CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

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

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

Council Member Diane Adoma – District 5

CITY COUNCIL MEETING AGENDA

May 21, 2018
6:00 p.m.
3120 Stonecrest Blvd. Suite 190
Stonecrest, Georgia

I. CALL TO ORDER: Mayor Jason Lary

II. ROLL CALL: Brenda James, Interim City Clerk

III. INVOCATION:

IV. PLEDGE OF ALLEGIANCE:

V. ADOPTION OF THE CITY COUNCIL AGENDA:

VI. PUBLIC HEARINGS:

1. An Ordinance Amending Chapter 27 Article IX Definitions to Define Short Term Vacation Rentals – **First Read**

2. An Ordinance Amending Chapter 27, Article V Adding Supplemental Use Regulations for Short Term Vacation Rentals- **First Read**

3. An Ordinance to Amend Chapter 27, Article IV Use Table to Add Provisions for Short Term Vacations Rentals – **First Read**

4. Special Land Use Permit (SLUP 18-002)

5. Rezoning 6757 Covington Hwy (RZ 18-002)

VII. MINUTES: Approval of Minutes of the Regular City Council Meeting of April 16, 2018

VIII. PRESENTATIONS: Attorney Kurrie

IX. AGENDA ITEMS:

6. Resolution for Issuance of Request for Qualifications for SPLOST Project Manager

7. Selection of Road Condition Analysis Company

8. Intergovernmental Agreement with DeKalb County for HOST/EHOST

9. Resolution Setting Work Session and Council Meeting Dates

10. Adoption of Ordinance of the City of Stonecrest regarding SLUP 17-0002

11. Adoption of Ordinance of the City of Stonecrest regarding SLUP 18-0001

12. Adoption of Ordinance to Amend the Building Permit Fee Schedule and Land Development Fee Schedule in the City of Stonecrest

13. Ordinance Adopting Chapter 18-Nuisances – **First Read**

14. Ordinance Adopting Chapter 14- Land Development- **First Read**

15. Ordinance Amending Chapter 15- Business Licenses to add Articles VII, XI, XIII and XVII – **First Read**

16. Ordinance to Amend Section 2.15 (a) of Article II of the City Charter- **First Read**

X. PUBLIC COMMENTS:

XI. CITY MANAGER COMMENTS:

XII. CITY ATTORNEY COMMENTS:

XIII. MAYOR AND COUNCIL COMMENTS:

XIV. ADJOURNMENT:

XV. EXECUTIVE SESSION:

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

THE CITY OF
STONECREST
GEORGIA

CITY COUNCIL AGENDA ITEM

SUBJECT: An Ordinance Amending Chapter 27, Article IX-Definitions to Define Short Term Vacation Rental

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

Date Submitted: 04/26/2018 Work Session: 05/02/2018 Council Meeting: 05/21/2018

SUBMITTED BY: City Attorney

PURPOSE: This ordinance is to amend Chapter 27 Article IX- definitions to define what short term vacation rental really means.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Public Hearing and First Read on May 21, 2018

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-_____

AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, AMENDING CHAPTER 27, ARTICLE IX– DEFINITIONS TO DEFINE SHORT TERM VACATION RENTAL

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

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

WHEREAS, defining certain terms used by the city throughout the Code of Ordinances, and specifically in Chapter 27 – Zoning, provides the citizens of the City of Stonecrest, Georgia the tools necessary for understanding and implementing the Code of Ordinances; and

WHEREAS, as the City experiences growth gains knowledge through the exercise of these powers, it may become necessary to amend the definitions enumerated in the Zoning Ordinance; and

WHEREAS, this Ordinance seeks to define the term "Short Term Vacation Rental.".

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

Section 1: The Code of the City of Stonecrest, Georgia, is hereby amended by adding a definition to section 9.1.3 – Defined terms, which reads as follows:

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

Section 2:

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

enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.

2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

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

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

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

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

Approved:

_____
Jason Lary, Sr., Mayor

As to form:

_____
City Attorney

Attest:

_____

, City Clerk

THE CITY OF
STONECREST
GEORGIA

CITY COUNCIL AGENDA ITEM

SUBJECT: An Ordinance Amending Chapter 27, Article V Adding Supplemental Use Regulations for Short Term Vacation Rentals

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

Date Submitted: 04/26/2018 Work Session: 05/02/2018 Council Meeting: 05/21/2018

SUBMITTED BY: City Attorney

PURPOSE: This ordinance is to amend Chapter 27 Article V adding supplemental use regulations for short term vacation rentals.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Public Read and First Read on May 21, 2018

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-_____

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

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

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

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

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

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

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

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

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

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

4.2.58 – Short Term Vacation Rental

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

A. No individual renting the property shall stay for longer than 30 consecutive days

B. The STVR shall not be operated in such a way as to change the residential character of the neighborhood in which it is located and shall comply with the noise ordinance.

C. There shall also be provided at least one (1) off-street parking space for each bedroom used as a part of the STVR.

D. No signs or advertising are permitted to identify or advertise the existence of the STVR, beyond those otherwise allowed for the residential property.

E. 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.

F. All STVR units shall post, on the inside of the front door of the rental unit, the name, address and 24-hour phone or contact information for a designated manager or designated contact person who shall be available at all times to respond to complaints regarding the condition, operation, or conduct of occupants of the STVR.

Section 2:

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

2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

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

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

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

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

Approved:

_____
Jason Lary, Sr., Mayor

As to form:

_____
City Attorney

Attest:

_____
Brenda James, City Clerk

THE CITY OF
STONECREST
GEORGIA

CITY COUNCIL AGENDA ITEM

SUBJECT: An Ordinance to Amend Chapter 27, Article IV of the Use Table to Add Provisions for Short Term Vacation Rentals

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

Date Submitted: 04/26/2018 Work Session: 05/02/2018 Council Meeting: 05/21/2018

SUBMITTED BY: City Attorney

PURPOSE: This ordinance is to amend the Use Table to Add provisions for the Short-Term Vacation Rentals.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Public hearing and First Read on May 21, 2018

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-_____

AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, AMENDING CHAPTER 27, ARTICLE IV USE TABLE TO ADD PROVISIONS FOR SHORT TERM VACATION RENTALS

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

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

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

WHEREAS, the City of Stonecrest recognizes necessity of regulating the location of residences and businesses to protect the health, safety and welfare of its citizens as well as tourists in the city who choose alternative accommodations, such as Short Term Vacation Rentals.

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

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

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

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

Section 1: Table 4.1 of Article IV, Chapter 27 of the Code of the City of Stonecrest, Georgia is hereby amended to read as follows:

Section 2:

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

2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

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

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

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

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

Approved:

_____
Jason Lary, Sr., Mayor

As to form:

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-_____

_____
City Attorney

Attest:

_____
Brenda James, City Clerk

Table 4.1 Use Table.

KEY: P - Permitted use; Pa - Permitted as an accessory use; SA - Special administrative permit from Community Development Director; SP - Special land use permit (SLUP)

Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
AGRICULTURAL																									
Agriculture and Forestry																									
Commercial greenhouse or plant nursery															P	P	P		P	P	P				✓
Temporary or portable sawmill	P																		P	P					✓
Urban, community garden, up to 5 ac.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓
Urban, community garden, over 5 ac.	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	
Animal Oriented Agriculture																									
Dairy																			P	P					✓
Keeping of livestock	P	P	P	P	P							P							P						✓
Keeping of poultry/pigeons	P	P	P	P	P							P							P						✓
Livestock sales pavilion																				P					✓
Riding academies or stables	P	P	P	P	P																				✓
RESIDENTIAL																									
Dwellings																									
Dwelling, cottage home						SP	SP	SP	SP	SP			SP												✓
Dwelling, mobile home											P								Pa	Pa					✓
Dwelling, multi-family								P	P	P									SP		SP	SP	SP	SP	
Dwelling, multi-family (supportive living)								SP	SP	SP	SP	SP	SP								SP	SP	SP	SP	✓
Dwelling, townhouse							P	P	P	P		P	SP	P							P	P	P	P	✓
Dwelling, urban single-family							P	P	P	P		P		P							P	P	P	P	✓
High-rise apartment										P													P	P	
Dwelling, single-family (attached)							P	P	P	P				P							P	P	P	P	
Dwelling, single-family (detached)	P	P	P	P	P	P	P	P	P	P	P	P									P	P	P		
Dwelling, three-family							P	P	P	P		P									P	P	P	P	
Dwelling, two-family							P	P	P	P		P									P	P	P	P	
Dwelling, single-family, accessory (guesthouse, in-law suite)	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa												Pa	Pa	Pa	Pa	✓

Table 4.1 Use Table.

KEY: P - Permitted use; Pa - Permitted as an accessory use; SA - Special administrative permit from Community Development Director; SP - Special land use permit (SLUP)

Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Home occupation, no customer contact	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA									SA	SA	SA	SA	✓
Home occupation, with customer contact	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP									SP	SP	SP	SP	✓
Live/work unit								P	P	P			P	P		P	P		P	P	P	P	P	P	✓
Mobile home park											P														
Accessory uses or structures	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	✓
Housing and Lodging																									
Bed and breakfast	SP	SP	SP				SP	SP	SP	SP			P	P		P	P					P	P	P	✓
Bed and breakfast, home stay	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP													✓
Boarding/Rooming house								SP	SP	SP															
Convents or monasteries	SP	SP	SP	SP	SP	SP	SP	SP	SP				P	P								P	P	P	✓
Dormitory													Pa	Pa		Pa	Pa	Pa	Pa		Pa	Pa	Pa	Pa	
Extended stay hotel/motel													SP			SP	SP					SP	SP	SP	✓
Fraternity house or sorority house													Pa									Pa	Pa		
Hotel/Motel													P			P	P	P				P	P	P	
Short Term Vacation Rental	SP	SP	SP					SP													SP	SP			
Nursing care facility or hospice													P	P		P	P		SP	SP	P	P	P	P	
Personal care home, community, 7 or more	SP	SP	SP	SP	SP	SP			SP	SP	SP	SP	P	P	SP	P	P				SP	SP	SP	SP	✓
Personal care home, group, 4-6	SP	SP	SP	SP	SP	SP			SP	SP	SP	SP	P	P	SP	P	P				SP	SP	SP	SP	✓
Child caring institution, group, 4-6	SP									SP			P	P		P	P		SP	SP				SP	✓
Child caring institution, community, 7 or more								SP	SP	SP				SP	P	P	P				SP	SP		P	✓
Senior housing	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP							SP	SP	SP	SP	✓
Shelter for homeless persons, 7-20													SP	SP		SP	SP								✓
Shelter for homeless persons for no more than six (6) persons													SP	SP		SP									✓
Transitional housing facility, 7-20										SP			SP	SP											✓

Table 4.1 Use Table.

KEY: P - Permitted use; Pa - Permitted as an accessory use; SA - Special administrative permit from Community Development Director; SP - Special land use permit (SLUP)

Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
INSTITUTIONAL/PUBLIC																									
Community Facilities																									
Cemetery, columbarium, mausoleum	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP			P	P				P							✓
Club, order or lodge, fraternal, non-commercial													P	P		P	P	P	P		P	P	P	P	
Coliseum or stadium/not associated with church or school																P	P	P					SP	P	✓
Funeral home, mortuary													P	P		P	P								
Golf course or clubhouse, public or private	P	P	P	P	P	P	P				P		P	P			P	P	P						✓
Government facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Hospital or accessory ambulance service													P	P					P				P	P	
Library or museum								P	P	P			P	P	P	P	P	P			P	P	P	P	
Cultural facilities								SP	SP	SP			SP	SP		SP	SP	SP	SP		SP	SP	SP	SP	
Recreation club	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP						P						SP	✓
Neighborhood or subdivision clubhouse or amenities	P	P	P	P	P	P	P	P	P	P	P	P	P	P							P	P	P	P	✓
Places of worship	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP	P	P	P	P	P	P	P	P	P	P	P	P	✓
Recreation, outdoor																	P	P	P	P					✓
Swimming pools, commercial	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	P		P	P	P	P			Pa	Pa	Pa	✓
Tennis courts, swimming pools, play or recreation areas, community	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	P	P		P	P	P	P			Pa	Pa	Pa	✓
Education																									
Colleges, universities, research and training facilities													P	P		P	P	P	P		P	P	P	P	
Private educational services, home occupation	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa		Pa						P			Pa	Pa			✓
Private kindergarten, elementary, middle or high schools	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	P		P	P	P				SP	SP	SP	✓
Vocational schools													P	P		P	P	P	SP	SP	P	P	P	P	✓
Specialized schools								SP	SP	SP			P	P	P	P	P	P	SP	SP	P	P	P	P	✓
COMMERCIAL																									
Automobile, boat and trailer sales and service																									

Table 4.1 Use Table.

KEY: P - Permitted use; Pa - Permitted as an accessory use; SA - Special administrative permit from Community Development Director; SP - Special land use permit (SLUP)

Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Automobile or truck rental or leasing facilities																SP	P		P	P					✓
Automobile brokerage													P	P		P	P		P			P	P	P	✓
Auto recovery, storage																			P	P					✓
Automobile repair or maintenance, minor																SP	SP		P						✓
Automobile repair, major																	SP		P	P					✓
Automobile sales or truck sales																SP	P		P	P					✓
Automobile service stations															SP	SP	SP		P	P					✓
Automobile upholstery shop																	P		P	P					
Automobile wash/wax service																SP	P		P	P					✓
Boat sales																	P		P	P					✓
Retail automobile parts or tire store																SP	P		P	P					✓
Service area, outdoor																	Pa		Pa	Pa					✓
Trailer or RV salesroom and lot																SP	P		P	P					✓
Office																									
Accounting office								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P	
Building or construction office								Pa	Pa	Pa			P	P		P	P	P	P	P					✓
Building, landscape, heavy construction contractor office (material, equipment, storage)																	P	P	P	P					✓
Engineering or architecture office								Pa	Pa	Pa			P	P	P	P	P	P	P	P	P	P	P	P	
Finance office or banking								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P	
General business office								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P	
Insurance office								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P	
Legal office								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P	
Medical office								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P	
Real estate office								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P	
Recreation and Entertainment																				P					✓
Sexually Oriented Business																	P		P	P					✓
Drive-in theater																	P		P	P					✓
Fairground or amusement park																									
Indoor recreation (bowling alleys, movie theatres and other activities conducted wholly indoors)															P	P	P	P	P	P	P	P	P	P	

Table 4.1 Use Table.

KEY: P - Permitted use; Pa - Permitted as an accessory use; SA - Special administrative permit from Community Development Director; SP - Special land use permit (SLUP)

Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Nightclub or late night establishment																SP	SP							SP	✓
Outdoor recreation (miniature golf, batting cages, tennis, Go-cart and other outdoor activities)	SP																P	P	SP						✓
Special events facility	SP												P	P		P	P	P	P		P	P	P	P	
Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building													P	P		P	P						P	P	
Retail																									
Alcohol outlet, retail sales, primary or accessory															SP	SP	SP	P	P		SP	SP	SP	SP	✓
Apparel or accessories store															P	P	P				P	P	P	P	
Art gallery								Pa	Pa	Pa					P	P	P	P			P	P	P	P	
Book, greeting card, or stationery store															P	P	P	P			P	P	P	P	
Camera or photography															P	P	P	P			P	P	P	P	
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	✓
Drive-through facilities (other than restaurants) in Activity Center character areas																					SP	SP	SP	SP	✓
Drive-through facilities (other than restaurants) in all other character areas													P		P	P	P	P	P						
Farm or garden supply store	P														P	P	P	P	P		P	P			
Farmer's market, permanent													P	P	P	P	P	P	P	P	P	P	P	P	✓
Farmer's market, temporary/seasonal	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Florist													Pa		P	P	P	P			P	P	P	P	
Fortune Telling																	SP	P	P						
Specialty food stores (e.g., coffee, ice cream) (see alcohol outlet)													Pa		P	P	P	P			P	P	P	P	
Fuel dealers, manufacturers or wholesalers																	P		P	P					

Table 4.1 Use Table.

KEY: P - Permitted use
Pa - Permitted as an accessory use
SA - Special administrative permit from Community Development Director
SP - Special land use permit (SLUP)

Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Fuel pumps, accessory															SP	SP	SP		P	P					✓
Gift, novelty, or souvenir store													Pa		P	P	P	P			P	P	P	P	
Gold buying, precious metals																Pa	P	P							
Grocery stores (see alcohol outlet)								Pa	Pa	Pa					P	P	P	P			P	P	P	P	
Hardware store or other building materials store															P	P	P	P	P	P	P	P	P	P	
Hobby, toy or game store															P	P	P	P			P	P	P	P	
Jewelry store															P	P	P	P			P	P	P	P	
Music or music equipment store (retail)															P	P	P	P			P	P	P	P	
Liquor store (see alcohol outlet)															SP	SP	SP	P	P	P	S P	SP	SP	SP	✓
News dealer or news store													P	P	P	P	P	P	P	P	P	P	P	P	
Office supplies and equipment store															P	P	P	P	P		P	P	P	P	
Pawn shop, title loan																	SP	P	P						✓
Pet supply store															P	P	P	P	P		P	P			
Pharmacy or drug store (see alcohol outlet)								Pa	Pa	Pa		Pa	Pa	P a	P	P	P	P			P	P	P	P	
Radio, television or consumer electronics store																P	P	P			P	P	P	P	
Retail, 5,000 sf or less								Pa	Pa	Pa			Pa	P a	P	P	P	P	P	P	P	P	P	P	
Retail, over 5,000 sf (see also shopping center)															P	P	P	P			P	P	P	P	
Retail warehouses/wholesales providing sales of merchandise with no outdoor storage																P	P	P	P		P	P	P	P	
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	
Tattoo Parlor and Piercing Studio																SP	P	P							
Thrift, secondhand, antique store																P	P		P						
Trade shops: electrical, plumbing, heating/cooling, roofing/siding, with no outside storage													P	P		P	P	P	P	P					
Variety store													Pa		P	P	P	P			P	P	P	P	

Table 4.1 Use Table.

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Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Temporary Commercial Uses																									
Temporary outdoor sales, seasonal	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Temporary produce stand	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Temporary outdoor retail sales	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Temporary outdoor events	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Temporary trailer, as home sales office or construction trailer	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Restaurant/Food establishments																									
Brewpub/Beer Growler															P	P	P		P		P	P	P	P	
Catering establishments													P	P		P	P		P		P	P	P	P	
Restaurants (acc. to hotel/motel)													P			P	P	P				P	P	P	
Restaurants (non-drive-thru)								Pa	Pa	Pa		Pa	Pa	Pa	P	P	P		P		P	P	P	P	
Restaurants with a drive-thru configuration in Activity Center character area																SP	SP				SP				✓
Restaurants with a drive-thru configuration (all other character areas)																P	P				P				✓
Transportation and Storage																									
Bus or rail stations or terminals for passengers																SP	SP		SP	SP	SP	SP	SP	SP	
Heliport													SP			SP	SP	SP	P	P			SP	SP	✓
Parking, commercial lot													Pa			P	P	P	P		P	P	P	P	✓
Parking, commercial garage													Pa			P	P	P	P		P	P	P	P	
Taxi, ambulance or limousine service, dispatching or storage.																	P	P	P	P					✓
Taxi, ambulance, limousine dispatch office only (no vehicle parking)													P	P	P	P	P		P	P	P	P	P	P	
Taxi stand													P	P	P	P	P	P	P	P	P	P	P	P	
Services																									

Table 4.1 Use Table.

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Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Adult day care center - 7 or more									P		SP		SP									P	P	P	✓
Adult day care facility - up to 6								SP		SP			P		P								P	P	✓
Animal hospitals, veterinary clinic															P	P	P	P	P	P	P	P			✓
Animal shelter/rescue center	SP																P	P	P	P					✓
Banks, credit unions or other similar financial institutions								Pa	Pa	Pa			P	P	P	P	P		P		P	P	P	P	
Barber shop/ beauty salon or similar establishments								Pa	Pa	Pa			Pa	P	P	P	P	P	P		P	P	P	P	
Check cashing establishment, primary																	SP		P						✓
Check cashing establishment, accessory																P	P		P	P	P	P	P	P	✓
Child day care center (Kindergarten) - 7 or more								P	P	P	P		P	P	P	P	P	P	P		P	P	P	P	✓
Child day care facility - up to 6	SP								SP	P		SP	P									P	P	P	✓
Coin laundry								Pa	Pa	Pa					P	P	P					P	P	P	
Dog day care								SP	SP	SP						P	P		P	P	P	SP	SP	SP	✓
Dog grooming								Pa	Pa	Pa						P	P		P	P	P	P	P	P	✓
Dry cleaning agencies, pressing establishments, or laundry pick-up stations								Pa	Pa	Pa			P	P	P	P	P		P	P	P	P	P	P	
Fitness center	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa		P	P	P	P	P		P	P	P	P	P	P	
Kennel, breeding or boarding	SP														Pa	Pa	P		P	P					✓
Kennel, commercial	SP															P	P		P	P					
Kennel, noncommercial	SP	SP	SP	SP	SP														SP	SP					
Landscape business																P	P		P	P					✓
Massage Establishment								Pa	Pa	P				Pa	P	P	P		P		P	P	P	P	
Mini-warehouse																SP	SP	P	P	P					✓
Multi-warehouse																SP	SP	P	P	P					✓
Outdoor storage, commercial																	P		P	P					✓
Personal services establishment								Pa	Pa	P		Pa	Pa	Pa	P	P	P		P		P	P	P	P	
Photoengraving, typesetting, electrotyping																	P		P	P	P	P			

Table 4.1 Use Table.

KEY: P - Permitted use; Pa - Permitted as an accessory use; SA - Special administrative permit from Community Development Director; SP - Special land use permit (SLUP)

Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Photographic studios													P	P	P	P	P		P		P	P	P	P	
Plumbing, HV/AC equipment establishments with no outdoor storage																P	P		P	P					
Publishing or printing establishments													P	P			P		P	P					
Quick copy printing store													P	P	P	P	P		P	P	P	P	P P		
Services, Medical and Health																									
Ambulance service or emergency medical services, private																P	P		P						
Health services clinic													P	P	P	P	P	P	P		P	P	P	P	
Home healthcare service													P	P		P	P		P		P	P	P	P	
Kidney dialysis center													P	P		P	P		P		P	P	P	P	
Medical or dental laboratories													P	P		P	P		P	P			SA	SA	
Services, Repair																									
Furniture upholstery or repair; home appliance repair or service																P	P		P	P					
Personal service, repair (watch, shoes, jewelry)								Pa	Pa	Pa			P	P	P	P	P		P		P	P	P	P	
Service area, outdoor																	Pa		Pa	P					✓
INDUSTRIAL																									
Alcohol or alcoholic beverage manufacturing																			P	P					
Alternative energy production																		SP	P	P					
Automobile/truck manufacturing																				P					
Brick, clay, tile, or concrete products terra cotta manufacturing																				P					
Building materials or lumber supply establishment																	P		P						
Cement, lime, gypsum, or plaster of Paris manufacturing																				P					
Compressed gas fuel station																	SP		P	P					
Chemical manufacture, organic or inorganic																				P					
Contractor, general (See also Building or Construction Office)																	P		P	P		P	P		✓

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Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Contractor, heavy construction, outside storage																	P		P	P					✓
Contractor, special trade																	P		P	P					
Crematoriums																			P	P					✓
Distillation of bones or glue manufacture																				P					
Dry cleaning plant																			P	P					
Dye works																				P					
Explosive manufacture or storage																				P					
Fabricated metal manufacture																				P					
Fat rendering or fertilizer manufacture																				P					
Fuel dealers, manufactures or wholesalers																			P	P					
General aviation airport																			P	P					✓
Heavy equipment repair service or trade																	P		P	P					
Ice manufacturing plant																			P	P					
Incidental retail sales of goods produced or processed on the premises																			Pa	Pa					
Incineration of garbage or refuse when conducted within an enclosed plant																				P					
Industrial, heavy																				P					
Industrial, light																			P	P					
Intermodal freight terminal, bus or rail freight or passenger terminal, or truck terminal																				P					
Leather manufacturing or processing																				P					
Light malt beverage manufacturer (See also Brewpub)															Pa	Pa	Pa		P	P	P a	Pa	Pa	Pa	
Light manufacturing																			P	P					
Manufacturing, heavy																				P					✓
Manufacturing operations not housed within a building																				P					✓

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Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Mines or mining operations, quarries, asphalt plants, gravel pits or soil pits																			P	P					✓
Outdoor storage, industrial																			P	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	P					✓
Recovered materials facility wholly within a building																			P	P					✓
Recovered materials processing wholly within a building																			P	P					✓
Recycling collection													Pa		Pa	Pa	Pa		P	P					
Recycling plant																			P	P					
Repair/manufacture of clocks, watches, toys, electrical appliances, electronic, light sheet metal products, equipment, machine tools, or machinery not requiring the use of press punch over 100 tons rated capacity or drop hammer																			P	P					
Research, experimental or testing laboratories																			P	P					
Rubber or plastics manufacture																			P	P					
Salvage yard (Junkyard)																			P	P					✓
Solid waste: general disposal, landfill, private industry disposal, handling facility, thermal treatment technology or hazardous/toxic materials including radioactive materials																				P					✓
Smelting: copper, iron, zinc, or ore																				P					
Storage yard, except vehicle																			P	P					✓

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Storage yard for damaged or confiscated vehicles																			P	P					✓
Sugar refineries																				P					
Tire retreading or recapping																			P	P					
Towing or wreckage service																			P	P					
Transportation equipment manufacture																				P					✓
Transportation equipment storage or maintenance (vehicle)																			P	P					
Truck stop or terminal																			P	P					
Vehicle storage yard																		P	P	P					
Warehousing or Storage																									
COMMUNICATION – UTILITY																									✓
Amateur radio service or antenna	SP	SP	SP	SP	SP	SP	SP				SP														
Electric transformer station, gas regulator station or telephone exchange																				P					
Radio or television broadcasting studio													P				P		P	P	P	P	P	P	
Radio or television broadcasting transmission facility													Pa				P		P	P					
Satellite television antennae	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	✓
WIRELESS TELECOMMUNICATION (cell tower)																									
Attached wireless telecommunication facility, used for non-residential purposes (prohibited if used as residential)	SA	SA	SA	SA	SA	SA	SA																		✓
Stealth design up to 150'								SP	SP	SP				S P	SP						S P	SP	SP	SP	✓
New support structure or stealth design up to 199'													SA			SA	SA	SA	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	S A	SA	SA	SA	SA	SA	SA	S A	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	P	P	P	P	✓
Attached wireless telecommunication facility								P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓

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Monopole or attached facility in utility company's easements or rights-of-way	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓

THE CITY OF
STONECREST
GEORGIA

CITY COUNCIL AGENDA ITEM

SUBJECT: Special Land Use Permit (SLUP 18-002)

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

Date Submitted: 05/10/18 **Work Session:** **Council Meeting: 05/21/2018**

SUBMITTED BY: Nicole C.E. Dozier, Community Development Department Director

PURPOSE: Special Land Use Permit (SLUP 18-002)

HISTORY: This site is 2.75 acres located at 6721 Covington Hwy. The applicant was requesting to construct a liquor store in accordance with Chapter 27 Article 4.1 Section 4.2.23 of the Stonecrest Zoning Ordinance. The applicant Mr. Kavr requested the application be deferred to allow him to prepare elevation drawings.

