICAL PANEL CEILING SYSTEM
2. CEILING: LAY – IN 2X4 REGULAR SUPENDED & COUSTICAL PANEL CEILING SYSTEM

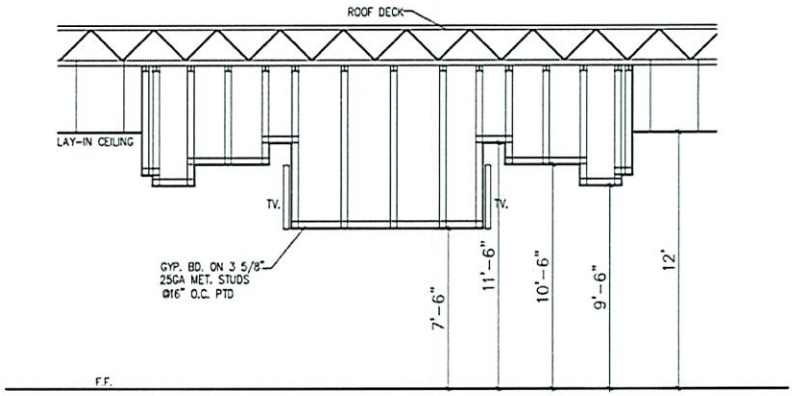
SUSPENDED CEILING GRID SYSTEMS DETAIL

SCALE: NONE



2/A2 DETAIL

3/8" = 1'-0"



1/A2 DETAIL

3/8" = 1'-0"

BARNACLES SPORTS BAR & GRILL

7300 STOCKBRIDGE CONCOURSE
SUITE# 100
LITHONIA, GA 30058

CUSTOM DESIGN & DEVELOPMENT CORPORATION

CEILING PLAN
NOTES & SCHEDULE

REVISION	BY

DRAWN BY:

SCALE: AS NOTED

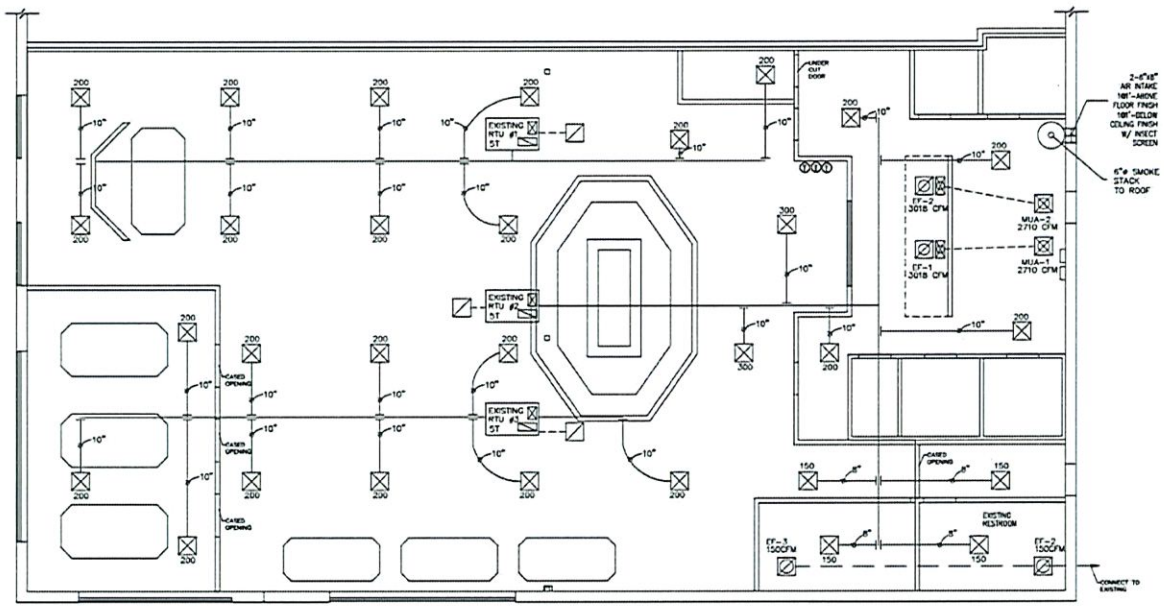
PROJECT NO:

DATE: 04/04/18

SHEET

A2

OF SHEETS



MECHANICAL PLAN

3/16" = 1'-0"

Ⓣ PROGRAMMABLE THERMOSTAT

MECHANICAL NOTES

1. Mechanical contractor shall obtain the mechanical permit for the work.
2. Contractor shall make the existing heating and air condition equipment operable for the intended use to meet the current code requirements.
3. Duct work shall pass leak test.
4. All duct work shall have proper 2" thick fire insulation and shall have access door to clean inside of the ducts.
5. Clean all existing air handling diffusers in the space
6. All fans supplying more than 2,000 cfm shall be installed with a smoke detector in compliance with Section 606.2.1 of the I.M.C. The smoke detector shall be wired to stop the fan upon detection of smoke.

OUTSIDE AIR REQUIREMENTS, TABLE 2403.3

LOCATION	RTU's	AREA (SF)	Occ/1000sf	Occ	Cfm/Occ	Cfm/SF	EXHAUST Cfm/SF	Tot Cfm Required
DINING	SEE DRAWING	1955	70	136.85	7.5	0.18	---	1378
KITCHEN	SEE DRAWING	686	---	---	---	---	0.7	620
BAR	SEE DRAWING	270	100	27	7.5	0.18	---	251
STORAGE	SEE DRAWING	102	---	---	---	0.12	---	12
CORRIDOR	SEE DRAWING	643	---	---	---	0.06	---	39
OFFICE	SEE DRAWING	56	5	1	5	0.06	---	8
POOL AREA	SEE DRAWING	500	20	10	7.5	0.18	---	180

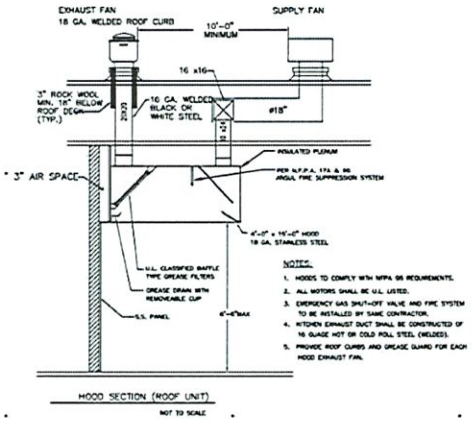
Totals 1853 (FRESH AIR REQUIRED)
Totals 1950 (FRESH AIR PROVIDED)

AIR BALANCE SCHEDULE (CFM)

FRESH AIR PROVIDED	1950
RENT ROOM EXH. FANS	-300
HOOD MAKE-UP FANS	5428
HOOD EXH. FANS	-6036
BALANCE	1034

NOTE:
Low pressure insulated flexible duct shall be designed in accordance with ACCA (Air Conditioning Contractors of America) duct sizing calculation based on a friction loss of 0.1.
The degree and amount of radius bends will also affect the calculated air flow. route duct to prevent oval flex as recommended by the manufactrer. The following chart is based on straight runs and is taken from the ACCA duct sizing calculations.

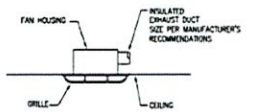
CFM	FLEXDUCT DIAMETER
0 – 80	6"
81 – 165	8"
166 – 300	10"
301 – 500	12"
501 – 650	14"



NOTES:
1. HOODS TO COMPLY WITH NFPA 96 REQUIREMENTS.
2. ALL MOTORS SHALL BE U.L. LISTED.
3. EMERGENCY GAS SHUT-OFF VALVE AND FIRE SYSTEM TO BE INSTALLED BY SAME CONTRACTOR.
4. KITCHEN EXHAUST DUCT SHALL BE CONSTRUCTED OF 16 GUAGE HOT OR COLD ROLL STEEL (WELDED).
5. PROVIDE ROOF CURBS AND GREASE GUARD FOR EACH HOOD EXHAUST FAN.

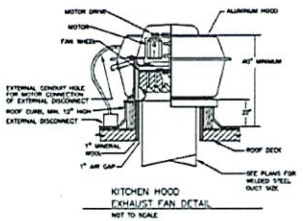
HOOD SECTION (ROOF UNIT)

NOT TO SCALE



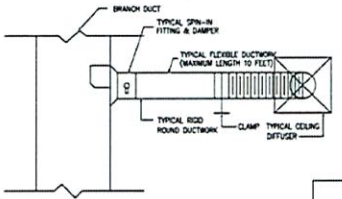
EXHAUST FAN DETAIL

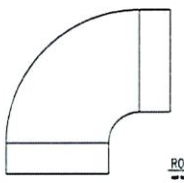
NOT TO SCALE



KITCHEN HOOD EXHAUST FAN DETAIL

NOT TO SCALE





NOTE
REFER TO FIGURE 2-3 IN SMACNA LOW PRESSURE SHEET METAL CONSTRUCTION STANDARDS AND FIGURE 2-9 IN FIBROUS GLASS DUCT CONSTRUCTION STANDARDS. VANES TO BE DOUBLE-THICKNESS FOR SUPPLY AIR ELBOWS.

ROUND ELBOW – DETAIL

NOT TO SCALE

FAN SCHEDULE

MARK	LOCATION	TYPE	CFM	EXT SP IN. WG	DRIVE	MOTOR HP	MOTOR V/PH/HZ	REMARKS
EF-1	KITCHEN	ROOF MOUNT	3018	1.0	DIRECT	1.5	110/1/60	NFPA – 96
EF-2	KITCHEN	ROOF MOUNT	3018	1.0	DIRECT	1.5	110/1/60	NFPA – 96
EF-3	TOILET	CEILING MOUNT	150	0.5	DIRECT	1/8	110/1/60	NFPA – 96
EF-4	TOILET	CEILING MOUNT	150	0.5	DIRECT	1/8	110/1/60	NFPA – 96
MUA-1	KITCHEN	ROOF MOUNT	2710	1.0	DIRECT	1	110/1/60	NFPA – 96
MUA-2	KITCHEN	ROOF MOUNT	2710	1.0	DIRECT	1	110/1/60	NFPA – 96

EXISTING ROOF TOP UNIT SCHEDULE

TAG	AREA SERVED	NOMINAL TONS	CARRIER MODEL NO.	COOLING TOTAL MBH	COOLING SENS. MBH	COOLING EAT (COIL) DB/WB	COOLING LAT (COIL) DB	HEATING NAT. GAS MIN. SEER /EER	HEATING NAT. GAS INPUT MBH	HEATING NAT. GAS OUTPUT MBH	HEATING NAT. GAS AFUE %	MAX. WEIGHT LBS.	(ALL NOTES APPLY) ACCESSORIES
RTU – 1	AS SHOWN	5TON	24HJ 005	2000	0.6	650	2.4	76.2	56.8	80.0/67.0	95.0	13.0	125.5	100.0	80.0	370	EXISTING
RTU – 2	AS SHOWN	5TON	24HJ 005	2000	0.6	650	2.4	76.2	56.8	80.0/67.0	95.0	13.0	125.5	100.0	80.0	370	EXISTING
RTU – 3	AS SHOWN	5TON	24HJ 005	2000	0.6	650	2.4	76.2	56.8	80.0/67.0	95.0	13.0	125.5	100.0	80.0	370	EXISTING

NOTES: (APPLIES TO ALL ROOF TOP UNITS)
1. UNIT COOLING CAPACITIES, AND MINIMUM SEER/EER RATING ARE BASED AT 80 DB/67 WB ETL, EAT AND 95° DB ENTERING CONDENSER COIL. COOLING CAPACITIES SHALL BE WITHIN 95% OF THE VALUES SCHEDULED. COOLING VALUES SHOWN ARE GROSS.
2. FOR SHELL FINISH SUITES THE FINAL MINIMUM OUTSIDE AIR QUANTITY SHALL BE DETERMINED DURING THE TENANT FINISH PHASE OF WORK SET DAMPER AT 20% FOR THIS PHASE OF WORK. FOR "SHELL BOX" FINISH SUITES, SEE OUTSIDE AIR.
3. WEIGHT INCLUDES BASE UNIT ALL ACCESSORIES ROOF CURB AND 150LBS FOR SOUND ALTERATION INSULATION WITHIN THE ROOF CURB AND A MIDEST SAFETY FACTOR. IF CONTRACTOR WANT TO PROVIDE AN ALTERNATE UNIT HE SHALL COORDINATE THE TOTAL WEIGHT OF UNIT AND THE REQUIRED ROOF PENETRATION SIZES AND UPDATATIONS WITH THE STRUCTURAL ENGINEER AND THE ARCHITECT PRIOR TO ORDERING EQUIPMENT. FOR ADDITIONAL INFORMATION.
4. SUBMIT SHOP DRAWINGS INDICATING THE PROPOSED UNIT'S CAPACITIES OF THE SCHEDULED VALUE VALUES.

BARNACLES SPORTS BAR & GRILL
7000 RIVERFRONT CONCOURSE
SUITE# 160
LITHONIA, GA 30058

GEORGIA CHUNG CHENG CHANG REGISTERED ARCHITECT

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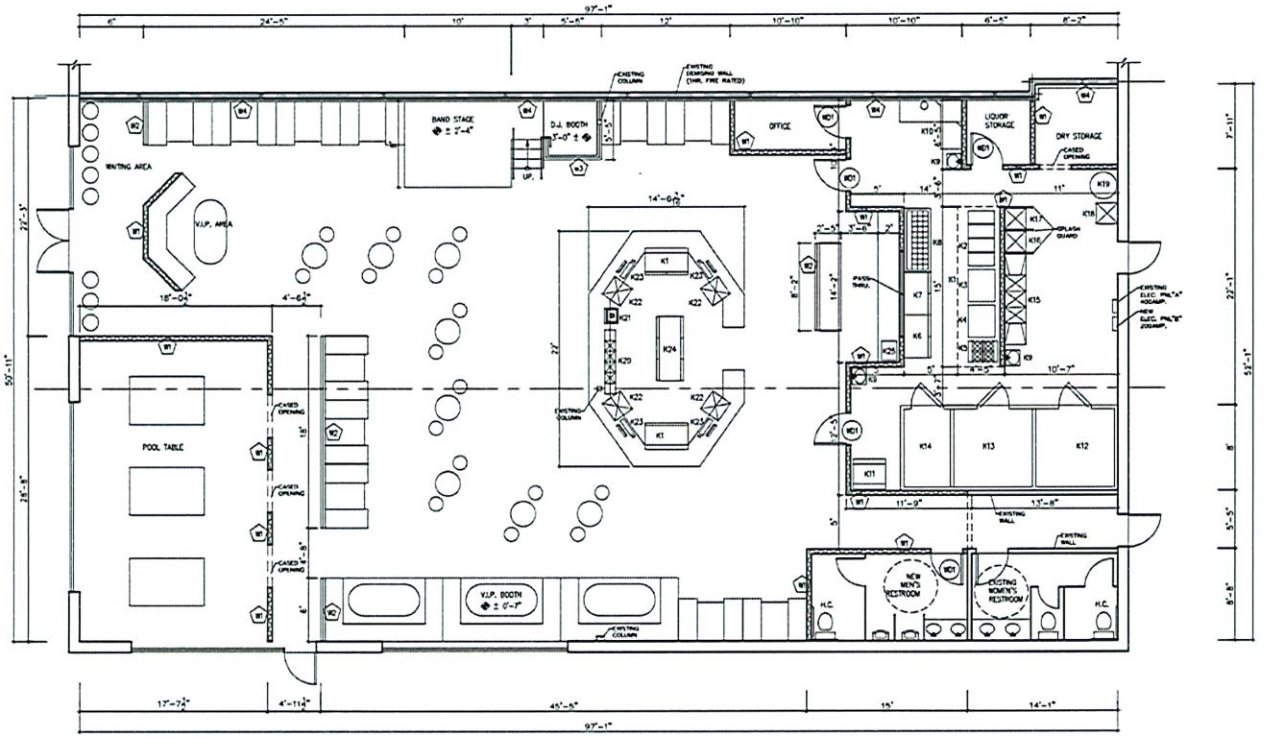
CUSTOM DESIGN & DEVELOPMENT CORPORATION
5788 RICHARD DRIVE, SUITE 108, NORCROSS, GA 30071
TEL: (770)-840-0886
FAX: (770)-270-2886

MECHANICAL PLAN
NOTES & SCHEDULE

REVISION	BY

DRAWN BY:
SCALE: AS NOTED
PROJECT NO:
DATE: 04/04/18
SHEET
M1
OF SHEETS



FLOOR PLAN

3/16" = 1'-0"

TOTAL SQ.FT. : 5,180 SQ.FT.

(FE) FIRE EXTINGUISHER

* ALL REFRIGERATION UNITS WITHIN FACILITY MUST MEET CURRENT NSF 7 STANDARDS AND UL APPROVED.
* ALL DISH SINK AND PREPARATION SINK WILL BE NSF
* ALL SHELVING WILL BE STAINLESS STEEL WIRE RACK AND NSF APPROVED

EQUIPMENT LIST

NO.	NAME	REMARK	
1	EXHAUST HOOD	4'x15' HOOD, NFPA 96 (4'X15')/FIRE SYSTEM & GAS SHUT OFF VALVE 2 – EXH. FAN 3018 CFM ELEC / 2 – MAKE –UP FAN 2710 CFM.	
2	DEEP FRYER	80,000 BTU/HR/EA	GAS.
3	FLAT GRIDDLE	100,000 BTU/HR/EA	GAS.
4	GRILL	105,000 BTU/HR/EA	GAS.
5	4 EYE RANGE	90,000 BTU/HR/EA	GAS.
6	REACH IN COOLER		ELEC.(115V)
7	REACH IN FREEZER		ELEC.(115V)
8	SANDWICH UNIT		ELEC.(115V)
9	HAND SINK	PLUMBER	C.W./H.W./S.W.
10	DISHWASHER	PLUMBER	C.W./H.W./S.W./ELEC.
11	ICE MAKER	PLUMBER	C.W./S.W./ELEC.
12	WALK IN COOLER		ELEC.(115V)
13	WALK IN FREEZER		ELEC.(115V)
14	BEER COOLER		ELEC.(115V)
15	3 COM. SINK	3 COMPARTMENT SINK/PLUMBER, W/2 DRAIN BORD	C.W./H.W./S.W.
16	WEIGE. SINK		C.W./H.W./S.W.
17	MEAT SINK		C.W./H.W./S.W.
18	MOP SINK	PLUMBER/THE FAUCET FIXTURE OF THIS SINK HAVE A VACUMN BREAKER FOR BACKFLOW PREVENTION	C.W./H.W./S.W.
19	WATER HEATER	100 GALLON / 199,000BTU	PLUMBER/C.W./GAS
20	4 COMPARTMENT BAR SINK	PLUMBER	C.W./H.W./S.W.
21	HAND SINK	PLUMBER	C.W./H.W./S.W.
22	ICE BIN	PLUMBER	S.W.
23	POS SYSTEM		ELEC.(115V)
24	BEER COOLER		ELEC.(115V)
25	COKE MACHINE		ELEC.(115V)

* ALL REFRIGERATION UNITS WITHIN FACILITY MUST MEET CURRENT NSF 7 STANDARDS AND UL APPROVED.
* ALL DISH SINK AND PREPARATION SINK WILL BE NSF
* ALL SHELVING WILL BE STAINLESS STEEL WIRE RACK AND NSF APPROVED

DOOR SCHEDULE

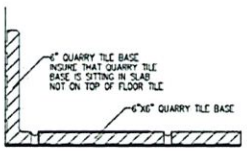
DOOR NO.	DOOR SIZE	MATERIAL	TYPE	FINISH	FRAME MATERIAL	SIZE	FINISH	CLOSER	HARDWARE FUNCTION
W01	3'-0"x6'-8"x1-3/4"	WOOD		STAIN PAINT	WOOD	4 1/2"	PAINT	YES	

FINISH SCHEDULE * ALL KITCHEN WALL AND CEILING SURFACE MUST BE SMOOTH, WASHABLE AND CLEANABLE.

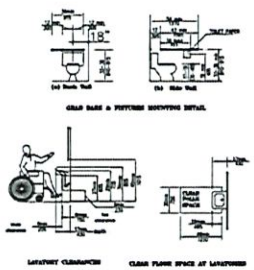
ROOM NO.	FLOOR	BASE	WALL	CEILING	REMARK
DINING AREA	C.TILE	VINYL	GYP. BD./PAINT	2X2 ACOUSTIC TILE	
TOILET	C.TILE	TILE	7' TILE PANEL (EPOXY PAINT)	2X2 WASHABLE TILE	
KITCHEN	6"X6" QUARRY TILE	6" COVE TILE	10' TILE PANEL (EPOXY PAINT) FROM BOTTOM TO CEILING	2X4 WASHABLE TILE	
POOL TABLE	CARPET	6" COVE TILE	GYP. BD./PAINT	2X2 ACOUSTIC TILE	
BAR AREA	6"X6" QUARRY TILE	6" COVE TILE	5'-0" HIGH WOOD PANEL (PAINT) ABOVE WOOD PANEL	GYP.BD.PTD. (EPOXY PAINT)	

WALL LEGEND

- W1 — NEW PARTITION – 1/2" GYP. BD ON EACH SIDE OF 25GA 3-5/8" METAL STUDS
- W2 — NEW LOWER PARTITION – 1/2" GYP. BD ON EACH SIDE OF 25GA 3-5/8" METAL STUDS (4' HIGH)
- W3 — NEW LOWER PARTITION – 1/2" GYP. BD ON EACH SIDE OF 25GA 3-5/8" METAL STUDS (6'-5" HIGH)
- W4 — NEW PARTITION WALL – 5/8" GYP. BD ON ONE SIDE OF 20GA 3-5/8" METAL STUDS(WA) (TO ROOF DECK)
- EXISTING WALL



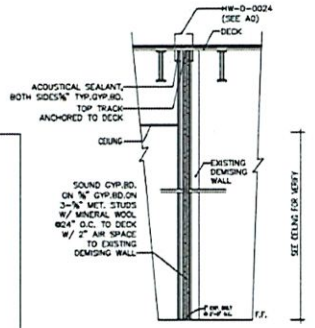
QUARRY TILE BASE DETAIL



GRAB BARS & FIXTURES MOUNTING DETAIL

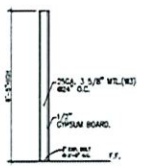
LAVATORY CLEARANCES — CLEAR FLOOR SPACE AT LAVATORIES

NOTE: HOT WATER PIPE INSULATED

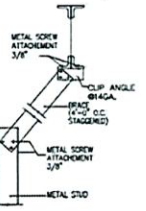


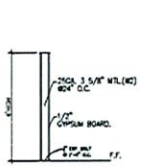
W4 20GA Metal Stud Partition
SCALE : NONE

NOTE: PLUMBING WALLS ARE 6" STUDS.

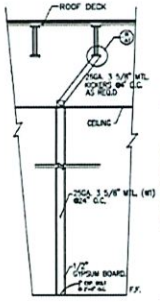


W3 25GA Metal Stud Partition
SCALE : NONE





W2 25GA Metal Stud Partition
SCALE : NONE



W1 25GA Metal Stud Partition
SCALE : NONE

NOTE: PLUMBING WALLS ARE 6" STUDS.

DARNACLES SPORTS BAR & GRILL
7500 STOCKBRIDGE CONCOURSE
SUITE# 100
LITHONIA, GA 30058

CUSTOM DESIGN & DEVELOPMENT CORPORATION
5700 BUFORD HWY.
SUITE 105
NORCROSS, GA 30071
TEL: (770)-209-0000
FAX: (678)-279-0050

FLOOR PLAN
NOTES & SCHEDULE

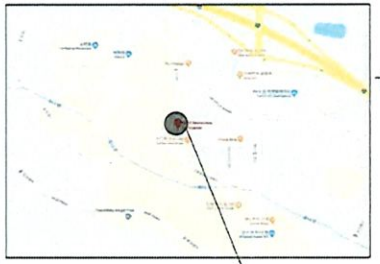
REVISION	BY

DRAWN BY:
SCALE: AS NOTED
PROJECT NO:
DATE: 04/04/18
SHEET
A1
OF SHEETS

PROJECT NAME

BARNACLES SPORTS BAR & GRILL

7300 STONECREST CONCOURSE
SUITE# 100
LITHONIA, GA 30058



SITE PLAN
N.T.S.

KEY PLAN
N.T.S.

SCOPE OF WORK

IT IS NEW RESTAURANT
THIS IS INTERIOR ALTERATIONS FOR A NEW TENANT.
NEW DINING AREA
ADD NEW KITCHEN EQUIPMENT & HOOD.
NEW LIGHTS AND RECEPTS.
NEW DUCT AND GAS PIPING WORKS.
NEW PLUMBING WORKS, .

CONTACT LIST

ARCHITECT:
CHUNG CHENG CHANG
GEORGIA REG.#: 5259
5720 BUFORD HWY SUITE#200
NORCROSS, GA 30071
PHONE #: 770-326-9868

GENERAL CODES

APPLICABLE CODES / YEAR

-International Building Code (IBC): 2012 Edition with 2014, 2015, 2017 & 2018 Georgia State Amendments
-National Electrical Code (NFPA): 2017 Edition
-International Fuel Gas Code (IFC): 2012 Edition with 2014 & 2015 Georgia State Amendments
-International Mechanical Code (IMC): 2012 Edition with 2014 & 2015 Georgia State Amendments
-International Plumbing Code (IPC): 2012 Edition with 2014 & 2015 Georgia State Amendments, and IPC APPENDIX F.
-International Energy Conservation Code (IECC): 2009 Edition with 2011 & 2012 Georgia State Amendments
-International Swimming Pool and Spa Code, 2012 Edition with 2014 Georgia State Amendments
-International Existing Building Code (IEBC): 2012 Edition with 2015 Georgia State Amendments

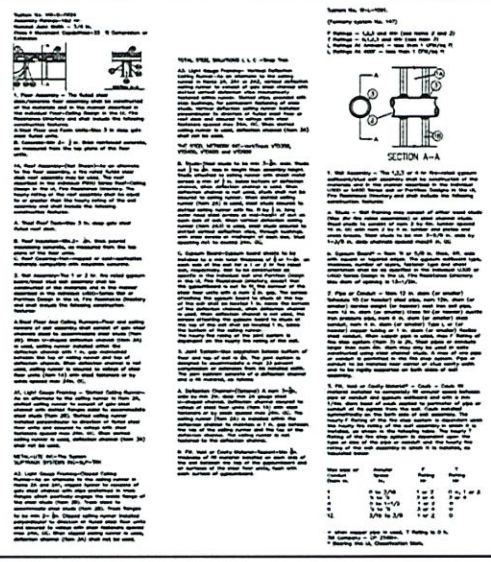
FIRE CODES:
-County Ordinance for Fire Protection and Life Safety
-NFPA Codes and Standards Current Edition (*)
-NFPA 101 Life Safety Code: 2012 Edition (*)
-International Fire Code (IFC): 2012 Edition with 2014 Amendments (*)
(Referenced codes are modified by the State Fire Marshal per Ch. 120-3-3 of Rules and Regulations of the Safety Fire Commissioner)
-O.C.G.A. Title 25 (State Fire Law)
-O.C.G.A. Title 30 (Access to and Use of Public Facilities by Persons with Disabilities)
-2010 ADA Standards

PROJECT CRITERIA

INTERIOR FINISH CODE COMPLIANCE REPORT

DATE OF REVIEW: _____ FILE #: Walk thru.
NAME OF DEVELOPMENT: BARNACLES SPORTS BAR & GRILL
LOCATION OF DEVELOPMENT: 7300 STONECREST CONCOURSE SUITE# 100 LITHONIA, GA 30058
ARCHITECT: CHARLES CHANG PHONE #: 770-326-9868 GEORGIA REG. #: 5259
STRUCTURAL ENGINEER: N/A PHONE #: _____ GEORGIA REG. #: N/A

A. Occupancy Classification: ASSEMBLY (A2)
B. Type of Construction: II B Sprinklered (YES or NO): YES
C. Seismic Use Group: II Seismic Design Category: C
D. Total Interior Finish Area (sq. ft.) : 5,180
Includes: Basement: N/A Mezzanine: N/A
E. Floor level: FIRST Total number of stories in building: ONE
F. Calculated Occupancy Load: 179
G. Required Minimum floor Live Load (PSF): 100



INDEX TO SHEETS

A0 COVER SHEET
LS1 LIFE SAFETY PLAN & NOTES

A1 FLOOR PLAN, NOTES & SCHEDULES
A2 CEILING PLAN, NOTES & SCHEDULES
A3 DETAILS, NOTES & SCHEDULES

E1 ELECTRICAL PLAN, NOTES & SCHEDULES
E2 ELECTRICAL PLAN, NOTES & SCHEDULES

M1 HVAC PLAN, NOTES & SCHEDULES

P1 PLUMBING PLAN, NOTES & SCHEDULES
P2 RISER DIAGRAM, NOTES & SCHEDULES

GENERAL NOTE

1. CONSTRUCTION SHALL HAVE A FIRE RESISTANCE RATING EQUAL TO OR GREATER THAN THE FIRE RESISTANCE RATING OF ALL CONSTRUCTION WHICH IT SUPPORTS.(SBC SECTION 601.36.2).