FACTS AND ISSUES: The Planning Commission held the public comments on this petition, and asked questions of the applicant.

OPTIONS: Defer; Approve; Approve with Conditions or Deny

RECOMMENDED ACTION: This petition was heard at the May 1, 2018 Planning Commission hearing and denied 3-3.

ATTACHMENTS:

#1 05/01/18 Planning Commission Staff Report

#2 Planning Commission PowerPoint Presentation

#3 SLUP Application

THE CITY OF STONECREST GEORGIA

PLANNING COMMISSION STAFF REPORT

MEETING DATE: MAY 01, 2018

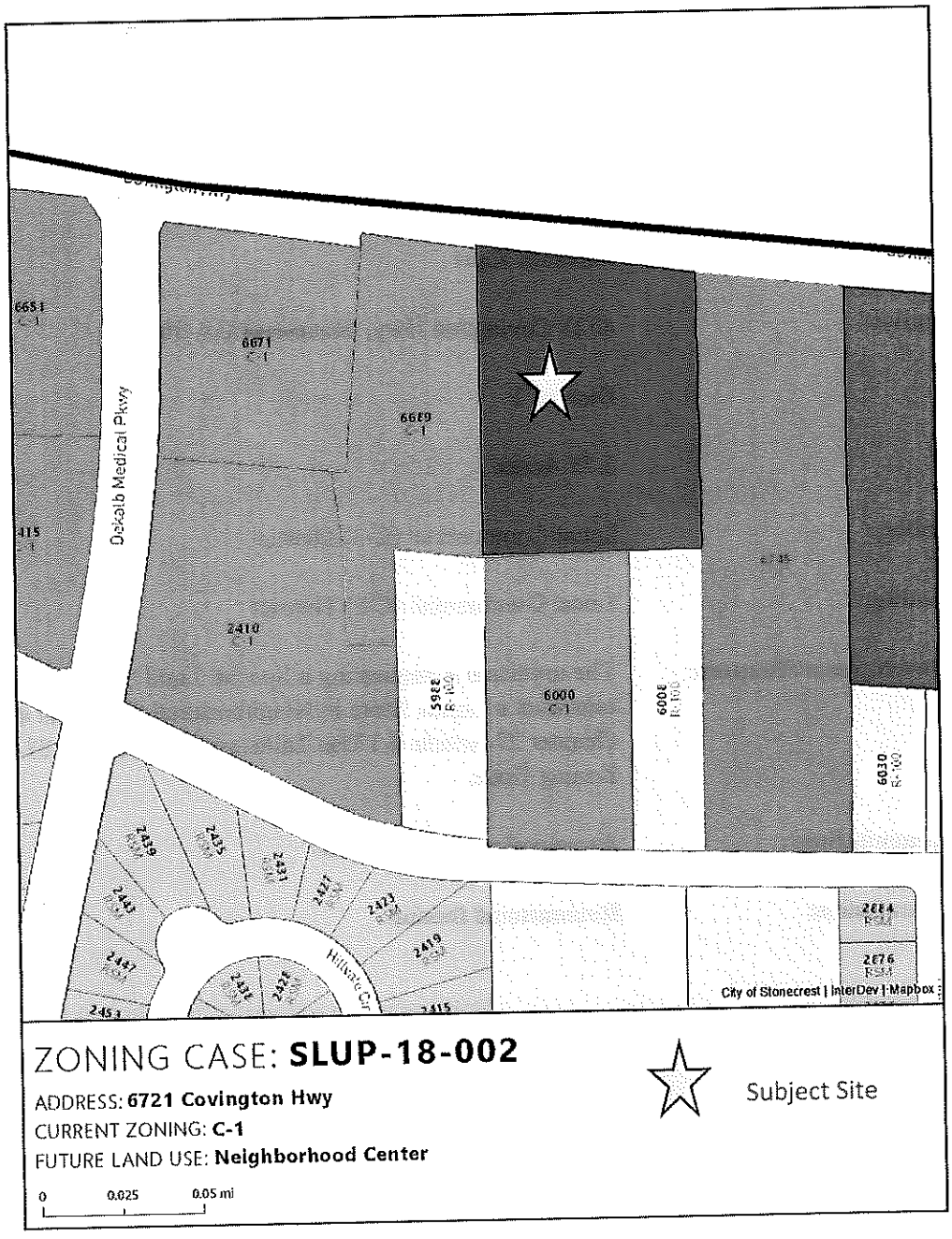
GENERAL INFORMATION

Petition Number:	SLUP 18-002
Applicant:	Pawanjit Kavr 6721 Covington Hwy, Stonecrest, GA 30038
Owner:	Pawanjit Kavr
Project Location:	6721 Covington Hwy, Stonecrest GA 30038
District:	District 2
Acreage:	2.75 Acres
Existing Zoning:	Local Commercial (C-1) District
Proposed Zoning:	Local Commercial (C-1) District
Proposed Development/Request:	The applicant is requesting a Special Land Use Permit (SLUP) to construct a Liquor Store in Neighborhood Center, in accordance with Chapter 27-Article 4.1 Use Table and Sections 4.2.23 of Stonecrest Zoning Code.
Staff Recommendations:	**Approval with Conditions**
Planning Commission:	**Recommend Denial**

THE CITY OF
STONECREST
GEORGIA

PLANNING COMMISSION STAFF REPORT

Zoning Map



ZONING CASE: **SLUP-18-002**

ADDRESS: **6721 Covington Hwy**

CURRENT ZONING: **C-1**

FUTURE LAND USE: **Neighborhood Center**

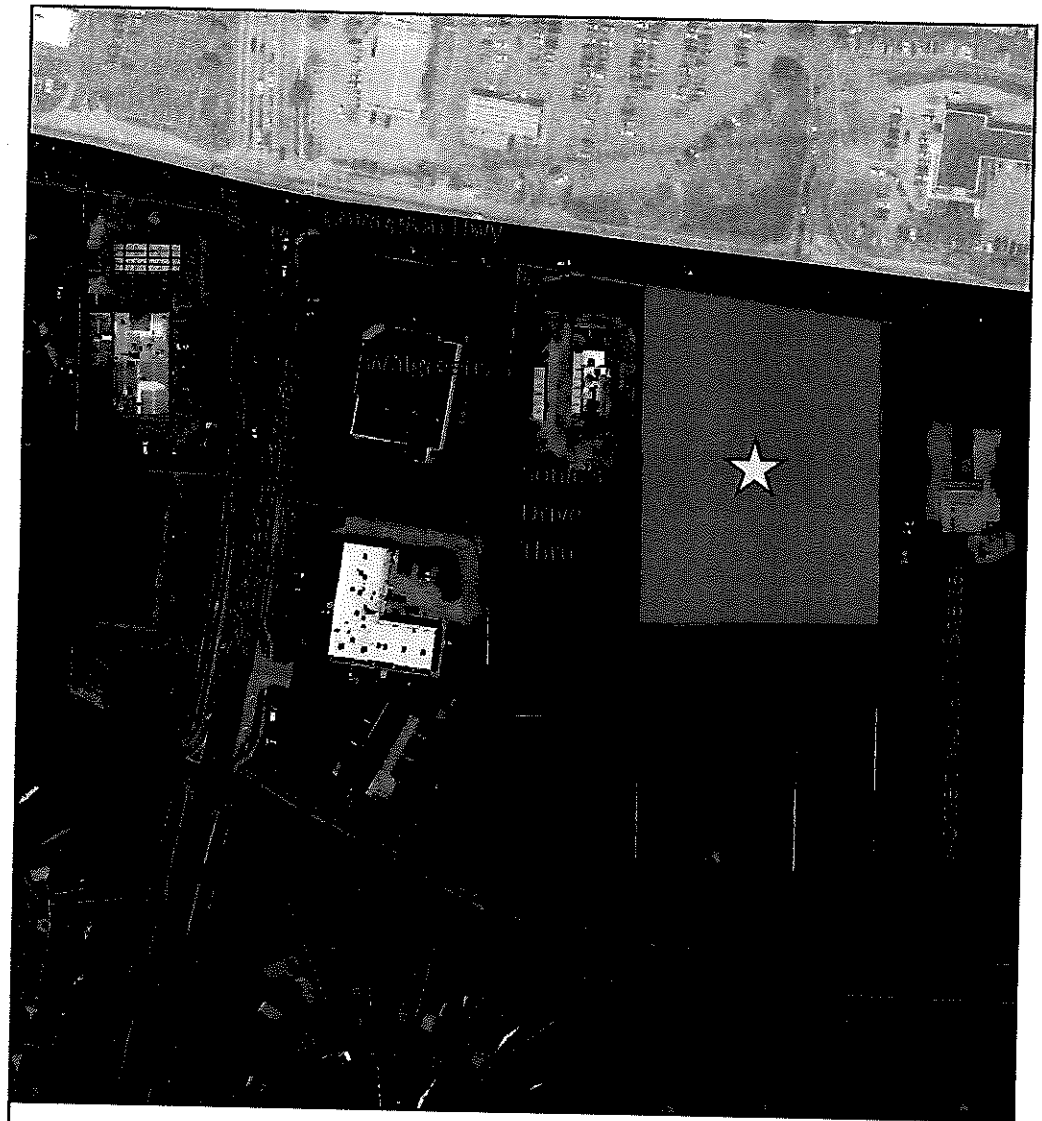
0 0.025 0.05 mi

Subject Site

THE CITY OF
STONECREST
GEORGIA

PLANNING COMMISSION STAFF REPORT

Aerial Map



ZONING CASE: **SLUP-18-002**

ADDRESS: **6721 Covington Hwy**
CURRENT ZONING: **C-1**
FUTURE LAND USE: **Neighborhood Center**

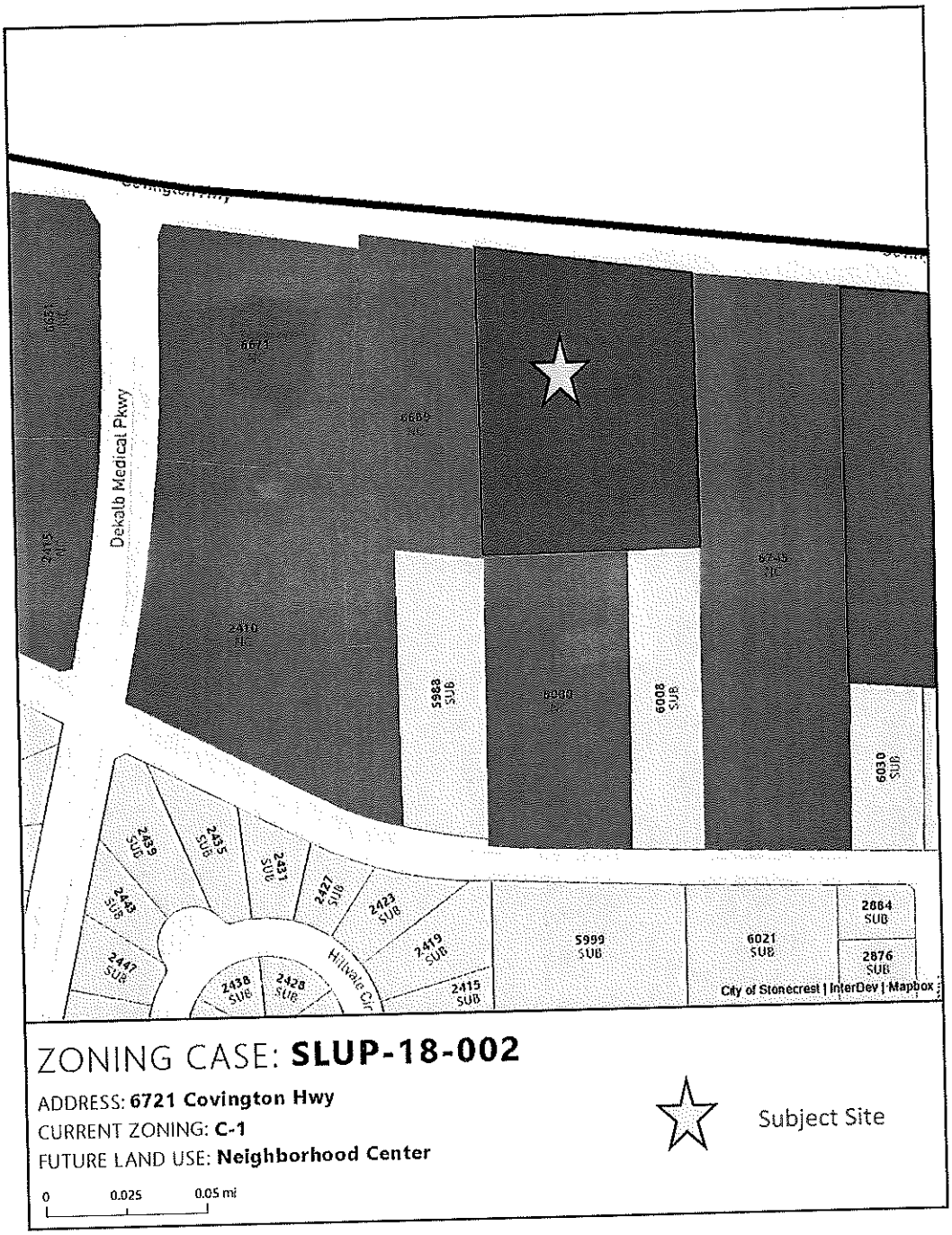
0 0.025 0.05 mi

Subject Site

THE CITY OF
STONECREST
GEORGIA

PLANNING COMMISSION STAFF REPORT

Future Land Use Map

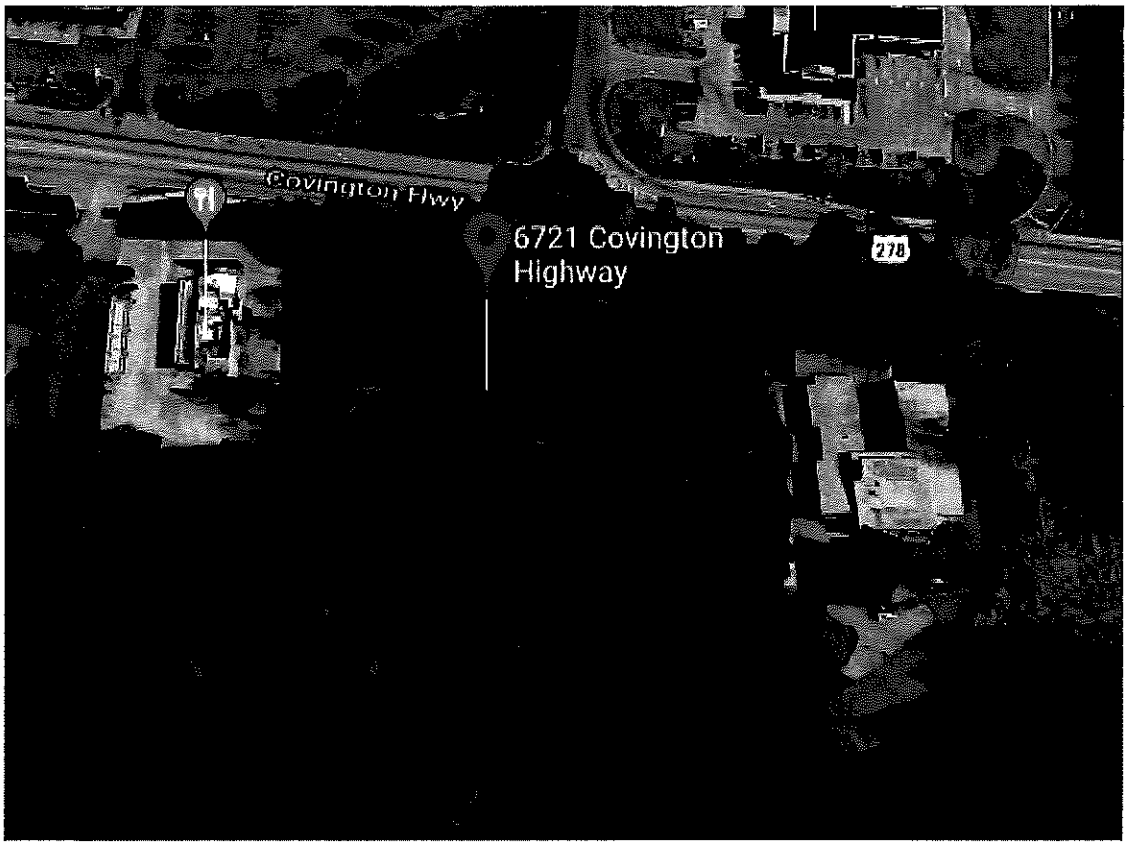


THE CITY OF
STONECREST
GEORGIA

PLANNING COMMISSION STAFF REPORT

PROJECT OVERVIEW

The subject site is a 2.7 acres parcel with street frontage off Covington Highway, a four-lane Arterial street. The subject property is approximately 500' East from the intersection of Covington Highway and DeKalb Medical Parkway. The site is currently zoned C-1 (Local Commercial) District and is in the Neighborhood Center Character area. Originally the subject property was rezoned in 2009 from O-I to its current zoning, however, staff cannot locate the original zoning conditions to determine if there were any specific conditions attached to the property.



The applicant is requesting a Special Land Use Permit to operate a liquor store, which will be part of a commercial development. The applicant intends to construct a 21,600 square foot office and retail development. The applicant has met with city staff to discuss the pre-land development of the property. The staff has requested elevations for the proposed development to review architectural rendering. The site has approximately 300' of frontage on Covington Hwy.

The surrounding area is characterized as a mixture of commercial and residential districts. North of the subject property across Covington Hwy in unincorporated DeKalb County is Lithonia Crossing Shopping Center. Adjacent to the property to the West is Sonic Drive-Thru fast food restaurant. Abutting the property to the South is 1.9 acres property owned by the applicant who intends to develop it as well. To the Southeast of the subject property is residential zoned property which is vacant according to DeKalb County Tax Assessor's website. Abutting the subject property to the East is the "Women Move On" women shelter zoned O-I. The site has extensive hardwood and understory vegetation located on the property. The topography is characterized by a gradual increase in grade moving south-west towards the rear property line.

THE CITY OF STONECREST GEORGIA

PLANNING COMMISSION STAFF REPORT

STANDARDS OF REVIEW

A. Adequacy of the size of the site for the use contemplated and whether or not the adequate land area is available for the proposed use including the provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.

The approximately 21,600 square foot commercial development on 2.67 acres is adequate and appears to meet all required yards, open space, off-street parking and all other applicable requirements required by C-1 zoning district.

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 is compatible with the adjacent properties and land use within the district. The adjacent and nearby properties are commercial use, which the proposed liquor store would be compatible with those uses. Staff notes the two residential properties located to the southwest and southeast are vacant properties with no single family homes located on it.

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

The subject property is in an established commercial node, it appears that there are adequate public services, public facilities, and utilities to serve the proposed liquor store.

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.

Covington Hwy is minor arterial roads and, the Planning Staff believes little or no impact on the public streets or traffic in the area. Staff notes the applicant intends to develop the adjacent commercial property to the south and staff would be against allowing commercial access at Hillvale Road.

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

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

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

The subject site does not have an ingress or egress on the site and would have to create a new curb cut. Covington Hwy is a state route the applicant would have to receive permission from Georgia Department of Transportation to establish the new curb cut. The applicant engineer has reached out to the GDOT for approval.

THE CITY OF
STONECREST
GEORGIA

PLANNING COMMISSION STAFF REPORT

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 may not create an adverse impact upon any adjoining properties land uses by reason of noise, smoke, odor, dust or vibration.

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

Per the information submitted with the application, the liquor store will be operating the same time as another liquor store. Current hours for the liquor store is 9:30 am -11:30 pm M-R, 9:30 am -11:45 pm F-S 12:30 pm -9:30 pm Sun. Staff believes the close proximity of the store to the existing residential neighborhood may create any adverse impact on the surrounding neighborhood if allow operating the standard time.

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

The operation of the proposed liquor store will not affect the adjoining commercial properties. The site will original intended for commercial/office development.

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 of liquor store is consistent with C-1 (Local Commercial).

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

The subject property is in the Regional Center Character area designated by the 2035 Comprehensive Land Use Plan. The proposed use is listed as a primary land use and the use is consistent with the policies of the character area, The proposed use would not change the character of 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.

Transitional buffers are required due to the residentially zoned property located to the southwest and southeast of the subject property. The applicant proposed site plan has addressed the 50' transitional buffer requirement.

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

The adequate refuse area will be provided. The trash pad will be located at the rear of the property and will be picking up according to the DeKalb County Sanitation pick up schedule.

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

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

O. **Whether the size, scale, and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale, and massing of adjacent and nearby lots and buildings.**

Staff believes the size, scale, and massing of the proposed building are appropriate in relation to the size of the subject property.

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

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

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

The proposed use satisfies the requirement of the supplemental regulations for package stores.

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.**

Adjacent and surrounding properties have similar structures heights as the proposed building. 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.**

Staff believes the proposed use would not be consistent with the needs of the neighborhood or the community as a whole, the use is compatible with the neighborhood as the neighborhood has turned into a commercial node and the proposed use would be compatible with the overall objective of the comprehensive plan.

THE CITY OF STONECREST GEORGIA

PLANNING COMMISSION STAFF REPORT

ANALYSIS

Adjacent & Surrounding Properties	Zoning (Petition Number)	Land Use	Density Non-Residential (SF/Acre) Residential (Units/Acre)
Nearby: North	C-1 (Lithonia Crossing)	Commercial	N/A
Adjacent: South	C-1 (Vacant Commercial Property)	Commercial	N/A
Adjacent: East	O-I (Women Move On)	Office-Institutional	10.500 SF/Acre
Adjacent: West	C-1 (Sonic Drive-Thru)	Commercial	4,500 SF/Acre
Adjacent: Southwest	R-100 (Vacant residential property)	Residential	N/A

The surrounding area is characterized as a mixture of commercial and residential zoning tracts with a small portion of residential homes and residential subdivisions located to the South, Southwest, and Southeast. Located to the Southwest is one vacant residential parcel. Located to the Southeast is one residential parcel. Across Covington Hwy to the North of the property is commercial shopping center in unincorporated DeKalb County. The adjacent properties located to the West and East are zoned C-1 and OI.

Local Commercial zoning intends to provide convenient local retail shopping and service areas within the city for all residents. The zoning is meant 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-1 zoning provides quality control in development through materials and building placement. Additionally, assure that the uses authorized within the C-1 (Local Commercial) District is those uses which are designed to serve the convenience shopping and service needs of groups of neighborhoods.

The City Stonecrest Future Development Map as shown on page 67 of DeKalb County Comprehensive Plan identifies the subject property as being within Character Area Neighborhood Center. The intent of the Neighborhood Center Character Area is to identify areas that can serve the local neighborhood's needs for goods and services. These areas shall complement the character of neighborhoods and the location of the commercial areas shall reduce automobile travel, promote walkability and increased transit usage Policies for this character area preserves and enhance the integrity and quality of existing residential neighborhoods, while promoting healthy living in neighborhoods by incorporating a pedestrian environment that encourages socialization, walking, biking, and connectivity. The intent of the character area is to consist of a neighborhood focal point with a concentration of activities such as general retail, neighborhood commercial, professional office, higher-density housing, and appropriate public and open space uses that are easily accessible by pedestrians.

THE CITY OF STONECREST GEORGIA

PLANNING COMMISSION STAFF REPORT

RECOMMENDATION

1. Access on Covington Highway to be approved by Georgia Department of Transportation.
2. Limited access to Hillvale Road
3. Deceleration lane on Covington Highway if required by Georgia Department of Transportation.
4. Additional landscape buffer between the Woman Move On shelter located to the east of the proposed commercial development.

PLANNING COMMISSION RECOMMEDNATION

Planning Commission recommends **DENIAL** of **SLUP-18-002**

THE CITY OF
STONECREST
GEORGIA

PLANNING COMMISION STAFF REPORT

MEETING DATE: May 01, 2018

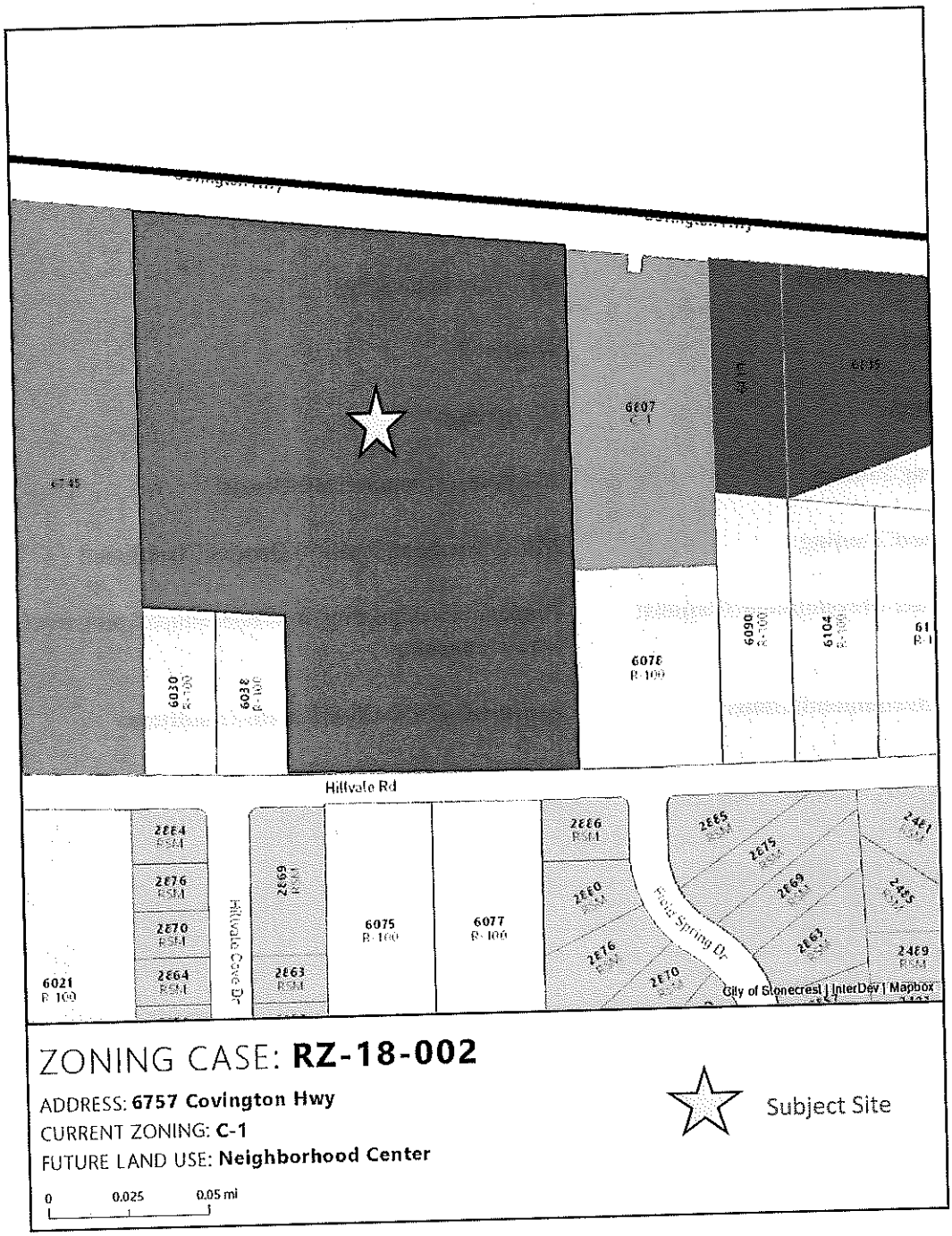
GENERAL INFORMATION

Petition Number:	RZ-18-002
Applicant:	Beverly J Searles Foundation
Owner:	6757 Covington Hwy, LLC
Project Location:	6757 Covington Hwy
District:	District 2
Acreage:	9.3 acreage
Existing Zoning:	C-1 (Local Commercial) District
Proposed Zoning:	MR-2 (Medium Density) District Conditional
Proposed Development/Request:	Applicant is requesting to rezone subject property to MR-2 to construct Senior Housing.
Staff Recommendations:	**Approval of RZ-18-002 with Conditions**
Planning Commission:	**Recommend Approval with Conditions**

THE CITY OF
STONECREST
GEORGIA

PLANNING COMMISION STAFF REPORT

Zoning Map



THE CITY OF
STONECREST
GEORGIA

PLANNING COMMISION STAFF REPORT

Aerial Map

ZONING CASE: **RZ-18-002**

ADDRESS: **6757 Covington Hwy**

CURRENT ZONING: **C-1**

FUTURE LAND USE: **Neighborhood Center**

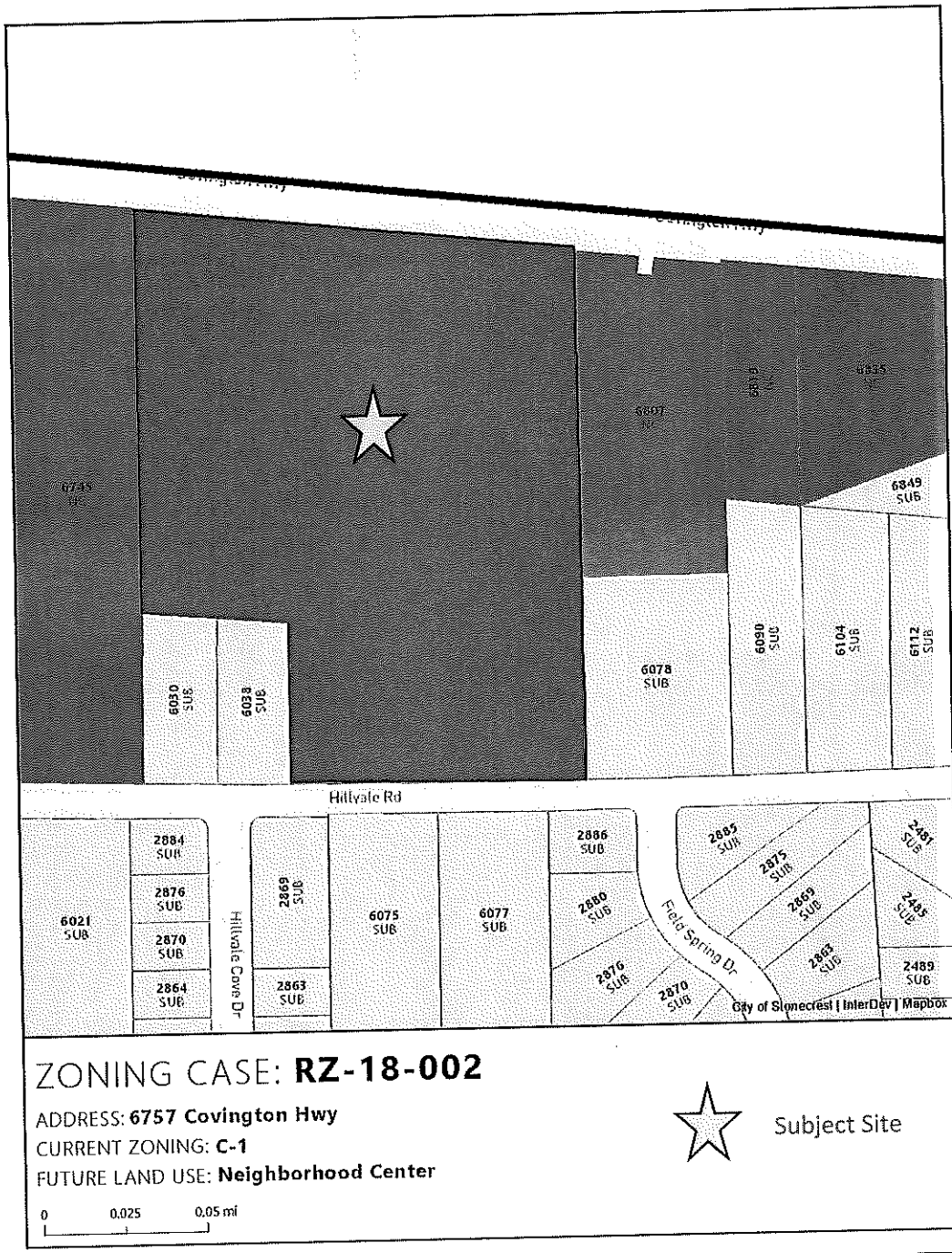
0 0.025 0.05 mi

Subject Site

THE CITY OF STONECREST GEORGIA

PLANNING COMMISION STAFF REPORT

Future Land Use Map



ZONING CASE: **RZ-18-002**

ADDRESS: **6757 Covington Hwy**

CURRENT ZONING: **C-1**

FUTURE LAND USE: **Neighborhood Center**

0 0.025 0.05 mi

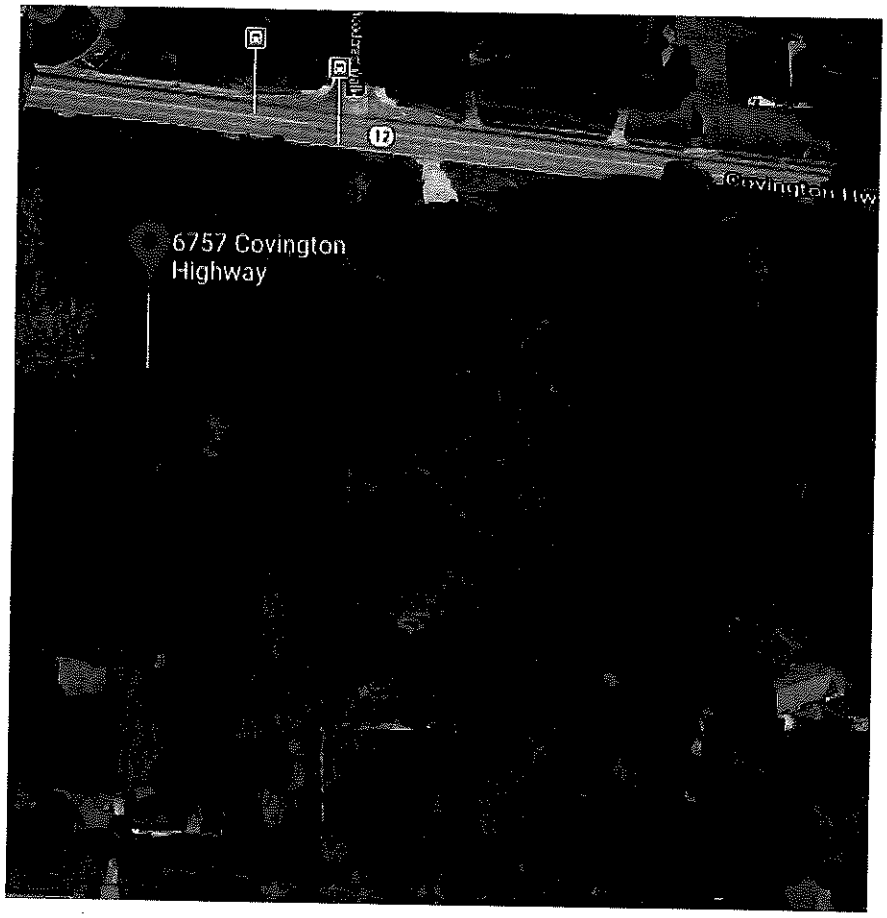
Subject Site

THE CITY OF
STONECREST
GEORGIA

PLANNING COMMISION STAFF REPORT

PROJECT OVERVIEW

The subject property is 9.2-acre parcel with street frontage off Covington Hwy, a four-lane arterial street. The subject property is approximately 1,100' East from the intersection of Covington Highway and DeKalb Medical Parkway, The site currently zoned C-1 (Local Commercial) District and it is the Neighborhood Center Character area identified in the 2035 Comprehensive Plan. Previously, the subject area was rezoned to OCR back in 2004 and then rezoned to its current zoning in October 2008. The previous owner intended to construct a commercial and office development.



The applicant is requesting a change in zoning from C-1 to MR-2 to develop a 250-unit senior housing development. The applicant is seeking to develop the project within two or three phases. The conceptual drawings submitted by the applicant show the proposed building will comprise of brick veneer, fiber cement siding, and fiber cement panels. The property has approximately 600' of frontage on Covington Hwy, while there is approximately 400' of frontage on Hillvale Road.

The site has extensive pine trees and undergrowth vegetation located on the property. The topography is characterized as being mainly flat, moving north and south of the subject property. The surrounding area is characterized as a mixture of commercial and residential. North of the subject property across Covington Hwy in unincorporated DeKalb County is Woodcrest Village apartment complex. Abutting the property to the East is Women Move On women shelter zoned O-I

and a single-family residence zoned R-100. Located to the West of the subject property a vacant piece of property zoned C-1 and a single-family residence zoned R-100.

View of subject property from Covington Hwy

View of subject property from Hillvale Road

THE CITY OF STONECREST GEORGIA

PLANNING COMMISION STAFF REPORT

STANDARDS OF REVIEW

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

  The zoning proposal is in conformity with the policy and intent of the comprehensive plan. The future character area of the subject property is Neighborhood Center. The policies of the character area emphasize the use of transit, promote walkability and high-density housing.

- **Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties.**

  The zoning proposal would permit a use that suitable for use and development of surrounding properties. The proposed senior housing would be suitable, as surrounding area is residential homes and apartment development located to the north to the subject property and nearby to the west of the subject property. The Woodcrest Village apartments are located to the North and located to the East approximately 1,300 ft is Arbor Crossing apartments.

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

  The subject property has a reasonable economic use as currently zoned.

- **Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties.**

  The proposed use will not adversely affect the existing use or usability of adjacent property. Staff notes the residential properties located to the southwest and southeast of the subject property are single-family homes would not be adversely affected due to the zoning change since the current zoning is commercial, the proposed change would be more in line with the surrounding area.

- **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 not 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.

- **Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.**

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

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

The proposed change in use would not cause an excessive or burdensome use of existing streets and not transportation facilities, utilities, or schools.

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

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

THE CITY OF STONECREST GEORGIA

PLANNING COMMISION STAFF REPORT

ANALYSIS

Adjacent & Surrounding Properties	Zoning (Petition Number)	Land Use	Density Non-Residential (SF/Acre) Residential (Units/Acre)
Nearby: North	MR-1 (Medium Residential Density) Apartments	Residential	n/a
Adjacent: South	R-100 (Residential Med lot) Single-Family Home	Residential	n/a
Adjacent: East	C-1(Local Commercial) Vacant Property	Commercial	n/a
Nearby: West	OI (Office-Institutional) Woman Move On Shelter	Office	n/a

The surrounding area is characterized as a mixture of commercial and residential zoning tracts with a small portion of residential homes and residential subdivisions located to the South, Southwest, and Southeast. Located to the Southwest are two residential parcels, with one parcel being vacant. Located to the Southeast is one residential home and across Hillvale Road is the Meadow Springs Subdivision. Across Covington Hwy to the North of the property are residential apartments in unincorporated DeKalb County. The adjacent properties located to the West and East are zoned C-1 and OI.

MR-2 (Medium Residential Density) zoning intends to encourage primary residential, planned developments that allow accessory retail, office, institutional and civic uses, as well provide for residential neighborhoods with a mix of single-family and multi-family housing types that maintain the harmony of scale, intensity, and design with surrounding development. Additionally, provide districts that allow appropriate development transition within the edges and transitional area of the Town Center and Regional Center character areas.

The City Stonecrest Future Development Map as shown on page 67 of DeKalb County Comprehensive Plan identifies the subject property as being within Character Area Neighborhood Center. The intent of the Neighborhood Center Character Area is to identify areas that can serve the local neighborhood's needs for goods and services. These areas shall complement the character of neighborhoods and the location of the commercial areas shall reduce automobile travel, promote walkability and increased transit usage Policies for this character area preserves and enhance the integrity and quality of existing residential neighborhoods, while promoting healthy living in neighborhoods by incorporating a pedestrian environment that encourages socialization, walking, biking, and connectivity. The intent of the character area is to consist of a neighborhood focal point with a concentration of activities such as general retail, neighborhood commercial, professional office, higher-density housing, and appropriate public and open space uses that are easily accessible by pedestrians.

The proposed change in zoning is consistent in use and scale with the surrounding uses. Staff believes a change in zoning is suitable in view of the use and development of adjacent and nearby properties. Therefore, the proposed change in zoning would be in keeping with the policies and intent of the Comprehensive Plan and would be suitable in view of its impacts on the adjacent and nearby property, therefore, the Department of Community Development recommends **APPROVAL of RZ-18-002**

THE CITY OF
STONECREST
GEORGIA

PLANNING COMMISION STAFF REPORT

RECOMMENDATION

1. Access on Covington Highway to be approved by Georgia Department of Transporation.
2. Deceleration lane on Covington Highway if required by Georgia Department of Transporation.
3. Two points of access, if possible both to be located on Covington Highway if allowed by Georgia Department of Transportation.

PLANNING COMMISSION RECOMMENDATION

1. Access on Covington Highway to be approved by Georgia Department of Transporation.
2. Deceleration lane on Covington Highway if required by Georgia Department of Transporation.
3. Two points of access, if possible both to be located on Covington Highway if allowed by Georgia Department of Transportation.
4. No vehicle access to and from Hillvale Road.

THE CITY OF
STONECREST
GEORGIA

May 1st 2018

Planning Commission
Public Hearing

THE CITY OF
STONECREST
GEORGIA

SLUP-17-0002

3185 Evans Mill Road, Stonecrest GA 30038

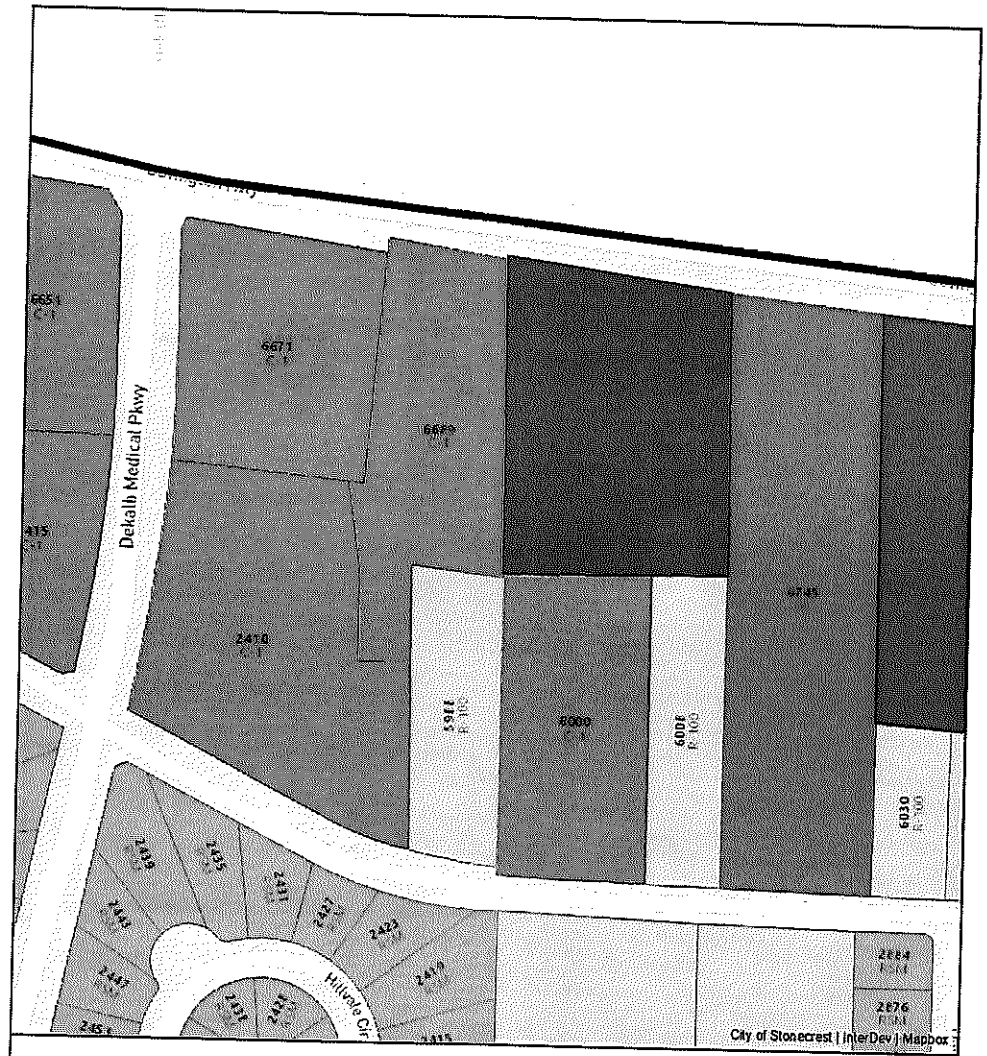
Petition Information

- APPLICANT: Pawanjit Kaur
- LOCATION: 6721 Covington Hwy
- ACREAGE: 2.75 acres
- REQUEST: The applicant is requesting a Special Land Use Permit (SLUP) to construct a liquor store.

General Information

- Current zoning: C-1 (Local Commercial) District
- Future Land Use Character Area: Neighborhood Center
- Policies for this area emphasize:
  - Each Neighborhood Center shall include a medium- high density mix of retail, office, services, and employment to serve neighborhoods.
  - Create compact mixed use districts and reduce automobile dependency and travel to obtain basic services
- Surrounding uses: Residential, Commercial and Office.
- Surrounding zoning: R-100 (Residential Medium Lot), Commercial and Office-institutional.