2. THE CONTRACTOR SHALL OBTAIN INSURANCE ADEQUATE IN COVERAGE TO INSURE ALL MATERIAL STORED ON OR OFF SITE, AND ALL WORK IN PLACE AND MAIL PROVIDE LIABILITY INSURANCE DURING THE CONSTRUCTION PROCESS UNTIL SUCH TIME THAT THE BUILDING IS ACCEPTED BY OWNER FOR OCCUPATION.

3. ALL EQUIPMENT SHALL BE FURNISHED BY THE OWNER AND INSTALLED BY CONTRACTR.

4. THE CONSTRUCTOR SHALL VERIFY ALL DIMENSIONS AND SITE CONDITIONS BEFORE CONSTRUCTION. THE ARCHITECT SHALL BE INFORMED FO ANY DISCREPANCY.

5. ALL MATERIAL AND WORKMANSHIP SHALL CONFIRM TO THE LATEST ADDITION OF THE STANDARD BUILDING CODE, NATIONAL PLUMBING CODE, NATIONAL ELECTRICAL CODE, OSHA REGULATIONS AND THE REQUIREMENTS OF STATE AND LOCAL AUTHORITIES HAVING JURISDICTION.

6. THE CONTRACTOR SHALL VERIFY ALL FLOOR AND ROOF MOUNTED MECHANICAL EQUIPMENT WEIGHTS, FLOOR/CEILING AND ROOF OPENINGS, SIZES AND LOCATIONS WITH ARCHITECTURAL AND MECHANICAL DRAWINGS.

7. THE CONTRACTOR SHALL COORDINATE AND INSURE THAT THE ARCHITECTURAL CIVIL, MECHANICAL, ELECTRICAL AND PLUMBING WORKS WITH THE STRUCTURAL.

8. ALL INTERIROR FINISHES SHALL BE CLASS "A" MIN. FLAME SPREAD AS PER CODE.

9. ALL ELECTRICAL FIXTURRES AND EQUIPMENTS SHALL BE U.L. LISTED.

10. DISABLED ACCESSIBLE REST ROOMS SHALL HAVE AN UNOBSTRUCTED CLEAR FLOOR SPACE OF 5' DIAMETER CIRCULAR AREA OR "T" SHAPE SPACE FOR MANEUVERING 180 DEGREE ALL AISLE, MEASURING 3' WIDE. THE PERPENDICULAR AISLE BEING 5' LONG LATERAL AISLES EXTENDING 1' EITHER SIDE OF THE 2' WIDE.

11. A SIGN CLEARLY STATING THAT SMOKING IS PROHIBITE SHALL BE CONSPICUOUSLY POSTED WITHIN EACH BUILDING AND AT EACH BUILDING ENTRANCE FOR COMPLIANCE WITH COUNTY CLEAN INDOOR AIR ORDINANCE. ACCEPTABLE SIGNS SHALL DISPLAY EITHER "NO SMOKING" OR THE INTERNATIONAL "NO SMOKING"CONSISTING OF A PICTORIAL REPRESENTATION OF A BURING CIGARETTE ELOGGED IN A RED CIRCLE WITH A RED BAR ACROSS IT).

12. SMOKING IS PROHIBITED IN ALL ENCLOSED PUBLIC PLACES AND IN ALL ENCLOSED AREAS WITHIN PLACES OF EMPLOYMENT IN ACCORDANCE WITH COUNTY CLEAN INDOOR AIR ORDINANCE.

13. SIGNS, LOCATION, NUMBER AND SIZE ARE NOT APPROVED UNDER THIS BUILDING PERMIT. A SEPARATE SIGN LOCATION PERMIT IS REQUIRED FOR EACH SIGN; CONTACT DEVELOPMENT REVIEW FOR ADDITIONAL FOR INFORMATION.

BARNACLES SPORTS BAR & GRILL
7300 STONECREST CONCOURSE
SUITE# 100
LITHONIA, GA 30058

GEORGIA
CHUNG CHENG CHANG
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5720 BUFORD HWY.
SUITE 200
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TEL: (770)-326-9868
FAX: (770)-270-0999

COVER SHEET
NOTES & SCHEDULE

REVISION	BY

DRAWN BY:
SCALE: AS NOTED
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SHEET
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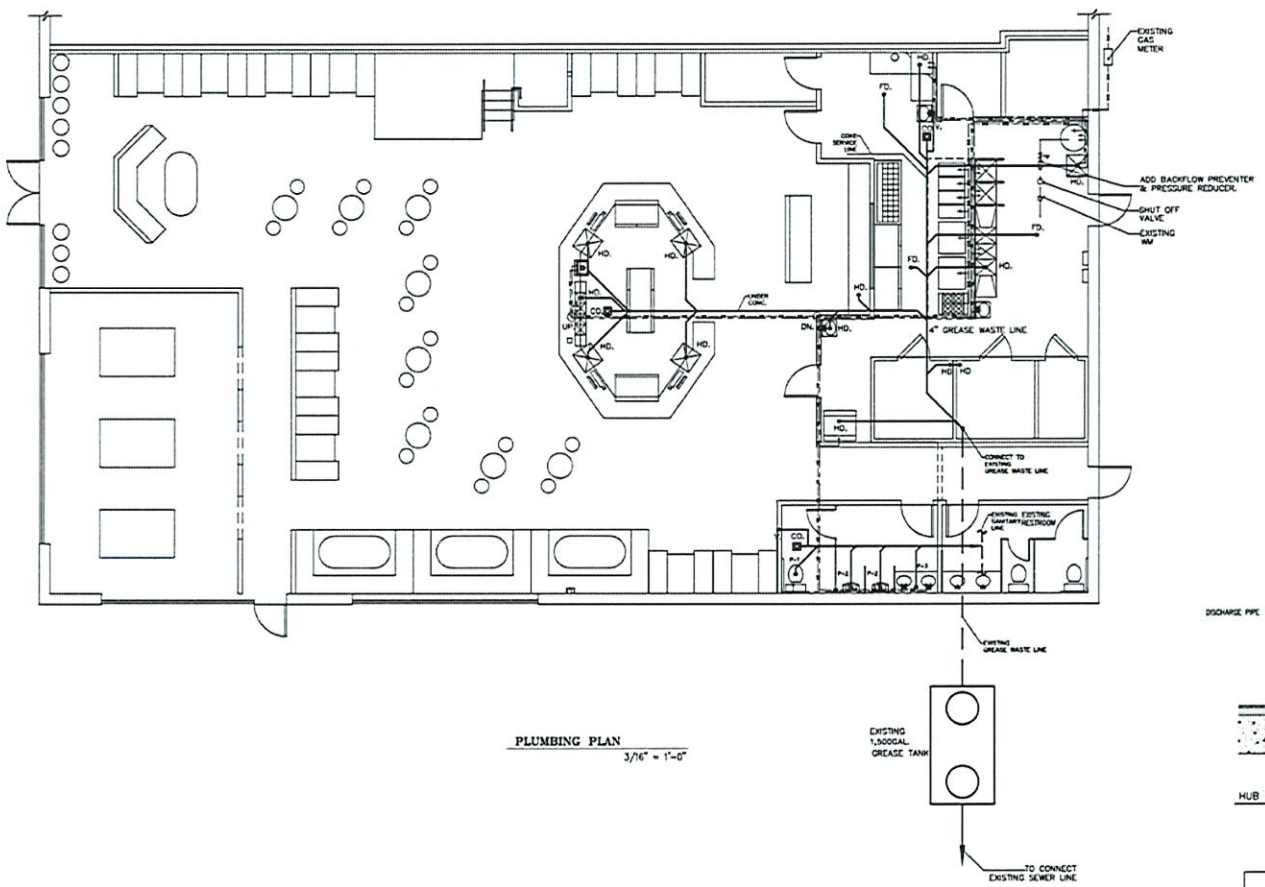
OF SHEETS

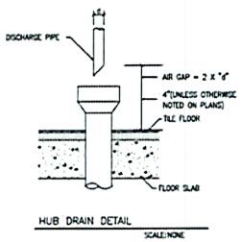


PLUMBING PLAN
3/16" = 1'-0"

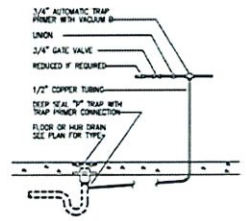
PLUMBING NOTES

1. The drawing are diagrammatic only and show the intent of the design. The contractor shall provide all materials and labor to install a complete and operating system. The contractor shall apply for and pay for all required permits and inspections.
2. Plumbing shall conform to the Georgia State plumbing code and all local codes and ordinances. All natural gas piping (NP) and connections shall be installed in accordance with NGPA 54 and the special conditions specifications, if any.
3. All sanitary, waste and vent pipe shall be DWV PVC or ABS piping and fittings.
4. All hot and cold water piping and fitting above ground shall be CPVC and piping and fittings. Below ground shall be CPVC. All natural gas pipe and fittings shall be schedule 40 black steel and fittings shall be screwed (NPT) and bonded.
5. Alternate manufacturers of plumbing fixtures, floor drains, cleanouts and grease interceptor may be used with the approval of the engineer.
6. All plumbing fixtures shall be new and shall comply with ANSI 117.1, 1980.
7. GAS. water heater shall be 100 gal. 199,000 BTU/HR.
8. All water heater shall have T&P relieve valve with discharge piped to 1'-0" above the ground outside.
9. All piping shall be hung from pipe hungers as manufactured by the Grinnell Co., or equivalent, at 10'-0" o.c. maximum. Perforated metal straps and wire shall not be used.
10. All vent for waste line to vent through roof(VTR) as noted.

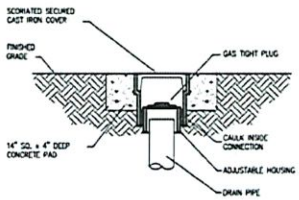
VACUUM BREAKER (WATER)	AIR GAP (SEWER)
MOP/CAN WASH	3/4 COMPARTMENT
ICE MACHINE	VEGETABLE SINK
	ICE MACHINE
	MEAT SINK
	ICECREAM MACHINE



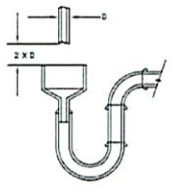
HUB DRAIN DETAIL
SCALE:NONE



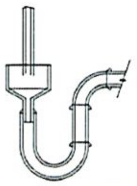
AUTOMATIC TRAP PRIMER
N.T.S.
(IPC SECTION 1002.4 WITH 2007 GEORGIA STATE AMENDMENTS)



CLEANOUT TO GRADE
SCALE:NONE



AIR GAP — REQUIRED FOR CLOSED UNITS
SCALE:NONE



AIR BREAK — ACCEPTABLE FOR OPEN UNITS
SCALE:NONE

DOMESTIC WATER HEATER SCHEDULE

UNIT	SERVICE	SOURCE	BTU	RECOVERY GPH 100°F	CAPACITY GALLON	MANUFACTURER & MODEL NO.
WH1	DOMESTIC	GAS	199,000	194	100	AMERICAN STANDARD (D-100T-199-AS)

PLUMBING FIXTURE CONNECTION SCHEDULE

SYMBOL	DESCRIPTION	MINIMUM CONNECTION SIZE				MTG. HT. FLOOR TO RIM	REMARKS
		WASTE	VENT	CW	HW		
P-1	WATER CLOSET HANDICAPED	4"	2"	1/2"	---	17"	FLOOR MOUNTED - FLUSH TANK
P-2	URINAL	2"	1-1/2"	3/4"	---	---	FLOOR MOUNTED - FLUSH TANK
P-3	LAVATORY	2"	1-1/2"	1/2"	1/2"	---	WALL MOUNTED
P-4	MOP SINK	3"	2"	1/2"	1/2"	---	FLOOR MOUNTED
P-5	3-COMPARTMENT SINK			3/4"	3/4"	---	INDIRECT WASTE
P-6	PREP. SINK			1/2"	1/2"	---	INDIRECT WASTE

BARNACLES SPORTS BAR & GRILL
7300 STOCKBRIDGE CONCOURSE
SUITE 100
STOCKBRIDGE, GA 30281

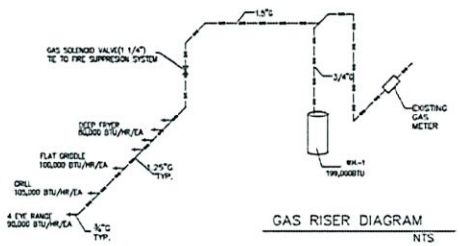
GEORGIA
CHUNG CHEONG CHANG
REGISTERED ARCHITECT

CDDC
CUSTOM DESIGN & DEVELOPMENT CORPORATION
3700 BUFORD HWY.
SUITE 200
DORAVILLE, GA 30071
TEL: (770)-220-0000
FAX: (770)-270-0004

PLUMBING PLAN
NOTES & SCHEDULE

REVISION	BY

DRAWN BY:
SCALE: AS NOTED
PROJECT NO:
DATE: 04/04/18
SHEET
P1
OF SHEETS

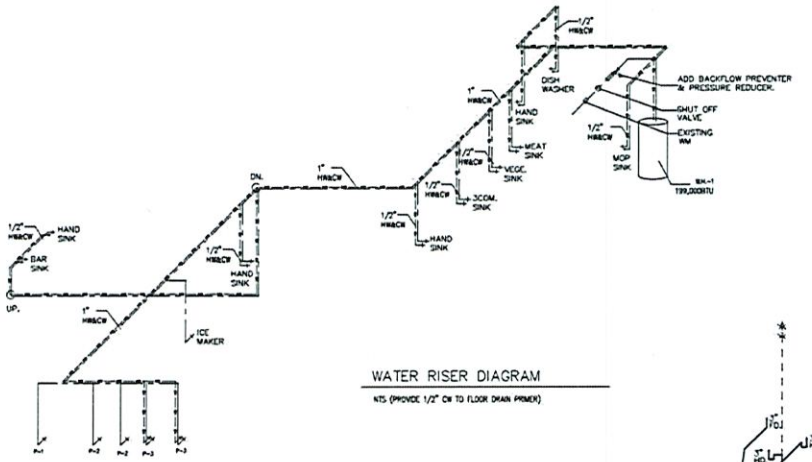


GAS RISER DIAGRAM

NTS

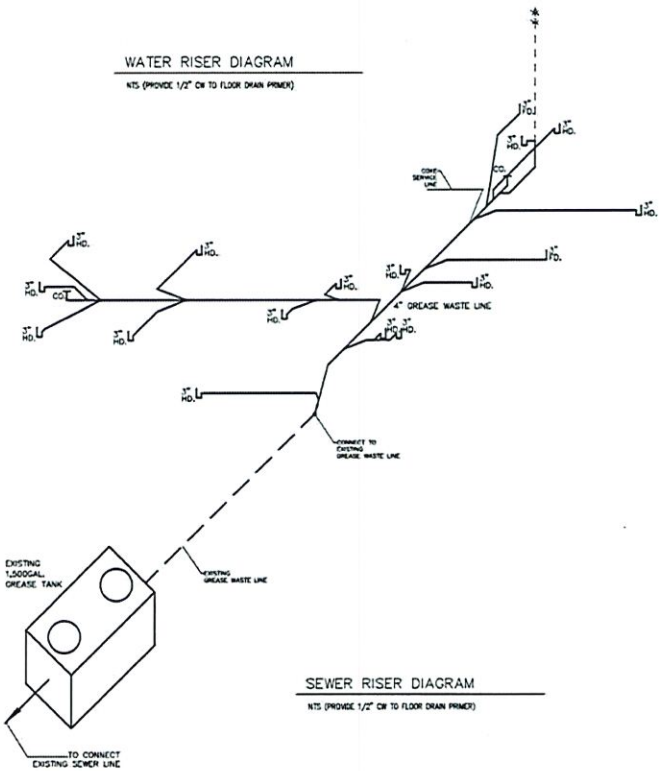
* NOTE: 2LB PRESSURE CAPACITY OF PIPES AND PUT REGULATOR TO EACH APPLIANCE

GAS LOAD
A/C : 240
EQUIP. : 615
W.H. : 199
TOTAL : 1,054 CFH



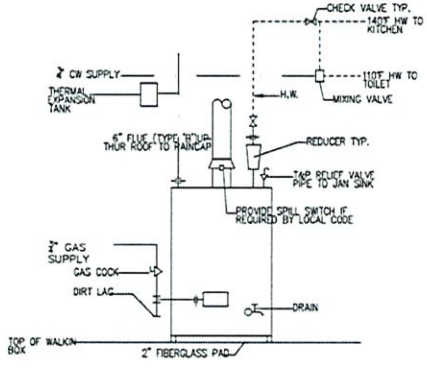
WATER RISER DIAGRAM

NTS (PROVIDE 1/2" CW TO FLOOR DRAIN PRIMER)



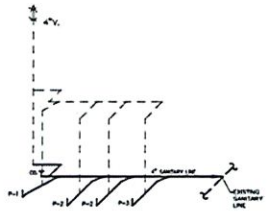
SEWER RISER DIAGRAM

NTS (PROVIDE 1/2" CW TO FLOOR DRAIN PRIMER)



WATER HEATER DETAIL

SCALE: NONE



SANITARY RISER DIAGRAM

NTS (PROVIDE 1/2" CW TO FLOOR DRAIN PRIMER)

BARNACLES SPORTS BAR & GRILL
7900 RIVERCREST CONCOURSE SUITE# 100
LITHONIA, GA 30058

CUSTOM DESIGN & DEVELOPMENT CORPORATION
3900 DUPREE DRIVE, SUITE 200
NORCROSS, GA 30071
TEL: (770)-209-0000
FAX: (678)-209-0000

RISER DIAGRAM
NOTES & SCHEDULE

REVISION	BY

DRAWN BY:
SCALE: AS NOTED
PROJECT NO:
DATE: 04/04/18
SHEET
P2
OF SHEETS

THE CITY OF
STONECREST
GEORGIA

March 2nd, 2021

Planning Commission
Public Hearing

SLUP-20-007 & SLUP-20-008

5961 Chupp Way

Petition Information

- APPLICANT: Fairington Road Center LLC c/o Maffery Tucker Pickens

- LOCATION: 5961 Chupp Way

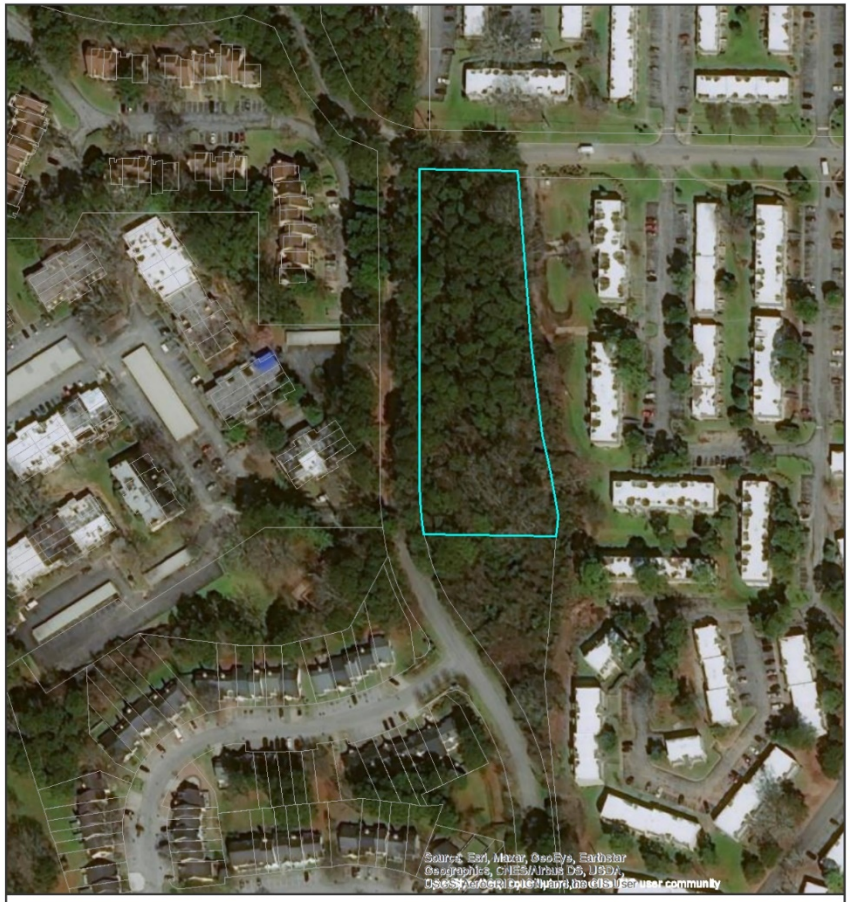
- ACREAGE: 2.23 Acres

- REQUEST: The applicant is requesting a Special Land Use Permit (SLUP) for the development of 6,000 square foot retail center with convenience store with accessory fuel pump and alcohol outlet per 4.2.8. and 4.2.30.

General Information

- Current zoning: (M) Industrial District
- Future Land Use Character Area: Suburban
- Policies for this area emphasize:
  - Protect stable neighborhoods from incompatible development that could alter established single-family residential development pattern and density.
  - Encourage residential development to conform with traditional neighborhood development principles including improved pedestrian vehicular activity. .
- Surrounding uses: Residential.
- Surrounding zoning: (MR-1) Med Density Residential District

Aerial Map



ZONING CASE: **SLUP-20-007**

ADDRESS: **5961 Chupp Way**

CURRENT ZONING: **M (Light Industrial) District**

FUTURE LAND USE: **Suburban**

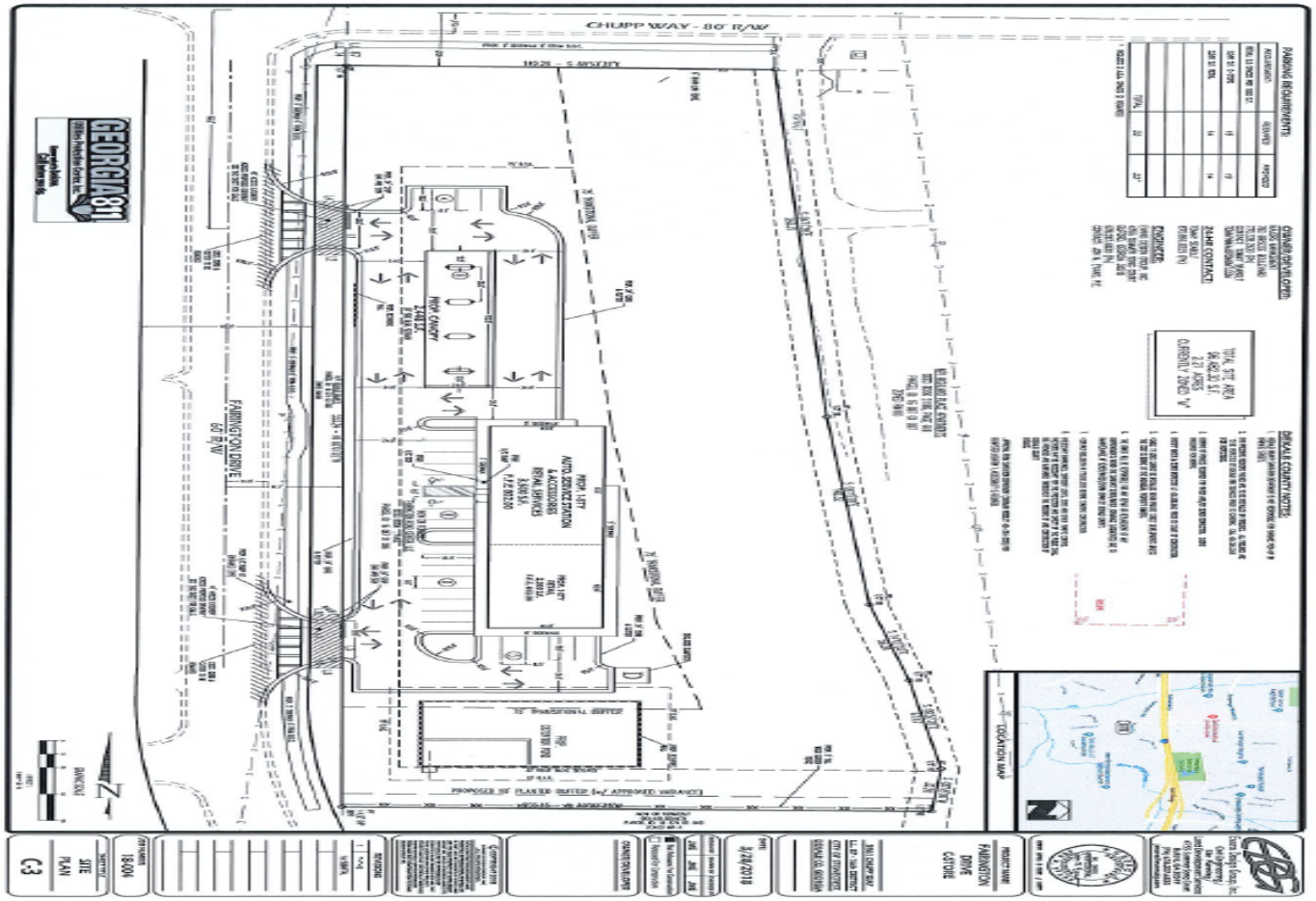
0 0.025 0.05 mi

Extended Aerial View

Zoning Map

2861
MR-1
5949
MR-1
5961
M
2887
MR-1
2911
MR-1
2942
MR-1
5936
MR-1
5914
MR-1
5896
MR-1
5941
MR-1
5913
MR-1
5929
MR-1
5991
MR-1
5969
MR-1
5953
MR-1
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User community
ZONING CASE: SLUP-20-007
ADDRESS: 5961 Chupp Way
CURRENT ZONING: M (Light Industrial) District
FUTURE LAND USE: Suburban
0
0.025
0.05 mi

Site Plan


CHUPP WAY - 80' R/W
FARMINGTON DRIVE
60' R/W
PROPOSED 24' PLANTER (BUFFER) W/ APPROVED VARIANCE
PROPOSED 1-STORY AUTO SERVICE STATION & ACCESSORIES RETAIL SERVICES 4,500 S.F.
PROPOSED CANOPY 2,448 S.F.
PROPOSED 1-STORY RESTAURANT 2,500 S.F.
TOTAL SITE AREA 94,482.23 S.F. 2.17 ACRES
CURRENTLY ZONED 'A'
PARKING REQUIREMENTS
OWNER/DEVELOPER(S)
DEKALB COUNTY NOTES
LOCATION MAP
GEORGIA811
FARMINGTON DRIVE CANOPY
3/28/2018
18-004
SITE PLAN
C3

Elevation for Proposed Building

STANDARDS OF REVIEW

A. **Adequacy of the size of the site for the use contemplated and whether or not the adequate land area is available for the proposed use including the provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located**

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

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

D. **Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.**

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

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

G. **Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.**

H. **Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.**

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

J. **Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.**

STANDARDS OF REVIEW

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

L. **Whether the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.**

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

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

O. **Whether the size, scale, and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale, and massing of adjacent and nearby lots and buildings**.