Zoning Map



ZONING CASE: **SLUP-18-002**

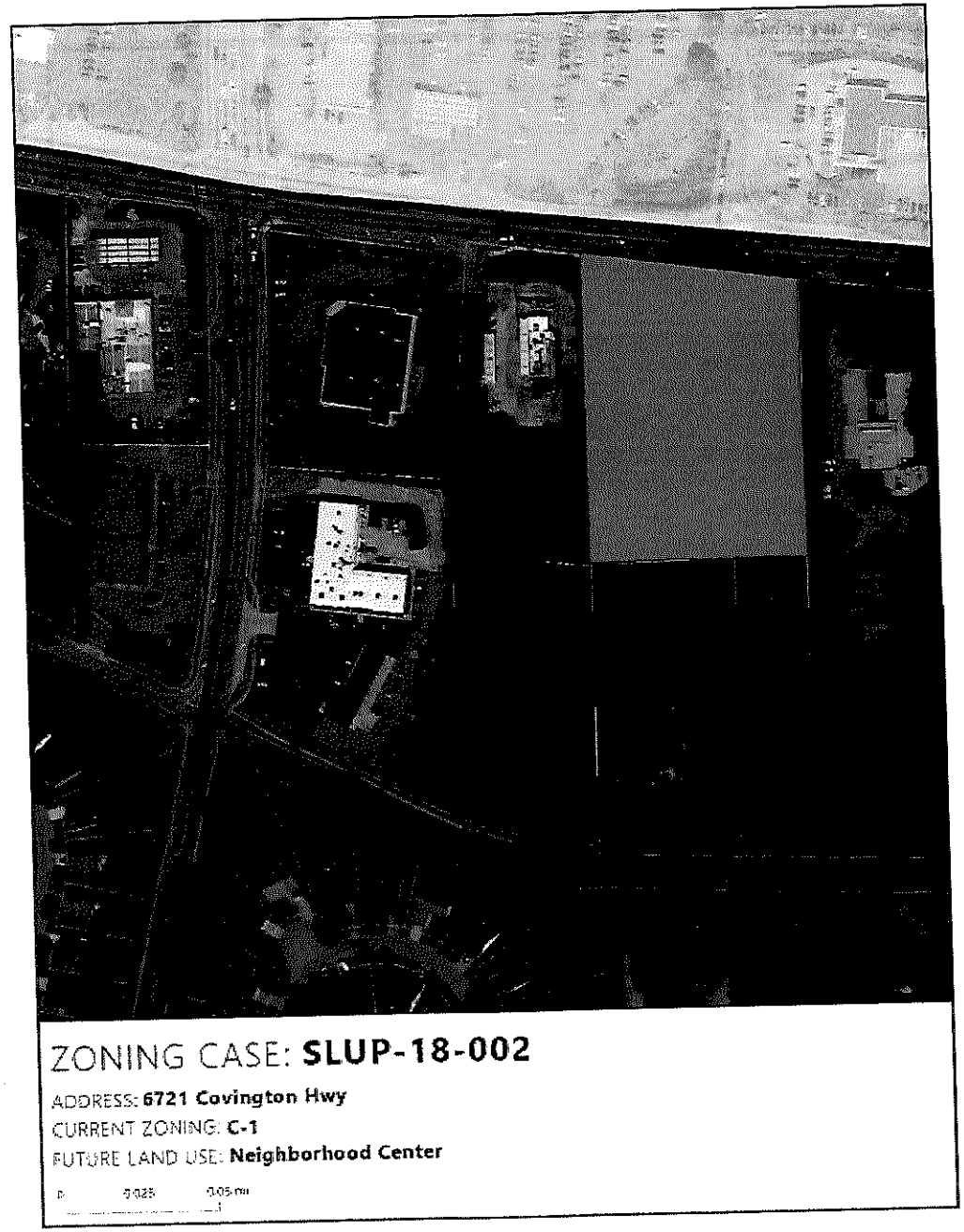
ADDRESS: **6721 Covington Hwy**

CURRENT ZONING: **C-1**

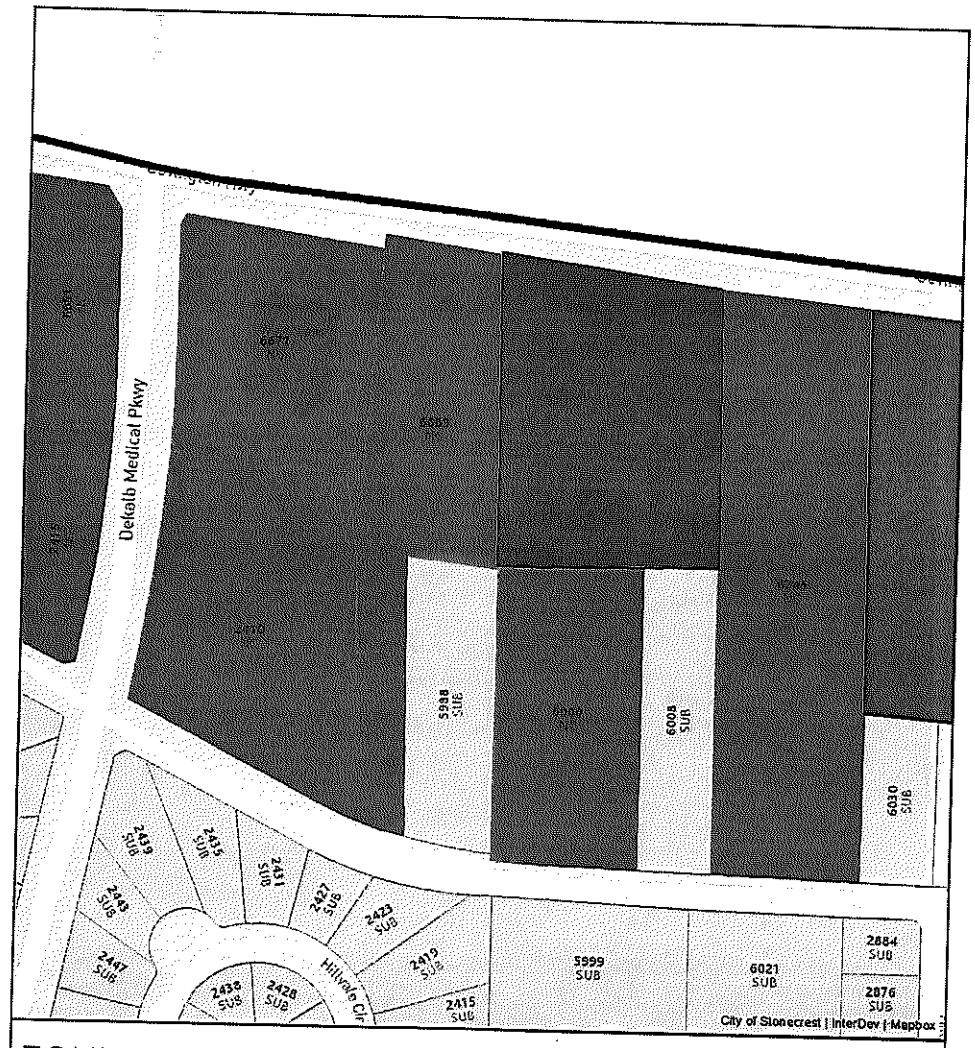
FUTURE LAND USE: **Neighborhood Center**

0 0.025 0.05 mi

Aerial Map


ZONING CASE: **SLUP-18-002**
ADDRESS: **6721 Covington Hwy**
CURRENT ZONING: **C-1**
FUTURE LAND USE: **Neighborhood Center**

Future Land Use Map



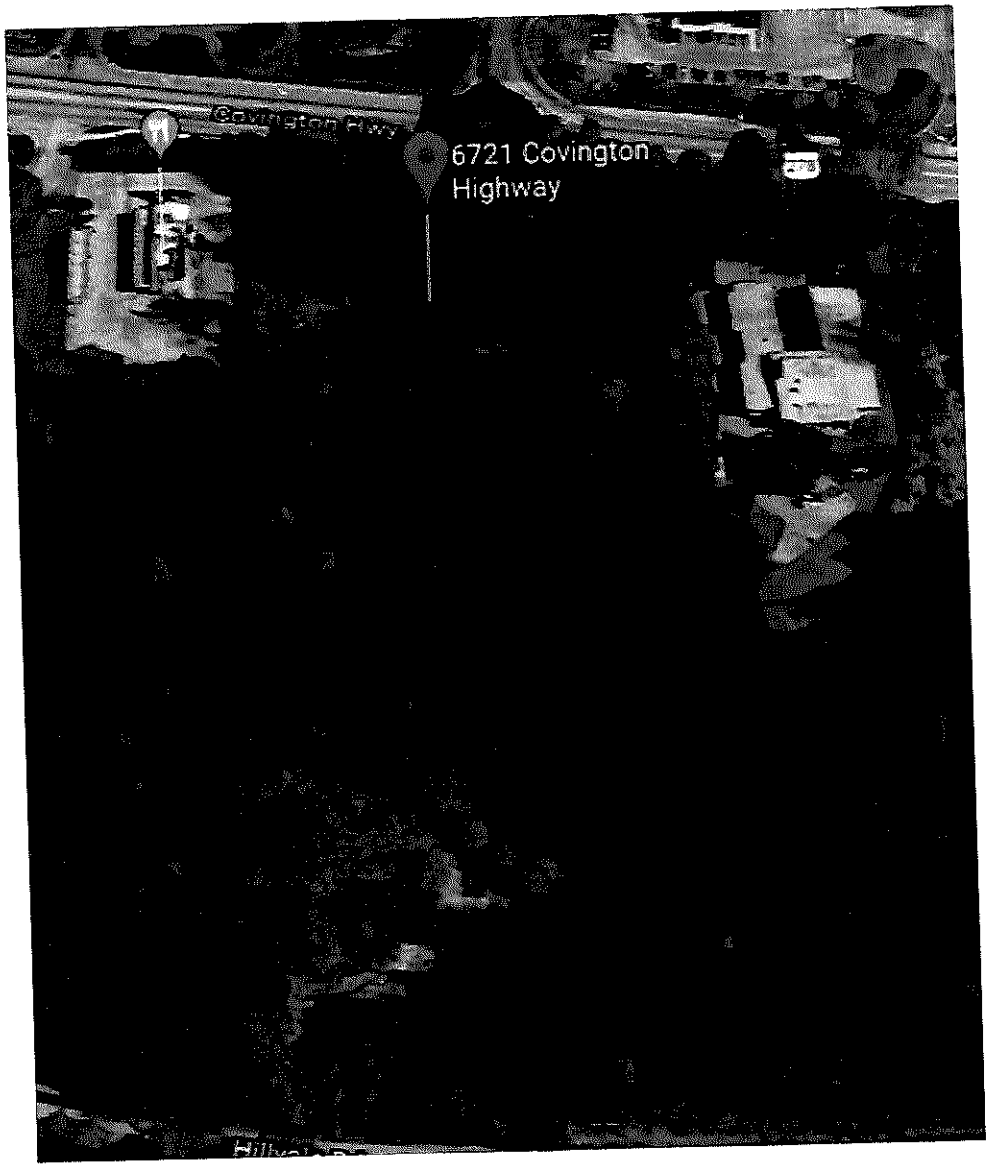
ZONING CASE: **SLUP-18-002**

ADDRESS: **6721 Covington Hwy**

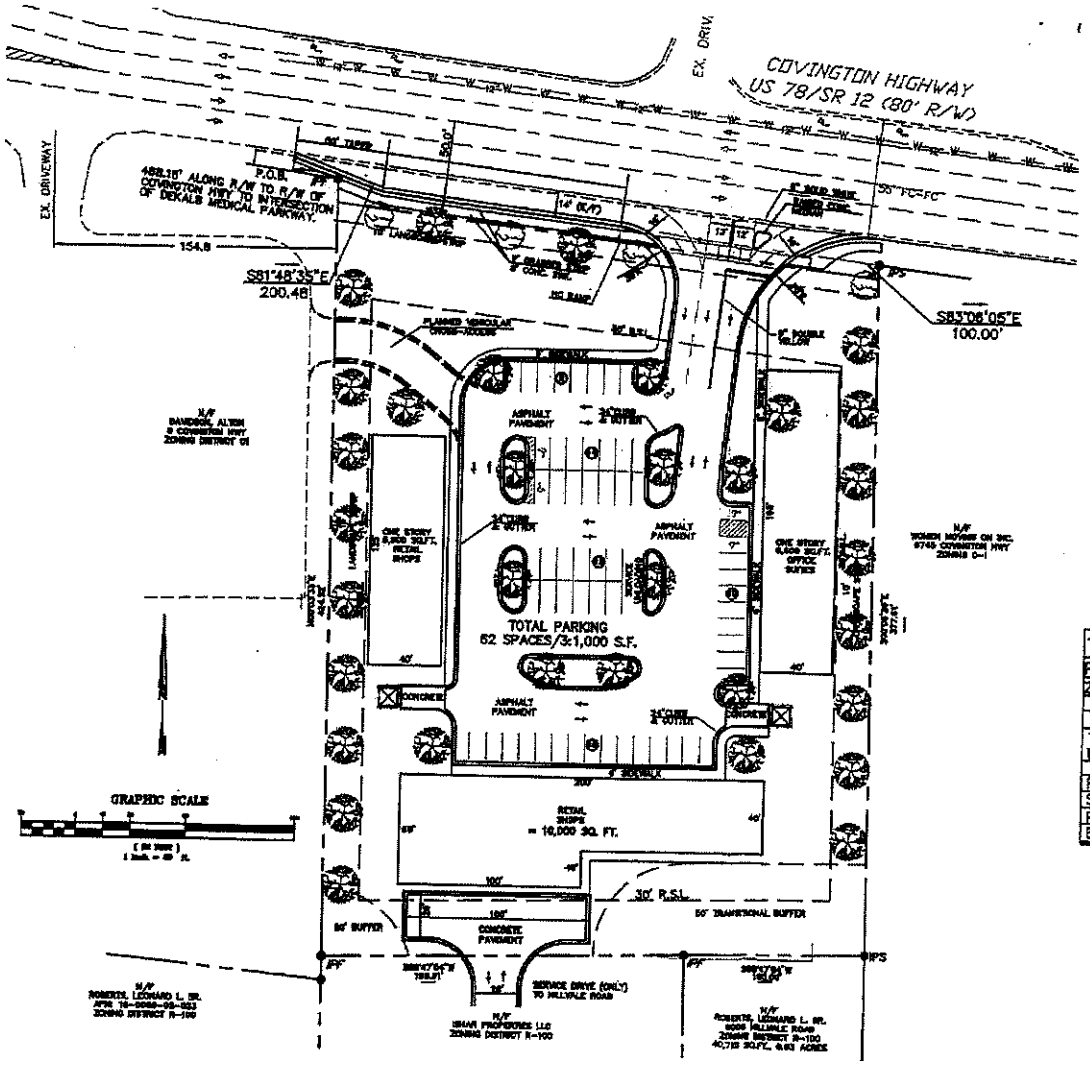
CURRENT ZONING: **C-1**

FUTURE LAND USE: **Neighborhood Center**

0 0.025 0.05 mi


6721 Covington
Highway

Site Plan



Vicinity Map

OWNER & DEVELOPMENT NOTES:

1. PROPERTY ADDRESS: 4734 COVINGTON HWY DECATUR, GEORGIA, 30035
   PARCEL # 16-089-02-022
2. OWNER/DEVELOPER: SHAH PROPERTIES LLC
3. ENGINEER: PYRAMID ENGINEERING, INC.
4. THE PROPERTY IS LOCATED WITHIN LAND LOT 89 OF THE 16TH DISTRICT, DEKALB COUNTY, GEORGIA.
5. THE TOTAL PROPERTY IS 2.670 ACRES (116,580.84 SQ. FT.) AND IS ZONED C-1 COMMERCIAL.
6. WATER INFORMATION:

UTILITIES

DRAINAGE REMARK

1. PUBLIC SEWER PROVIDED BY DEKALB COUNTY.

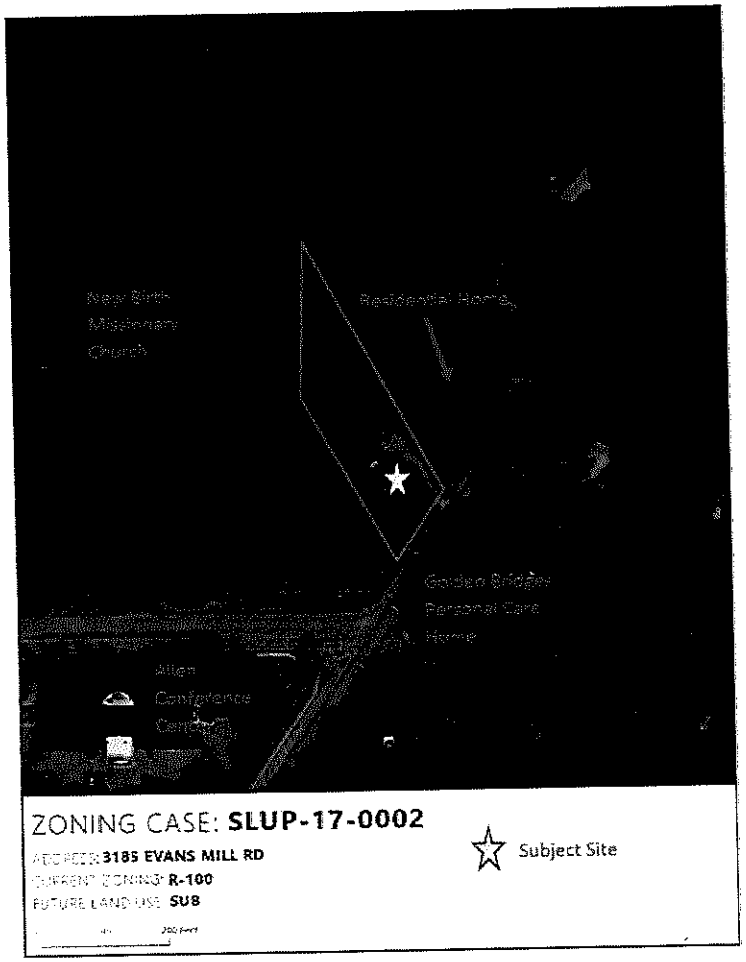
WATER REMARK

1. PUBLIC WATER SERVICE PROVIDED BY DEKALB COUNTY.
2. WATER SERVICE IS AVAILABLE FOR PROPOSED PROJECT.
3. DEKALB COUNTY WATER AND SEWER DEPARTMENT APPROVAL IS REQUIRED PRIOR TO ISSUANCE OF DEVELOPMENT PERMIT.

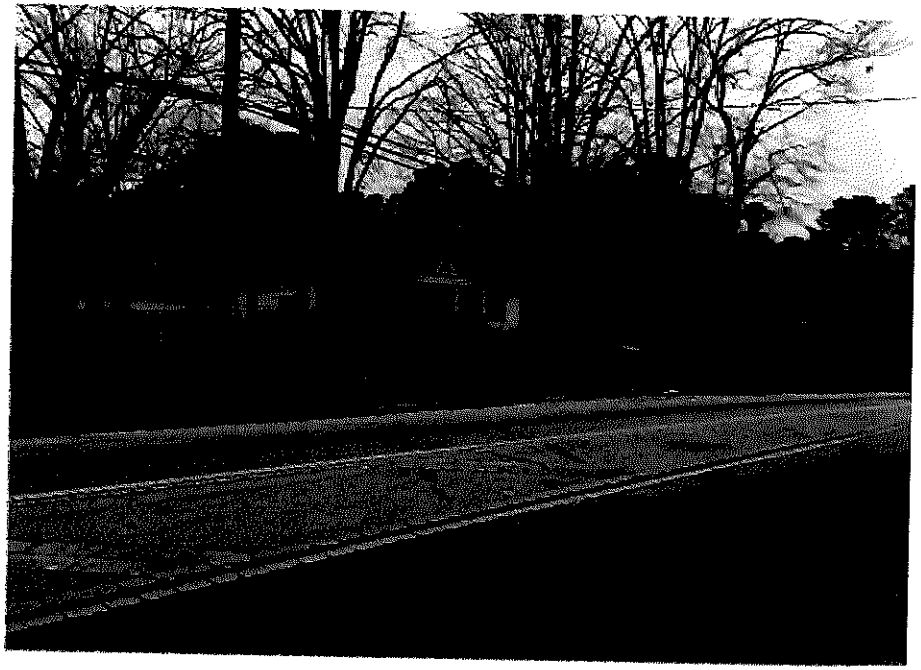
Site Analysis

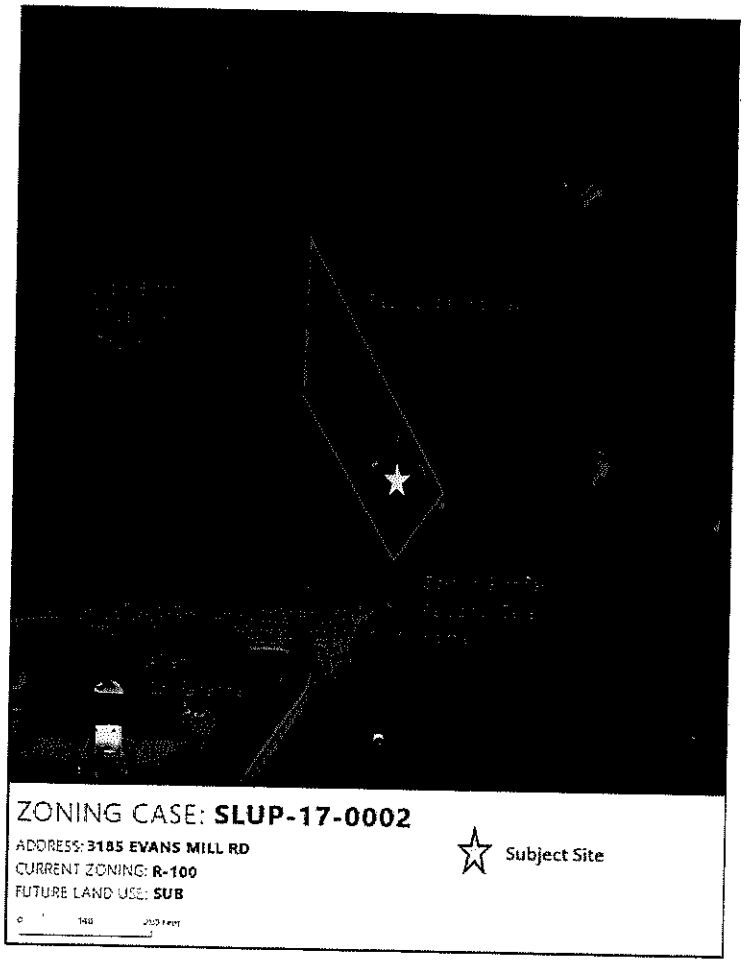
Total Lot Area: 2.67 AC. (116,580 S.F.)		
Proposed: 21,600 S.F. Office/Retail		
Zoning: C-1 COMMERCIAL		
Total S.F.	Parking Ratio	Shown
21,600 S.F.	2.77/1,000 S.F.	60 Spaces
Total Impervious Surfaces: 69,600 S.F.		
Percent Impervious: 59.7% (69,600/116,580)		
Setbacks	Distance	
Front	50'	
Side	20'	
Rear	30'	
Buffer	50' Along Rear Prop. Line	

Golden Bridges Inc (Personal Care Home) to the South East on Panola Road

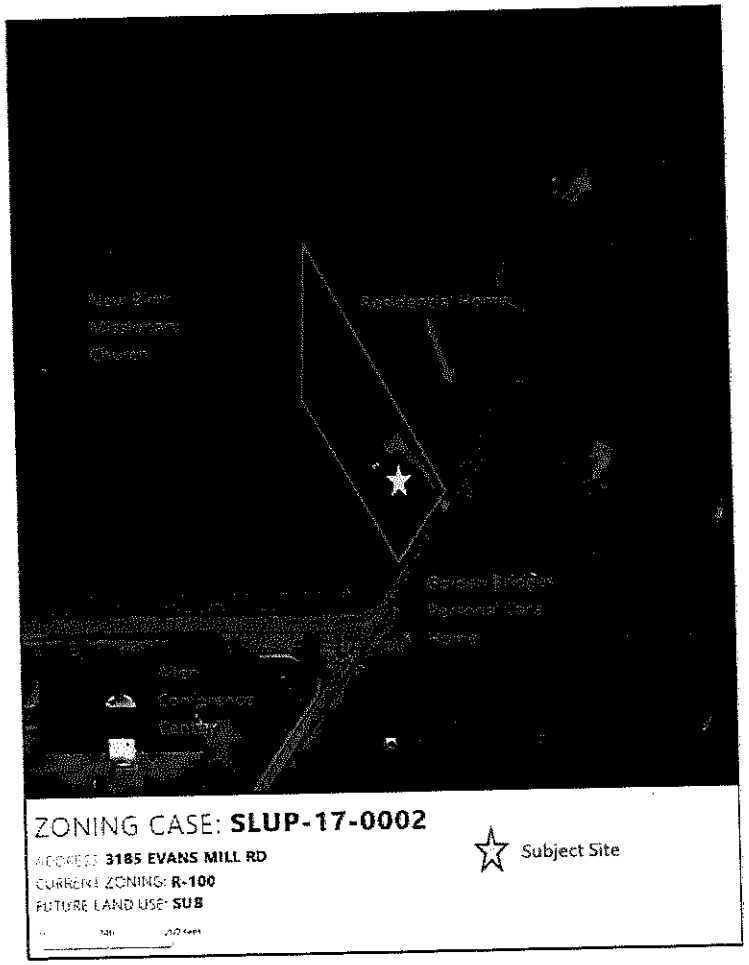


Residential Home to the North West on Panola Road

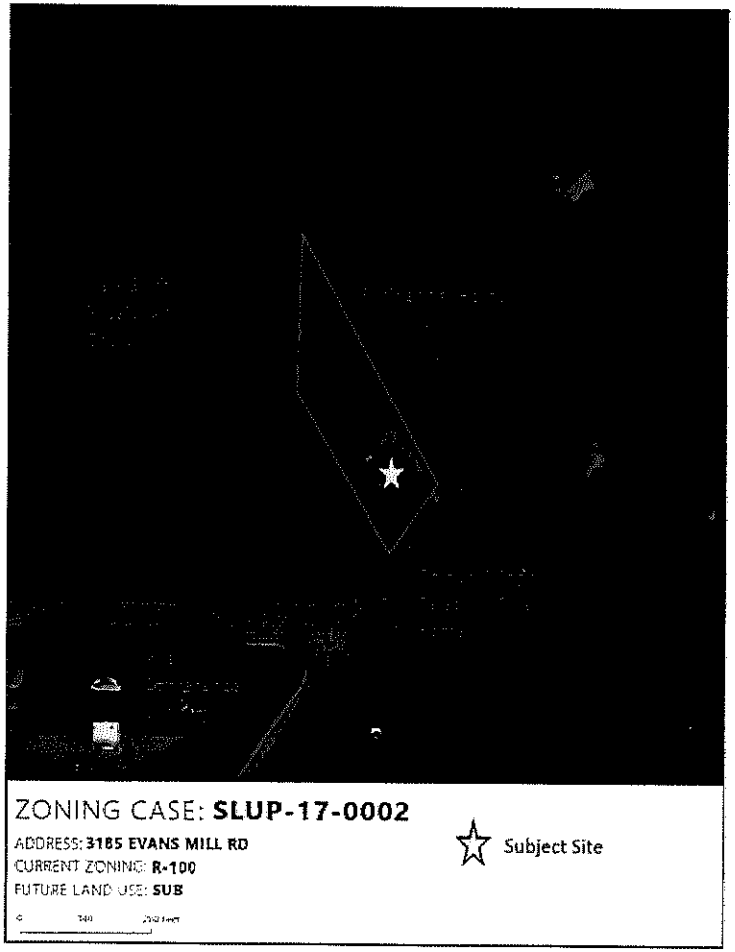




New Birth Missionary Baptist Church
Entrance to South West on Panola Road



Allen Conference Center to the South West on Panola Road



STANDARDS OF REVIEW

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.

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

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

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.

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.

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.

STANDARDS OF REVIEW

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.

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

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

Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.

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

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.

STANDARDS OF REVIEW

Whether there is adequate provision of refuse and service areas.

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

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.

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

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

Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.

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

Staff finds this petition:

- Consistent in use and scale with adjacent and nearby properties.

- Even though, the proposed use is not in keeping with the policies and intent of the Comprehensive Plan however the proposed use would be suitable in view of its impacts on the adjacent and nearby property.

Staff Recommendation

Based upon the findings and conclusions herein, Staff recommends **APPROVAL** of this request:

1. 3185 Evans Mill Road to operate an Child Caring Institution for four to six (4-6) residents

THE CITY OF STONECREST GEORGIA

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Special Land Use Permit Application

SLUP 18-002

Applicant Information

Name: PAWANJIT KAUR			
Address: 6721 Covington Hwy	StoneCrest GA	-30038	
Phone: 718-536-0017	Fax:	Email	
Owner's Name: PAWANJIT KAUR			
Owner's Address: 388 Bulloch Drive. Newnan- GA-30263			

Owner Information

Phone: 718-536-0017	Fax:	Email statewineliquor@gmail.com
Property Address: 6721 Covington Hwy	Acreage: 2.74	
Parcel ID: 16089020220		
Current Zoning Classification: C-1		
Proposed Use of Property: Shopping Center / Liquor Store / with other Shopes		

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: 6721 Covington Hwy StoneCrest-GA-30038 is undistrube Propety and we Like to Put a 6 OR 7 Shopes in this property. with New Construction. and Liquor store. for it- if you need More info Please to CL me 715-536-0017

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: PAWANJIT KAUR

Applicant's Signature: Pawanjit Kaur Date: 2/22/18

Sworn to and subscribed before me this 24 Day of FEB 20 18

Notary

Notary Public: JACQUELYN PARKER

Signature:

My Commission Expires: 11-20-2021

☑ Application Fee ☑ Sign Fee ☐ Legal Fee

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

☐ Approved ☐ Approved with Conditions ☐ Denied | Date:

08-03-2017

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P/Z 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: Parvanjit Kaur — Date: 2/22/18

Address: 6721 Covington Hwy — City, State: Stonecrest GA — Zip: 30038

Phone: 718-536-0017

Sworn to and subscribed before me this 24 day of FEB, 2018

Notary Public: EXP 11.20.21

Property Owner (If Applicable)

Signature: — Date: 2.24.18

Address: 61 Bullsboro Dr — City, State: Newnan GA — Zip: 30263

Phone: 770-254-3828

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:

THE CITY OF STONECREST GEORGIA

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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: Pawanjit Kaur
	Address: 6721 Covington HWY Stonecrest - GA - 30038
	Date: 2/27/2018

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

Date	Government Official	Official Position	Description	Amount
	Nil	Nil	Nil	Nil.

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Property Appraisal Department

Property Overview 2/21/2018 1:54:54 PM

Close Print

Parcel ID: 16 089 02 022

To view map, click on parcel ID number.

Owner Information

Tax District	80 - STONECREST	Zoning	C-1 - GENERAL COMMERCIAL
Jan. 1st Owner	ISHER PROPERTIES LLC	Land Use	300 - Vacant Commercial Land **
Co-Owner		Land Unit	119,790
Current Owner	ISHER PROPERTIES LLC	Calculated Acreage	2.75
Co-Owner		Deeded Acreage	2.7
Owner Address	388 BULLSBORO DR STE 208 NEWNAN GA 30263	Neighborhood	9039
Property Address	6721 COVINGTON HWY	Property Class	C3 - COMMERCIAL LOT

Appeal Status

	2017	2016
Date Notice Mailed	6/2/2017	
Appeal Code	N - C.O.A. Notice	N - C.O.A. Notice
Process Code		
Hearing Date		
Hearing Time		

Assessment Notice

You may need to download Adobe Acrobat Reader. It is available at

Tax Year - ASMT Notice or Letter

2017 - Notice1
2016 - Notice1
2015 - Notice1

Current Appraised & Assessment Value

Tax Year	Total Appraised	Taxable Land	Taxable Imp.	Total Taxable	Total Taxable Assessment (40%)
2017	$359,300	$359,300	$0	$359,300	$143,720

Sales History

Book/Page	Sale Date	Deed Type	Sale Condition	Sale Price
26618 - 00091	11/21/2017	WD - WARRANTY DEED	0 - VALID SALE FMV	$695,000.00
17230 - 00394	3/17/2005	WD - WARRANTY DEED	2 - PARTIAL INTEREST	$0.00
17230 - 00384	3/17/2005	WD - WARRANTY DEED	0 - VALID SALE FMV	$357,000.00
09261 - 00678	12/18/1996	LW - LIMITEDWARRANTY DEED	H - SALES FROM BANK	$139,000.00
09108 - 00712	8/6/1996	DP - DEED UNDER POWER	F - FORECLOSURE OR BANKRUPTCY	$150,000.00
06625 - 00103	1/18/1990	UN - UNWORKABLE DEED	Z - INVALID SALE	$0.00
06596 - 00671	1/1/1989	WD - WARRANTY DEED	0 - VALID SALE FMV	$170,000.00
05151 - 00304	2/11/1985	WD - WARRANTY DEED	0 - VALID SALE FMV	$0.00
0**** - 0****	11/29/1989	MC - MAP CHANGE-SEE NOTES	Z - INVALID SALE	$0.00

Sales which occurred prior to January 1 of this year were used to establish values for the current year. All sales which take place after January 1 will be considered for next year's valuations. These sales are provided for your convenience and may not have been verified or confirmed by our staff. We reserve the right to edit as needed.

Sales Data Search | Detailed Property Data | Property Tax Data

2017

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Print this page for your records

Contact Us

Property Tax Information Results

Online Payments are for 2017 Only Pay Now

Back

For additional assistance, contact (404) 298-4000.

Property Identification

Parcel ID	16 089 02 022
Pin Number	0721085
Property Address	6721 COVINGTON HWY
Property Type	Real Estate
Tax District	80 - STONECREST

Owner Information

	Last Name, First Name
Jan. 1 st Owner	ISHER PROPERTIES LLC
Co-Owner	
Current Owner	ISHER PROPERTIES LLC
Co-Owner	
Owner Address	388 BULLSBORO DR STE 208 NEWNAN GA 30263
Care of Information	

** CHANGE MAILING ADDRESS? **

Homestead Exemption

Exemption Type	- NO EXEMPTION
Tax Exempt Amount	$0.00

APPLY FOR BASIC HOMESTEAD EXEMPTION AND PROPERTY ASSESSMENT FREEZE

Other Exemption Information

Exemption Type	
Value Exemption Amount	$0.00

Deed Information

Deed Type	WARRANTY DEED
Deed Book/Page	26618 / 00091
Plat Book/Page	/ 11 0

Property Characteristics/ Sales Information

NBHD Code	9039
Zoning Type	C-1 - GENERAL COMMERCIAL
Improvement Type	
Last Deed Date	11/21/2017
Last Deed Amount	$695,000.00

Click here to view property map

Additional Property

Property Value/Billing Assessment

Taxable Year	2017
Land Value	$359,300
Building Value	$0
Misc. Improvement Value	$0
Total Value	$359,300
40% Taxable Assessment	$143,720

Information as of 2/21/2018

For additional information on the data above, contact the Property Appraisal Department at 404-371-2471

Tax Information Summary

Taxable Year	2017
Millage Rate	0.04409
2 nd Installment Amount	($0.00)
DeKalb County Taxes Billed	$6,653.46
DeKalb County Taxes Paid	$6,653.46
DeKalb County Taxes Due	$0.00
Total Taxes Billed	$6,653.46
Total Taxes Paid	$6,653.46
Total Taxes Due	$0.00

DeKalb County Taxes

First Payment Date	11/22/2017
First Payment Amount	$158.42
Last Payment Date	12/15/2017
Last Payment Amount	$158.42

Tax Paid Receipt | Tax Bill Details

-- Choose a Tax Year -- | Get Tax Payoff Info.

Property Tax Mailing Address

DeKalb County Tax Commissioner
Collections Division
PO Box 100004
Decatur, GA 30031-7004

Prior Years Tax

*** Please note that payment posting information may be delayed due to batch processing***

DeKalb County Tax

TaxYear	Total Owed	Total Paid	Total Due	Adjusted Bill Due Date
2017	$6,653.46	$6,653.46	$0.00	
2016	$6,825.24	$6,825.24	$0.00	
2015	$6,870.43	$6,870.43	$0.00	
2014	$7,057.47	$7,057.47	$0.00	
2013	$7,347.24	$7,347.24	$0.00	
2012	$7,811.36	$7,811.36	$0.00	
2011	$7,596.54	$7,596.54	$0.00	
2010	$6,763.93	$6,763.93	$0.00	
2009	$6,760.70	$6,760.70	$0.00	
2008	$4,145.98	$4,145.98	$0.00	
2007	$4,124.19	$4,124.19	$0.00	
2006	$4,125.88	$4,125.88	$0.00	
2005	$2,670.09	$2,670.09	$0.00	

Delinquent Taxes/ Tax Sale Information

Tax Sale File Number	
FiFa-GED Book/Page	
Levy Date	
Sale Date	
Delinquent Amount Due	

For additional assistance, contact (404) 298-4000.

Contact Us

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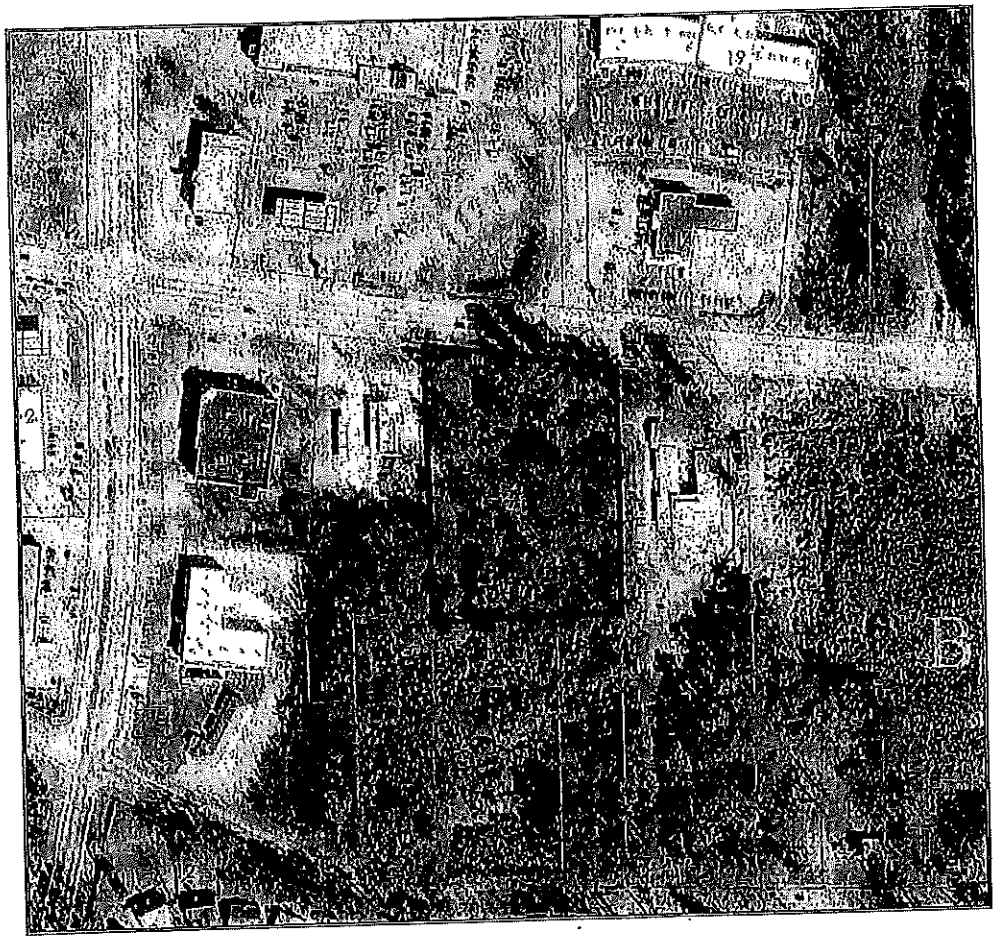
Assessor Aerial Map



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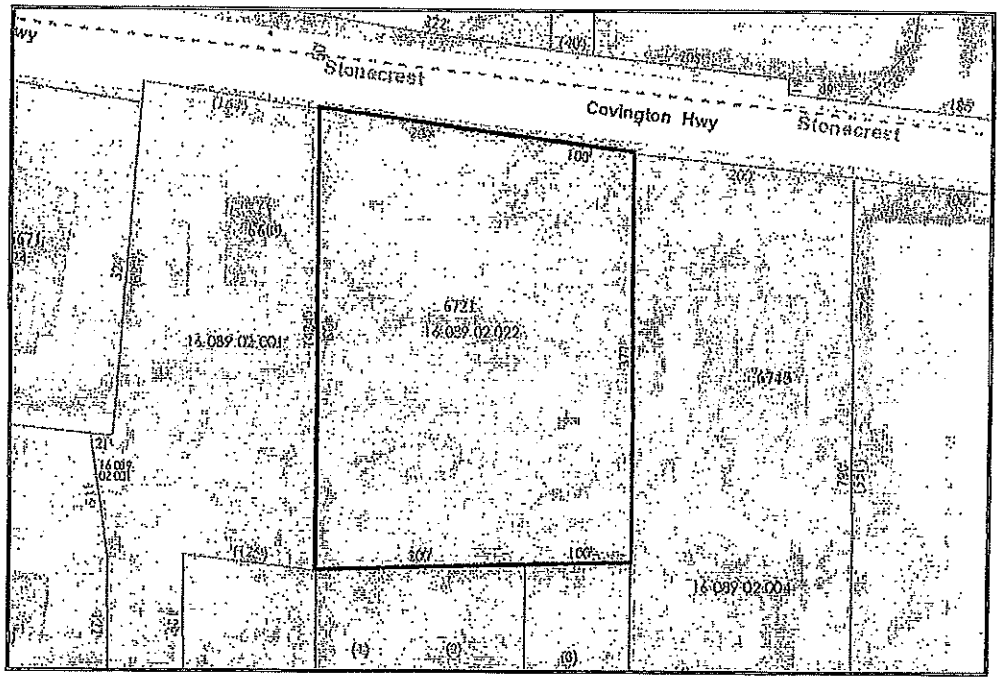
Assessor GIS Map



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Subject Photographs

Front View

Random View of Land

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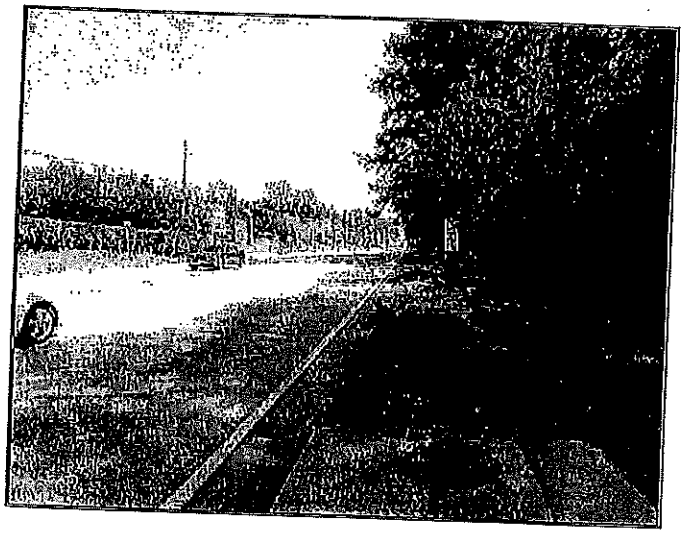
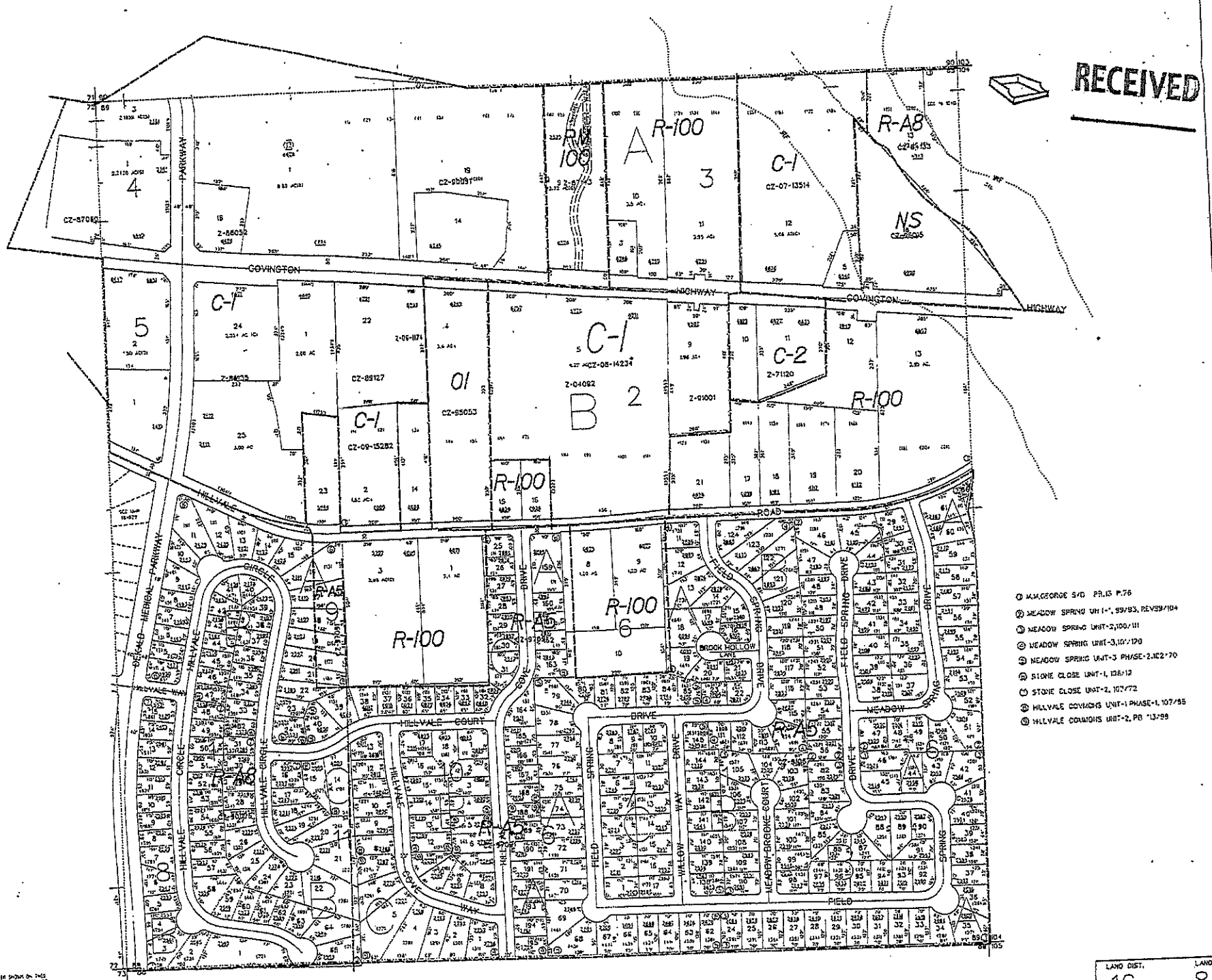


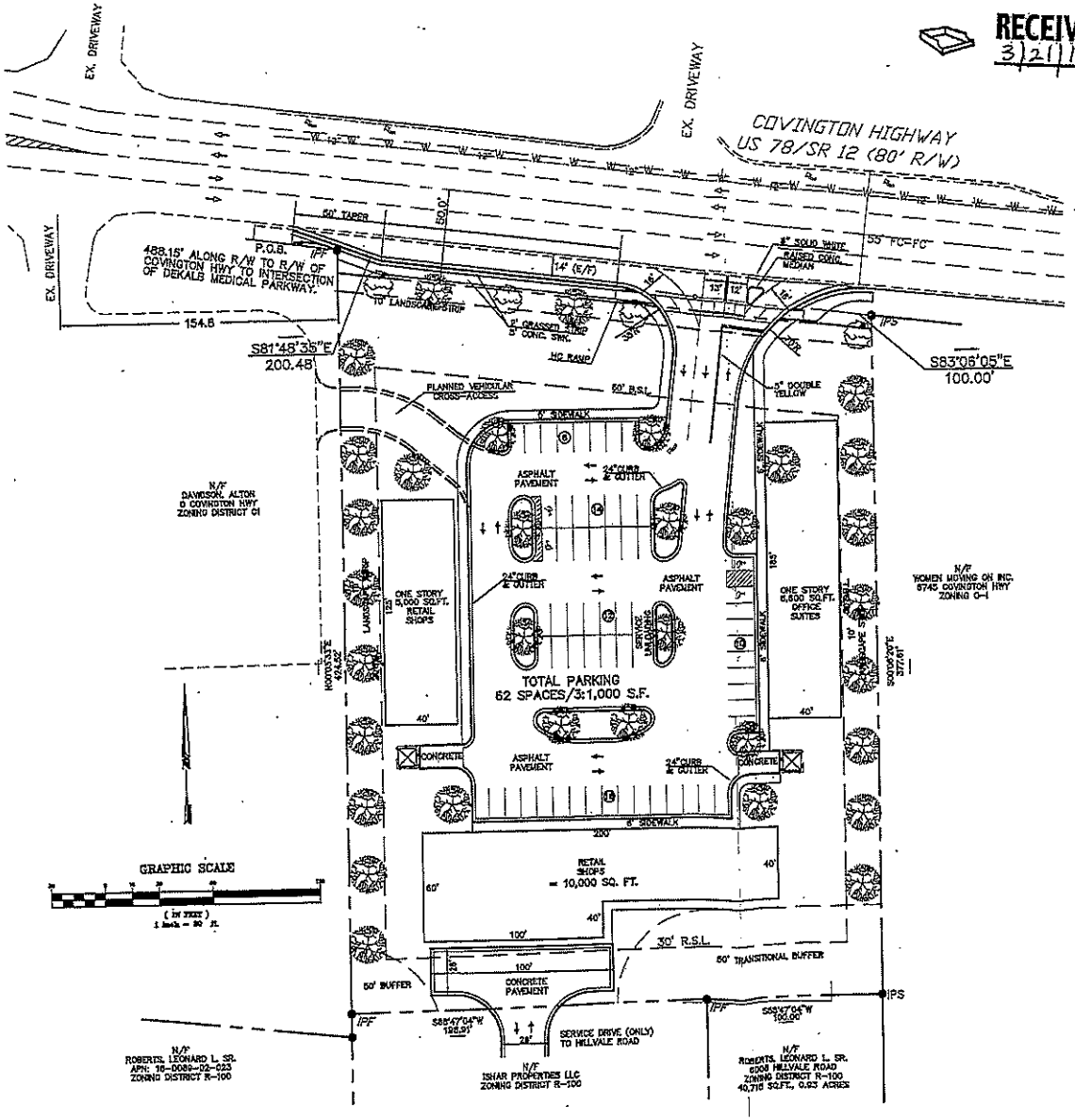
Street Scene East on Covington Hwy

Street Scene West on Covington Hwy


RECEIVED
COVINGTON HIGHWAY
HILLVALE ROAD
DEKALB MEMORIAL PARKWAY
R-100
C-1
C-2
R-A8
R-A5
N.S.
BROOK HOLLOW LANE
MEADOW SPRING DRIVE
FIELD SPRING DRIVE
HILLVALE COURT
HILLVALE CIRCLE
MEADOW-BROOKE COURT
WILLOW WAY
KIMGEORGE S/D PB.15 P.76
MEADOW SPRING UNIT-1, 99/83, REV99/104
MEADOW SPRING UNIT-2,100/111
MEADOW SPRING UNIT-3,107/170
MEADOW SPRING UNIT-3 PHASE-2,102/70
STONE CLOSE UNIT-1, 106/12
STONE CLOSE UNIT-2, 107/72
HILLVALE COMMONS UNIT-1 PHASE-1, 107/55
HILLVALE COMMONS UNIT-2, PB 113/99
LAND DIST. 16
LAND LOT 90

RECEIVED

Dekalb Medical Pkwy
Crescent Ridge Cir
Sherbourne Dr
Old Wellborn Trace
Woodcrest Walk
Covington Hwy
12
278
Hillvale Rd
Raven Circle
Ravensway Dr



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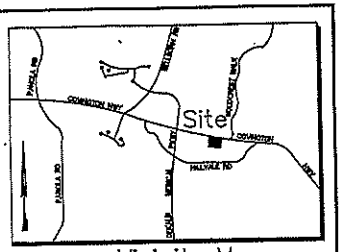
3/21/18



Vicinity Map

OWNER & DEVELOPMENT NOTES:

1. PROPERTY ADDRESS: 6734 COVINGTON HWY DECATUR, DEKALB COUNTY, GEORGIA 30035
   PARCEL # 16-089-02-022
2. OWNER/DEVELOPER: ISHAR PROPERTIES LLC
   3364 BULLSBORO DR. #206
   NEWNAN, GA. 30263
   PHONE: (770) 538-0017
3. DESIGNER: PYRAMID EDC CONSULTANTS, INC.
   4151 MEMORIAL DRIVE
   BUILDING A, SUITE 204a
   DECATUR, GA. 30032
   PHONE: (404) 297-0750
   CONTACT: MIKE BELL
4. THE PROPERTY IS LOCATED WITHIN LAND LOT 89 OF THE 16TH DISTRICT, DEKALB COUNTY, GEORGIA.
5. THE TOTAL PROPERTY IS 2.75 ACRES (119,824.06 SQ. FT.) AND IS ZONED C-1 COMMERCIAL.
6. TRAFFIC INFORMATION: -

UTILITIES

SANITARY SEWER
1. PUBLIC SEWER PROVIDED BY DEKALB COUNTY.