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

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

R. **Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.**

S. **Whether the proposed use would result in a disproportionate proliferation of that or similar uses in the subject character area.**

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

Staff Analysis

Base on the findings and conclusions, it appears the applicant meets all the criteria for approval. Therefore, staff recommends **APPROVAL** of **SLUP-21-001** the following conditions;

1. Allow a late-night establishment at 7300 Concourse Road. Late Night Establishment shall stop serving alcohol and close doors to new patrons by 2:00 am, and all guest shall be off the premises by no later than 2:30am
2. Compliance with the Stonecrest Noise Ordinance.
3. Minimum of one (1) outdoor security officer to provide security until a minimum of 30 minutes after closing.
4. Provide sanitation plan to City of Stonecrest. Sanitation plan will be approved by Director of Code Enforcement.
5. Capacity shall be subject to approval of the Fire Marshal's Office.
6. Obtain a shared parking agreement between other tenants at 7300 Concourse Road.
7. No dance floor.

THE CITY OF
STONECREST
GEORGIA

SLUP-21-001

7300 Stonecrest Concourse

Stonecrest, Ga 30058

Petition Information

- APPLICANT: Barnacles c/o Bernice Monger
- LOCATION: 7300 Stonecrest Concourse
- ACREAGE: 1.6 Acres
- REQUEST: The applicant is requesting a Special Land Use Permit (SLUP) for the operation of late-night establishment per Sec 4.2.31 of the Stonecrest Zoning Ordinance.

General Information

- Current zoning: (C-1) Local Commercial District
- Future Land Use Character Area: Regional Center
- Policies for this area emphasize:
  - Protect stable neighborhoods from incompatible development that could alter established single-family residential development pattern and density.
  - Encourage residential development to conform with traditional neighborhood development principles including improved pedestrian vehicular activity. .
- Surrounding uses: Commercial.
- Surrounding zoning: (C-1) Local Commercial District

Aerial Map

ZONING CASE: **SLUP-21-001**

ADDRESS: **7300 Stoncrest Concourse**

CURRENT ZONING: **C-1 (Local Commerical) Zoning District**

FUTURE LAND USE: **Regional Center**

0 0.0125 0.025 mi

Extended Aerial View

Zoning Map

ZONING CASE: **SLUP-21-001**

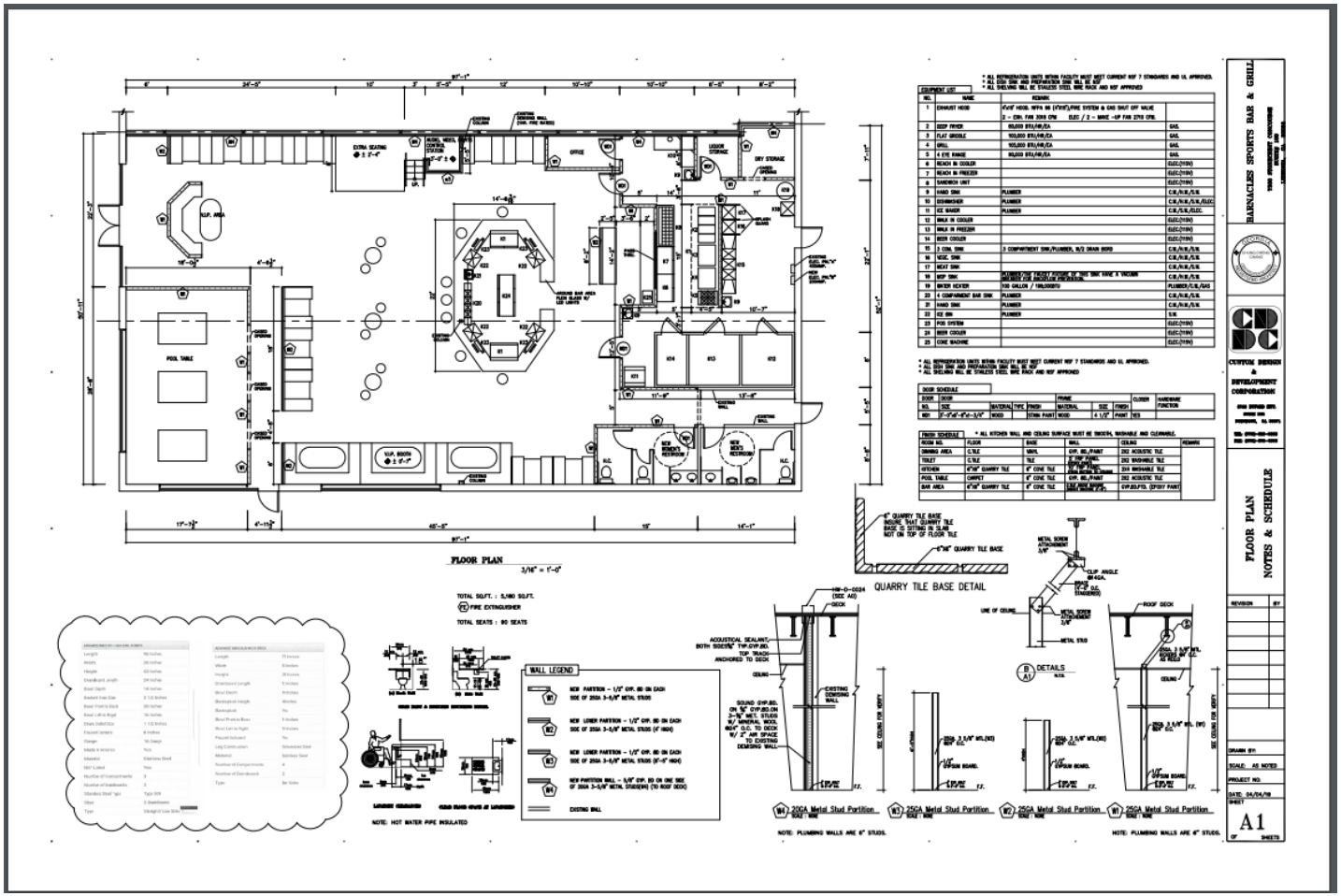
ADDRESS: **7300 Stoncrest Concourse**

CURRENT ZONING: **C-1 (Local Commerical) Zoning District**

FUTURE LAND USE: **Regional Center**

0 0.0125 0.025 mi

Interior Layout



Elevation of subject property

STANDARDS OF REVIEW

A. **Adequacy of the size of the site for the use contemplated and whether or not the adequate land area is available for the proposed use including the provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located**

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

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

D. **Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.**

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

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

G. **Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.**

H. **Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.**

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

J. **Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.**

STANDARDS OF REVIEW

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

L. **Whether the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.**

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

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

O. **Whether the size, scale, and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale, and massing of adjacent and nearby lots and buildings**.

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

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

R. **Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.**

S. **Whether the proposed use would result in a disproportionate proliferation of that or similar uses in the subject character area.**

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Staff Analysis

Base on the findings and conclusions, it appears the applicant meets all the criteria for approval. Therefore, staff recommends **APPROVAL** of **SLUP-21-001** the following conditions;

1. Allow a late-night establishment at 7300 Concourse Road. Late Night Establishment shall stop serving alcohol and close doors to new patrons by 2:00 am, and all guest shall be off the premises by no later than 2:30am
2. Compliance with the Stonecrest Noise Ordinance.
3. Minimum of one (1) outdoor security officer to provide security until a minimum of 30 minutes after closing.
4. Provide sanitation plan to City of Stonecrest. Sanitation plan will be approved by Director of Code Enforcement.
5. Capacity shall be subject to approval of the Fire Marshal's Office.
6. Obtain a shared parking agreement between other tenants at 7300 Concourse Road.
7. No dance floor.

SLUP-20-007 &008

5961 Chupp Way, Stonecrest, GA 30038

Petition Information

- APPLICANT: Fairington Road Center c/o Maffery Tucker Pickens

- LOCATION: 5961 Chupp Way

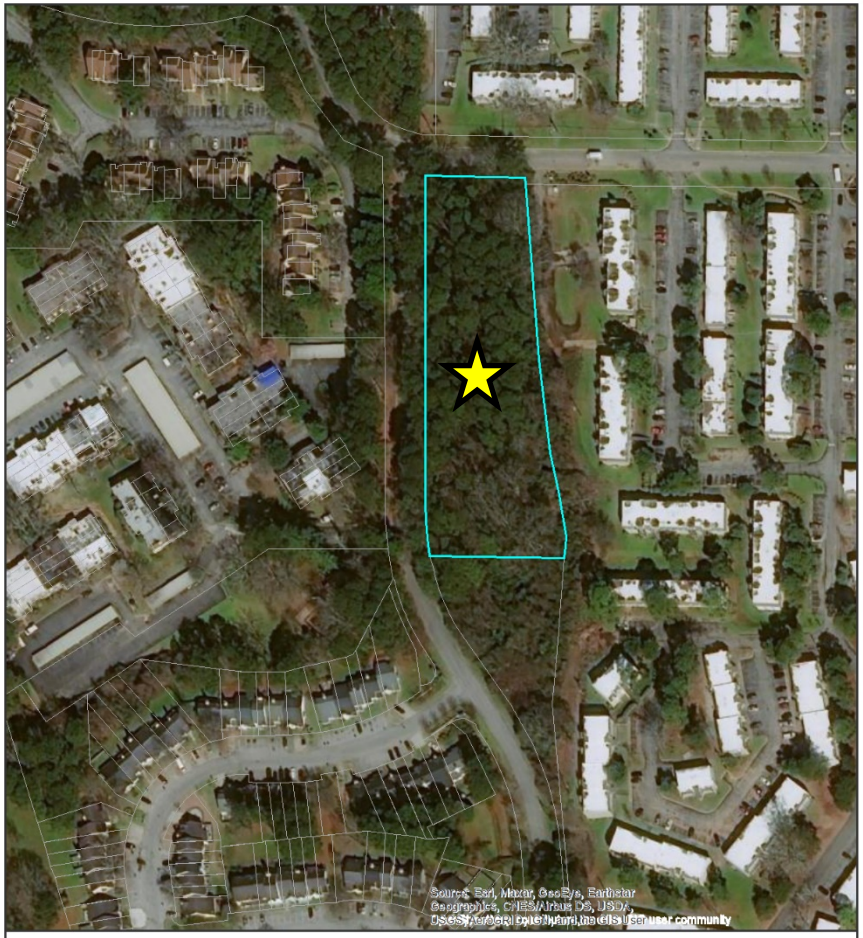
- ACREAGE: 2.2 Acres

- REQUEST: The applicant is requesting a special land use permits to construct a 6,000 square foot convenience store with the accessory fuel pump and alcohol outlet Sec 4.2.23 and Sec.4.2.8

General Information

- Current zoning: (M) Light Industrial District
- Future Land Use Character Area: Suburban
- Policies for this area emphasize:
  - Protect stable neighborhoods from incompatible development that could alter established single-family residential development pattern and density.
  - Promote street design that fosters traffic calming including narrower residential streets, on-street parking and the additional of bicycle and pedestrian facilities.
- Surrounding uses: Commercial and Residential.
- Surrounding zoning: C-1 and MR-1 (Med Density Residential) District

Aerial Map



ZONING CASE: **SLUP-20-007**

ADDRESS: **5961 Chupp Way**

CURRENT ZONING: **M (Light Industrial) District**

FUTURE LAND USE: **Suburban**

0 0.025 0.05 mi

Zoning Map

ZONING CASE: **SLUP-20-007**

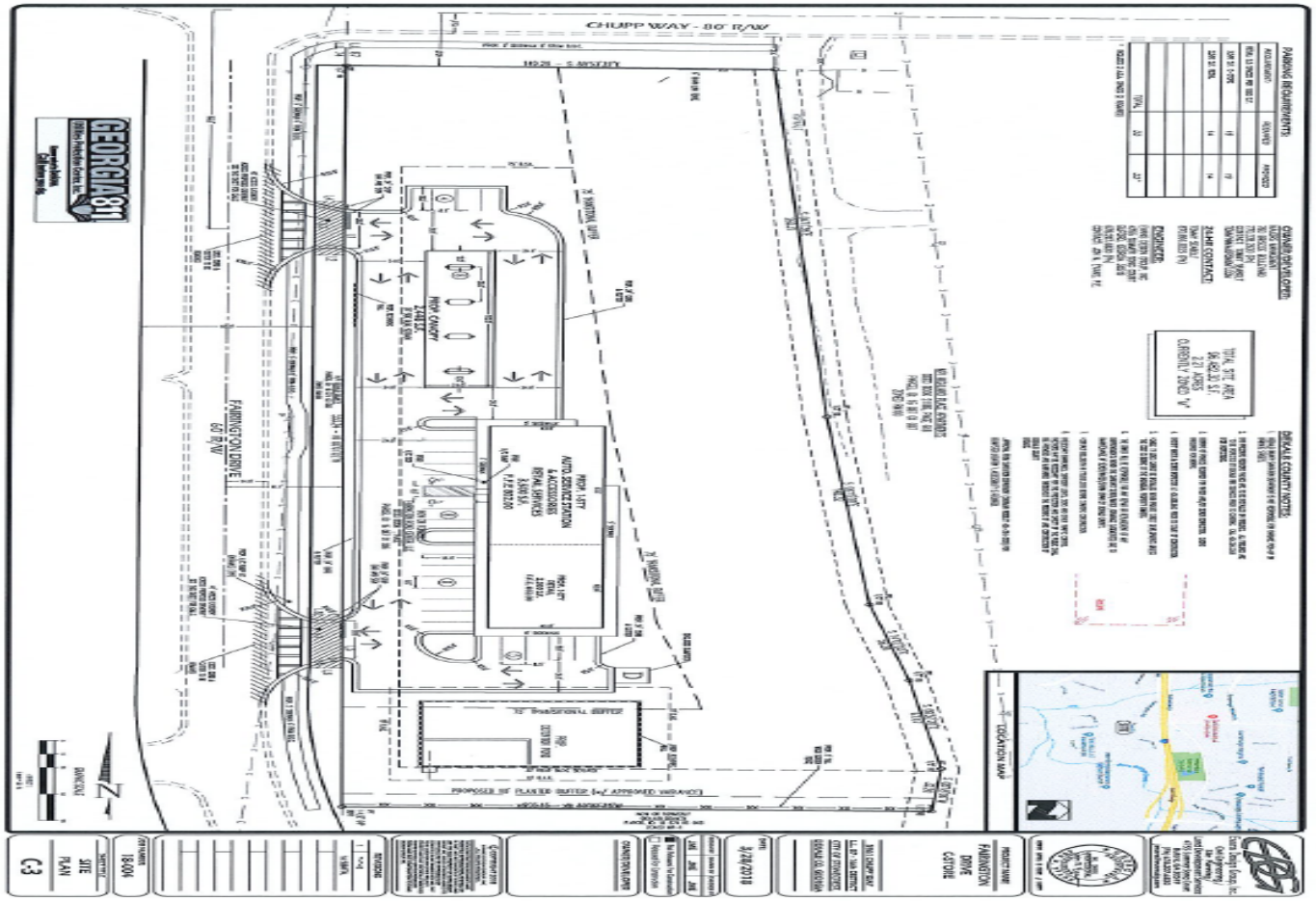
ADDRESS: **5961 Chupp Way**

CURRENT ZONING: **M (Light Industrial) District**

FUTURE LAND USE: **Suburban**

0 0.025 0.05 mi

Site Plan for Proposed Development


CHUPP WAY - 80' R/W
FARRINGTON DRIVE
60' R/W
PROPOSED 36' PLANTER (BUFFER 6 W/ APPROVED VARIANCE)
PROPOSED RETAIL SERVICE & ACCESSORIES
PROPOSED CANOPY
PROPOSED DUMPSTER ENCLOSURE
PROPOSED 24' ACCESS
PROPOSED 24' ACCESS
PROPOSED 24' ACCESS

Elevation of Commercial Development

Elevation of Commercial Development

STANDARDS OF REVIEW

A. **Adequacy of the size of the site for the use contemplated and whether or not the adequate land area is available for the proposed use including the provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located**

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

Staff Analysis

Base on the findings and conclusions, it appears the applicant does not meet all the criteria for approval; Therefore, Staff recommends, ***Denial of SLUP-20-007 AND SLUP-20-008.***

CITY COUNCIL AGENDA ITEM

SUBJECT: Special Land Use Petition SLUP-20-007 & SLUP-20-008 (5961 Chupp Way)

( ) ORDINANCE **( ) POLICY** **( ) STATUS REPORT**

( ) DISCUSSION ONLY **( ) RESOLUTION** **(X) OTHER**

Date Submitted: 03/17/21 **Work Section:** **Council Meeting: 03/22/21**

SUBMITTED BY: Christopher Wheeler, Planning and Zoning Director.

PURPOSE: Request two (2) special land use permits for convenience stores with auxiliary fuel pumps and operates as an alcohol outlet.

FACTS AND ISSUES: This item was heard at the March 2nd, 2021 Planning Commission Meeting. The applicant requested a Special Land Use Permit for a convenience store with accessory fuel pumps and an alcohol outlet. The Planning Commission recommended denial.

OPTIONS: Approve; Deny; or make Alterative conditions

RECOMMENDED ACTION:
Planning Commission unanimously recommended denial of SLUP-20-007 & SLUP-20-008 at the January 14th meeting.

ATTACHMENTS:
1 03/17/21 Application
2 03/17/21 Staff report
3 03/17/21 Power Point

PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

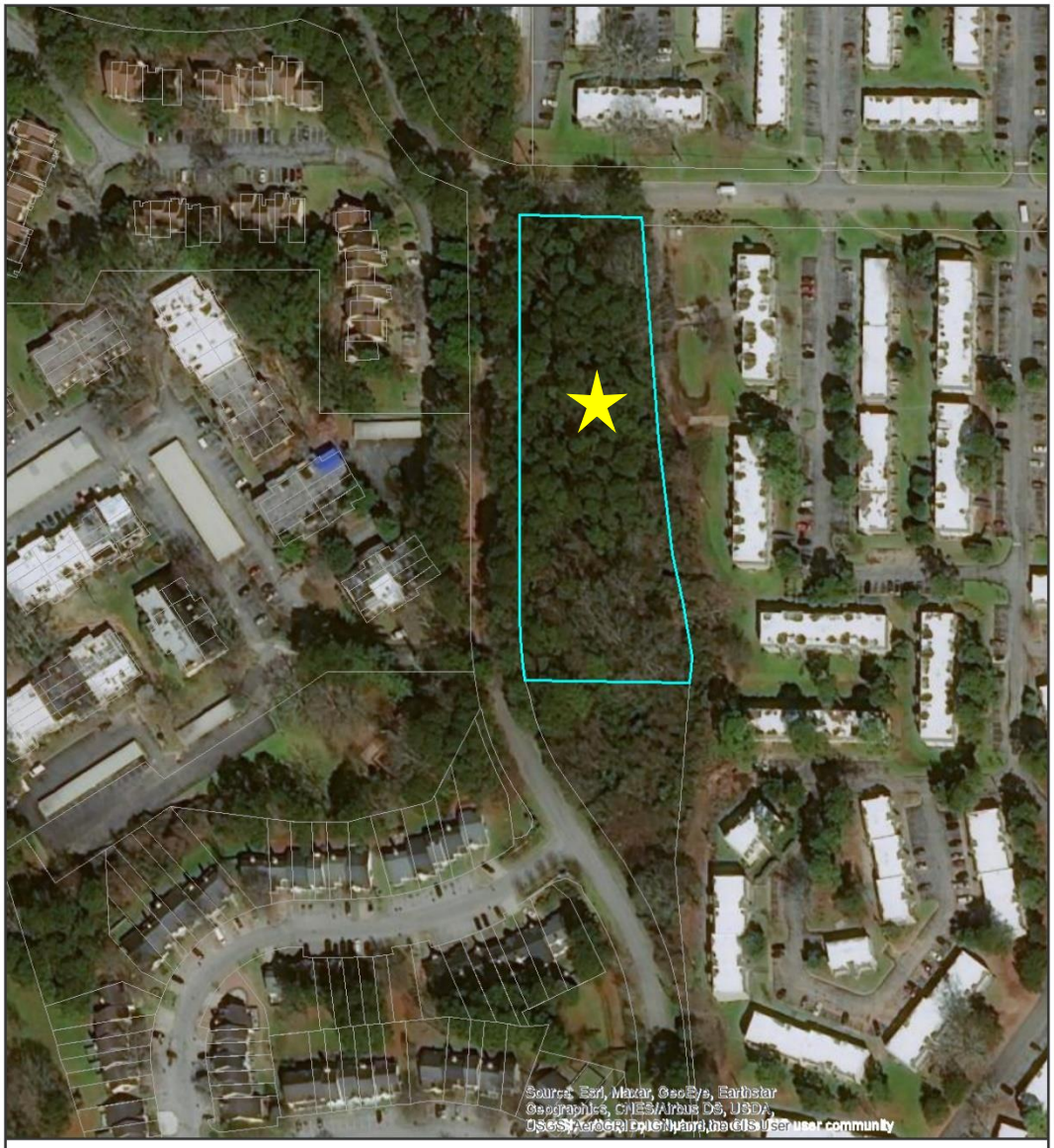
SLUP-20-007/008

Planning Commission March 2nd, 2021 / Mayor and City Council Meeting January 22nd, 2021

GENERAL INFORMATION

Petition Number:	SLUP-20-007 & 008
Applicant:	Fairington Road Center LLC c/o Maffery Tucker Pickens
Owner:	Fairington Road Center LLC
Project Location:	5961 Chupp Way
District:	District 5
Acreage:	2.22 acres
Existing Zoning:	M (Light Industrial) District
Proposed Request:	Special Land Use Permit for fuel pumps and alcohol outlet
Comprehensive Plan Community: Area Designation	Suburban
Proposed Development/Request:	The applicant is Special Land Use permit for the development of 6,000 square foot retail center with convenience store with the accessory fuel pump and alcohol outlet per Sec. 4.2.8 and Sec.4.2.28
Staff Recommendations:	***Denial***
Planning Commission:	***Denial***

Aerial Map


Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
ZONING CASE: SLUP-20-007
ADDRESS: 5961 Chupp Way
CURRENT ZONING: M (Light Industrial) District
FUTURE LAND USE: Suburban
0
0.025
0.05 mi
Subject Property

Zoning Map

2861
MR-1
5949
MR-1
5961
M
2887
MR-1
2911
MR-1
2942
MR-1
5936
MR-1
5914
MR-1
5898
MR-1
5913
MR-1
5929
MR-1
5941
MR-1
5991
MR-1
5969
MR-1
5953
MR-1
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User community
ZONING CASE: SLUP-20-007
ADDRESS: 5961 Chupp Way
CURRENT ZONING: M (Light Industrial) District
FUTURE LAND USE: Suburban
0
0.025
0.05 mi
Subject Property

PROJECT OVERVIEW

Location

The subject property is located at 5961 Chupp Way. The property is approximately 364 feet southeast of Fairington Road and Chupp Way intersection.

The property is bounded by Fairington Road to the west and Chupp Way to the North. An undeveloped parcel to the south abuts the subject the property and multifamily development (The Hills at Fairington) to the east.

Background

Currently, the property has kept its original zoning classification of M (Light Industrial) under Stonecrest Zoning Ordinance. The property is currently undeveloped. The topography of the property is characterized as being even throughout.

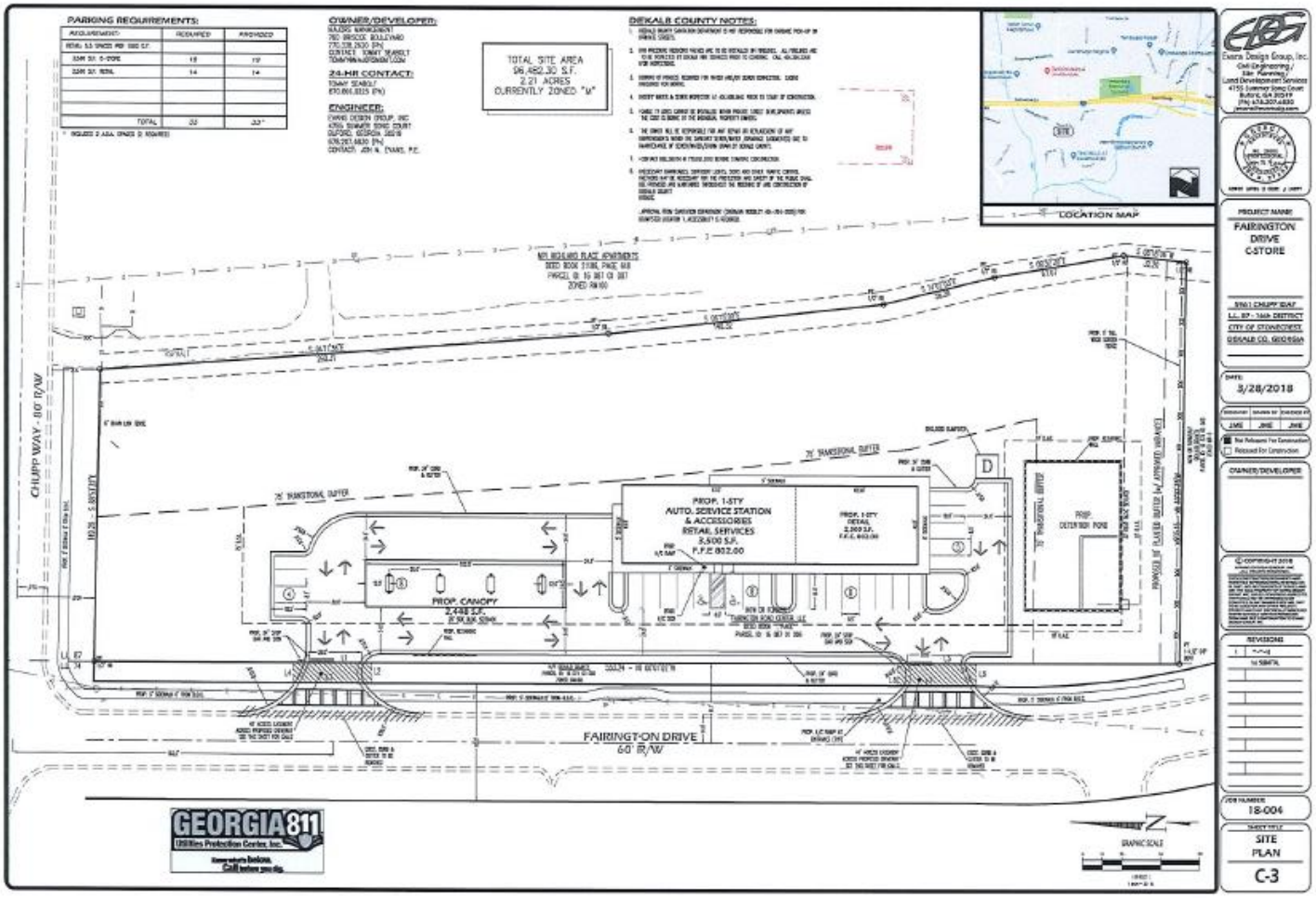
PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-20-007/008

Rezoning Request

The applicant is requesting two special land use permits for the construction of a 6,000 square foot C-Store. The development will include a 3,500 square foot convenience store with auxiliary fuel pumps and an alcohol outlet for beer and wine sales. There will be two 1,250 square foot retail spaces as well. The permits are only for the auxiliary fuel pumps and alcohol outlets.

Conceptual Site Plan



Proposed Elevations

Public Participation

Property owners within 500 feet of subject property were mailed notices of the proposed rezoning in October. The community meeting was held on October 28th, 2020 at 6:00 pm at via zoom.com. Several residents show up at the community meeting regarding the special land use permit application. There were several concerns from residents regarding traffic and the proposed business.

STANDARDS OF REZONING REVIEW

The applicant submitted special land use permit application in support of the request zoning change for a specific use.

CRITERIA OF REVIEW

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

A. Adequacy of the size of the site for the use contemplated and whether or not the adequate land area is available for the proposed use including the provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.

The approximately 6,000 square foot residence on 2.23 acres is adequate for the operation of a retail shopping center with a convenience store with accessory fuel pumps.

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

The proposed accessory fuel pumps are not compatible with the adjacent properties and land uses in the district. Staff believes the convenience store itself would be compatible with the surrounding area; however, with fuel pumps, it would not be the property surrounding residential uses.

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

There are adequate public services, public facilities, and utilities to sever the proposed use.

D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.

Chupp Way and Fairington Road are classified as local streets, and the Planning Staff believes the proposed use would increase traffic and create congestion in the area. The planning staff has requested a traffic study to evaluate further.

The applicant submitted a traffic study regarding the proposed use and staff has determined the use will generate only a modest increase in traffic and will not cause any congestion in the area.

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

The existing land use located along the access routes to the site could be adversely affected by the vehicles' character of the volume traffic generated by the proposed use. Chupp Way and Fairington Road are local streets.

Since the existing land use is residential, many residents walk to the surrounding properties to use the public transit.

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

The proposed site will be accessed by vehicles via a new curb cut with a driveway on Fairington Drive. Emergency vehicles can access the site from the existing driveway.

G. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.

The proposed accessory fuel pump use may adversely impact any adjoining residential land uses by reason of noise, smoke, odor, dust, or vibration.

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

The proposed accessory fuel pump use will create an adverse impact upon any adjoining land use by reason of the hours of operation of the proposed use. The subject property abuts to single-family residential homes. Staff believes limiting the hours of the proposed use would minimize the negative impact on the residential houses.

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

The auxiliary fuel pump's operation and alcohol outlet would create an adverse impact upon the neighborhood because it would cause a proliferation of service stations in the area.

J. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.

The proposed use is otherwise consistent with the requirement of the zoning district classification in which the use is proposed to be located

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

The proposed accessory fuel pump use is not consistent with the policies of the comprehensive plan. Staff believes the accessory fuel pump is not consistent or compatible with the Suburban character area. The Suburban character is intended to provide small scale goods and services, such as drug stores, not fuel pumps.

L. Whether the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.

The proposed use does provide for all required buffer and transitional buffers required by the zoning district. Submitted by the applicant, the proposed site plan indicates a transitional buffer located to the subject property's east.

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

The applicant will provide an adequate refuse and service area.

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

Staff believes there is not a compelling reason to limit the special land use duration as the applicant

O. Whether the size, scale, and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale, and massing of adjacent and nearby lots and buildings.

The proposed convenience store with auxiliary fuel pumps has the appropriate structure, which is consistent in size, scale, and massing with adjacent and surrounding buildings in the area.

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

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

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

The proposed use submitted site plan submitted to staff has met all the requirements within the supplemental regulation Sec 4.2.28 set forth by the zoning ordinance.

R. Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.

The proposed development would not exceed the height of nearby residential structures. The proposed building would be similar to the height abutting the property and shorter than the multifamily development located to the west of the development. There will be no negative show impact on any adjoining lot.

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

The proposed convenience store with auxiliary fuel pumps would not be consistent with the neighborhood's needs or the community as a whole. Neither would alcohol outlets would not be compatible with the area's requirements.

STAFF RECOMMENDATION

Base on the findings and conclusions, it appears the applicant does not meet all the criteria for approval. Therefore, Staff recommends, ***Denial of SLUP-20-007 AND SLUP-20-008.***

PLANNING COMMISSION

On Tuesday, March 2nd, 2021 the Planning Commission recommend ***DENIAL*** of ***SLUP-20-007*** and ***SLUP-20-008***.

Special Land Use Permit Application

Applicant Information

Name: Fairington Road Center, LLC	c/o Mahaffey Pickens Tucker, LLP	
	(Attorney for Applicant)	
Address: P.O. Box 1565, Lawrenceville, GA 30046	1550 North Brown Road, Suite 125, Lawrenceville, GA 30043	
Phone: 770.232.0000	Fax: 678.518.6880	Email bhughes@mptlawfirm.com

Owner Information

Owner's Name: Fairington Road Center, LLC

Owner's Address: P.O. Box 1565, Lawrenceville, GA 30046

Phone: 770.232.0000	Fax: 678.518.6880	Email bhughes@mptlawfirm.com

Property Address: 5961 Chupp Way, Lithonia, GA 30038 Acreage: +/- 2.21

Parcel ID: 16 087 01 006

Current Zoning Classification: M (Light Industrial)

Proposed Use of Property: Convenience Store & Retail with Alcohol Outlet

Is this development and/or request seeking any incentives or tax abatement through the City of Stonecrest or any entity that can grant such waivers, incentives, and/or abatements? ○ Yes No

Property Information

Property Information: See exhibits and materials attached to this application.

Affidavit

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

Applicant's Name: W. Brady Hughes, Attorney for Applicant

Applicant's Signature: [signature] Date: 8-31-2020

Sworn to and subscribed before me this 31 Day of August 20 20

Notary

Notary Public: Kathryn White

Signature: [signature]

My Commission Expires:

KATHRYN WHITE NOTARY PUBLIC Exp. Dec. 5, 2023 DEKALB COUNTY, GA

☐ Application Fee ☐ Sign Fee ☐ Legal Fee

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

☐ Approved ☐ Approved with Conditions ☐ Denied Date:

08-03-2017

PRE-APPLICATION FORM
LAND USE PETITIONS AND VARIANCE PETITIONS

Purpose & Process

A Pre-Application Meeting provides you the opportunity to present a conceptual plan and letter of intent to a representative of the Community Development Department. This meeting benefits you, the applicant, by receiving general comments on the feasibility of the plan, the process(es) procedure(s) and fees required to process and review the application(s). To schedule a meeting contact a member of the Planning and Zoning Department by calling (770) 224-0200. This form will be completed during the pre-application meeting, and must be submitted at the same time you submit your application in order for your submittal to be deemed complete.

Applicant Name: FAIRINGTON ROAD CENTER LLC Phone: _____

Applicant E-mail: _____ Fax: _____

Representative Name: W. Brady Hughes Phone: 770 232 0000

Representative E-mail: www.mpthawfirm.com Fax: 678 518 6880

Site Address: 5961 Chupp way Parcel Size: _____

Tax Parcel #: 16 087 01 006 City Council District: _____

Existing Zoning and Case Number: _____ Proposed Zoning: —

Comprehensive Plan Character Area Map Designation: _____

Application Type: ☐ Rezoning ☒ Special Land Use Permit ☐ Variance ☐ Special Exception

Variance Type: ☐ Administrative ☐ Zoning Board of Appeals ☐ Stream Buffer

Overlay District: ☐ I-20 ☐ Stonecrest

Additional Studies: ☐ Trip Generation Report ☐ Traffic Impact Study
☐ Development of Regional Impact Review ☐ Environmental Impact Review

Proposal Description: C-STORE w/ FUEL Pumps

Applicant Signature: _____ Date: 2-21-20

Planner Signature: _____ Date: 2/21/20

Property Owner(s)
Notarized Certification

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

Fairington Road Center, LLC By: Meryn Hecht, Its Member

Property Owner (If Applicable)

Signature: _____ Date: 8/26/20

Address: P.O. Box 1565 City, State: Lawrenceville, GA Zip: 30046

Phone: 770.232.0000

Sworn to and subscribed before me this 26 day of Aug, 20 20

Notary Public: Heather L Mosier

HEATHER L. MOSIER NOTARY PUBLIC BARROW COUNTY, GEORGIA COMMISSION EXPIRES OCTOBER 20, 2023

Property Owner (If Applicable)

Signature: _____ Date: _____

Address: _____ City, State: _____ Zip: _____

Phone: _____

Sworn to and subscribed before me this 31 day of August, 20 20

Notary Public: _____

KATHRYN WHITE NOTARY PUBLIC DEKALB COUNTY, GA Exp. Dec. 5, 2023

Property Owner (If Applicable)

Signature: _____ Date: _____

Address: _____ City, State: _____ Zip: _____

Phone: _____

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

Notary Public: _____

SLUP Application of Fairington Road Center, LLC (c/o Mahaffey Pickens Tucker, LLP)
Public Participation Plan

NOTICE OF SPECIAL LAND USE PERMIT APPLICATION

This letter is to inform you that a Special Land Use Permit Application has been submitted to the City of Stonecrest on a tract of land within 500 feet of your property. Please be advised of the following information pertaining to the request and public hearings:

CASE NUMBER(S):	XXXX-XX-XX-XX
APPLICANT NAME:	FAIRINGTON ROAD CENTER, LLC c/o MAHAFFEY PICKENS TUCKER, LLP
PROPERTY ZONING:	"M," Light Industrial
PROPERTY LOCATION:	5961 Chupp Way, Lithonia, GA 30038
PROPERTY SIZE:	+/- 2.21 Acres
PROPOSED DEVELOPMENT:	Convenience Store with Fuel Pumps
CONTACT PERSON:	W. Brady Hughes
TELEPHONE NUMBER:	(770) 232-0000

PUBLIC INFORMATION & COMMUNITY MEETING:	**XX /XX , 2020 – XX:XX PM**
PLANNING COMMISSION PUBLIC HEARING:	**XX/XX/2020 – XX:XX PM**
MAYOR AND CITY COUNCIL HEARING:	**XX/XX/2020 – XX:XX PM**

LOCATION OF MEETINGS:	STONECREST CITY HALL, 3120 STONECREST BLVD, STONECREST, GA 30038

Mahaffey Pickens Tucker, LLP
ATTORNEYS AT LAW

Matthew P. Benson
Gerald Davidson, Jr.*
Brian T. Easley
Kelly O. Faber
Christopher D. Holbrook
W. Brady Hughes

Shane M. Lanham
Austen T. Mabe
Jeffrey R. Mahaffey
Steven A. Pickens
Andrew D. Stancil
R. Lee Tucker, Jr.

*Of Counsel

APPLICANT'S LETTER OF INTENT
FOR SPECIAL LAND USE PERMIT APPLICATION

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and the attached Special Land Use Permit Applications (the "Applications") on behalf of Fairington Road Center, LLC (the "Applicant"). The requested Special Land Use Permits (the "Permits") relate to the proposed development of an approximately 2.21-acre property located at the southeast corner of the intersection of Chupp Way and Fairington Drive, just south of Fairington Road and Interstate 20, in the City of Stonecrest, DeKalb County, Georgia (the "Property"). Although the Permits are being sought simultaneously, the Applications relate individually to separate and distinct accessory uses. Accordingly, this Letter of Intent is offered for the Applications, collectively, to enable the Applicant to develop the Property for a Convenience Store with fuel pumps and alcohol outlets.

The proposed Convenience Store (the "C-Store") is a design customized specifically for development on the Property, and, in addition to fuel and alcohol sales, would include a mix of conventional C-Store and miscellaneous retail space. Current plans include approximately 6,000 square foot of total building space—with 3,500 square feet of C-Store space, and two 1,250 square foot spaces for other retail users—with eight multi-product fuel dispensers, and 33 parking spaces.

With the welcomed input of the City, the Applicant's proposal will feature convenience goods, alcohol, and fuel located within facilities constructed and installed in conformity with the accessory and supplemental use requirements of Sections 4.2.8 and 4.2.28 of the City of Stonecrest Zoning Ordinance (the "Ordinance"). Further, the building, parking, and ancillary improvements will be developed in a manner that complies with the Ordinance and offers attractive small-scale retail to nearby residents. This would include a 75' transitional buffer in

compliance with Section 5.4.5, as well as architecture and building materials that conform with Section 5.7.1 *et* seq. Also featured would be landscaping, 5' sidewalks, and traditional architectural elements including stacked stone accents and masonry details, with all service, equipment, and trash areas appropriately screened from public view. The resulting product will evoke traditional neighborhood-commercial that blends appropriately with the character of adjacent uses, and will feature convenience retail that services surrounding residents and traffic from nearby thoroughfares.

The Property is located within the "M," light industrial, zoning district. As set forth under Table 4.1 of the Ordinance on permitted and special uses, convenience stores, with accessory alcohol outlets and fuel pumps, are allowed within M upon receipt of permission in the form of the Permits requested hereunder. Further, the uses requested under the Permits would be compatible the uses of nearby properties and the location. The Property is less than 1,000 linear feet from the Interstate-20 right of way, and less than a mile from the Lithonia Industrial Boulevard interchange. All surrounding land is zoned MR-1, medium density residential, and features garden-style multi-family, condominiums, and high-density attached single-family. If permitted, the proposed development would complement the surrounding residential land with modern retail, and support the critical mass of area residents with needed convenience and super-market offerings. Accordingly, the Applicant respectfully submits that the proposed development would permit a use that is compatible with adjacent uses, and, in furtherance thereof, requests, as appropriate, buffer reductions to accommodate development along boundary lines common with adjacent residential uses.

In further support of the Applicant's proposal, the Property is located with the "Suburban Neighborhood" Character Area Designation on the Future Land Use Map of the City of Stonecrest 2038 Comprehensive Plan (the "Comp. Plan"). As indicated in the Comp. Plan, compatible land use types within Suburban Neighborhood include "neighborhood shopping," and encouraged uses include "neighborhood retail." What's more, guiding development policies for Suburban Neighborhood feature allowance of "small-scale convenience goods/services to meet the needs of the surrounding residents," and placement of "small commercial centers at suitable locations within walking distances of residences." The proposed development is compatible with both Suburban Neighborhood's policies and the Comp. Plan's goals. Given the Property's corner-pad location and proximity to high-density residential communities, the

proposed C-Store meets the retail and convenience needs of adjacent residents, and fits within the character area's primarily encouraged non-residential use of "neighborhood commercial."

The Applicant and its representatives look forward to open collaboration with the City to create a design that integrates the proposed development into the City and welcome the opportunity to meet with the staff of the Stonecrest Department of Planning and Development to answer any questions or to address any concerns. The Applicant respectfully requests your approval of this Application.

Respectfully submitted this 31st day of August, 2020.

MAHAFFEY PICKENS TUCKER, LLP

W. Brady Hughes
Attorneys for Applicant

ENVIRONMENTAL SITE ANALYSIS FOR SPECIAL USE PERMIT APPLICATIONS

1. **Conformance to the Comprehensive Plan**
   a. The proposed project is the development construction of a convenience store on a currently vacant/undeveloped property.
   b. The subject property is bordered on the north by Chupp Way, on the east by garden-style multi-family, on the south by vacant county-owned land, and on the west by Fairington Drive. The developed land on all sides of the subject property, both directly adjacent to it and across the right of ways of Chupp Way and Fairington Drive, is currently zoned MR-1, Medium Density Residential. These properties consist of a variety of garden-style apartments, condominiums, and fee-simple townhomes.
   c. The property is within the "Suburban Neighborhood" Character Area on the City of Stonecrest Comprehensive Plan. Encouraged uses with this character area include neighborhood retail, and guiding development policies for this designation include allowance of small-scale convenience goods that service nearby residents. The proposed use is intended to meet this objective.
   d. Comprehensive Plan Future Development Map attached hereto.
   e. The Comprehensive Plan calls for the development of neighborhood retail that provides convenience goods and services to nearby residents within Suburban Neighborhood. The use proposed will meet these goals.
2. **Environmental Impacts of the Proposed Project**
   a. The subject property does not contain wetlands.
   b. As designated on the flood insurance rate maps of DeKalb County, Georgia community panel number: 13089C0159J effective date May 16, 2013, the subject property is not located in a FEMA Flood Hazard Zone.
   c. The subject property does not contain streams/stream buffers.
   d. The main, developed portion of the subject property does not contain slopes exceeding 25 percent over a 10-foot rise in elevation. Along the eastern boundary line, there are some slopes exceeding 25 percent over a 10-foot rise in elevation, but that portion of the property will remain largely unimproved. A plat featuring topographical information has been submitted herewith. *See also* United States Geological Survey Topographic 2017 Redan Quadrangle Map.
   e. The subject property contains a mix of hard woods and pines. The proposed project will also contain landscaping.
   f. To the best knowledge of the Applicant, the subject property does not contain significant wildlife habitat.
   g. To the best knowledge of the Applicant, the subject property does not contain archaeological or historical sites.
3. **Project Implementation Measures**
   a. The subject property does not contain such environmentally sensitive areas. The proposed development will adhere to all applicable construction and building regulations regarding protection of environmentally sensitive areas.

b. The proposed development provides for stormwater detention facilities and other measures including secure fuel storage tanks which contribute to the protection of water quality.
c. The proposed development will extensively utilize existing infrastructure and will provide an additional driveway to improve vehicular ingress and egress as well as interparcel access.
d. The subject property does not contain archaeological or historically significant areas.
e. The subject property is not within an environmentally stressed community.
f. The proposed development will feature extensive landscaping and unimproved green space.
g. The proposed development will not result in a use that substantially increases the level of noise emanating from the subject property. The proposed development includes lighting systems and features that minimize light trespass onto adjacent properties.
h. The proposed development does not create any adverse impacts on parks and recreational green space.
i. The subject property does not contain significant wildlife habitat. The proposed development will result in minimal or no impact to wildlife habitat.

A&R Engineering Inc.
2160 Kingston Court, Suite O
Marietta, GA 30067
Tel: (770) 690-9255 Fax: (770) 690-9210
www.areng.com

GEORGIA REGISTERED NO. 22518 PROFESSIONAL ENGINEER ABDUL KAREEM AMER

Memorandum

To: Majors Management, LLC.
From: Abdul Amer, PE.
Date: July 16, 2020
Subject: Trip Generation Memorandum for Fairington Drive Convenience Store Development at Fairington Dr/Chupp Way Stone Crest, GA – (A&R Project # 20-085).

The purpose of this memorandum is to estimate the trip generation that will result from the proposed Fairington Drive Convenience Store development proposed at the southeast corner of the intersection of Fairington Drive and Chupp Way in Stonecrest, GA. The proposed development will consist of the following:

- 3,500 sf convenience store with 8 gas fueling positions
- 2,500 sf Shopping Center

Figure 1 – Site Plan Overlay

METHODOLOGY

The Institute of Transportation Engineers has published data sets for estimating trip generation in the 10th edition of the Institute of Transportation Engineers (ITE) Trip Generation report. This reference contains traffic volume count data collected at similar facilities nationwide. The trip generation referenced is based on the following ITE Land Uses: *820 – Shopping Center and 853 – Convenience Market with Gasoline Pumps.*

Land Use: 820 Shopping Center: A shopping center is an integrated group of commercial establishments that is planned, developed, owned and managed as a unit. A shopping center's composition is related to its market area in terms of size, location, and type of store. A shopping center also provides on-site parking facilities sufficient to serve its own parking demands.

Lane Use 853 Convenience Market With Gasoline Pumps: This land use includes convenience markets with gasoline pumps where the primary business is the selling of convenience items, not the fueling of motor vehicles. The sites included in this land use category have the following two characteristics:

- The gross floor area of the convenience market is at least 2,000 gross square feet
- The number of vehicle fueling positions is less than 10

TRIP GENERATION

The results of the analysis for the proposed development are shown in Table 1, below.

TABLE 1 – TRIP GENERATION

Land Use	Size	AM Peak Hour			PM Peak Hour			24 Hour	
		Enter	Exit	Total	Enter	Exit	Total	Enter	Exit
ITE 853 – Convenience Market W/Pumps	3,500 sf	71	71	142	86	87	173	1,093	1,093
ITE 820 – Shopping Center	2,500 sf	1	1	2	5	5	10	47	47
Total New Trips		72	72	144	91	92	183	1,140	1,140

SPECIAL USE PERMIT APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

(A) The subject property has adequate size and land area for the use proposed under this Special Use Permit Application, including all required yards, open space, off-street parking, and all other applicable requirements for the "M," light industrial, zoning district in which the subject property is located.

(B) The use proposed under this Special Use Permit Application is compatible with adjacent properties and uses of other nearby property. Uses surrounding the subject property are primarily multi-family, and high-density single-family in character.

(C) The subject property is adequately served by public services, facilities, and utilities for the use proposed. The use proposed will not unduly create traffic and cause congestion.

(D) Existing land uses located along access routes to the subject property will not be adversely affected by the character of the vehicles or the volume of the traffic generated by the proposed use.

(E) The use proposed is or will be designed to sufficiently account for pedestrian and vehicular safety and convenience, traffic flow and control and fire/emergency access with respect to the points of ingress and egress to the subject property and all buildings, and structures.

(F) The use proposed will not create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, vibration, hours of operation, manner of operation.

(G) The plan under which the use proposed is submitted is consistent with the requirements of the M, light industrial zoning classification in which the subject property is located.

(H) The use proposed is consistent with the policies of the Suburban Neighborhood character area in which the subject property is located under the City of Stonecrest Comprehensive Plan.

(I) The plan under which the use proposed is submitted provides or will provide for all required buffer zones and transitional buffer zones where required by the M, light industrial, zoning district in which the subject property is located.

(J) The use proposed makes adequate provision for refuse and services areas.

(K) The length of time for which this Special Land Use Permit may be granted should not be limited.

(L) The size, scale, and massing of the proposed buildings are appropriate in relation to that of the subject property and of adjacent and nearby lots and buildings.

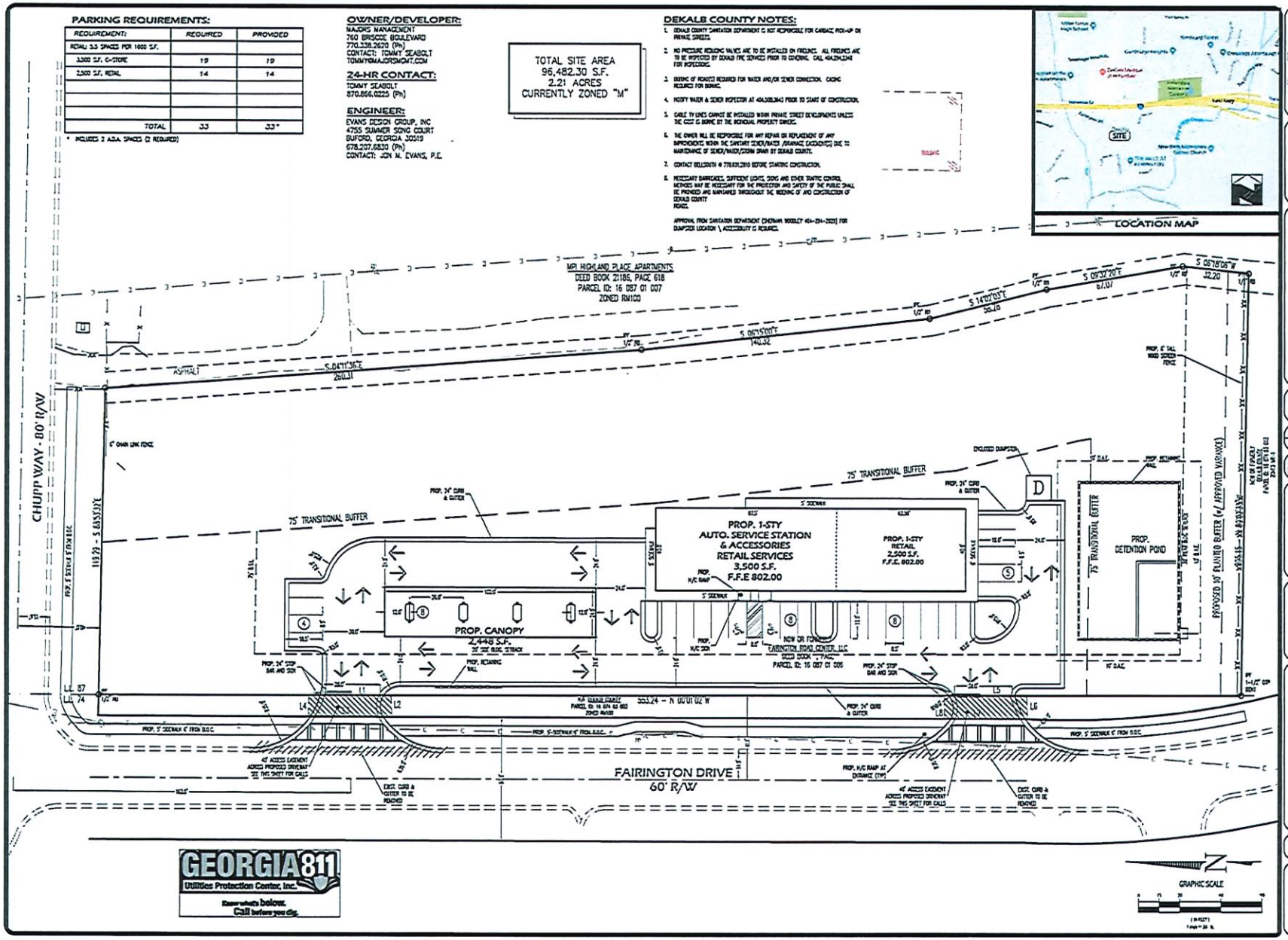
(M) The use proposed will not adversely affect historic buildings, sites, districts, or archaeological resources.

(N) The proposed use satisfies the requirements contained with the supplemental requirements for such special land use permit.

(O) The use proposed will create no negative shadow impact on any adjoining lot or building.

(P) The proposed use would not result in a disproportionate proliferation of that of similar uses in the area surrounding the subject property.

(Q) The proposed use is compatible and consistent with the needs of the neighborhood.



Evans Design Group, Inc.
Civil Engineering / Site Planning / Land Development Services
4755 Summer Song Court
Buford, GA 30519
(Ph) 678.207.6830
jevans@evansdg.com

GEORGIA REGISTERED PROFESSIONAL ENGINEER JON M. EVANS
CERTIFICATE LEVEL II CERT. # 19877

PROJECT NAME
FAIRINGTON DRIVE C-STORE

5961 CHUPP WAY
L.L. 87 - 16th DISTRICT
CITY OF STONECREST,
DEKALB CO. GEORGIA

DATE:
3/28/2018

DESIGN BY	DRAWN BY	CHECKED BY
JME	JME	JME

☐ Not Released For Construction
☐ Released For Construction

OWNER/DEVELOPER

© COPYRIGHT 2018

REVISIONS
1 | 11-16-18 | re: SUBMITTAL

JOB NUMBER:
18-004

SHEET TITLE
SITE PLAN
C-3

LEGAL DESCRIPTION
5961 Chupp Way – DeKalb Co. Parcel No. 16 087 01 066

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 87 of the 16th District of DeKalb County, Georgia, being known as part of Lot 12 of the M.M. George Property, as shown on plat recorded at Plat Book 10, Page 87, DeKalb County Records and being more particularly described as follows:

Beginning at the point of intersection of the west line of Land Lot 87 with the south right of way of Chupp Way; thence, south 88 degrees 53 minutes 32 seconds east along the south right of way line of Chupp Way 149.29 feet to an iron pin; running thence south 04 degrees 11 minutes 36 seconds east 260.31 feet to a rebar found; running thence south 06 degrees 15 minutes 00 seconds east 140.32 feet to a rebar found; running thence south 14 degrees 02 minutes 03 seconds east 58.28 feet to a rebar found; running thence south 09 degrees 32 minutes 20 seconds east 67.07 feet to a rebar found; running thence south 06 degrees 18 minutes 06 seconds west 32.20 feet to a point; running thence north 89 degrees 02 minutes 30 seconds west 205.15 feet to a point located on the west line of Land Lot 87; running thence north 00 degrees 01 minutes 02 seconds west, 553.24 feet to a point located on the south right of way line of Chupp Way, at the Point of Beginning.

COMMUNITY INFORMATION & INPUT MEETING REPORT

Prospective Rezoning Applicant & Subject Property:
Fairington Road Center, LLC C/o Mahaffey Pickens Tucker, LLC
5961 Chupp Way, Lithonia, GA 30038 (DeKalb County Tax Parcel No. 16 087 01 006)

Application Case Number(s)
SLU20-000009 & SLU20-000010

Meeting Date:
6:15 PM – 7:15 PM, Wednesday, October 28, 2020

Meeting Location:
VIA Zoom

Attached Documentation:
Notification Letter
Certificates of Mailing
Meeting Participant Sheet

Number of Attendees:
8 (not including representative of applicant)

Summary of Concerns, Issues & Problems Expressed by Meeting Attendees:

Introduction:
Representative of the Applicant, W. Brady Hughes of Mahaffey Pickens Tucker, LLP ("Representative"), introduced himself, introduced the Applicant, and its background and experience developing C-stores.
Representative introduced the proposal of a C-store with fuel and alcohol sales, and displayed a rendering of the proposed development.
Finally, Representative described the process for zoning, use permits, and land use decisions with respect to application filing, community meeting, and public hearings, and notified the attendees of the upcoming Planning Commission and Mayor & City Council hearings on November 10 and November 23, respectively.

General Concern for, and Opposition to Applicant's Proposed Development of Convenience Store with Fuel and Alcohol:
Representative provided each meeting attendee the opportunity to speak, one-by-one, and provided brief remarks and comments in between each speaker. Each community member who spoke indicated, generally, that they are opposed to the proposed development as a matter of land use for the subject property. Some speakers questioned the nature of the application (i.e., why the need for the special use permits), and requested further information about the property's zoning.