WATER SERVICE
1. PUBLIC WATER SERVICE PROVIDED BY DEKALB COUNTY.
2. WATER SERVICE IS ADEQUATE FOR PROPOSED PROJECT.
3. DEKALB COUNTY WATER AND SEWER DEPARTMENT APPROVAL IS REQUIRED PRIOR TO ISSUANCE OF DEVELOPMENT PERMIT.

Site Analysis

Total Lot Area: 2.67 AC. (116,580 S.F.)		
Proposed: 21,600 S.F. Office/Retail		
Zoning: C-1 COMMERCIAL		
Total S.F.	Parking Ratio	Shown
21,600 S.F.	2.77/1,000 S.F.	60 Spaces
Total Impervious Surfaces: 69,600 S.F.		
Percent Impervious: 59.7% (69,600/116,580)		
Setbacks	Distance	
Front	50'	
Side	20'	
Rear	30'	
Buffer	50' Along Rear Prop. Line	

Site Plan

Pyramid EDC Consultants, Inc.
Land Development Consultants
4151 Memorial Drive
Building A, Suite 204a
Decatur, Ga. 30032
Ph. 404.297.0750

REVISIONS

Date	Description

Office/Retail Plaza
Mixed Use Development
Land Lot 89 -16th District
City of Stonecrest
DeKalb County, Georgia

PSD Project # 18_P2605
Date 02 APRIL 2018
Project Mgr. MJB

GEORGIA REGISTERED PROFESSIONAL ENGINEER

C-1

THE CITY OF
STONECREST
GEORGIA

CITY COUNCIL AGENDA ITEM

SUBJECT: Rezoning (RZ 18-002)

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

Date Submitted: 05/10/18 **Work Session:** **Council Meeting: 05/21/2018**

SUBMITTED BY: Nicole C.E. Dozier, Community Development Department Director

PURPOSE: Rezoning (RZ 18-002)

HISTORY: This site is 9.3 acres located at 6757 Covington Hwy. The applicant was requesting to rezone the property from Local Commercial (C-1) to Medium Density Residential (MR-2) with conditions.

FACTS AND ISSUES: Since the site was adjacent to residential property staff recommended the following conditions: access to and from the site shall be limited to Covington Hwy with a deceleration lane as approved by Georgia Department of Transportation. The Applicant has agreed to the conditions.

OPTIONS: Approve; Approve with Conditions or Deny

RECOMMENDED ACTION: This petition was heard at the May 1, 2018 Planning Commission hearing and recommended unanimously for approval with conditions.

ATTACHMENTS:

#1 05/01/18 Planning Commission Staff Report

#2 Planning Commission PowerPoint Presentation

#3 Rezoning Application

THE CITY OF STONECREST GEORGIA

PLANNING COMMISION STAFF REPORT

MEETING DATE: May 01, 2018

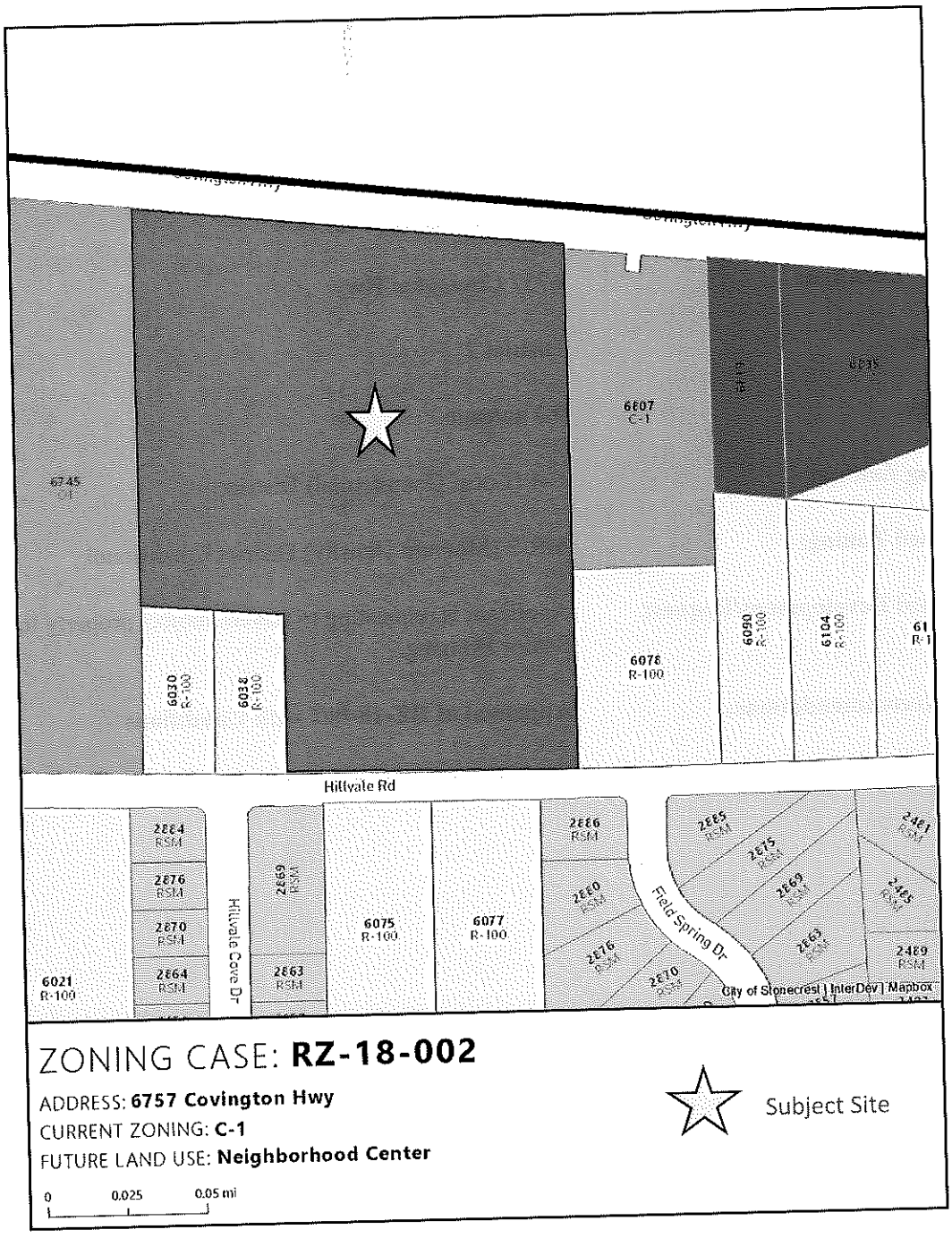
GENERAL INFORMATION

Petition Number:	RZ-18-002
Applicant:	Beverly J Searles Foundation
Owner:	6757 Covington Hwy, LLC
Project Location:	6757 Covington Hwy
District:	District 2
Acreage:	9.3 acreage
Existing Zoning:	C-1 (Local Commercial) District
Proposed Zoning:	MR-2 (Medium Density) District Conditional
Proposed Development/Request:	Applicant is requesting to rezone subject property to MR-2 to construct Senior Housing.
Staff Recommendations:	**Approval of RZ-18-002 with Conditions**
Planning Commission:	**Recommend Approval with Conditions**

THE CITY OF
STONECREST
GEORGIA

PLANNING COMMISION STAFF REPORT

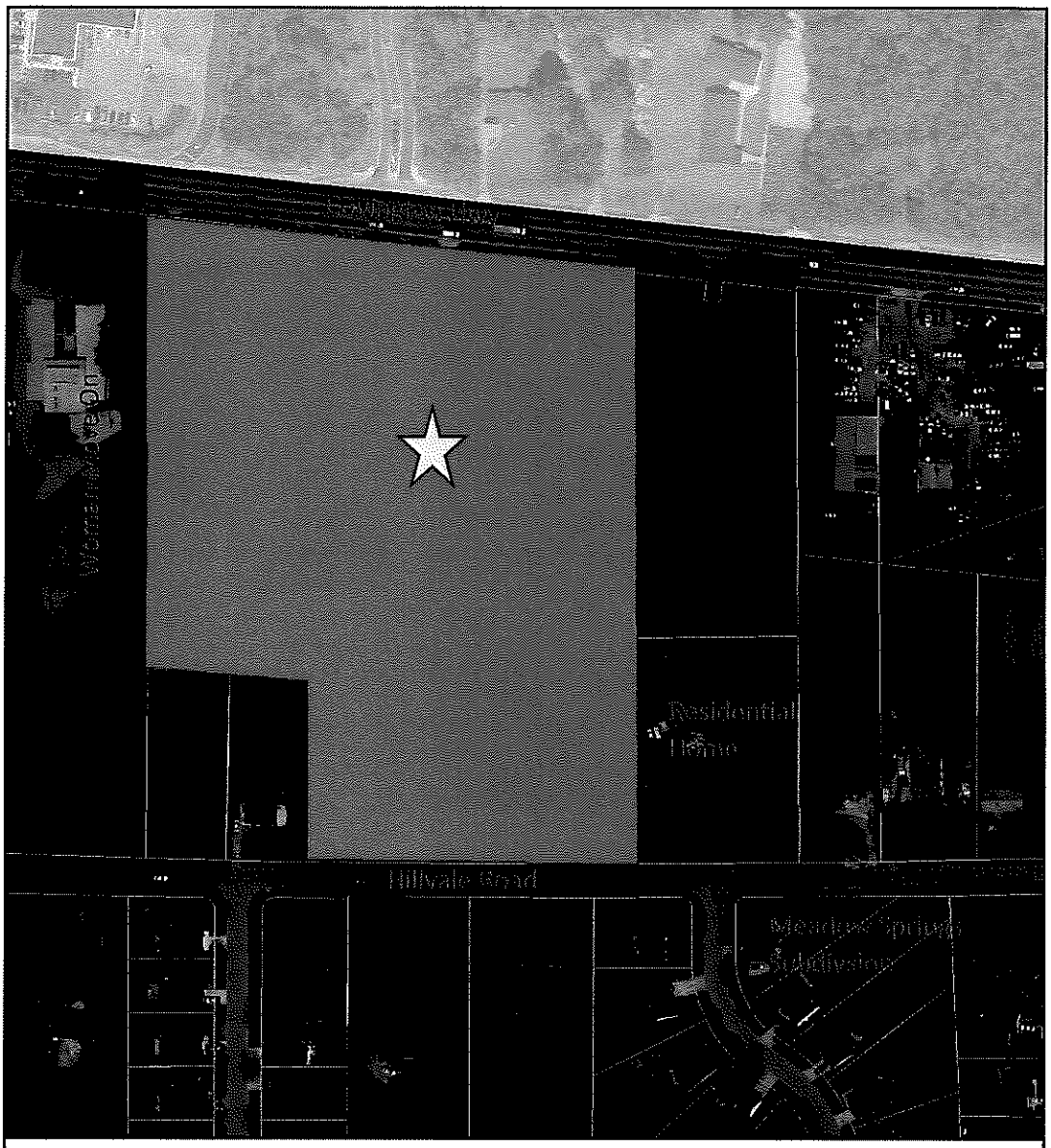
Zoning Map



THE CITY OF
STONECREST
GEORGIA

PLANNING COMMISION STAFF REPORT

Aerial Map



ZONING CASE: **RZ-18-002**

ADDRESS: **6757 Covington Hwy**

CURRENT ZONING: **C-1**

FUTURE LAND USE: **Neighborhood Center**

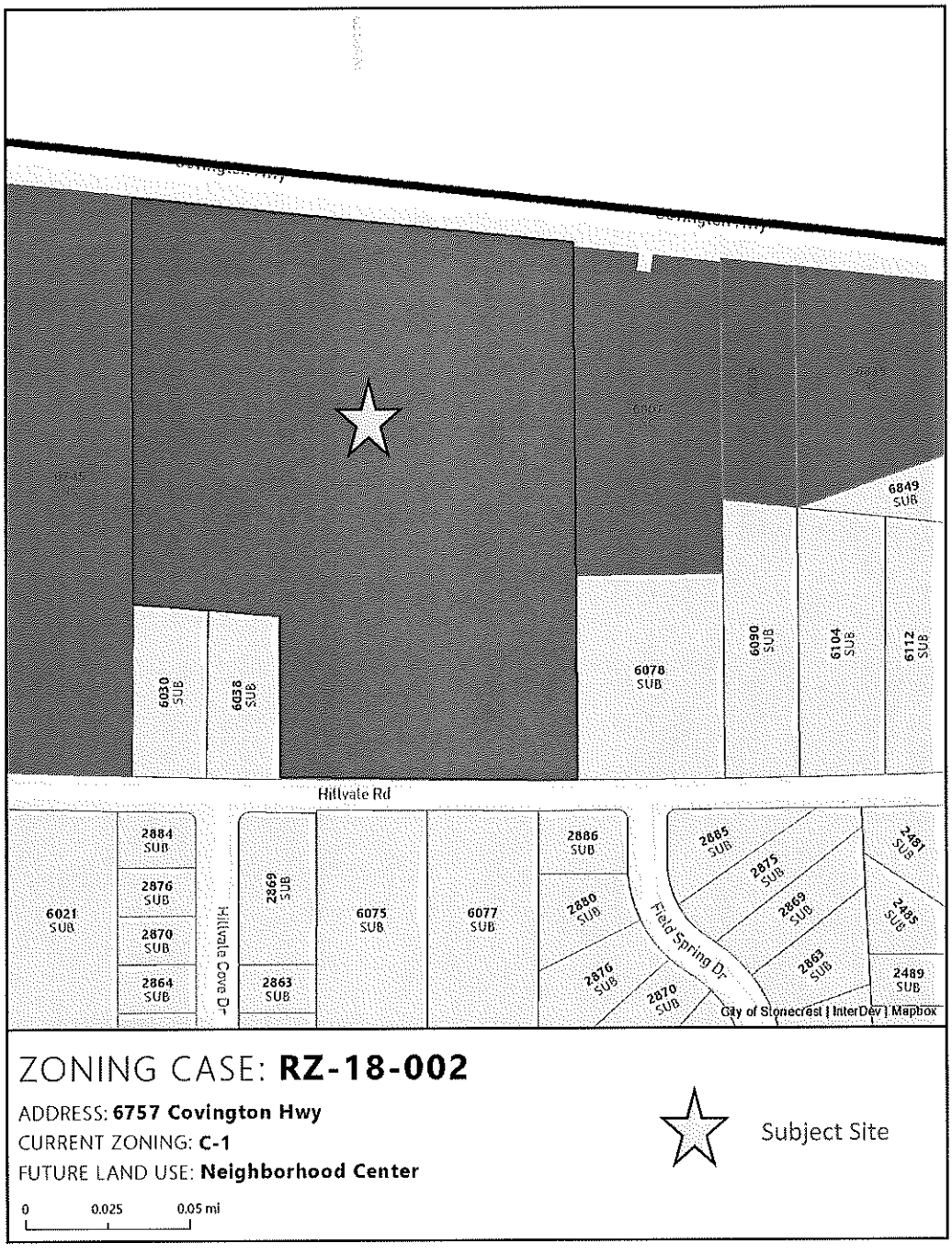
0 0.025 0.05 mi

Subject Site

THE CITY OF STONECREST GEORGIA

PLANNING COMMISION STAFF REPORT

Future Land Use Map

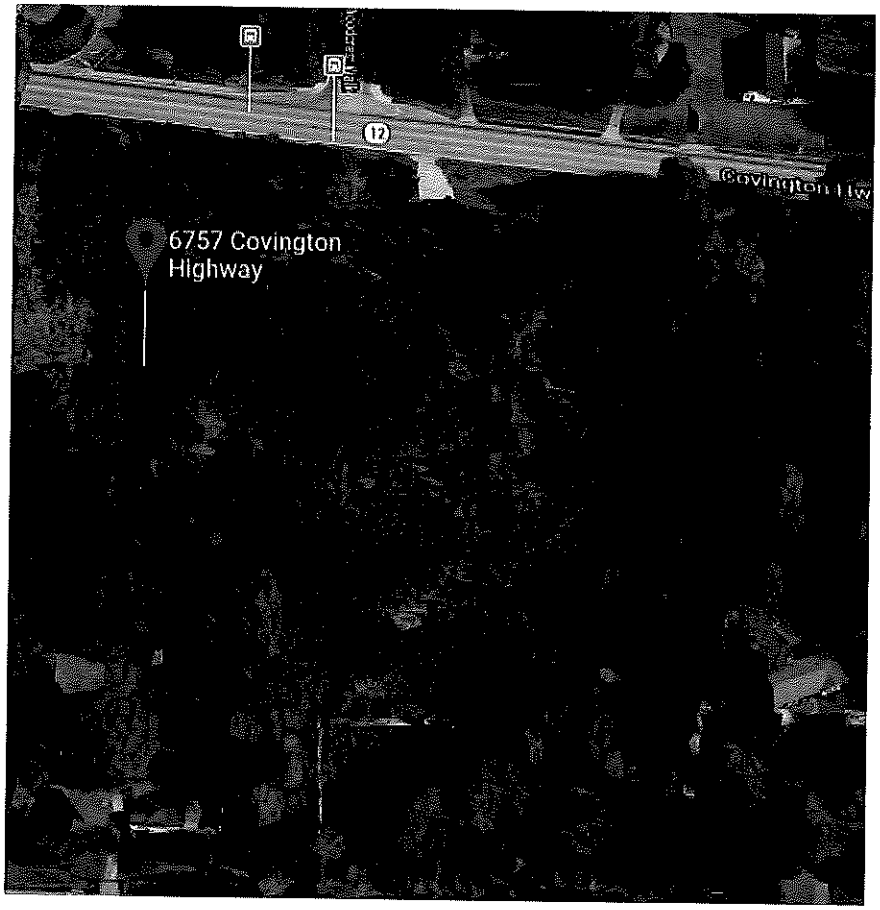


THE CITY OF
STONECREST
GEORGIA

PLANNING COMMISION STAFF REPORT

PROJECT OVERVIEW

The subject property is 9.2-acre parcel with street frontage off Covington Hwy, a four-lane arterial street. The subject property is approximately 1,100' East from the intersection of Covington Highway and DeKalb Medical Parkway, The site currently zoned C-1 (Local Commercial) District and it is the Neighborhood Center Character area identified in the 2035 Comprehensive Plan. Previously, the subject area was rezoned to OCR back in 2004 and then rezoned to its current zoning in October 2008. The previous owner intended to construct a commercial and office development.



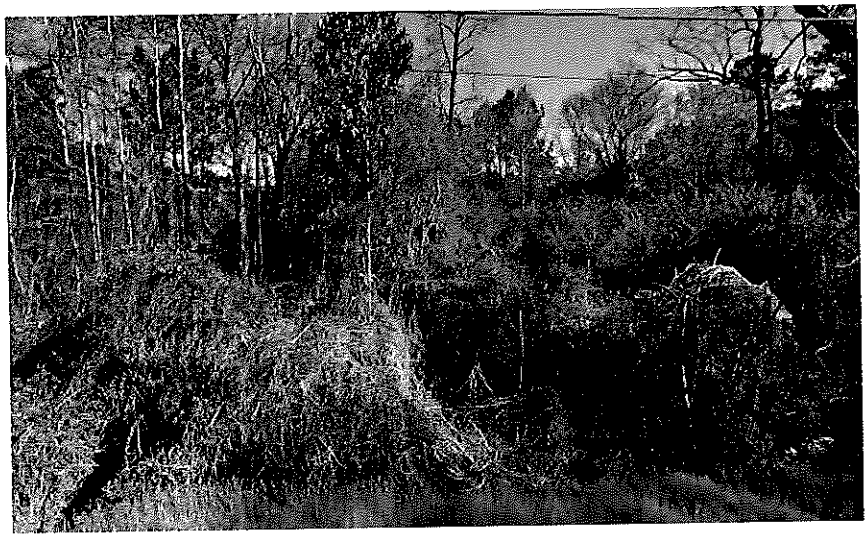
The applicant is requesting a change in zoning from C-1 to MR-2 to develop a 250-unit senior housing development. The applicant is seeking to develop the project within two or three phases. The conceptual drawings submitted by the applicant show the proposed building will comprise of brick veneer, fiber cement siding, and fiber cement panels. The property has approximately 600' of frontage on Covington Hwy, while there is approximately 400' of frontage on Hillvale Road.

The site has extensive pine trees and undergrowth vegetation located on the property. The topography is characterized as being mainly flat, moving north and south of the subject property. The surrounding area is characterized as a mixture of commercial and residential. North of the subject property across Covington Hwy in unincorporated DeKalb County is Woodcrest Village apartment complex. Abutting the property to the East is Women Move On women shelter zoned O-I

and a single-family residence zoned R-100. Located to the West of the subject property a vacant piece of property zoned C-1 and a single-family residence zoned R-100.

View of subject property from Covington Hwy

View of subject property from Hillvale Road



THE CITY OF STONECREST GEORGIA

PLANNING COMMISION STAFF REPORT

STANDARDS OF REVIEW

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

  The zoning proposal is in conformity with the policy and intent of the comprehensive plan. The future character area of the subject property is Neighborhood Center. The policies of the character area emphasize the use of transit, promote walkability and high-density housing.

- **Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties.**

  The zoning proposal would permit a use that suitable for use and development of surrounding properties. The proposed senior housing would be suitable, as surrounding area is residential homes and apartment development located to the north to the subject property and nearby to the west of the subject property. The Woodcrest Village apartments are located to the North and located to the East approximately 1,300 ft is Arbor Crossing apartments.

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

  The subject property has a reasonable economic use as currently zoned.

- **Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties.**

  The proposed use will not adversely affect the existing use or usability of adjacent property. Staff notes the residential properties located to the southwest and southeast of the subject property are single-family homes would not be adversely affected due to the zoning change since the current zoning is commercial, the proposed change would be more in line with the surrounding area.

- **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 not 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.

- **Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.**

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

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

The proposed change in use would not cause an excessive or burdensome use of existing streets and not transportation facilities, utilities, or schools.

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

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

THE CITY OF STONECREST GEORGIA

PLANNING COMMISION STAFF REPORT

ANALYSIS

Adjacent & Surrounding Properties	Zoning (Petition Number)	Land Use	Density Non-Residential (SF/Acre) Residential (Units/Acre)
Nearby: North	MR-1 (Medium Residential Density) Apartments	Residential	n/a
Adjacent: South	R-100 (Residential Med lot) Single-Family Home	Residential	n/a
Adjacent: East	C-1(Local Commercial) Vacant Property	Commercial	n/a
Nearby: West	OI (Office-Institutional) Woman Move On Shelter	Office	n/a

The surrounding area is characterized as a mixture of commercial and residential zoning tracts with a small portion of residential homes and residential subdivisions located to the South, Southwest, and Southeast. Located to the Southwest are two residential parcels, with one parcel being vacant. Located to the Southeast is one residential home and across Hillvale Road is the Meadow Springs Subdivision. Across Covington Hwy to the North of the property are residential apartments in unincorporated DeKalb County. The adjacent properties located to the West and East are zoned C-1 and OI.

MR-2 (Medium Residential Density) zoning intends to encourage primary residential, planned developments that allow accessory retail, office, institutional and civic uses, as well provide for residential neighborhoods with a mix of single-family and multi-family housing types that maintain the harmony of scale, intensity, and design with surrounding development. Additionally, provide districts that allow appropriate development transition within the edges and transitional area of the Town Center and Regional Center character areas.

The City Stonecrest Future Development Map as shown on page 67 of DeKalb County Comprehensive Plan identifies the subject property as being within Character Area Neighborhood Center. The intent of the Neighborhood Center Character Area is to identify areas that can serve the local neighborhood's needs for goods and services. These areas shall complement the character of neighborhoods and the location of the commercial areas shall reduce automobile travel, promote walkability and increased transit usage Policies for this character area preserves and enhance the integrity and quality of existing residential neighborhoods, while promoting healthy living in neighborhoods by incorporating a pedestrian environment that encourages socialization, walking, biking, and connectivity. The intent of the character area is to consist of a neighborhood focal point with a concentration of activities such as general retail, neighborhood commercial, professional office, higher-density housing, and appropriate public and open space uses that are easily accessible by pedestrians.