Representative responded by expressing that the Applicant is the Property owner, that they are allowed certain uses in the subject property's current zoning by right, and that they are allowed other uses with the issuance of a special use permit from the City. Representative also described the property's current industrial zoning, and expressed, generally, what other kinds of uses and developments could otherwise go on this site in lieu of a C-store with fuel. Representative indicated that the Applicant respectfully disagrees that the proposed development is not an appropriate use for the Property, and indicated that the Applicant is excited about this project and about providing a needed use for the area. Representative explained that significant resources and work had gone into the proposal, and that the Applicant hopes to be successful in this project and that it ultimately benefits surrounding residents and property values.

Concern with particular effects resulting from development if approved and constructed:
Some community members expressed particular concerns about undesired consequences flowing from the proposed development, if approved. These remarks included, specifically, concerns about noise, traffic, road capacity and condition, crime and danger to residents and children of residents, trash and litter, and pollution and emissions. Representative responded by indicating that these are common concerns of Convenience Store developments, are concerns that the Applicant has experience in handling, and that such concerns may be handled with modifications to particular aspects of the proposal. In particular, Representative stated that trash and litter could be handled by screening of trash areas, and that noise concerns could be mitigated by designated services areas away from residents' homes. However, Representative indicated that he could not respond with any particular concessions at this time without consultation with the Applicant, and more feedback from the City concerning a recommendation of approval/denial, or proposed conditions.

Concern about notice of the application, giving input at the public hearing, and how a final decision will be made:
Several questions were directed toward Representative about the meeting invite letters, notice of the public hearings, date and time of the public hearings, the public hearing process, and when final approval or denial comes. Representative stated when the application was filed, and that the present meeting was a requirement for Stonecrest land use applicants between filing and public hearings. This was followed by an estimate of the timeline for public hearings, permitting, construction, etc. Representative explained when the meeting was scheduled, when notice letters were sent to meeting attendees (October 20), how they were sent (by regular mail), and how recipients of the letters were selected (all property owners within five hundred of the boundaries of the subject property, as shown on DeKalb County tax assessor records), and that, if it was not already required, Representative will give notice of public hearing dates to all meeting attendees who contact Representative and request it (**Representative provided meeting participants his phone number and email address**). Representative noted, though, that sign-posting and advertisement in a legal organ is required, that date and time of public hearings was shown on the meeting invite letter, and that further information about public hearings can be found on the City of Stonecrest website. Representative gave guidance to meeting attendees as to the format of public hearing, and how community may express support, opposition, or concern to land use authorities at such hearing. Representative stated that project must be either approved or denied as a land use matter by the Mayor and City Council first, and that any appeal must come after such vote of approval or denial, and that land use appeals essentially involve litigation. Representative stated how property fits in the

area, the needs of the market, with the City's comprehensive plan and future land use map, and that there is substantial justification for approval of the rezoning, but that it is not guaranteed. Approval must be given by the City of Stonecrest Mayor & City Council.

Conclusion of meeting at approximately 7:15 PM.

SLUP Application of Fairington Road Center, LLC (c/o Mahaffey Pickens Tucker, LLP)
Public Participation Plan

NOTICE OF SPECIAL LAND USE PERMIT APPLICATION

This letter is to inform you that a Special Land Use Permit Application has been submitted to the City of Stonecrest on a tract of land within 500 feet of your property. Please be advised of the following information pertaining to the request and public hearings:

CASE NUMBER(S):	SLU20-000009; SLU20-000010
APPLICANT NAME:	FAIRINGTON ROAD CENTER, LLC c/o MAHAFFEY PICKENS TUCKER, LLP
PROPERTY ZONING:	"M," Light Industrial
PROPERTY LOCATION:	5961 Chupp Way, Lithonia, GA 30038
PROPERTY SIZE:	+/- 2.21 Acres
PROPOSED DEVELOPMENT:	Convenience Store & Retail with Fuel Pumps & Alcohol Outlet
CONTACT PERSON:	W. Brady Hughes; Shane Lanham
TELEPHONE NUMBER:	(770) 232-0000
EMAIL:	amosley@mptlawfirm.com

PUBLIC INFORMATION & COMMUNITY MEETING: **October 28, 2020 – 6:00 PM**
PLANNING COMMISSION PUBLIC HEARING: **November 10, 2020 – 6:00 PM**
MAYOR AND CITY COUNCIL HEARING: **November 23, 2020 – 7:00 PM**

LOCATION OF MEETINGS:

- COMMUNITY MEETING: VIA ZOOM (*Invitation and Meeting information attached*)
- PLANNING COMMISSION PUBLIC HEARING: VIA ZOOM AND STONECREST TV
  (*Citizens wishing to make public comment can come to City Hall—at 3120 Stonecrest Blvd., Suite 190, Stonecrest, GA 30038—and make comments on a laptop running the Zoom application at the podium in Council Chambers or submit their questions via email address llowe@stonecrestga.gov*)
- MAYOR AND CITY COUNCIL HEARING: VIA ZOOM AND STONECREST TV

ZOOM MEETING INVITATION AND INFORMATION

Brady Hughes and Shane Lanham are inviting you to a scheduled Zoom meeting.

Topic: SLU20-000009; SLU20-000010 - 5961 Chupp Way - Convenience Store & Retail Development
Time: Oct 28, 2020 06:00 PM Eastern Time (US and Canada)

- Join Zoom Meeting
https://us02web.zoom.us/j/89196571550?pwd=Q0tuTWlHdGhpbTlUQStmcVIwbDFFdz09

Meeting ID: 891 9657 1550
Passcode: 759339
One tap mobile
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+19292056099,,89196571550#,,,,,,0#,,759339# US (New York)

Dial by your location
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+1 929 205 6099 US (New York)
+1 301 715 8592 US (Germantown)
+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US (Tacoma)
Meeting ID: 891 9657 1550
Passcode: 759339
Find your local number: https://us02web.zoom.us/u/kcjIfsnSf

Further Information & Notice to Participants and Attendees:

As part of conducting the Public Participation and Community Information Meeting to which you have been invited, the Applicant, or their representative holding the meeting, is required to record the number and name of all participants and community members in attendance. Because, however, this meeting will be conducted via ZOOM, this task presents some logistics challenges.

Accordingly, to begin the meeting, I will request that all those logging in via ZOOM to attend the meeting please clearly state their name and address when called upon. In the interest of time, however, it would be sincerely be appreciated if all those planning to attend the ZOOM meeting would submit their name and address in advance of the meeting to Amanda Mosley, project administrator at Mahaffey Pickens Tucker, LLP, by email at amosley@mptlawfirm.com, using the subject line "STONECREST ZOOM MEETING SIGN-IN SHEET."

COMMUNITY INFORMATION MEETING PARTICIPATION SHEET

SLU20-000009 & SLU20-000010

1. Trenda Stern – 2908 Park Lorraine Circle – Lithonia, GA 30038
2. Audrey Johnson – 131 Tiburon Court, Lithonia, GA 30038
3. Anne Brown – 161 Tiburon Drive, Lithonia, GA 30038
4. Kathy Rhue – 5924 Trent Walk Drive, Lithonia, GA 30038
5. Donald Norwood – 33 Tiburon Drive, Lithonia, GA 30038
6. Lisa G. – would not provide full last name or address
7. Euguene West – 42 Tiburon Drive, Lithonia, GA 30038
8. Stephie Garrison – 5929 Trent Walk Drive, Lithonia, GA 30038

Name and Address of Sender
Shane Lanham, Esq.
Mahaffey Pickens Tucker LLP
1550 N. Brown Road, Suite 125
Lawrenceville, Georgia 30043

Check type of mail or service:

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1.	51919 Trent Walk Drive P.O. Box 458 Redan, GA 30074											
2.	Addie Smith 5921 Trent Walk Drive Lithonia, GA 30038											
3.	Akil Ravariere [Malak Property, LLC 3579-A Chamblee Tucker Road, Atlanta, GA 31141											
4.	Alicia Gosling 5908 Trent Walk Drive Lithonia, GA 30038											
5.	Andre Tafur[Roxana Noriega 1904 Mary Lou Lane SE Atlan ta, GA 30316											
6.	Annie Doris Mays 5936 Trent Walk Drive Lithonia, GA 30038											
7.	Antonette Campbell 76 N. Essex Avenue Orange, NJ 7050											
8.	Antonya Pierce 2028 Channing Drive Conyers, GA 30094											

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c/o Mahaffey Pickens Tucker, LLP
SLUP2020-000009, SLUP2020-000010
2213-0055

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1.	Aviva Taman|Refael Teman 6300 Wilshire BLVD, Unit 970 LA, CA 90046											
2.	BAF 1, LLC 5001 Plaza on the Lake, Suite 200 Austin, TX 78746											
3.	Barbara Coppola Revocable Trust 113 Franklin Avenue Nharrison, NY 10528											
4.	Belinda V. Reid 5923 Trent Walk Drive Lithonia, GA 30038											
5.	Betty Carter 5918 Trent Walk Drive Lithonia, GA 30038											
6.	Betty S. William 2500 Promberry Drive, Apt. 14 Montogomery, AL 36106											
7.	Big Dog Towing, LLC Lionheart Automotive Lithonia, GA 30058											
8.	Bobby L. Guthrie |Cynthia R. Guthrie 553 Edgefield Drive Stone Mtn, GA 30087											

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1.	Brenda F. Ezell|Ruth A. Ezell 5915 Trent Walk Drive Lithonia, GA 30038											
2.	Brenda J. Baugh 5916 Trent Walk Drive Lithonia, GA 30038											
3.	Bryan K. Latham 13 Tiburon Drive|Lithonia, GA 30038 Lithonia, GA 30038											
4.	Carl Millender 2974 Parc Lorraine Lithonia, GA 30038											
5.	Carmel Moreno 3415 Glensford Drive Decatur, GA 30032											
6.	Carolyn Thomas 3048 Parc Lorraine Lithonia, GA 30038											
7.	Charles Lyson 611 Ashley Lakes Drive Norcross, GA 30092											
8.	Cheryl Allen P.O. Box 747 Conyers, GA 30012											

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1.	Cheryl Allen 1128 Village Trail Stone Mtn, GA 30083											
2.	Cheryl D. Hillman P.O. Box 2053 MCDonough, GA 30253											
3.	Claudette Spencer 94 Becks BLVD Ringers, NJ 8851											
4.	Colleen Morrison|Alexander Geddes 4188 Steeplehill Drive NW| Kennesaw, GA 30144											
5.	Cornelis Oskam Nieuwe Hoven 68|4205BE Gorinchem, Gorinchem,, 0											
6.	Cornelius Jackson III 5987 Sherwood Trace Lithonia, GA 30038											
7.	Cynthia Baxter 2920 Parc Lorraine Lithonia, GA 30038											
8.	Davelle W. Lawson 20 Tiburon Drive Lithonia, GA 30038											

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1.	David Orozco 2035 Montgomery Trail Duluth, GA 30096											
2.	David Orozco 2035 Montgomery Trail Duluth, GA 30096											
3.	Deidre J. Wortham 3880 Berkley View Drive Berkley Lake, GA 30096											
4.	DeKalb County Budget Department Decatur, GA 30030											
5.	DeKalb Investing, Inc. 2700 Cumberland Parkway, Suite 350 Atlanta, GA 30339											
6.	DeKalb Investing, Inc. 2700 Cumberland Parkway, Suite 350 Atlanta, GA 30339											
7.	Donald E. Norwood 33 Tiburon Drive Lithonia, GA 30038											
8.	Donald R. Gillette 38 Tiburon Drive Lithonia, GA 30038											

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1.	Double TM Holding, LLC P.O. Box 2937 Covington, GA 30015											
2.	Edgardo P. Spencer 2970 Pare Lorraine Lithonia, GA 30038											
3.	Emanuel Osho 2906 Pare Lorraine Lithonia, GA 30038											
4.	Emerald Green Properties, LLC 1244 Beaver Ruin Road, Unit 301 Norcross, GA 30093											
5.	Esmine Sutherland|Anthony Flemmings 5985 Sherwood Trace Lithonia, GA 30038											
6.	Eugen Voloti 4544 Devonshire Road Lithonia, GA 30038											
7.	Eugene C. West|Tamrah J. Mattis West 42 Tiburon Drive Lithonia, GA 30038											
8.	Faisal Alkatheri 23 Tiburon Drive Lithonia, GA 30038											

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1.	Fannie M. Vinson 5935 Trent Walk Drive Lithonia, GA 30038											
2.	Federal National Mortgage Association 14221 Dallas Parkway Dallas, TX 75254											
3.	Felicia A. Wyms 5917 Trent Walk Drive Lithonia, GA 30038											
4.	Fontaine East Owners Association, Ltd. 500 Sugar Mill Road Suite 200B Atlanta, GA 30350											
5.	Frankie Little 5837 Stratwood Manor Lithonia, GA 30058											
6.	FYR SFR Borrower, LLC|Havenbrook Homes 3505 Koger BLVD, Suite 400 Duluth, GA 30096											
7.	GE Adan, LLC 3851 Holcomb Bridge Road Norcross, GA 30092											
8.	Geoffrey Nnadi|Ngozi Ndadi 119 Missing Lake Drive Ellenwood, GA 30294											

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1.	Gila Marbach 5959 Sherwood Trace Lithonia, GA 30038											
2.	Grant Walton 5763 Spring Mill Circle Lithonia, GA 30038											
3.	Grinyude, LLC 2556 Fontainbleu Drive Dunwoody, GA 30360											
4.	Hassan A.A. Majd 5125 Forest Run Trace Johns Creek, GA 30022											
5.	HED Properties, LLC 8 Oriole Drive Kirkland, QC 0											
6.	Henri M. Hubbard|Lucius Morris 5920 Trent Walk Drive Lithonia, GA 30038											
7.	Iris E. Grant 2286 Swan Lake Court Grayson, GA 30038											
8.	Isatu Bangura 2030 Defoor Avenue NW, A3 Atlanta, GA 30318											

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1.	Jackie Y. Williams 32 Tiburon Drive Lithonia, GA 30038											
2.	Jackquiline Barnes 808 Treeline Drive Conyers, GA 30094											
3.	Jay H. Jackson 7257 Glen Cove Lane Stone Mtn, GA 30087											
4.	Jeffrey S. Latham 11 Tiburon Drive Lithonia, GA 30038											
5.	Jennifer L. Collins/Troy E. Page 2928 Parc Lorraine Lithonia, GA 30038											
6.	Jermiah Perdue 2912 Parc Lorraine Lithonia, GA 30038											
7.	Karen Armstrong 2636 Harris Street East Point, GA 30344											
8.	Karen R. Wade 2926 Parc Lorraine Lithonia, GA 30038											

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2.	Kenya L. Watkins P.O. Box 71|Snellville, GA 30078 Snellville, GA 30078											
3.	Kieyana Grant 2918 Parc Lorraine Lithonia, GA 30038											
4.	Kim C. Gantt 4395 Palton Drive Dunfries, VA 22025											
5.	Kimberly Sharkey 5957 Sherwood Trace Lithonia, GA 30038											
6.	KJH South Building Development 111 180th Street, Unit 93 Jamaica, NY 11433											
7.	Latreil Jones 130 Vandalia Avenue, Apt 6D Brooklyn, GA 11239											
8.	Leonard Daniel |Inez Daniel 5961 Sherwood Trace|Lithonia, GA 30038 Lithonia, GA 30038											

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SLUP2020-000009, SLUP2020-000010
2213-0055

Name and Address of Sender
Shane Lanham, Esq.
Mahaffey Pickens Tucker LLP
1550 N. Brown Road, Suite 125
Lawrenceville, Georgia 30043

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1.	Linda P. Cousin 5975 Sherwood Trace Lithonia, GA 30038											
2.	Lior Biton 3851 Holcomb Bridge Road Norcross, GA 30092											
3.	Lydia Jones P.O. Box 360875 Decatur, GA 30036											
4.	Lydia T. Jones 3376 Wesley Chapel Road Decatur, GA 30034											
5.	Malak Property, LLC 3579-A Chamblee Tucker Road, # 942132 Atlanta, GA 31141											
6.	Margaret Vidal|Dornett Atkins 2072 Cobblefield Circle Apopka, FL 32703											
7.	Michael Raffington 80 Roosevelt Avenue Dumont, NJ 7628											
8.	Mohammed Houssein Ahmed 3205 Bloomington Avenue South, Unit 2 Minneapolis, MS 55407											

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1.	Monica S. Ivory|Willie P. Ivory 5934 Trent Walk Drive Lithonia, GA 30038											
2.	MPI Highland Place Apartments, LP 260 Peachtree Street, Suite 1800 Atlanta, GA 30303											
3.	Nancy Crotty 2929 High Brook Way SE Conyers, GA 30094											
4.	Nancy H. Wages 2585 Turtle Cove TRWY Monticello, GA 31064											
5.	Nathan Smith|Steven Hammond 445 Camelot Parkway Jonesboro, GA 30236											
6.	Nathan Smith|Steven Hammond 445 Camelot Parkway Jonesboro, GA 30236											
7.	Old Roswell Townhomes, LLC| 6845 Shiloh Road E. |Suite D2| Alpharetta, GA 30005											
8.	Patricia A Rhue|Kathy E. Rhue 5924 Trent Walk Drive Lithonia, GA 30038											

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1.	Patricia A. Marshall 3078 Parc Lorraine Lithonia, GA 30038											
2.	Patricia L. Dunn 5971 Sherwood Trace Lithonia, GA 30038											
3.	Patricia Montgomery|Jada Montgomery 1313 Evergreen Trail Lithonia, GA 30058											
4.	Praise Property Holdings 1660 Saint Julian Street Suwanee, GA 30024											
5.	Precious Jennings|SNH Properties, LLC 5928 Trent Walk Drive Lithonia, GA 30038											
6.	Priscilla White 40 Tiburon Drive Lithonia, GA 30038											
7.	Raymond S. Diamond 22 Tiburon Drive Lithonia, GA 30038											
8.	Realextate ATL 28, LLC 3834 Jodeco Road MCDonough, GA 30253											

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1.	Renees Realty, LLC 5949 Fairington Road Lithonia, GA 30038											
2.	Reven Housing Georgia, LLC P.O. Box 1459 La Jolla, CA 92038											
3.	Rodriguez D. Sawyer 5906 Trent Walk Drive Lithonia, GA 30038											
4.	Ryan Johnson 4053 Hill Station Court Sugar Hill, GA 30518											
5.	Ryan M. Johnson 4053 Hill Station Court|Sugar Hill, GA 30518 Sugar Hill, GA 30518											
6.	Sabrina Barnett 28 Tiburon Drive Lithonia, GA 30038											
7.	Sam Dunaway Jr. 44 Tiburon Drive Lithonia, GA 30038											
8.	Sandra O'Clare Revocable Trust 3054 Parc Lorraine Lithonia, GA 30038											

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1.	Sandy L. Price 5933 Trent Walk Drive Lithonia, GA 30038											
2.	Secretary of Housing and Urban Development 40 Marietta Plaza Atlanta, GA 30303											
3.	Shanique Williams 2902 Parc Lorraine Lithonia, GA 30038											
4.	Shawntai Jones 5941 Trent Walk Drive Lithonia, GA 30038											
5.	Sherlyn Martin 30 Tiburon Drive Lithonia, GA 30038											
6.	Sherrie E. Newborn 2329 W. Jefferson BLVD LA, CA 90018											
7.	Sherwanda Pattillo 3046 Parc Lorraine Lithonia, GA 30038											
8.	Sover Shamshom|Yousef Shamshoum 3851 Holcomb Bridge Road, Unit 300|Norcross, GA 30092 Norcross, GA 30092											

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1.	Stephanie W. Garrison 5929 Trent Walk Drive Lithonia, GA 30038											
2.	Teri Thomas 37 Tiburon Drive Lithonia, GA 30038											
3.	Terrence Pennicooke 24 Tiburon Drive Lithonia, GA 30038											
4.	Thurman Jones 25 Tiburon Drive Lithonia, GA 30038											
5.	Tonie McCoy 19 Tiburon Drive Lithonia, GA 30038											
6.	Tony Smith|Angela D. Smith 1702 Creekside Drive Katy, TX 77493											
7.	Tosha Deacon 5 Tiburon Drive Lithonia, GA 30038											
8.	Trenda Stern|Gary Stern P.O. Box 13118 Jersey City, NJ 7303											

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1.	Valerie Clark 5931 Trent Walk Drive Lithonia, GA 30038											
2.	Vershon Jones 2924 Parc Lorraine Lithonia, GA 30038											
3.	Virita L. Sharif 2469 Williams Downs Circle SW Snellville, GA 30078											
4.	Warren Maye|Marilyn Maye 3621 De Reimer Avenue Bronx, NY 10466											
5.	Wellington Manor Homeowners Association 2132 Highway 138 NE Conyers, GA 30013											
6.	Willie M. Williams 3050 Parc Lorraine Lithonia, GA 30038											
7.	Yondrell Sanders 2904 Parc Lorraine Lithonia, GA 30038											
8.	Yossi Hod 6300 Wilshire BLVD, Unit 970 LA, CA 90048											

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Majors Management (Hewatt, Marvin)
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SLUP2020-000009, SLUP2020-000010
2213-0055

THE CITY OF
STONECREST
GEORGIA

March 2nd, 2021

Planning Commission
Public Hearing

SLUP-20-007 & SLUP-20-008

5961 Chupp Way

Petition Information

- APPLICANT: Fairington Road Center LLC c/o Maffery Tucker Pickens

- LOCATION: 5961 Chupp Way

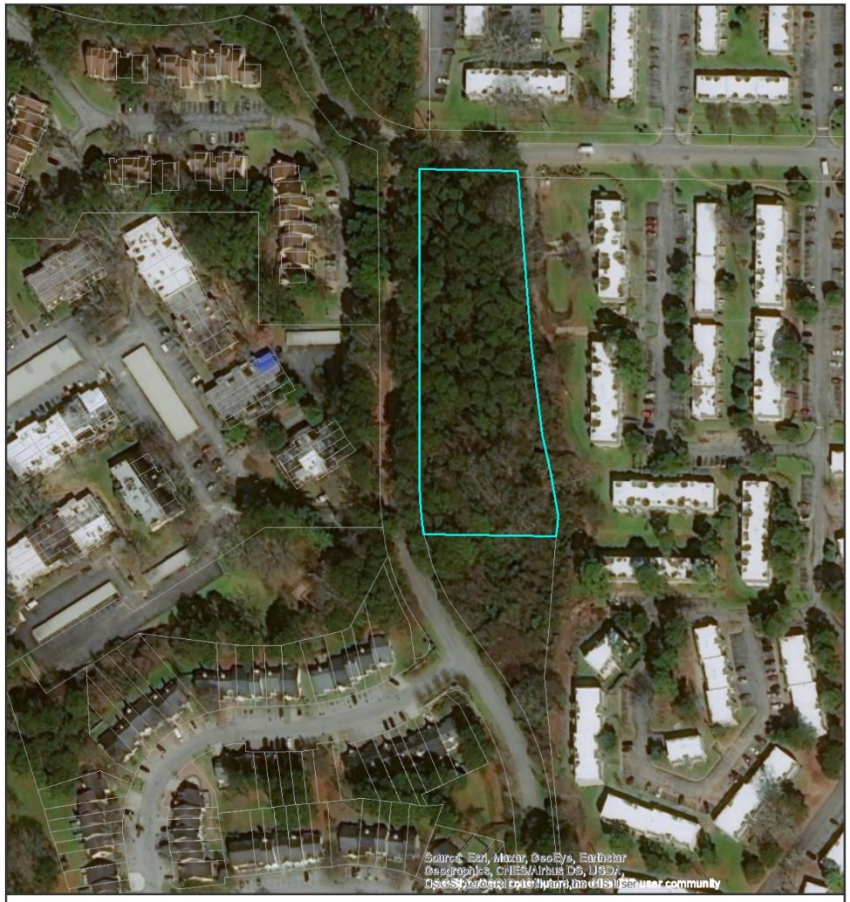
- ACREAGE: 2.23 Acres

- REQUEST: The applicant is requesting a Special Land Use Permit (SLUP) for the development of 6,000 square foot retail center with convenience store with accessory fuel pump and alcohol outlet per 4.2.8. and 4.2.30.

General Information

- Current zoning: (M) Industrial District
- Future Land Use Character Area: Suburban
- Policies for this area emphasize:
  - Protect stable neighborhoods from incompatible development that could alter established single-family residential development pattern and density.
  - Encourage residential development to conform with traditional neighborhood development principles including improved pedestrian vehicular activity. .
- Surrounding uses: Residential.
- Surrounding zoning: (MR-1) Med Density Residential District

Aerial Map



ZONING CASE: **SLUP-20-007**

ADDRESS: **5961 Chupp Way**

CURRENT ZONING: **M (Light Industrial) District**

FUTURE LAND USE: **Suburban**

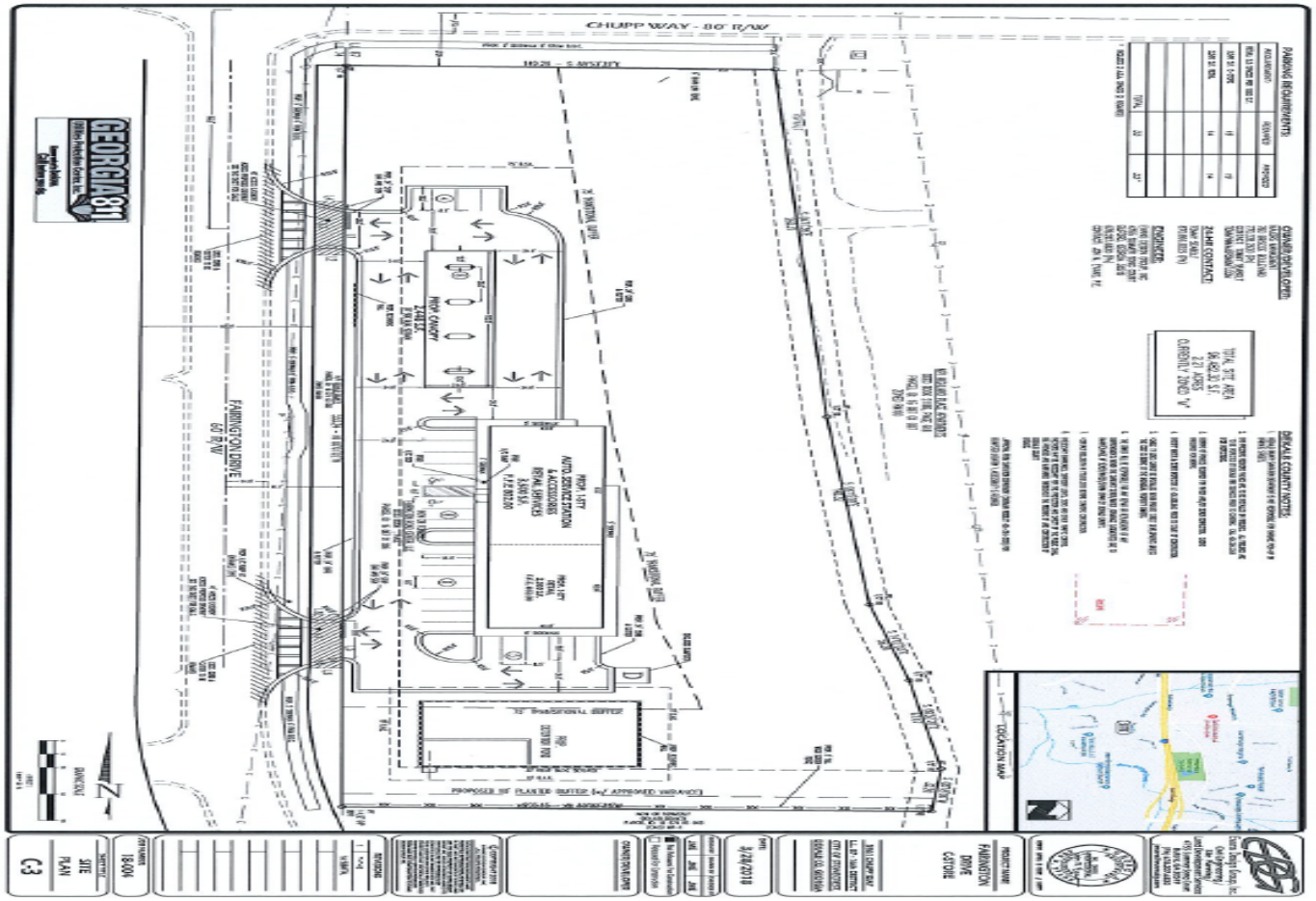
0 0.025 0.05 mi

Extended Aerial View

Zoning Map

2861
MR-1
5949
MR-1
5961
M
2887
MR-1
2911
MR-1
2942
MR-1
5936
MR-1
5914
MR-1
5896
MR-1
5941
MR-1
5913
MR-1
5929
MR-1
5991
MR-1
5969
MR-1
5953
MR-1
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User community
ZONING CASE: SLUP-20-007
ADDRESS: 5961 Chupp Way
CURRENT ZONING: M (Light Industrial) District
FUTURE LAND USE: Suburban
0
0.025
0.05 mi

Site Plan


CHUPP WAY - 80' R/W
FARMINGTON DRIVE
60' R/W
PROPOSED 24' PLANTER (BUFFER) W/ APPROVED VARIANCE
PROPOSED 1-STORY AUTO SERVICE STATION & ACCESSORIES RETAIL SERVICES 4,500 S.F.
PROPOSED CANOPY 2,448 S.F.
PROPOSED 1-STORY RESTAURANT 2,500 S.F.
TOTAL SITE AREA 94,482.23 S.F. 2.17 ACRES
CURRENTLY ZONED 'A'
PARKING REQUIREMENTS
OWNER/DEVELOPER(S)
DEKALB COUNTY NOTES
LOCATION MAP
GEORGIA811
FARMINGTON DRIVE CANOPY
3/28/2018
18-004
SITE PLAN
C3

Elevation for Proposed Building

STANDARDS OF REVIEW

A. **Adequacy of the size of the site for the use contemplated and whether or not the adequate land area is available for the proposed use including the provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located**

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

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

D. **Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.**

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

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

G. **Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.**

H. **Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.**

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

J. **Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.**

STANDARDS OF REVIEW

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

L. **Whether the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.**

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

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

O. **Whether the size, scale, and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale, and massing of adjacent and nearby lots and buildings**.

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

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

R. **Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.**

S. **Whether the proposed use would result in a disproportionate proliferation of that or similar uses in the subject character area.**

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

Staff Analysis

Base on the findings and conclusions, it appears the applicant meets all the criteria for approval. Therefore, staff recommends **APPROVAL** of **SLUP-21-001** the following conditions;

1. Allow a late-night establishment at 7300 Concourse Road. Late Night Establishment shall stop serving alcohol and close doors to new patrons by 2:00 am, and all guest shall be off the premises by no later than 2:30am
2. Compliance with the Stonecrest Noise Ordinance.
3. Minimum of one (1) outdoor security officer to provide security until a minimum of 30 minutes after closing.
4. Provide sanitation plan to City of Stonecrest. Sanitation plan will be approved by Director of Code Enforcement.
5. Capacity shall be subject to approval of the Fire Marshal's Office.
6. Obtain a shared parking agreement between other tenants at 7300 Concourse Road.
7. No dance floor.

THE CITY OF
STONECREST
GEORGIA

SLUP-21-001

7300 Stonecrest Concourse

Stonecrest, Ga 30058

Petition Information

- APPLICANT: Barnacles c/o Bernice Monger
- LOCATION: 7300 Stonecrest Concourse
- ACREAGE: 1.6 Acres
- REQUEST: The applicant is requesting a Special Land Use Permit (SLUP) for the operation of late-night establishment per Sec 4.2.31 of the Stonecrest Zoning Ordinance.

General Information

- Current zoning: (C-1) Local Commercial District
- Future Land Use Character Area: Regional Center
- Policies for this area emphasize:
  - Protect stable neighborhoods from incompatible development that could alter established single-family residential development pattern and density.
  - Encourage residential development to conform with traditional neighborhood development principles including improved pedestrian vehicular activity. .
- Surrounding uses: Commercial.
- Surrounding zoning: (C-1) Local Commercial District

Aerial Map

ZONING CASE: **SLUP-21-001**

ADDRESS: **7300 Stoncrest Concourse**

CURRENT ZONING: **C-1 (Local Commerical) Zoning District**

FUTURE LAND USE: **Regional Center**

0 0.0125 0.025 mi

Extended Aerial View

Zoning Map

ZONING CASE: **SLUP-21-001**

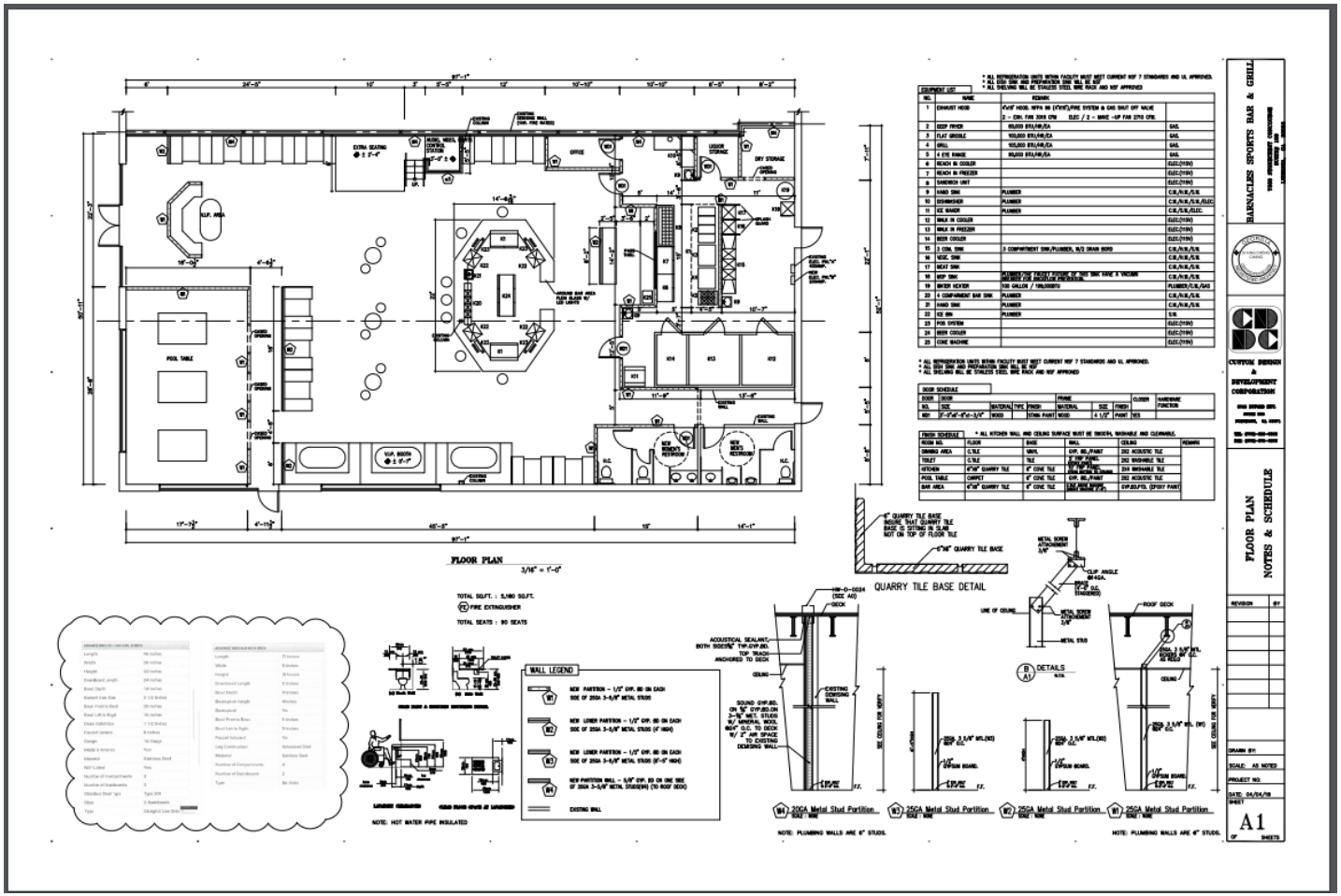
ADDRESS: **7300 Stoncrest Concourse**

CURRENT ZONING: **C-1 (Local Commerical) Zoning District**

FUTURE LAND USE: **Regional Center**

0 0.0125 0.025 mi

Interior Layout



Elevation of subject property

STANDARDS OF REVIEW

A. **Adequacy of the size of the site for the use contemplated and whether or not the adequate land area is available for the proposed use including the provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located**

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

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

D. **Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.**

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

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H. **Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.**

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

J. **Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.**

STANDARDS OF REVIEW

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

L. **Whether the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.**

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

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

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

R. **Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.**

S. **Whether the proposed use would result in a disproportionate proliferation of that or similar uses in the subject character area.**

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

Staff Analysis

Base on the findings and conclusions, it appears the applicant meets all the criteria for approval. Therefore, staff recommends **APPROVAL** of **SLUP-21-001** the following conditions;

1. Allow a late-night establishment at 7300 Concourse Road. Late Night Establishment shall stop serving alcohol and close doors to new patrons by 2:00 am, and all guest shall be off the premises by no later than 2:30am
2. Compliance with the Stonecrest Noise Ordinance.
3. Minimum of one (1) outdoor security officer to provide security until a minimum of 30 minutes after closing.
4. Provide sanitation plan to City of Stonecrest. Sanitation plan will be approved by Director of Code Enforcement.
5. Capacity shall be subject to approval of the Fire Marshal's Office.
6. Obtain a shared parking agreement between other tenants at 7300 Concourse Road.
7. No dance floor.

SLUP-20-007 &008

5961 Chupp Way, Stonecrest, GA 30038

Petition Information

- APPLICANT: Fairington Road Center c/o Maffery Tucker Pickens

- LOCATION: 5961 Chupp Way

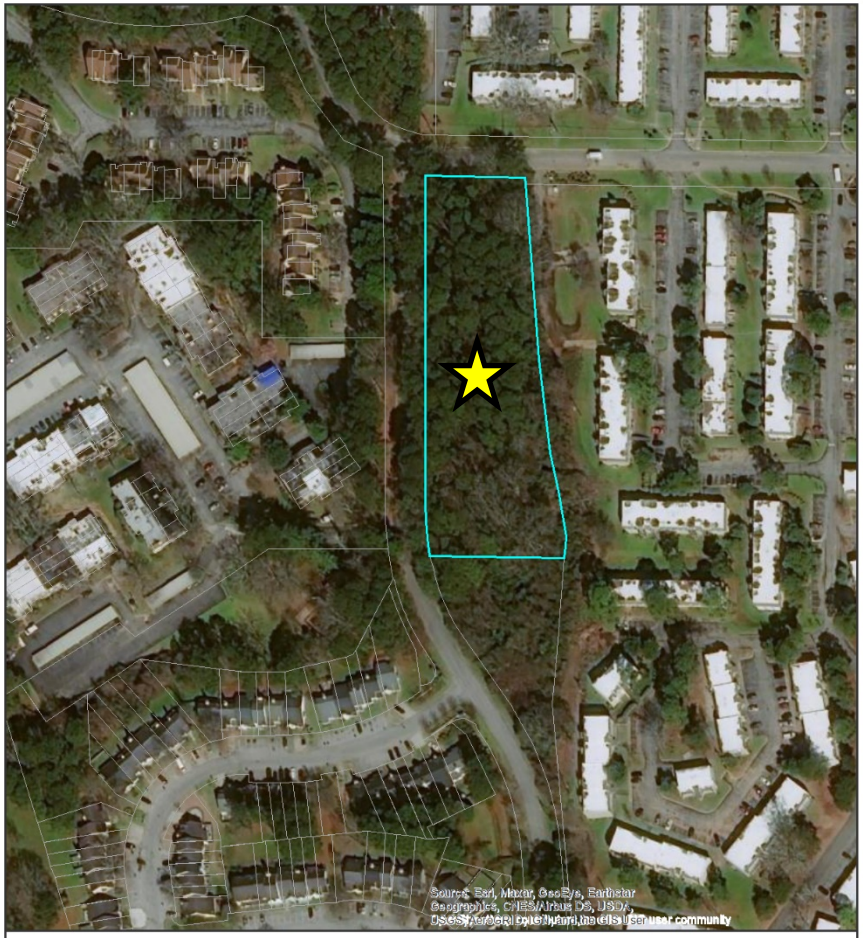
- ACREAGE: 2.2 Acres

- REQUEST: The applicant is requesting a special land use permits to construct a 6,000 square foot convenience store with the accessory fuel pump and alcohol outlet Sec 4.2.23 and Sec.4.2.8

General Information

- Current zoning: (M) Light Industrial District
- Future Land Use Character Area: Suburban
- Policies for this area emphasize:
  - Protect stable neighborhoods from incompatible development that could alter established single-family residential development pattern and density.
  - Promote street design that fosters traffic calming including narrower residential streets, on-street parking and the additional of bicycle and pedestrian facilities.
- Surrounding uses: Commercial and Residential.
- Surrounding zoning: C-1 and MR-1 (Med Density Residential) District

Aerial Map



ZONING CASE: **SLUP-20-007**

ADDRESS: **5961 Chupp Way**

CURRENT ZONING: **M (Light Industrial) District**

FUTURE LAND USE: **Suburban**

0 0.025 0.05 mi

Zoning Map

ZONING CASE: **SLUP-20-007**

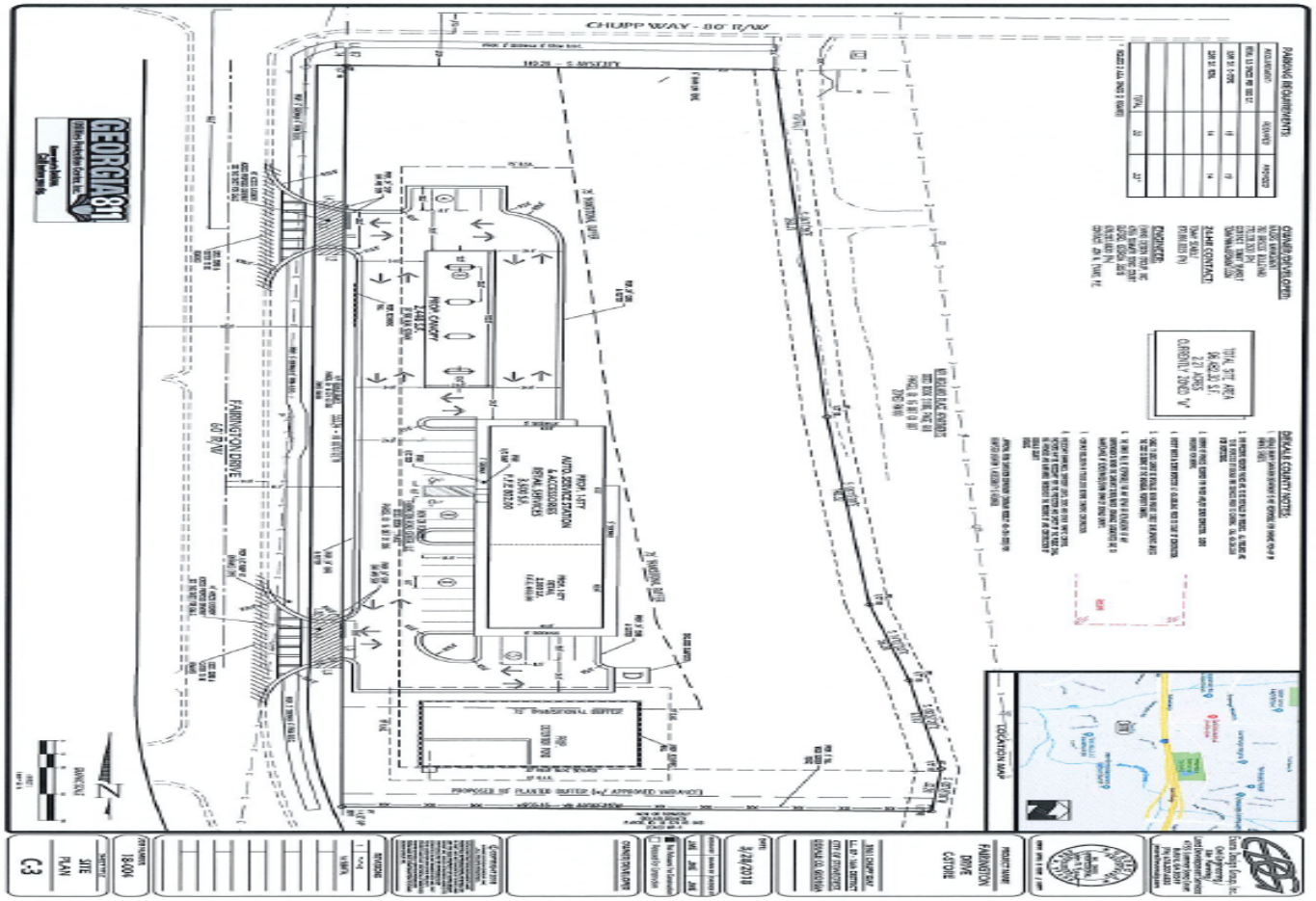
ADDRESS: **5961 Chupp Way**

CURRENT ZONING: **M (Light Industrial) District**

FUTURE LAND USE: **Suburban**

0 0.025 0.05 mi

Site Plan for Proposed Development


CHUPP WAY - 80' R/W
FARRINGTON DRIVE
60' R/W
PROPOSED 36' PLANTER (BUFFER 6 W/ APPROVED VARIANCE)
PROPOSED RETAIL SERVICE & ACCESSORIES
PROPOSED CANOPY
PROPOSED DUMPSTER ENCLOSURE
PROPOSED 24' ACCESS
PROPOSED 24' ACCESS
PROPOSED 24' ACCESS

Elevation of Commercial Development

Elevation of Commercial Development

STANDARDS OF REVIEW

A. **Adequacy of the size of the site for the use contemplated and whether or not the adequate land area is available for the proposed use including the provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located**

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

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

D. **Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.**

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

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

G. **Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.**

H. **Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.**

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

J. **Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.**

STANDARDS OF REVIEW

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

L. **Whether the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.**

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

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

O. **Whether the size, scale, and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale, and massing of adjacent and nearby lots and buildings**.

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

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

R. **Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.**

S. **Whether the proposed use would result in a disproportionate proliferation of that or similar uses in the subject character area.**

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

Staff Analysis

Base on the findings and conclusions, it appears the applicant does not meet all the criteria for approval; Therefore, Staff recommends, ***Denial of SLUP-20-007 AND SLUP-20-008.***

CITY COUNCIL AGENDA ITEM

SUBJECT: Ordinance for Rezoning Application
RZ-18-006 (6206 Covington Hwy)

(X) ORDINANCE **( ) POLICY** **( ) STATUS REPORT**

( ) DISCUSSION ONLY **( ) RESOLUTION** **( ) OTHER**

Date Submitted: 03/17/21 **Work Section:** **Council Meeting: 03/22/21**

SUBMITTED BY: Christopher Wheeler, Planning and Zoning Director

PURPOSE: To change the zoning from R-100 (Med Lot) to RSM (Small Lot Residential) and Special Land Use Permit for Child Day Care operation.

HISTORY: This application was original to be heard at the February 22nd, 2021 City Council Meeting. However, do advertising issues, the case was the push to the March 22nd City Council Meeting. The applicant requested to change their zoning to RSM and Special Land Use Permit to operate a child daycare center. The Planning Commission recommends approval of the application, with the conditions recommended by staff.

OPTIONS: Approve; Deny; or make Alternative conditions

RECOMMENDED ACTION:
Planning Commission recommended approval of petition RZ-21-001 & SLUP-21-002 at the February 2nd meeting with conditions.

ATTACHMENTS:
1 03/17/21 Staff Report
2 03/17/21 Power Point Presentation
3 03/17/21 Application

STONECREST
GEORGIA

Special Land Use Permit Application Checklist

(Incomplete applications will not be accepted)

- ☑ Pre-application meeting (A staff signed pre-application form must be submitted with application) 11/2/20 w/ whelter? Daniels
  - ☑ Completed application with all applicable information
  - ☑ Letter of intent
  - ☑ Public Participation Plan
  - ☑ ~~Environmental Site Analysis Form~~
- ☑ Complete and detailed site plan of the proposed use prepared, signed and sealed by an architect, landscape architect or engineer licensed in the State of Georgia, showing the following, as relevant:
  - All buildings and structures proposed to be constructed and their location on the property;
  - Height of proposed building(s);
  - Proposed use of each portion of each building;
  - All driveways, parking areas, and loading areas;
  - Location of all trash and garbage disposal facilities;
  - Setback and buffer zones required in the district in which such use is proposed to be located;
  - Landscaping plan for parking areas; and
  - All additional requirements outlined under page 4 (Site Plan Checklist)
- ☑ Written legal description of the property matching the site plan. "as built survey"
- ☑ Building elevations (attached residential & non-residential). " pictures of front/back side/side "
- ☑ Signed and notarized affidavits of all owners. Use attached sheet.
- ☑ Signed and notarized affidavits of all applicants. Use attached sheet.
- ☑ Electronic version of the entirety of your application submittal, saved as a single PDF.

Please respond to the following criteria based on the nature of your request, as required by state law and City of Stonecrest+ Zoning Ordinance (use additional pages where necessary):

Special Land Use Permit Criteria

Analyze the impact of the proposed rezoning and provide a written point-by-point response to the following questions:

a. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located;
b. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district;
c. Adequacy of public services, public facilities, and utilities to serve the use contemplated;
d. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area;
e. Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use;
f. Ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency;
g. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use;
h. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use;

THE CITY OF STONECREST GEORGIA

Special Land Use Permit Application

Applicant Information

Name: Shanteria Vaughn		
Address: 5259 Winding Glen Drive	Lithonia, GA 30038	
Phone: 404-918-0457	Fax: N/A	Email alphakidsacla@gmail.com
Owner's Name: Byron Wilson		
Owner's Address: 3174 miller Rd. Lithonia, GA. 30038		

Owner Information

Phone: 678-615-3436	Fax: 678-615-3503	Email VShanteria@yahoo.com
Property Address: 3174 Miller Road	Acreage: ~~5~~ 3 acres	
Parcel ID: 16 023 02 031		
Current Zoning Classification: R-100		
Proposed Use of Property: Childcare Center / Facility		

Is this development and/or request seeking any incentives or tax abatement through the City of Stonecrest or any entity that can grant such waivers, incentives, and/or abatements? O Yes ✓ No

Property Information

Property Information:

- The property has obtained its status as a prestigious learning center / academy for 20 plus years.

- Spacious - two levels 5,000 sf. on 3 acres

Affiddavit

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

Applicant's Name: Shanteria Vaughn

Applicant's Signature: Shanteria Vaughn Date: 11/4/20

Sworn to and subscribed before me this 4th Day of Nov 20 20

Notary

Notary Public: Takeila Jackson

Signature: Takeila Jackson

My Commission Expires: 12-13-2023

TAKEILA JACKSON NOTARY PUBLIC DEKALB COUNTY, GA Comm. Exp. GEORGIA Dec. 13, 2023

☐ Application Fee ☐ Sign Fee ☐ Legal Fee

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

☐ Approved ☐ Approved with Conditions ☐ Denied Date:

08-03-2017

3174 Miller Road

Stonecrest, GA. 30038

Special Land Use Permit Criteria

A. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located;

-The proposed childcare and learning center is 5,760 Sq. Ft., and has suitable parking. The site is adequate for all requirements.

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

-The proposed childcare and learning center is compatible with the adjacent properties and land uses.

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

-The proposed childcare and learning center is located within a residential neighborhood, and there is adequate access to public services, public facilities and all utilities.

D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestions in the area;

-The proposed childcare and learning center is located on Miller Road; Miller Road is a local street and there should be no impact on the traffic patterns.

E. Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use;

-The proposed childcare and learning center use will not affect any preexisting sites or land uses along the route to the site.

F. Ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency;

-The proposed childcare and learning center is safely accessed by automotive vehicles, access is convenient as there is no problem with traffic flow and control; access during any emergency event such as fire is open.

G. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use;

-The proposed childcare and learning center will not create any adverse impacts on any adjoining land by noise, smoke, odor, dust, or vibration generated by the use of the proposed.

H. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use;

-The proposed childcare and learning center will operate during the hours of 6AM – 7PM, Monday through Friday, and will not create adverse impacts on any adjoining land because all services will be provided inside the center.

I. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use;

-The proposed childcare and learning center will not create any adverse impacts on any adjoining land use due to the manner of operation.

J. Whether or not the proposed plan is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located;

-The proposed childcare and learning center is zoned Residential. A Special Land Use Permit is required for the operation for more than six children.

K. Whether or not the proposed use is consistent with the policies of the comprehensive plan;

-The proposed childcare and learning center will be consistent with policies of the "Stonecrest Comprehensive Plan 2038"; the comprehensive plan state Policy CF-6 "Ensure that community facilities or neighborhood schools that are no longer utilized for their

-The proposed building satisfies the requirements due to it being a residential building that will be converted into a childcare and learning center.

R. Whether or not the proposed building as a result of its proposed height will create a negative shadow impact on any adjoining lot or building;

-The proposed building is a one-story building and does not create a negative shadow impact on any adjoining lot or building.

S. Whether the proposed use would result in a disproportionate proliferation of that or similar uses in the subject character area; and

-The proposed should not result in a disproportionate proliferation of this similar service.

T. Whether the proposed use would be consistent with the needs of the neighborhood or to the community as a whole, be compatible with the neighborhood;

-The proposed childcare and learning center would be consistent with the needs of the neighborhood and community as a whole, the childcare and learning center would provide a needed service to children within the community who deserve a high-quality education.

Campaign Disclosure Statement

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

☐ Yes ☑ No

Applicant / Owner	
	Signature:
	Address: 5259 Winding Glen Dr. Lithonia, GA. 30038
	Date: 11/04/2020

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

Date	Government Official	Official Position	Description	Amount

Shanteria Vaughn
5259 Winding Glen Drive
Stonecrest, Georgia 30038
(404) 918-0451

Mr. Christopher Wheeler
Planning and Zoning Director
City of Stonecrest
3120 Stonecrest Blvd
Stonecrest, GA 30058

Stonecrest Special Land Use Permit

Re: Letter of Intent

Dear Mr. Wheeler;

My name is Shanteria Vaughn and I am proposing to open and operate a Childcare Learning Center for more than six children. Currently the property is located at 3174 Miller Road and is zoned residential. The property is located in Dekalb County, Stonecrest, GA. Please accept this letter as my intent to acquire a Special Land Use Permit in order to operate a Childcare Learning Center.

I am an Educator who has worked in the Education Sector for over six years, and have earned my Specialist in Educational Leadership. I have worked with children on various levels and have a sincere passion to help children become the best and brightest learners they can be. As an educator, I have seen first-hand how children who have not received a quality primary education, fall behind once they matriculate to traditional school settings. I endeavor to provide children a firm foundation in their learning, so they are able to achieve continued success. My intention is to immerse the children in Science, Technology, Reading, Engineering, Arts & Mathematics (S.T.R.E.A.M). With a commitment to excellence and knowing what children are required to know once they enter Elementary School, I recognize the need for quality childcare services in the Stonecrest area.

It is my intention to provide a safe, comfortable, and enriching environment for every child enrolled in the Childcare and Learning Center. The Childcare and Learning Center will seek National Accreditation as well as Quality Rated Credentialing to ensure each child is given a successful foundation in our Center. We intend to abide by the State Rules and Regulations as specified by Georgia's Bright From The Start, Department of Early Care and Learning.

Thank you for your time and consideration,

Sincerely,

Shanteria Vaughn

Shanteria Vaughn
5259 Winding Glen Drive
Stonecrest, Georgia 30038
(404) 918-0451

Greetings Neighbor,

My name is Shanteria Vaughn and I am interested in opening and operating a Childcare Learning Center. I will be hosting a meeting to discuss my plans with all of you. Due to the current state of COVID-19 the meeting will be virtually via zoom. The meeting date will be Monday December 21, 2020 at 7:00 p.m. Please be in attendance as I would love to answer any questions you may have, and address any concerns.

Thank you,

Shanteria Vaughn

Shanteria Vaughn is inviting you to a scheduled Zoom meeting.