The proposed change in zoning is consistent in use and scale with the surrounding uses. Staff believes a change in zoning is suitable in view of the use and development of adjacent and nearby properties. Therefore, the proposed change in zoning would be in keeping with the policies and intent of the Comprehensive Plan and would be suitable in view of its impacts on the adjacent and nearby property, therefore, the Department of Community Development recommends **APPROVAL of RZ-18-002**

THE CITY OF STONECREST GEORGIA

PLANNING COMMISION STAFF REPORT

RECOMMENDATION

1. Access on Covington Highway to be approved by Georgia Department of Transporation.
2. Deceleration lane on Covington Highway if required by Georgia Department of Transporation.
3. Two points of access, if possible both to be located on Covington Highway if allowed by Georgia Department of Transportation.

PLANNING COMMISSION RECOMMENDATION

1. Access on Covington Highway to be approved by Georgia Department of Transporation.
2. Deceleration lane on Covington Highway if required by Georgia Department of Transporation.
3. Two points of access, if possible both to be located on Covington Highway if allowed by Georgia Department of Transportation.
4. No vehicle access to and from Hillvale Road.

THE CITY OF
STONECREST
GEORGIA

May 1st 2018

Planning Commission
Public Hearing

RZ-18-002

6757 Covington Hwy, Stonecrest GA 30038

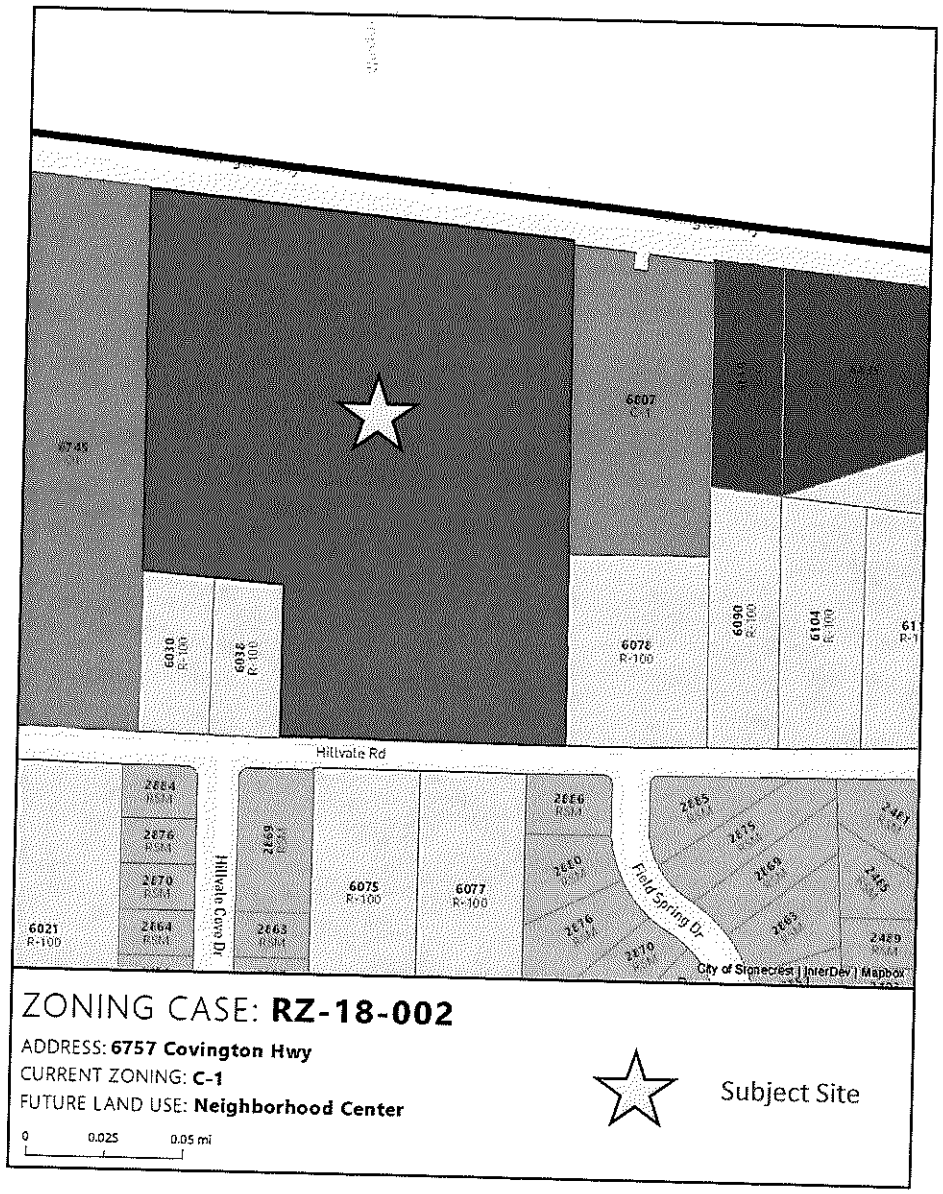
Petition Information

- APPLICANT: Beverly J Searles Foundation
- LOCATION: 6757 Covington Hwy
- ACREAGE: 9.3 acres
- REQUEST: The applicant is requesting to rezone subject property to MR-2 to construct Senior Housing Development.

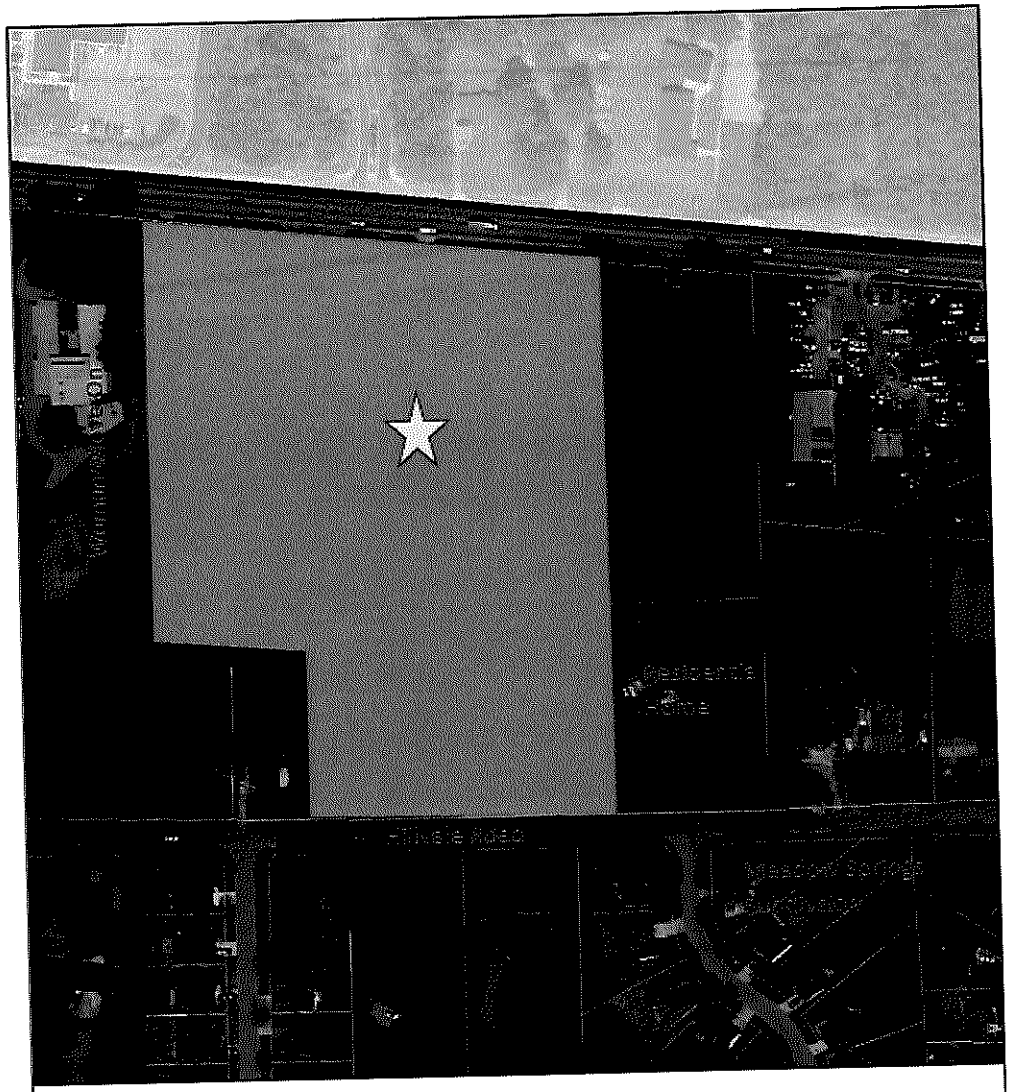
General Information

- Current zoning: C-1 (Local Commercial) District
- Future Land Use Character Area: Neighborhood Center
- Policies for this area emphasize:
  - Each Neighborhood Center shall include a medium- high density mix of retail, office, services, and employment to serve neighborhoods.
  - Create compact mixed use districts and reduce automobile dependency and travel to obtain basic services
- Surrounding uses: Residential, Commercial and Office.
- Surrounding zoning: R-100 (Residential Medium Lot), Commercial and Office-institutional.

Zoning Map


6607
C-1
6078
R-100
6090
R-100
6104
R-100
6030
R-100
6038
R-100
Hillvale Rd
6021
R-100
2664
R-100
2670
R-100
2676
R-100
2684
R-100
Hillvale Cove Dr
2663
R-100
6075
R-100
6077
R-100
2666
R-100
2610
R-100
2616
R-100
Field Spring Dr
2665
R-100
2669
R-100
2675
R-100
2429
R-100
City of Stonecrest | InterDev | Mapbox
ZONING CASE: RZ-18-002
ADDRESS: 6757 Covington Hwy
CURRENT ZONING: C-1
FUTURE LAND USE: Neighborhood Center
0
0.025
0.05 mi
Subject Site

Aerial Map



ZONING CASE: **RZ-18-002**

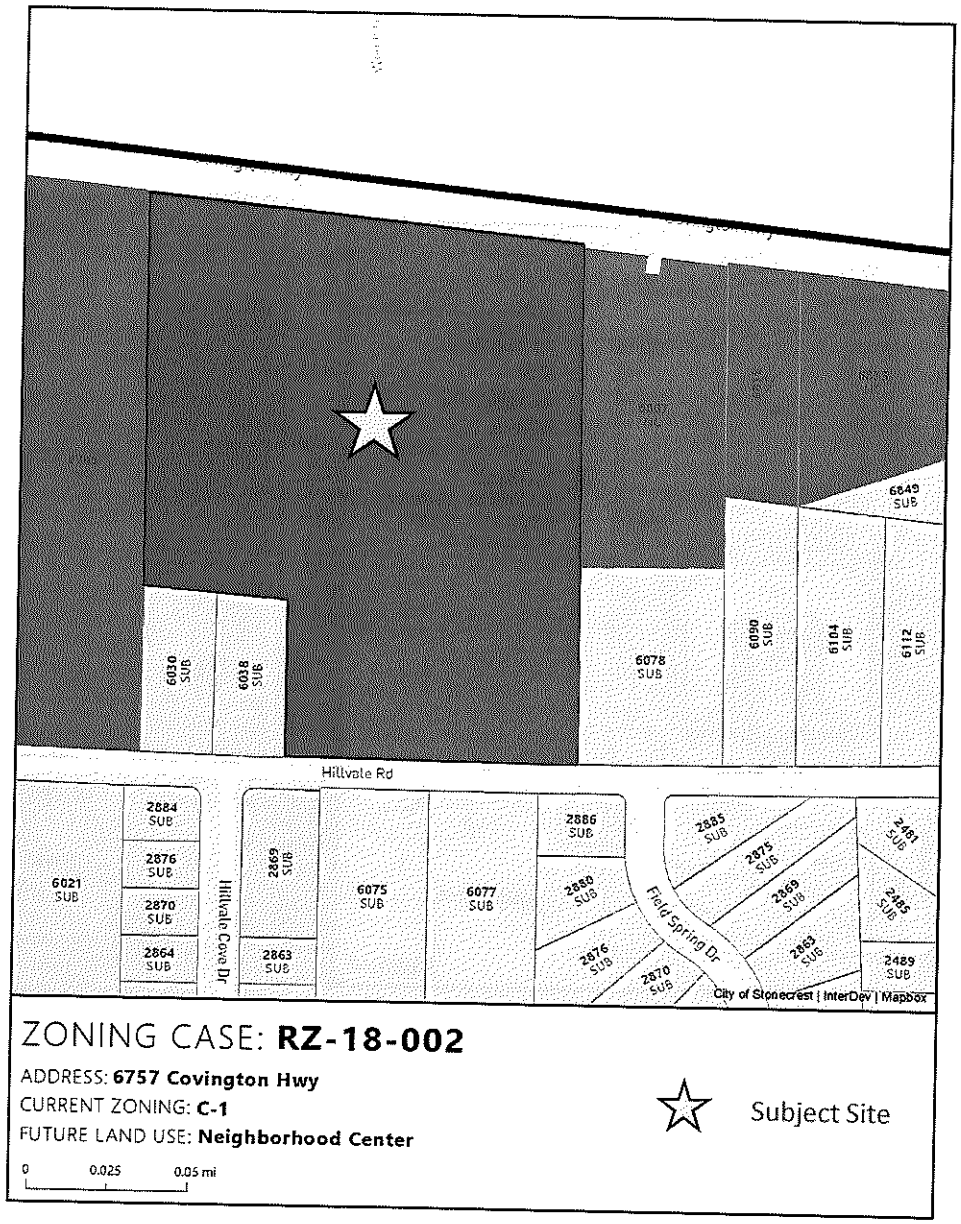
ADDRESS: **6757 Covington Hwy**

CURRENT ZONING: **C-1**

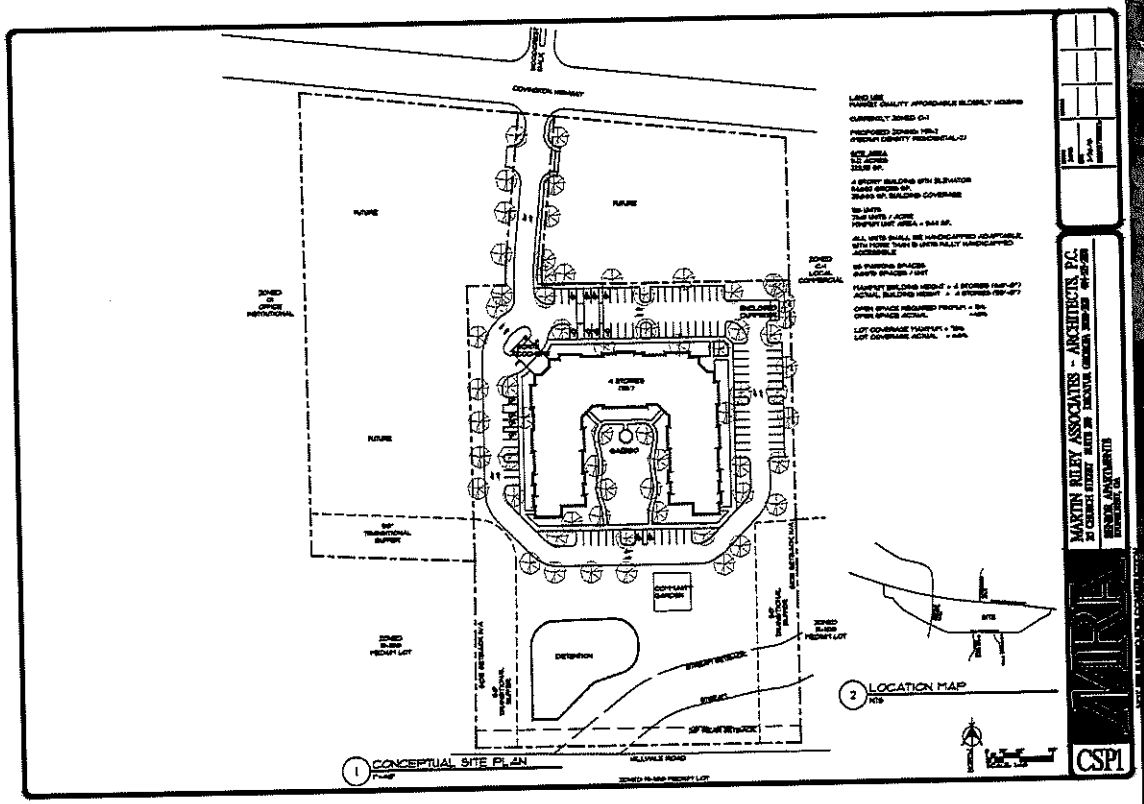
FUTURE LAND USE: **Neighborhood Center**

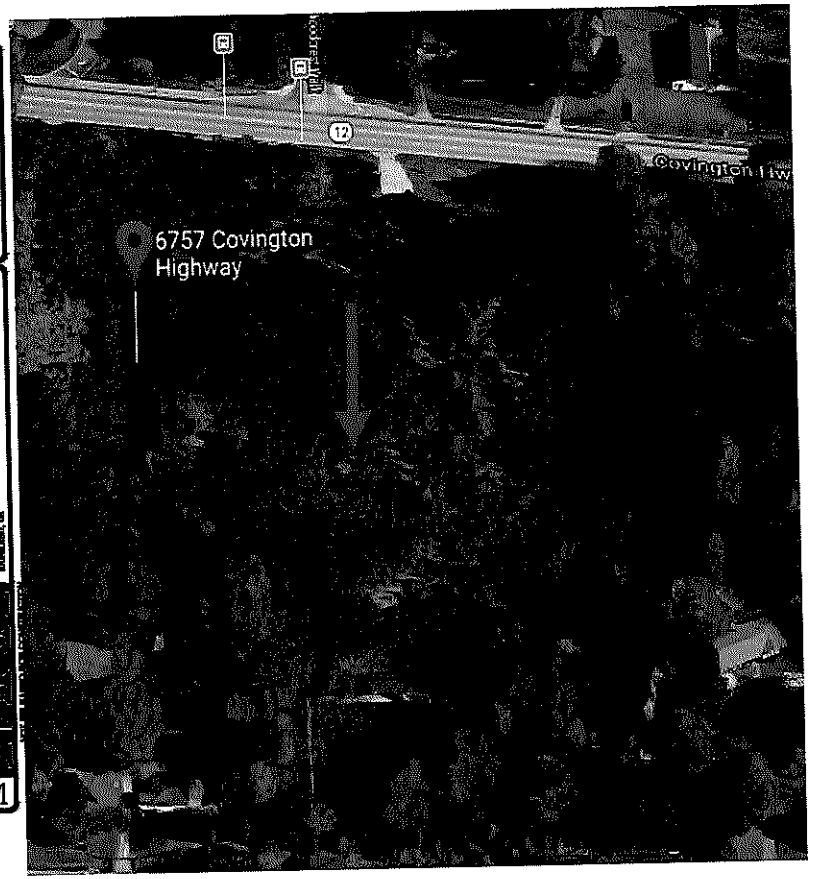
Subject Site

Future Land Use Map

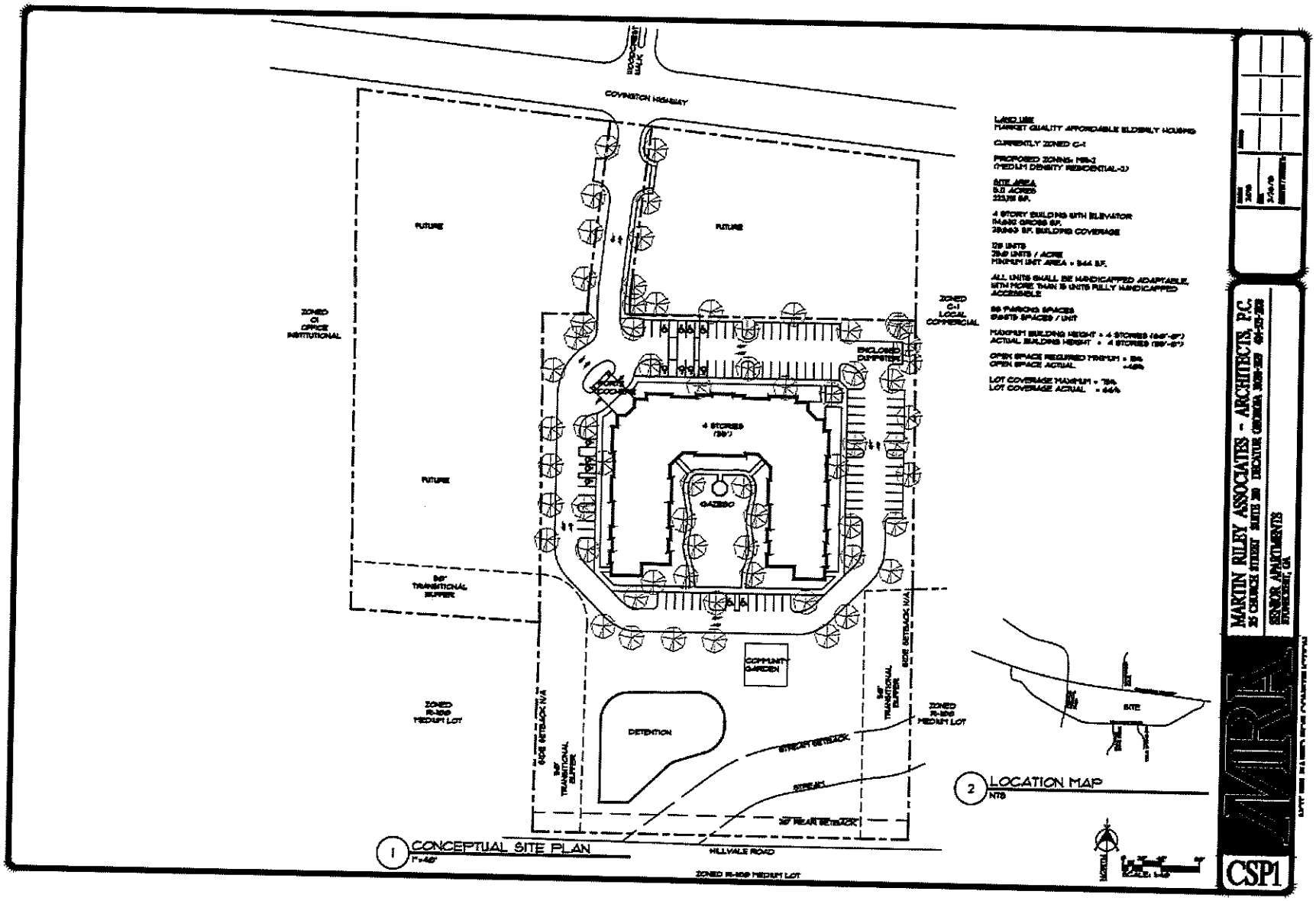


Site Plan of the Proposed Development.