Topic: Community Meeting for 3174 Miller Road

Time: Monday Dec 21, 2020 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

https://tinyurl.com/y4yfg73a

Meeting ID: 374 032 4795

Community Meeting Sign in Sheet

Due to the current state of COVID-19 the Sign in sheet has to be completed electronically. Please use your **smart device to scan the QR Code below** *OR* **sign in via Zoom** Community meeting.

https://tinyurl.com/y4yfg73a

SCAN ME

Shanteria Vaughn is inviting you to a scheduled Zoom meeting.

Topic: Community Meeting for 3174 Miller Road

Time: Monday Dec 21, 2020 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

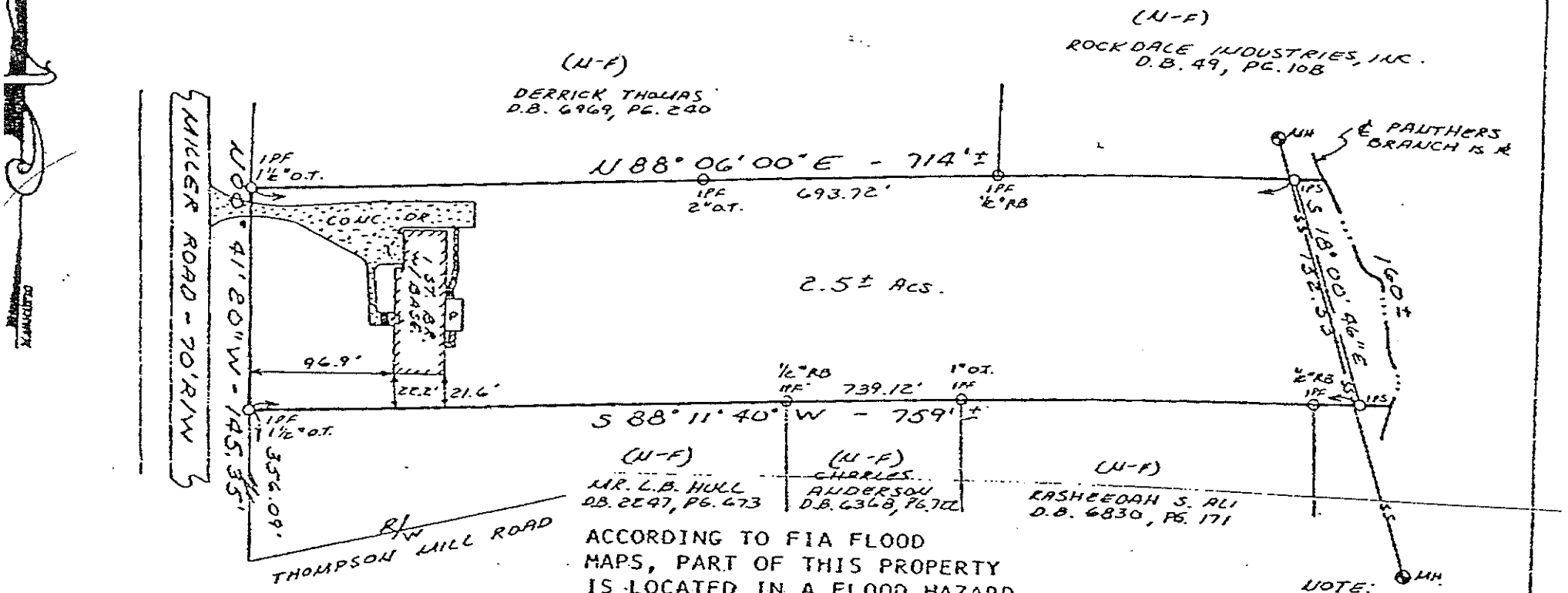
https://tinyurl.com/y4yfg73a

Meeting ID: 374 032 4795

ADDRESS: 3174 MILLER ROAD

*As built survey

3174 Miller Road



ACCORDING TO FIA FLOOD MAPS, PART OF THIS PROPERTY IS LOCATED IN A FLOOD HAZARD AREA. THE DWELLING ON THIS PROPERTY IS NOT LOCATED IN THE FLOOD HAZARD AREA.

JOB# 1151-92

D.B. ____ PG. ____

GEORGIA REGISTERED No. 2545 PROFESSIONAL LAND SURVEYOR

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.

STATE OF GEORGIA
REGISTERED LAND SURVEYOR
R.L.S. #2545

ST
ETRO
URVEYORS &
NGINEERS, INC.

1000 IRVIN REDDY ROAD

SURVEY FOR:

THE DISCOVERY LEARNING CENTER, INC.

LOT#: BLOCK:

SUBDIVISION:

LAND LOT(S): 23 16TH. DISTRICT

DEKALB COUNTY, GEORGIA

SCALE: 1" = 100' DATE: 6-29-92

A TOPCON GTS 3-D TOTAL STATION WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 15,000+ FEET AND AN ANGULAR ERROR OF 05 SEC. /ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS MATHEMATICALLY CORRECT.

DISCOVERY ACADEMY

STONECREST

Property Owner(s)
Notarized Certification

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

Property Owner (If Applicable)

Signature:		Date: 11/4/20
Address: 3174 MILLER RD	City, State: LITHONIA, GA	Zip: 30038
Phone: 678-615-3436		

Sworn to and subscribed before me this 4 day of November, 2020

Notary Public: [signature]

R Weaks
My Commission Expires
Notary
Public
November 4, 2022
DeKalb County, Georgia

Property Owner (If Applicable)

Signature:		Date:
Address:	City, State:	Zip:
Phone:		

Sworn to and subscribed before me this_____day of_____, 20_____

Notary Public:

Property Owner (If Applicable)

Signature:		Date:
Address:	City, State:	Zip:
Phone:		

Sworn to and subscribed before me this_____day of_____, 20_____

Notary Public:

STONECREST

Applicant/Petitioner
Notarized Certification

Petitioner states under oath that: (1) he/she is the executor or Attorney-In-Fact under a Power-of- Attorney for the owner (attach a copy of the Power-of-Attorney letter and type name above as "Owner"); (2) he/she has an option to purchase said property (attach a copy of the contract and type name of owner above as "Owner"); (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease and type name of owner above as "Owner").

Applicant / Petitioner

Signature: [signature] Date: 11/4/20

Address: 5259 Winding Glen Dr. City, State: Lithonia, GA Zip: 30038

Phone: 404-918-0451

Sworn to and subscribed before me this 4th day of Nov, 2020

Notary Public: [signature]

TAKEILA JACKSON NOTARY Comm. Exp. GEORGIA Dec. 13, 2023 PUBLIC DEKALB COUNTY, GA

Attorney / Agent

Signature: [signature] Date: 11-4-20

Address: 600 South Central City, State: Hapeville GA Zip: 30354

Phone: 470 747-6550

Sworn to and subscribed before me this 4th day of Nov, 2020

Notary Public: [signature]

TAKEILA JACKSON NOTARY Comm. Exp. GEORGIA Dec. 13, 2023 PUBLIC DEKALB COUNTY, GA

THE WILSON ACADEMY

FOR

OWNER: BYRON F WILSON

3174 MILLER ROAD
LITHONIA GA 30038

ABBREVIATIONS

@ – AT
A/C – AIR CONDITION
A.C.T. – ACOUSTICAL CEILING TILE
A.F.F. – ABOVE FINISH FLOOR
ALUM. OR AL. – ALUMINUM
ANOD. – ANODIZED
APPROX. – APPROXIMATE
BD. – BOARD
BLDG. – BUILDING
BOT. – BOTTOM
C.O. – CASED OPENING
C.J. – CONTROL JOINT
C.T. – CERAMIC TILE
C. – CENTER LINE OR COLUMN LINE
CLG. – CEILING
CLR. – CLEAR
COL. – COLUMN
CMU. – CONCRETE MASONRY UNITS
CONC. – CONCRETE
CONT. – CONTINUOUS

D.S. – DOWNSPOUT
DBL. – DOUBLE
DEMO. – DEMOLITION
DEPT. – DEPARTMENT
D.F. – DRINKING FOUNTAIN
DIA. – DIAMETER
DIM. – DIMENSION
DISP. – DISPENSER
DISPL. – DISPOSAL
DWGS. – DRAWINGS
DTL. – DETAIL
E.F. – EXHAUST FAN
E.I.F.S. – EXTERIOR INSULATION FINISH SYSTEM
EA. – EACH
EQ. – EQUAL
ELEC. – ELECTRICAL
ELEV. – ELEVATION
EQUIP. – EQUIPMENT
EXIST. – EXISTING
EXT. – EXTERIOR
F.D. – FLOOR DRAIN
F.E. – FIRE EXTINGUISHER
F.F. – FINISH FLOOR
F.F.E. – FINISH FLOOR ELEVATION
F.O.B. – FACE OF BRICK
F.O.C. – FACE OF CONCRETE
F.O.M. – FACE OF MASONRY
F.O.S. – FACE OF STUD
F.R.P. – FIBERGLASS REINFORCED PANELS
FLR. – FLOOR
FOUND. OR FDN. – FOUNDATION
FTG. – FOOTING
FT. – FOOT

G.C. – GENERAL CONTRACTOR
GA. – GAGE OR GAUGE
GYP.BD. – GYPSUM WALL BOARD
H. – HIGH
H. OR H.C. – HANDICAP
N NO.– NUMBER
HCA – HANDICAP ACCESSIBLE
H.P. – HAIRPIN BAR
H.D. – HUB DRAIN

HORIZ. – HORIZONTAL
HT. – HEIGHT
INSUL. – INSULATION
JST. – JOIST
JT. – JOINT
L.F. – LINEAR FOOT
L.L.H. – LONG LEG HORIZONTAL
L.L.V. – LONG LEG VERTICAL
LAV – LAVATORY

M.C.J. – MASONRY CONTROL JOINT
M.C. – MASONRY COLUMN
M.S. – METAL STUD
MANUF. – OR MFR. – MANUFACTURER
MAX. – MAXIMUM
MECH. – MECHANICAL
MEZZ. – MEZZANINE
MIN. – MINIMUM
MISC. – MISCELLANEOUS
M.O. – MASONRY OPENING
MTL. – METAL
N.I.C. – NOT IN CONTRACT
N.R.P. – NON–REMOVABLE PIN
N.T.S. – NOT TO SCALE
O.C. – ON CENTER
O.F.C.I. – OWNER FURNISH, CONTRACTOR INSTALL
O.F.O.I. – OWNER FURNISH, OWNER INSTALL
O.H. – OVERHEAD
PART. – PARTITION
PL. – PLATE
PLUMB. – PLUMBING
PNL. – PANEL
POLY. – POLYETHELENE
PRE–FIN OR P.F. – PRE–FINISH
PSF. – POUNDS PER SQUARE FOOT
PSI. – POUNDS PER SQUARE INCH
P.T. – PRESSURE TREATED
PT. – PAINT
Q.T. – QUARRY TILE
R. – RISER
REF. – REFERENCE
REINF. – REINFORCE
REQ'D. – REQUIRED
R.O. – ROUGH OPENING
SAN. – SANITARY SEWER
S.F. – SQUARE FOOT
S.N.D. – SANITARY NAPKIN DISPENSER
S.P.J. – SECOND POUR JOINT
S.R. – SPRINKLER RISER
S.S. – STAINLESS STEEL
S. – STRUCTURE LINE
SPECS. – SPECIFICATIONS
ST. – STAIN
STL. – STEEL
STRUCT. – STRUCTURAL
S.S. – STAINLESS STEELN
T.D.S. – TURNED DOWN SLAB
T/F. – TOP OF FOOTING
T.O.C. – TOP OF CONCRETE
T.O.S. – TOP OF STEEL
T.O.W. – TOP OF WALL
T.S. – THICK SLAB
TEMP. – TEMPERED
TR. – TREADS
TYP. – TYPICAL
U – URINAL
U.L. DES. NO. – UNDERWRITIERS LABROTORIES DESIGN
U.N.O. – UNLESS NOTED OTHERWISE
V.C.T. – VINYL COMPOSITION TILE
VERT. – VERTICAL
VWC. – VINYL WALL COVERING
VXB. – VERTICAL "X" BRACING
W. – WIDE
W/ – WITH
W/H. – WATER HEATER
W.R. – WATER RESISTANT
WD. – WOOD
WF. – WALL FOOTING
W/C – WATER CLOSET

DEKALB COUNTY BUILDING PLAN REVIEW

DEPARTMENT OF PLANNING, SUSTAINABILITY, AND DEVELOPMENT
330 WEST PONCE DE LEON AVENUE
DECATUR, GA 30030

PLANNING SERVICES: 404–371–2155
PERMITS: 404–371–4915
STRUCTURAL INSPECTION: 404–371–2317

PROJECT SCOPE: Obtain C/O for existing business – The Wilson Academy School – with NO remodel or new construction work, building structure or site.

BUILDING CODE:

PROJECT CRITERIA: PLAN REVIEW IS BASED ON THE FOLLOWING INFORMATION:

STR'L. ENG.: MACON E. GOOCH, III. PHONE #: 678–442–1198. GA. STATE REGIS. #:8889.
A. OCCUPANCY CLASSIFICATION: GROUP E (INSTITUTIONAL EDUCATION)
B. TYPE OF CONSTRUCTION: V SPRINKLERED (YES OR NO): YES
C. SEISMIC: HAZARD EXPOSURE GROUP 1 SEISMIC DESIGN CATEGORY: C SITE CLASS: D
D. TOTAL INTERIOR FINISH AREA IN SQUARE FEET: 5,760 SF
E. FLOOR LEVEL: [TOTAL NUMBER OF STORIES IN BUILDING 2]
BUILDING HEIGHT (FT.) 14'–6". PER SBC 35'–0". PER DC ORD. 35'–0".
F. CALCULATED OCCUPANCY LOAD: ~~100 GROSS AREA = 5,760 SQ. FT. ÷ (100) = (96) OCCUPANTS, PLUS PORCH~~
G. REQUIRED MINIMUM FLOOR LIVE LOADS (P.S.F.): 80 PSF.
H. ALL BUILDINGS DESCRIBED IN THESE PLANS SHALL BE CONSTRUCTED IN COMPLIANCE WITH THE DEKALB COUNTY CONSTRUCTION CODE AND INCLUDES REVISIONS, AMENDMENTS AND APPENDICES TO THE FOLLOWING LISTED CODES:

SEE ATTACHED REPORT

SEE ATTACHED REPORT

1) INTERNATIONAL BUILDING CODE – 2006 EDITION WITH 2007, 2009, & 2010 GEORGIA AMENDMENTS
2) INTERNATIONAL MECHANICAL CODE – 2006 EDITION WITH 2007, 2008, 2010, & 2012 GEORGIA AMENDMENTS
3) INTERNATIONAL FUEL GAS CODE – 2006 EDITION WITH 2007, 2008, 2009, 2010, & 2012 GEORGIA AMENDMENTS
4) INTERNATIONAL PLUMBING CODE – 2006 EDITION W/ITH 2007, 2008, 2009, 2010, 2011 & 2012 GEORGIA AMENDMENTS
5) NFPA NATIONAL ELECTRIC CODE – 2011 EDITION W/O AMENDMENTS
6) INTERNATIONAL ENERGY CONSERVATION CODE – 2009 EDITION WITH 2011 & 2012 GEORGIA AMENDMENTS.
7) STANDARD SWIMMING POOL CODE – 1994 EDITION WITH 2000 GEORGIA AMENDMENTS
8) INTERNATIONAL RESIDENTIAL CODE – 2006 EDITION WITH 2007, 2008, 2009, 2010, 2011 & 2012 GEORGIA AMENDMENTS
9) GEORGIA EROSION AND SEDIMENTATION ACT OF 1975, THIRD EDITION, 1992.
10) NFPA FOR FIRE PROTECTION AND LIFE SAFETY NFPA 101 2000 EDITION
11) NFPA CODES AND STANDARDS AS ADOPTED AND MODIFIED BY THE STATE FIRE MARSHALL TITLE 25 OCGA, TITLE 30 OCGA GEORGIA ACCESSIBILITY CODE.
12) INTERNATIONAL FIRE CODE 2006 EDITION WITH 2007 & 2010 GEORGIA AMEMDMENTS
13) ALL DISABLED ACCESSIBLE REQUIREMENTS SHALL REFERENCE THE GEORGIA ACCESSIBILITY CODE, 120–3–3.

ALL DISABLED ACCESSIBILE REQUIREMENTS SHALL REFERENCE THE GEORGIA ACCESSIBILITY CODE, 120–3–3.

GENERAL NOTES:
1. IDENTIFICATION OF FIRE BARRIERS SHALL BE BY SIGN OF STENCILING PERMANENTLY INSTALLED ABOVE ANY DECORATIVE CEILING AND/OR IN CONCEALED SPACES. THE LETTERING SHALL BE 2" IN HEIGHT AND SPACED EVERY 12 FT. THE FOLLOWING WORDING IS RECOMMENDED: "1 HOUR FIRE AND SMOKE BARRIER, PROTECT ALL OPENINGS" (TITLE 25 STATE FIRE MARSHALL'S RULES AND REGULATIONS CHAPTER 120–3–3).

NOTE:
EACH WINDOW AND DOOR LOCATED IN WALLS WHICH SEPARATE CONDITIONED AND UNCONDITIONED SPACE (INCLUDING BUILDING EXTERIOR) SHALL BE LABELED BY THE MAUFACTURER TO CERTIFY COMPLIANCE WITH THE REQUIREMENTS OF NATIONAL FENESTRATION RATING COUNCIL PER NFRC 100 AND 200 FOR FIELD VERIFICATION BY THE INSPECTOR (CMEC SECTION 102.3). AS AN ALTERNATIVE, SPECIFY THE THERMAL TRANSMITTANCE (U–VALUE) FOR EACH DOOR AND WINDOW WHICH SHALL NOT BE LESS THAN THE APPLICABLE DEFAULT VALUE LISTED IN CMEC TABLE 102.3.

NOTES

1. SIGNS ARE NOT APPROVED WITHIN THE SCOPE OF THIS BUILDING PERMIT. A SEPARATE SIGN LOCATION PERMIT IS REQUIRED FOR EACH SIGN.
2. SMOKING IS PROHIBITED IN ALL ENCLOSED PUBLIC PLACES AND IN ALL ENCLOSED AREAS WITHIN PLACES OF EMPLOYMENT IN ACCORDANCE WITH DEKALB COUNTY CLEAN INDOOR AIR ORDINANCE.
   A SIGN CLEARLY STATING THAT SMOKING IS PROHIBITED SHALL BE CONSPICUOUSLY POSTED BY THE BUILDING OWNER, AGENT, OPERATOR, PERSON IN CHARGE OR PROPRIETOR AT EACH ENTRANCE OR IN A POSITION CLEARLY VISIBLE UPON ENTRY INTO THE BUILDING IN ACCORDANCE WITH GEORGIA SMOKEFREE AIR ACT OF 2005. ACCEPTABLE SIGNS SHALL DISPLAY EITHER "NO SMOKING" OR THE INTERNATIONAL "NO SMOKING" SYMBOL (CONSISTING OF A PICTORAL REPRESENTATION OF A BURNING CIGARETTE ENCLOSED IN A RED CIRCLE WITH A RED BAR ACROSS IT).
3. NO CONSTRUCTION TRAILER WILL BE USED ON THIS SITE.
4. FE = 2A10BC3 FIRE EXTINGUISHER HUNG 48" A.F.F. TO TOP OF EXTINGUISHER. LOCATE ONE FIRE EXTINGUISHER PER UNIT.
5. NO STORAGE SHELVING INCLUDED UNDER THIS PERMIT APPLICATION. TENANT SHALL SUBMIT SEPARATE APPLICATION FOR STORAGE SHELVING TO WALTON COUNTY BUILDING DEPARTMENT.
6. ALL CONSTRUCTION SHALL COMPLY WITH SECTIONS 102.5.2, 701.2 AND TABLE 701 OF IECC WITH GEORGIA SUPPLEMENTS AND AMENDMENTS.
7. NO INTERIOR FINISH UNDER THIS PERMIT EXCEPT AS INDICATED.
8. INDIVIDUAL SUITES SHALL OBTAIN SEPARATE (INDIVIDUAL) UPFIT PERMIT PRIOR TO CONSTRUCTION.
9. FIRE SPRINKLER CONTRACTOR SHALL OBTAIN A FIRE SPRINKLER SYSTEM PERMIT FROM THE COUNTY FIRE MARSHAL. SPRINKLER PLANS INCLUDED IN THIS SET OF PLANS ARE FOR REFERENCE ONLY – NOT FOR PERMIT. CONTACT FIRE MARSHAL'S OFFICE PRIOR TO INSTALLATION. ANY PLANS FOR FIRE–PROTECTION SPRINKLER PIPING INCLUDING COMPLETE SEISMIC SUPPORT DETAILS SHALL BE REVIEWED AND APPROVED BY THE WALTON COUNTY FIRE MARSHAL'S OFFICE, PRIOR TO INSTALLATION, FOR COMPLIANCE WITH SBC 1621.2.8 AND NFPA 13.
10. GENERAL CONTRACTOR SHALL PROVIDE SUITE DESIGNATION SIGNAGE ON ALL EXTERIOR DOORS; SIGNAGE SHALL BE A MINIMUM SIZE OF 4".

FIRE MARSHALL INSPECTION:

CONTACT THE DEKALB COUNTY FIRE MARSHALL'S (INSPECTION REQUEST LINE) AT (404) 371–6208 FOR INSPECTIONS AT 50%, 80% AND 100% COMPLETION.
NOTE: (50%) INSPECTION OF FLOOR, CEILING PENETRATIONS. (80%) INSPECTION OF ANY FIRE RATED BARRIERS, FLOOR OR CEILING. (100%) FINAL INSPECTION: ALL SYSTEMS, EQUIPMENT INSTALLED AND OPERATING, READY FOR OCCUPANCY. THE INSPECTION REQUEST MUST BE PHONED IN BEFORE 2:00 pm THE DAY PRIOR TO THE DATE THE INSPECTION IS NEEDED.

OWNER/DEVELOPER:
BYRON F WILSON
3174 MILLER ROAD
LITHONIA, GEORGIA 30038
PH: 770–679–0645
FAX: 678–591–1044

MECHANICAL, ELECTRICAL AND PLUMBING
MACON E. GOOCH III
BUILDING CONSULTANTS, INC.
1383 DUNCAN LANE
AUBURN, GA 30011
CONTACT: DON AIKEN
PH: 678–442–1198
FAX: 678–975–7485

STRUCTURAL
MACON E. GOOCH III
BUILDING CONSULTANTS, INC.
1383 DUNCAN LANE
AUBURN, GA 30011
CONTACT: DON AIKEN
PH: 678–442–1198
FAX: 678–975–7485

ARCHITECTURAL
MACON E. GOOCH III
BUILDING CONSULTANTS, INC.
1383 DUNCAN LANE
AUBURN, GA 30011
CONTACT: RANDALL HENLEY
PH: 770–339–7957

DRAWING INDEX

GENERAL DRAWINGS

G1 – COVER SHEET
G2 – GENERAL NOTES

ARCHITECTURAL DRAWINGS

A1 – EXISTING MAIN FLOOR PLAN
A2 – EXISTING BASEMENT FLOOR PLAN

AS–IS
DEKALB COUNTY DEVELOPMENT DEPT.
STRUCTURAL PLANS REVIEW DIVISION
Approval subject to final field inspections and all applicable codes and ordinances.
DATE 4-29-14
RDARMSTRONG, PE
859547

DEKALB COUNTY DEVELOPMENT DEPT.
BUILDING – ZONING DIVISION
This department is not responsible for any errors or omissions by engineers or other design professionals on design or county code requirements of this project

PLUMBING, MECHANICAL, GAS, AND ELECTRICAL SECTIONS OF THIS PLAN HAVE NOT BEEN REVIEWED FOR COMPLIANCE WITH THE TECHNICAL CODES.

APPROVED
DEKALB COUNTY FIRE MARSHAL DIVISION
APPROVAL IS SUBJECT TO THE FINAL INSPECTION AND ALL APPLICABLE CODES AND ORDINANCES.
DATE 04-14-14
BY E.R. WITHERSPOON
859547 – R

NOTICE
SEE COMMENTS LISTED IN THE FIRE MARSHAL DIVISION REVIEW REPORT. A COPY IS ATTACHED. THE REPORT IS A FORMAL PART OF THE APPROVAL.

ISSUED FOR CONSTRUCTION

THESE CONSTRUCTION DOCUMENTS AND PRINTED REPRODUCTIONS, IN WHOLE OR IN PART, ARE INSTRUMENTS OF SERVICE AND THE SOLE PROPERTY OF MACON E. GOOCH III BUILDING CONSULTANTS INC. AND SHALL NOT BE REPRODUCED OR CONVEYED IN ANY MANNER, NOR ARE THEY TO BE USED FOR ANY OTHER PURPOSES OTHER THAN THAT AUTHORIZED BY MACON E. GOOCH III WITHOUT WRITTEN PERMISSION FROM AND DUE COMPENSATION TO MACON E. GOOCH III BLDG CONSULTANTS.
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REVISION	DATE	APPROVED	DESCRIPTION

MACON E. GOOCH III
BUILDING CONSULTANTS
1383 DUNCAN LANE
AUBURN GEORGIA 30011
TEL 678–442–1198
FAX: 678–975–7485
MEG

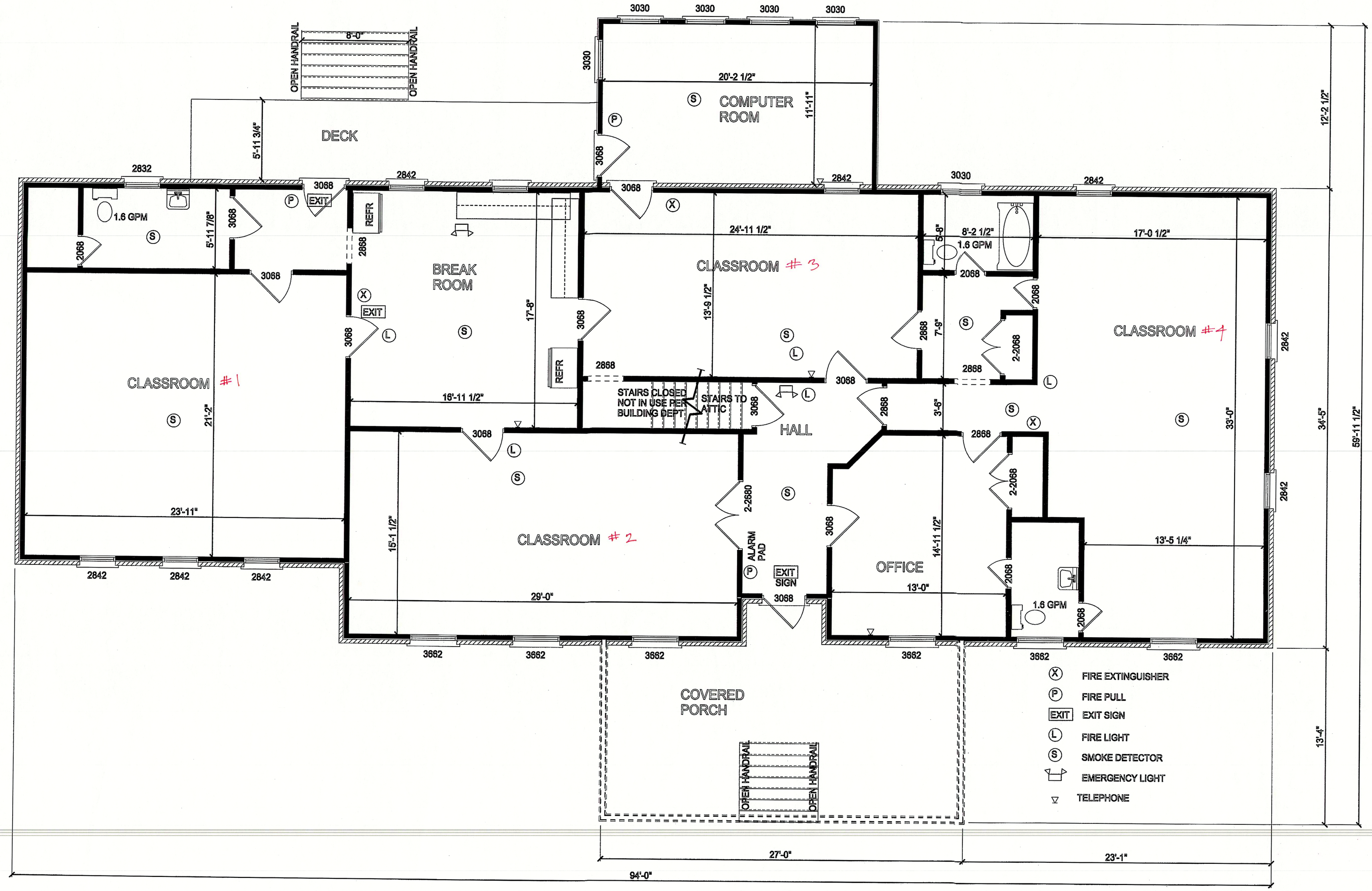
GEORGIA REGISTERED No. 8889 PROFESSIONAL ENGINEER MACON E. GOOCH, III

THE WILSON ACADEMY
3174 MILLER ROAD
LITHONIA, GEORGIA 30038

DESIGN	RH	3/12/2014
DRAWN	RH	3/12/2014
CHECKED	MEG	3/12/2014
PROJECT #:		

SHEET G1 OF

859547-R



EXISTING MAIN FLOOR PLAN

SCALE: 1/4"=1'-0"

OCCUPANT LOAD 96
MAIN FLOOR 3364 HEATED SF
BASEMENT 2396 HEATED SF
FRONT PORCH 366
CONSTRUCTION TYPE SPRINKED, PROTECTED
OCCUPANCY TYPE

REVISION	DATE	APPROVED	DESCRIPTION

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BUILDING CONSULTANTS
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TEL: 678-442-1198
FAX: 678-975-7485

GEORGIA REGISTERED No. 8859 PROFESSIONAL ENGINEER MACON E. GOOCH, III

The Wilson Academy
Byron F Wilson
3174 Miller Road
Lithonia, Ga 30038
770-679-0645
678-591-1044
headmaster@thewilsonacademy.org

DESIGN	JDA	3/17/2014
DRAWN	CAD	3/17/2014
CHECKED	MEG	3/17/2014

PROJECT #:

SHEET A1

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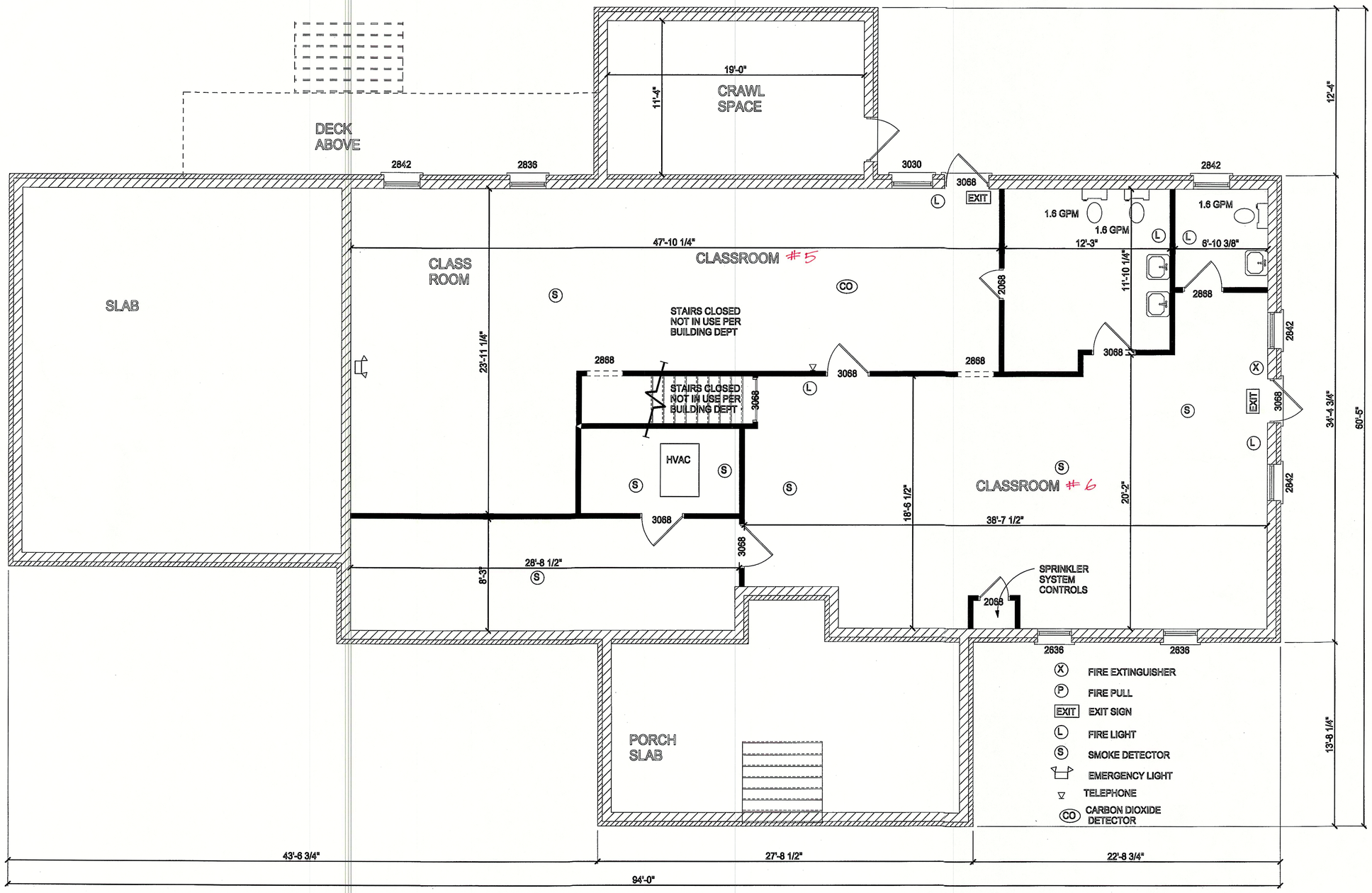

EXISTING BASEMENT FLOOR PLAN

SCALE: 1/4"=1'-0"

REVISION	DATE	APPROVED	DESCRIPTION

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headmaster@thewilsonacademy.org

DESIGN	JDA	3/17/2014
DRAWN	CAD	3/17/2014
CHECKED	MEG	3/17/2014

PROJECT #:

SHEET A2

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PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

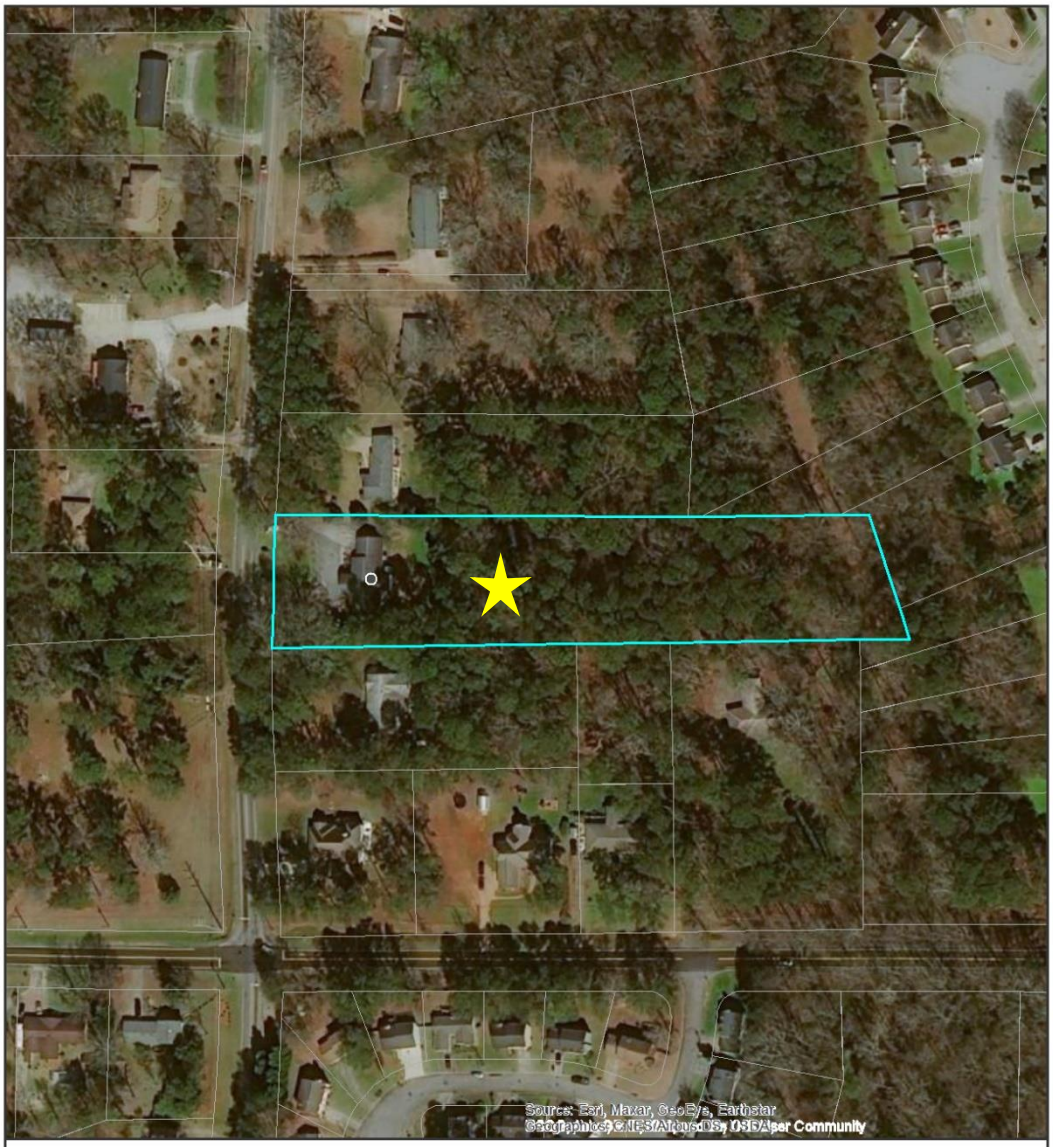
RZ-21-001/SLUP-21-002

Planning Commission February 2nd, 2021 / Mayor and City Council Meeting February 22nd, 2021

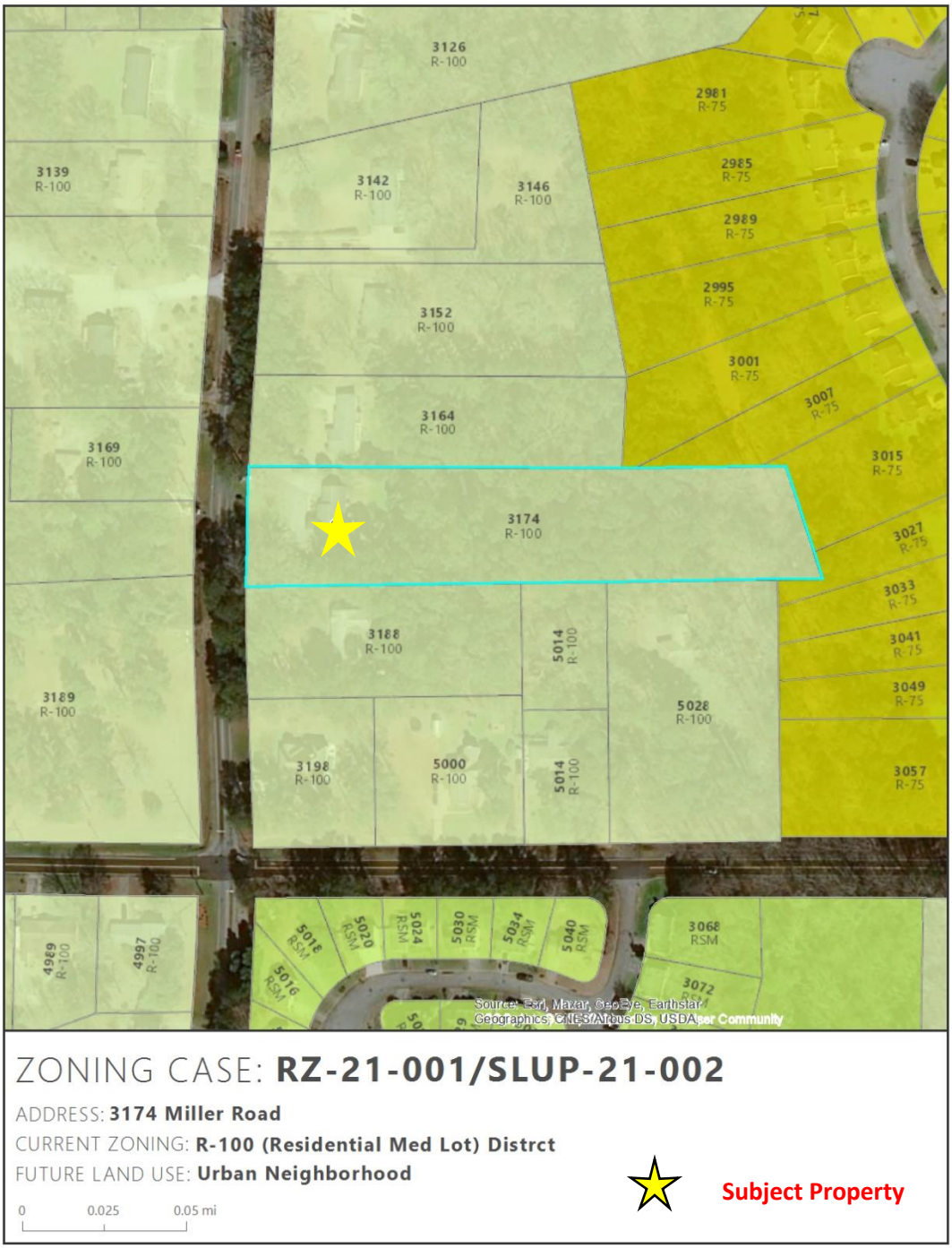
GENERAL INFORMATION

Petition Number:	RZ-21-002 / SLUP-21-002
Applicant:	Alphabet Daycare c/o Shanteria Vaughn
Owner:	Wilson Academy Incorporated
Project Location:	3174 Miller Rd
District:	District 4
Acreage:	1.66 acres
Existing Zoning:	R-100 (Residential Med Lot) District
Proposed Zoning:	RSM (Small Lot Residential Mix) District
Comprehensive Plan Community: Area Designation	Urban Neighborhood
Proposed Development/Request:	The applicant is requesting to rezone the subject properties from R-100 to RSM (Small Lot Residential Mix) District and Special Land Use permit to operate a Child Day Care center per Sec.4.19. of the Stonecrest Zoning Ordinance
Staff Recommendations:	**Approval with conditions**
Planning Commission:	**Approval with conditions**

Aerial Map


Source: Esri, Maxar, GeoEye, Earthstar
ZONING CASE: RZ-21-001/SLUP-21-002
ADDRESS: 3174 Miller Road
CURRENT ZONING: R-100 (Residential Med Lot) Distrct
FUTURE LAND USE: Urban Neighborhood
0 0.025 0.05 mi
Subject Property

Zoning Map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R-100
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R-75
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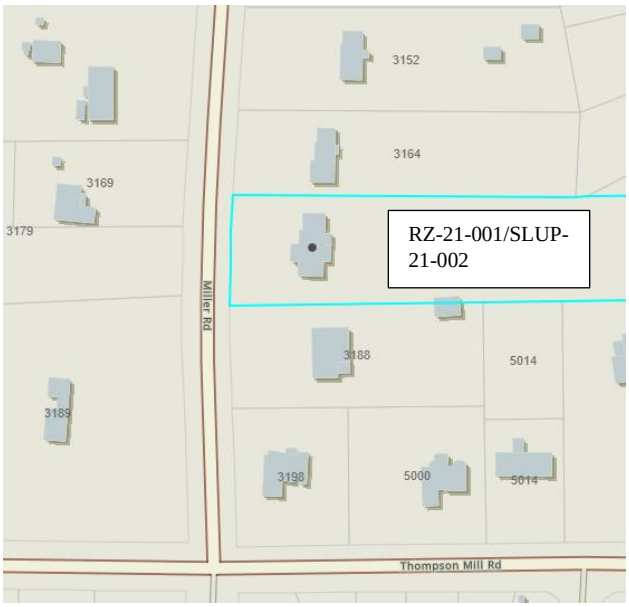
R-100
5018
RSM
5020
RSM
5024
RSM
5030
RSM
5034
RSM
5040
RSM
3068
RSM
5016
RSM
3072
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, and Community
ZONING CASE: RZ-21-001/SLUP-21-002
ADDRESS: 3174 Miller Road
CURRENT ZONING: R-100 (Residential Med Lot) Distrct
FUTURE LAND USE: Urban Neighborhood
0
0.025
0.05 mi
Subject Property

PROJECT OVERVIEW

Location

The subject property is located at 3174 Miller Road. The property is approximately 378 feet north of Miller Road and Thompson Mill Rd intersection.

The property is bounded by Miller Road to the west and single family homes to the north, south and east. Woodgrove residential subdivision is located to the east.



Background

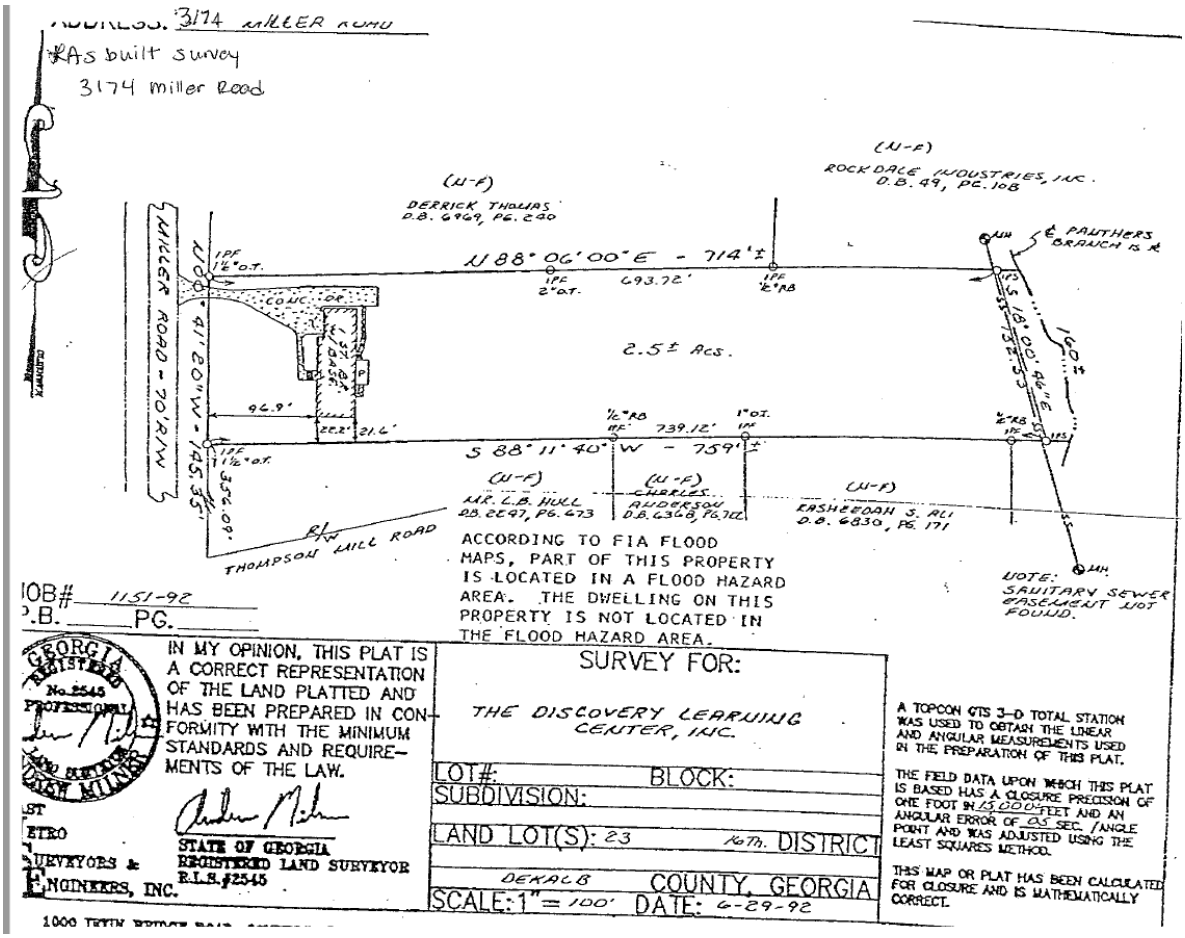
Currently, the property has kept its original zoning classification of R-100 under Stonecrest Zoning Ordinance. The subject property was previously used for the Wilson Academy. The Wilson Academny is a private school for K-12 school aged children.

The property the has an existing detached single-family home located on the property. The topography of the property is characterized as being even throughout.

Rezoning Request

The applicant is requesting to rezone the subject property from R-100 to RSM (Small Lot Residential Mix) District to operate a child daycare center. The daycare center will run out of the existing 5,000 square foot building. The applicant has submitted a second application (SLUP) for the permit to use the daycare. The applicant intends to supervise children ages infant to ten (10) years old.

Conceptual Site Plan



Proposed Elevations

Public Participation

Property owners within 500 feet of subject property were mailed notices of the proposed rezoning in January. The community meeting was held on December 21st, 2020, at 7:00 pm via zoom.com. Several residents show up at the community meeting regarding the rezoning application and special land use permit application. There were several concerns from residents regarding the homeless residing in the vacant building. Many residents express a desire for a business to start operating on the property.

STANDARDS OF REZONING REVIEW

Section *7.3.4 of the Stonecrest Zoning Ordinance list eight factors to be considered in a technical review of a zoning case completed by the Community Development Department and Planning Commission. Each element is listed with staff analysis.*

- **Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties.**

  As shown in the table below, the subject property is surrounded by low density housing. * *Please see the map below table*

Adjacent & Surrounding Properties	Zoning (Petition Number)	Land Use	Density Non-Residential (SF/Acre) Residential (Units/Acre)
Applicant	**Proposed: RSM**	**Educational**	**5,000 SF/Acre**
Adjacent: North	R-100 (Residential Med Lot) District	Residential (Detached Single Family Home)	1.0 unit/acre
Adjacent: West	R-100 (Residential Med Lot) District	Residential (Detached Single-Family Home)	n/a
Adjacent: East	R-75 (Residential Med Lot) District	Residential (Parks of Stonecrest)	4-8 units/acre
Adjacent: South	R-100 (Residential Med Lot) District	Residential (Detached Single-Family Home)	1.0 units/acre
Nearby: South	R-100 (Residential Med Lot) District	Residential (Detached Single-Family Home)	n/a

The proposed change in zoning would permit a use that would be suitable in view and development of the nearby properties. The RSM Zoning classification would allow operation of a daycare, which would be similar to the previous use.

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

The subject property is located within the Urban Neighborhood character area of the Stonecrest Comprehensive Plan. The character area intends to limit small-scale goods and services to meet the needs of the surrounding residents.

The proposed zoning is in an area transitioning from low-density housing to medium density housing. The current character of the area shows many of the surrounding properties to be single-family detached. The proposed zoning change and development of institutional use would be in keeping with the policy and intent of the comp plan.

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

  The property is currently zoned R-100, which permits the development of detached single-family home development with a minimum lot size of 15,000 square feet. The property does have reasonable economic use as currently zoned. The property sits along Miller Road, which is a collector road in a suburban neighborhood.

- **Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties.**

  The proposed zoning proposal is not anticipated to have a negative impact on the existing use or usability of adjacent or nearby properties. Staff believes the suggested zoning for a daycare would complement the area by allowing the surrounding residential development access to small scale goods and services.

- **Whether there are other existing or changing conditions affecting the use and development of the property, which gives supporting grounds for either approval or disapproval of the zoning proposal.**

  There are no changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal. There are existing conditions that would provide supporting grounds for approval of the zoning change as the property was previous use for a private school.

- **Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.**

  There are currently no historic buildings, sites, districts, or archaeological resources on the subject property.

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

  Access to the property will be Miller Road, which is a collector road that staff believes would have the traffic capacity to handle the volume of traffic generated by the zoning change. The zoning proposal will not cause an excessive or burdensome on utilities as Dekalb County states the property has the sewer capacity for the intended use. The proposed use will not have harmful or oppressive use of schools.

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

  The zoning proposal will not adversely impact the environment or surrounding natural resources.

The applicant submitted special land use permit application in support of the request zoning change for a specific use.

CRITERIA OF REVIEW

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

A. Adequacy of the size of the site for the use contemplated and whether or not the adequate land area is available for the proposed use including the provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.

The approximately 5,000 square foot residence on 3 acres is adequate for the operation of a child daycare facility.

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

The proposed daycare is compatible with the adjacent properties and land use with other surrounding uses. .

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

There are adequate public services, public facilities, and utilities to sever the proposed use.

D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.

Miller Road classified as minor arterial, and the Planning Staff believes little or no impact on the public streets or traffic in the area.

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

The existing land use located along the access routes to the site would not be adversely affected by the character of the vehicles of the volume traffic generated by the proposed use. Miller Road is a minor arterial road that is designed to handle the proposed use.

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

The existing subject property can be accessed by vehicles via an existing curb cut with a driveway on Miller Road. Emergency vehicles can access the site from the existing driveway.

G. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.

The proposed use will not create any adverse impact on the adjoining land use by reason of noise, smoke, odor, dust or vibration generated by the proposed use.

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

Staff believes the proposed use would not have adversely affected the adjoining land use because of the hours of operation.

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

Staff believes the nature of the proposed use would not have adversely affected the adjoining property located to the north, south, or east of the subject property.

J. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.

The proposed use is otherwise consistent with the zoning district classification requirement in which the use is proposed to be located.

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

The proposed use is consistent with the policies of the comprehensive plan. Staff believes a child daycare is the intended small-scale convenience goods or services meant for the area.

L. Whether the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.

The proposed use does not require buffer or transitional buffers by the zoning district

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

An adequate refuse and service area will be provided by the applicant.

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

Staff believes there is not a compelling reason to limit the special land use duration as the applicant.

O. Whether the size, scale, and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale, and massing of adjacent and nearby lots and buildings.

The existing building has the appropriate structure, which is consistent in size, scale, and massing with adjacent and surrounding buildings in the area.

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

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

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

The proposed use submitted site plan submitted to staff has met all the requirements within the supplemental regulation Sec 4.2.19 set forth by the zoning ordinance.

R. Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.

The proposed development would not exceed the height of nearby residential structures. The existing building would be similar to the height abutting the property. There will be no negative show impact on any adjoining lot.

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

The proposed child daycare would be consistent with the neighborhood's needs or the community and would not conflict with the comprehensive plan's overall objective.

STAFF RECOMMENDATION

Base on the findings and conclusions, it appears the applicant meets all the criteria for approval. Therefore, staff recommends **APPROVAL** of **SLUP-21-001** the following conditions;

1. Access shall be limited to the existing curb cut off Miller Rd.
2. All refuse containers shall be screened from public view except during pick up.
3. Owner/Operator must live on the property according to the supplemental regulations cited in the Stonecrest Zoning Ordinance Sec. 4.2.31 and 4.2.41.
4. The applicants shall secure the necessary certification by the State of Georgia, and the license of business required building permits and certificates of occupancy from the city of Stonecrest.
5. The Special Land Use Permit shall be issued to Shanteri Vaughn (operator) to operate a child care home and shall not be transferable.

PLANNING COMMISSION RECOMMENDATION

On Tuesday February 2nd the Planning Commission recommended **APPROVAL** of **SLUP-21-001** the following conditions;

1. Access shall be limited to the existing curb cut off Miller Rd.
2. All refuse containers shall be screened from public view except during pick up.
3. Owner/Operator must live on the property according to the supplemental regulations cited in the Stonecrest Zoning Ordinance Sec. 4.2.31 and 4.2.41.
4. The applicants shall secure the necessary certification by the State of Georgia, and the license of business required building permits and certificates of occupancy from the city of Stonecrest.
5. The Special Land Use Permit shall be issued to Shanteri Vaughn (operator) to operate a child care home and shall not be transferable.