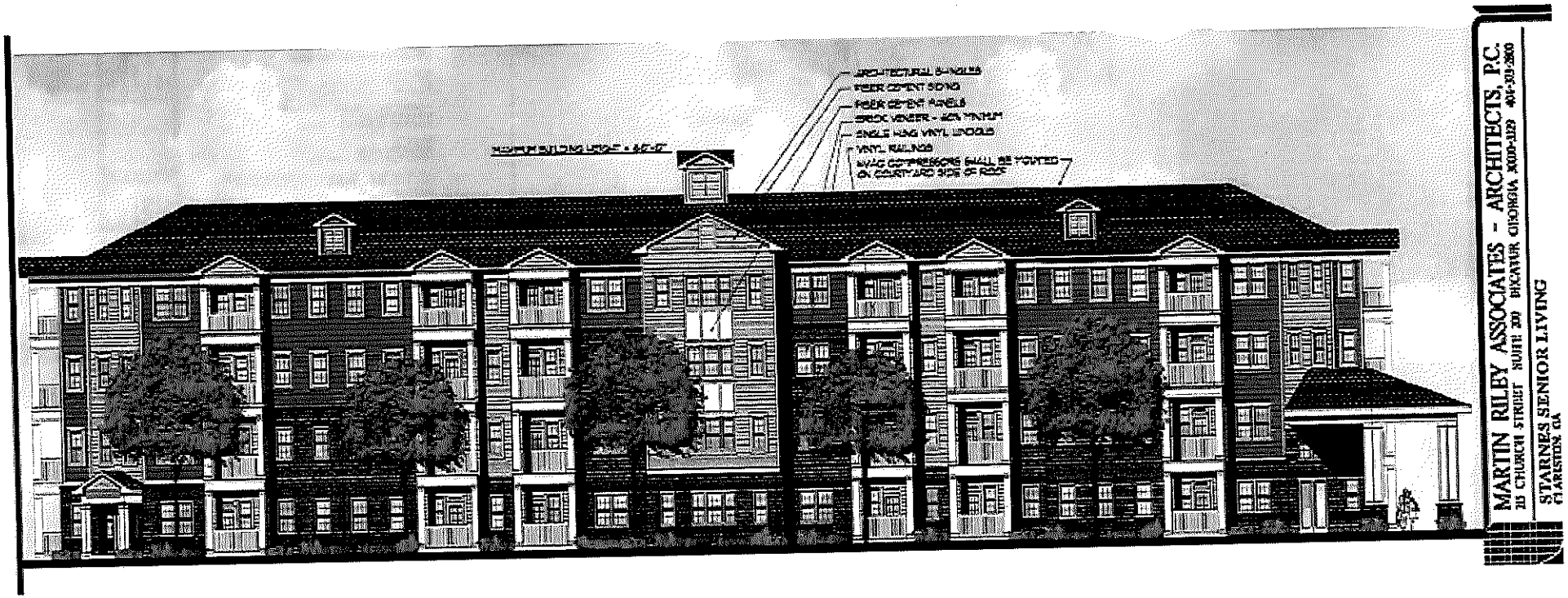




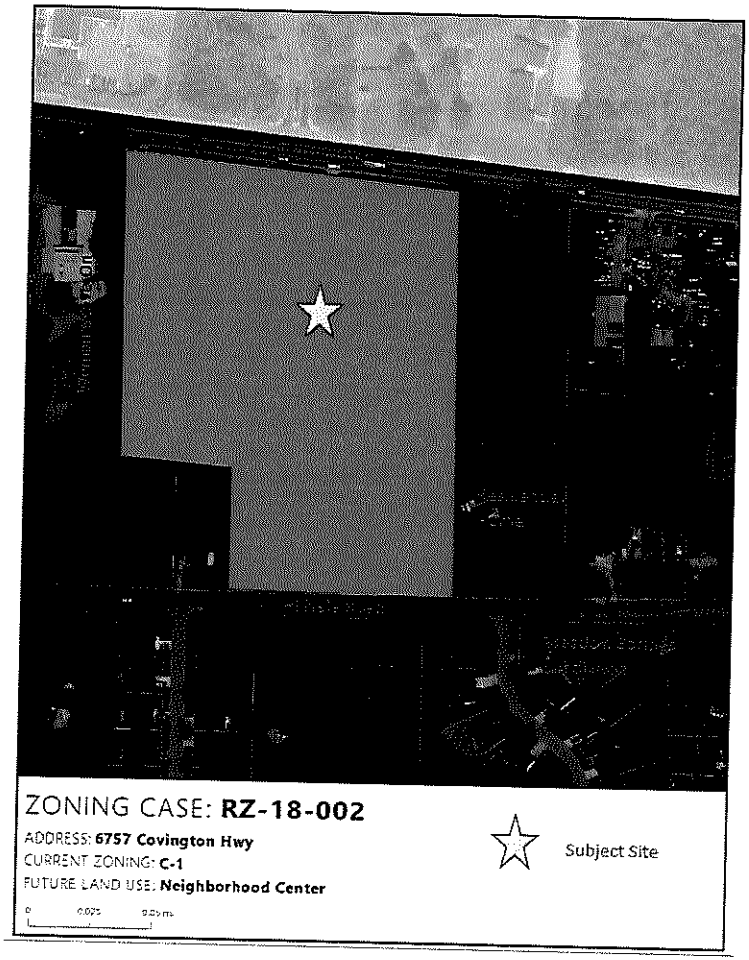
Site Plan Counited



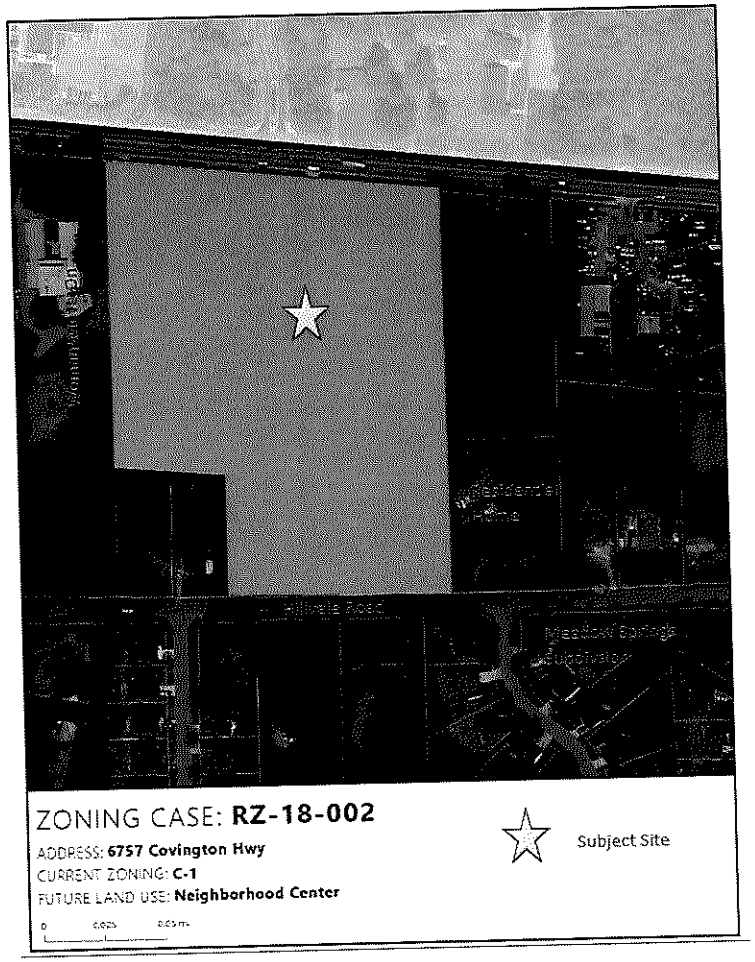
Front Elevation



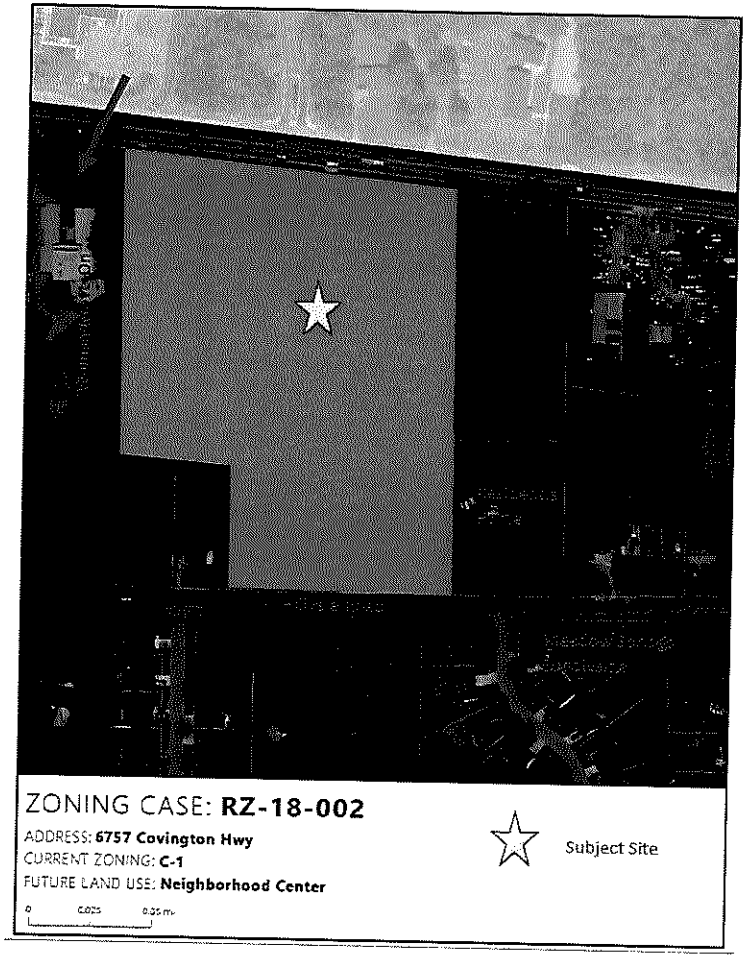
View of the Subject property from Covington Highway

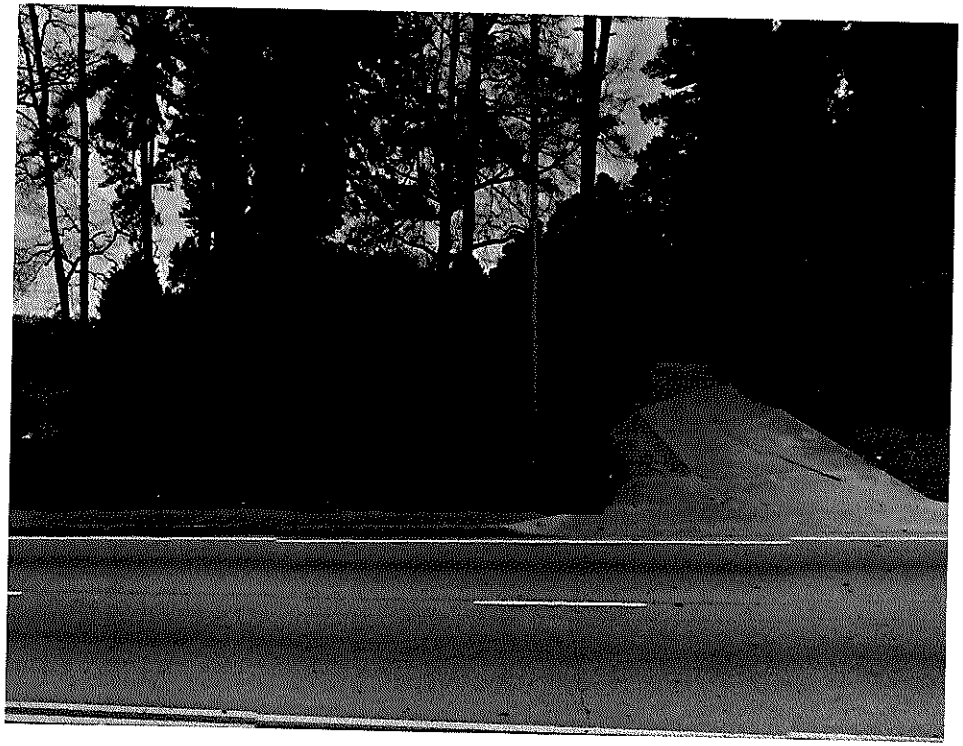


View of Subject Property from Hillvale Road

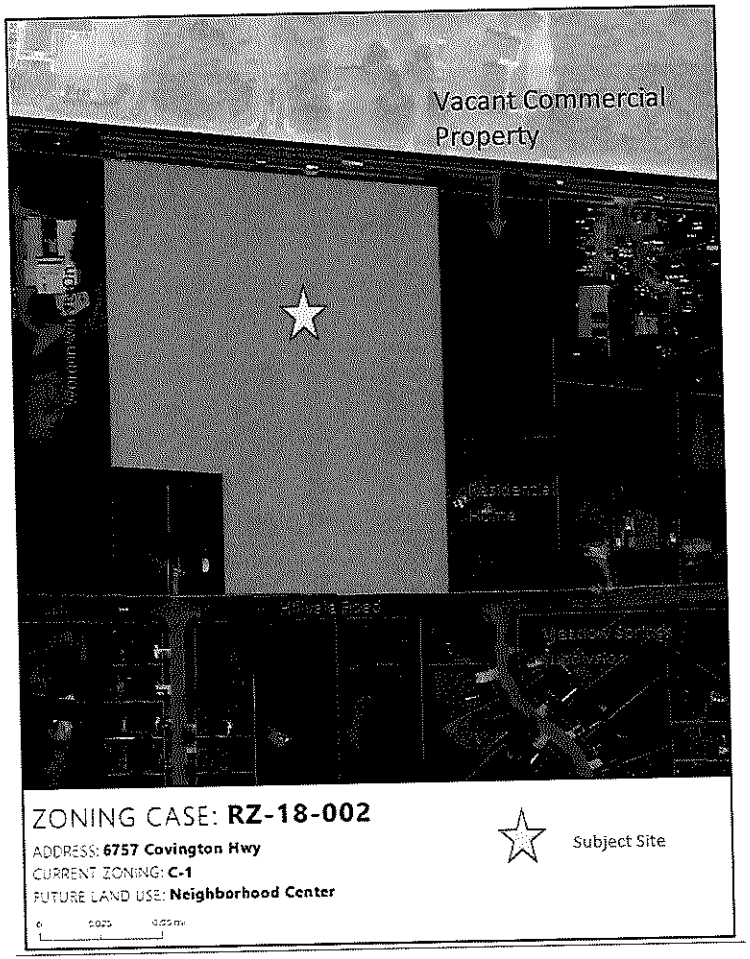


Women Move On (Women Shelter) located West of the subject Property off Covington Hwy





Vacant Commercial Property located East of the subject Property off Covington Hwy



Staff Analysis

Staff finds this petition:

- Consistent in use and scale with adjacent and nearby properties.

- Staff believes a change in zoning is suitable in view of the use and development of adjacent and nearby properties. Therefore, the proposed change in zoning would be in keeping with the policies and intent of the Comprehensive Plan and would be suitable in view of its impacts on the adjacent and nearby property.

Staff Recommendation

Based upon the findings and conclusions herein, Staff recommends **APPROVAL** of this request:

1. Access on Covington Highway to be approved by Georgia Department of Transportation.
2. Deceleration lane on Covington Highway if required by Georgia Department of Transportation.
3. Two points of access, if possible both to be located on Covington Highway if allowed by Georgia Department of Transportation.
4. No vehicle access to and from Hillvale Rd.

THE CITY OF STONECREST GEORGIA

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Amendment Application RZ-18-002

Owner Information

Owner's Name: 6757 COVINGTON HWY, LLC
Owner's Address: 6622 E. BROAD STREET, SUITE A, DOUGLASVILLE
Phone: 770-920-2002 Fax: 770/920-9119 Email: WROWE@HRFLEGAL.COM
Property Address: 6757 COVINGTON HIGHWAY Parcel Size: 4.92
Parcel ID: 16 089 02 005 (PART)
Current Zoning Classification: C-1 COMMERCIAL
Requested Zoning Classification: MR-2

Property Information

Name: BEVERLY J. SEARLES FOUNDATION
Address: 3030 NESBIT FERRY LANE
Phone: Fax:
Cell: 678-570-1177 Email: DANASEARLES@CRT-TRUST.COM

Is this development and/or request seeking any incentives or tax abatement through the City of Stonecrest or any entity that can grant such waivers, incentives, and/or abatements? ☐ Yes ☐ No

Questionnaire

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

2. Will the affected property of the zoning proposal have a reasonable economic use as currently zoned?
No

3. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?
NO

4. Are other existing or changing conditions affecting the existing use or usability of the development of the property which give supporting grounds for either approval or disapproval of the zoning proposal?
No

5. Will the zoning proposal adversely affect historic buildings, sites, districts, or archaeological resources?
No.

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

THE CITY OF STONECREST GEORGIA

Affidavit

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

Applicant's Name: DAVID J. SEARLES, JR.

Applicant's Signature: [signature] Date: 03/05/2018

Sworn to and subscribed before me this 5th Day of March 20 18

Notary

Notary Public: Victoria B. Curran

Signature: Victoria B. Curran

My Commission Expires: 02/14/2021

VICTORIA B CURRAN NOTARY PUBLIC COBB COUNTY, GEORGIA MY COMMISSION EXPIRES FEBRUARY 14, 2021

Fee

☐ Application Fee ☐ Sign Fee ☐ Legal Fee

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

☐ Approved ☐ Approved with Conditions ☐ Denied | Date:

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

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THE CITY OF STONECREST GEORGIA

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P|Z Dep

Property Owner(s) Notarized Certification

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

Property Owner

Signature: 3137 Covington Hwy LLC By Kelvin K Cornelius MANAGER — Date: 3/5/18

Address: P.O. Box 20 — City, State: Douglasville GA — Zip: 30133

Phone: 770-947-3977

Sworn to and subscribed before me this 5th day of March, 20 18

Notary Public: Walter P Rowe

Property Owner

Signature: — Date:

Address: — City, State: — Zip:

Phone:

Sworn to and subscribed before me this ____ day of ____, 20____

Notary Public:

Property Owner

Signature: — Date:

Address: — City, State: — Zip:

Phone:

Sworn to and subscribed before me this ____ day of ____, 20____

Notary Public:

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: _____ Date: 3/5/2018

Address: 5030 NESBIT FERRY LANE City, State: DUNWOODY, GA Zip: 30350

Phone: 678-570-1177

Sworn to and subscribed before me this 5TH day of MARCH, 20 18

Notary Public: _____

VICTORIA B. CURRAN
NOTARY PUBLIC
COBB COUNTY, GEORGIA
MY COMMISSION EXPIRES FEBRUARY 14, 2021

Attorney / Agent:

Signature: _____ Date: _____

Address: _____ City, State: _____ Zip: _____

Phone: _____

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

Notary Public: _____

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Campaign Disclosure Ordinance

Campaign Disclosure Ordinance
Please read the law and complete the Campaign Disclosure Statement on the following page if you are requesting a Rezoning, Concurrent Variance, or Conditional Use.

GA Citation/Title
GA Code 36-67A-3, Disclosure of campaign contributions *38069 Code, 36-67A-3

CODE OF GEORGIA TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS
(Current through 2000 General Assembly)

36-67Disclosure of campaign contributions.

a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating $250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

   1) The name and official position of the local government official to whom the campaign contribution was made; and
   2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.

c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating $250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority/respective local government showing:

   1) The name and official position of the local government official to whom the campaign contribution was made; and
   2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government of any of its agencies on the rezoning application.

(Code 1981, 36-67A-3, enacted by Ga. L. 1986, p. 1269, 1; Ga. L. 1991, p. 1365, 1; Ga. L. 1993, p. 91, 36.)
Official Code of Georgia Annotated Copyright 1982 – 2000 State of Georgia.

THE CITY OF STONECREST GEORGIA

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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: 5030 NESBIT FERRY LANE, SANDY SPRINGS 30350
	Date: 02/05/2018

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

Date	Government Official	Official Position	Description	Amount

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Beverly J. Searles Foundation, Inc.
Searles Realty Advisors, LLC
Mission, History and Profile, Spring 2018

Vision Statement

To develop retirement communities with extraordinary experiences for seniors, veterans and their families at unparalleled values with a special focus on fostering healthy lifestyle choices.

Mission Statement

Beverly J Searles Foundation, Inc. ("BJS Foundation") seeks to develop and strengthen its communities by providing quality affordable housing, excellent resident, and development services to its residents through high standards, extraordinary experiences and concentrated holistic approach to health and wellness program offerings. We are focused on community revitalization and transformation by redevelopment of functionally-obsolete retail/apartment space or new construction on vacant land.

Background

BJS Foundation is owner, developer and sponsor of Senior Living and veterans communities. BJS Foundation is committed to changing the way seniors live in today's society from a medical/institutional model to a residential/social model. This commitment for change is achieved through a series of Resident Programs geared toward the needs of our growing aging population. We have found that our residents greatly benefit from getting out of their units and interacting with others. BJS Foundation offers a robust menu of programs and services to residents, to aid in a more quality and fuller living experience.

BJS Foundation is a 501(c)(3) nonprofit organization founded in 2007 by Richard Searles and David Searles in honor of their late mother Beverly Jones Searles. David Searles began in 1971 developing commercial, office, multifamily and mixed use in Connecticut, Florida, Georgia and Tennessee. In 1976, Rick Searles starting building homes in Georgia. With the rest of the Searles Team, they have been continuously focused on developing Senior Living Communities since 1995. BJS Foundation is grounded in the essence of Beverly J. Searles, a consummate hostess and caregiver, and the Searles Team expertise in developing, owning and operating senior living and veteran-focused communities. Today almost 2,000 people awoke in bedrooms that the Searles Team helped plan, develop and/or operate (including 11 Sunrise Assisted Living communities with a total of 821 assisted living and memory care units). Supported by highly qualified and devoted paid staff and committed volunteers, BJS Foundation has planned, developed, operated and/or owned service-free age-restricted multifamily (sometimes called Independent Living) serving 950+ residents aged 55 and better. As of today the Searles Team has 439 units in development and construction of Senior Living and Family communities.

BJS Foundation adheres to rigid IRS regulations affecting 501(c)(3) not-for-profit organizations. BJS Foundation is governed by an independent Board of Directors and follows strict Conflict of Interest rules. Assisted Living and Market Rate housing is done through the separate Searles Realty Advisors, LLC for-profit entity. Searles Realty Advisors absorbed the personnel and history of CRT Realty & Development, Inc.

Team

BJS Foundation personnel include the following *(please see Team Members' profiles on page 7 below):*

Name	Role
Philip Searles	President
Rick Searles	Executive Director / CEO
David Russell	Development Director

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David Searles	CFO
Cassius S. Coleman	Development Consutlant
Jared Young	Development Assistant
Debbie Gallogly	Resident Service Executive and Chief Operations Officer
Victoria Curran	Controller
G. Malcolm Kilpatrick	Non-executive Chairman of the Board

Assisted Living

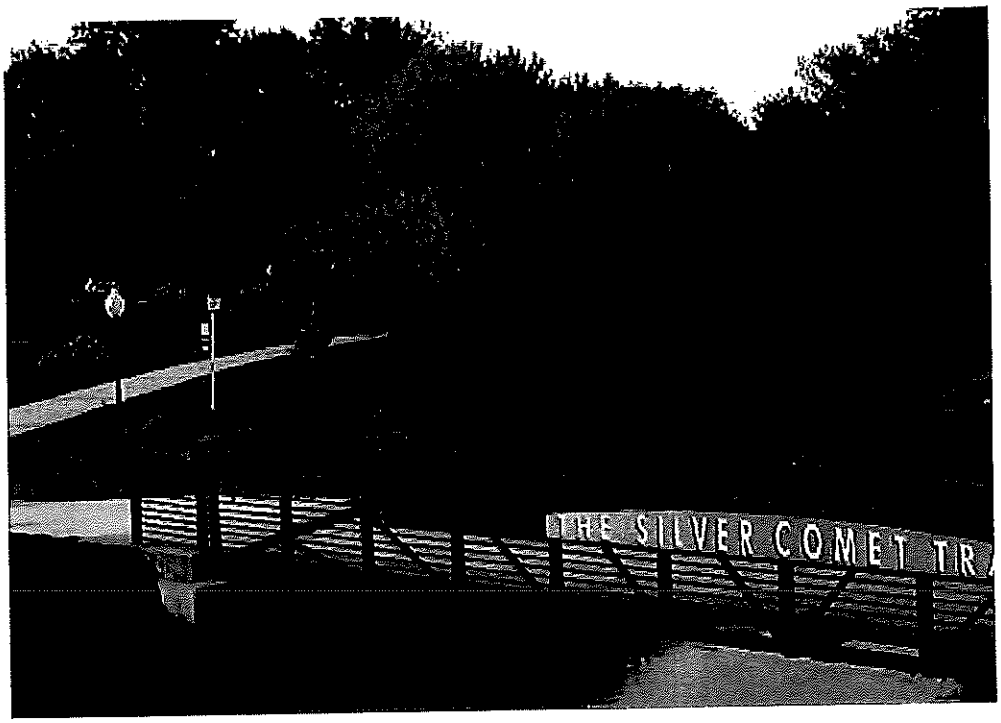
The Searles team has been continuously focused on developing Senior Living Communities since 1995. This started with Sunrise Senior Living, Inc. as Development Managers for eleven (11) Sunrise Assisted Living communities with a total of 821 assisted living and memory care units in these Sunrise communities –

Community	Timing	Units	Searles Roles
Sunrise Assisted Living of East Cobb	1995-1997	76	Development Consultant
Sunrise at Ivey Ridge (Alpharetta, GA)	1996-1997	85	Development Consultant
Sunrise at Huntcliff Summit (Sandy Springs, GA)	1997-1998	76	Development Consultant
Sunrise at Buckhead (Atlanta, GA)	1997-2000	85	Development Consultant
Sunrise of Richmond (Richmond, Virginia)	1998-1999	70	Development Consultant
Sunrise at Providence (Charlotte, NC)	1998-1999	76	Development Consultant
Sunrise at Bayou St. John (New Orleans, LA)	1998-2000	76	Development Consultant
Sunrise at Baton Rouge (Baton Rouge, LA)	1998-2000	56	Development Consultant
Sunrise at Five Forks (Lilburn, GA)	2001-2004	69	Development Consultant
Sunrise Assisted Living of Decatur (Decatur, GA)	1995-1997	76	Development Consultant

Below is the rending of **Silver Comet Village** in Powder Springs. Construction began in June 2017 and the community will open late 2018.

Silver Comet Village has 154 units including 36 units dedicated for Memory Care (37 beds), 60 units of Assisted Living (66 beds). The AL+MC units are in a single two-story building.

Adjoining the licensed AL is a separate, four-story Independent Living building with 64 units. This community is on Richard D. Sailors Parkway, Powder Springs, GA. The Development Authority of Powder Springs issued $40 million bonds on June 2, 2017, placed by Stifel. The Owner is PS Senior Living, LLC. The Developer is Red Leaf Searles, LLC. Both are comprised of affiliates of Robert Lubin and Searles Realty Advisors, LLC. In total Silver Comet Village includes 31 units reserved for low income elderly.



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Market Rate Housing and Mixed Use

- Silver Comet Village (above) is our current Market Rate housing under construction.
- David Searles served a group of banks from 1975 to 1979 managing and disposing 800 acres of mixed use land in the Atlanta suburbs.
- Beginning in 1982, Malcolm Kilpatrick, David Searles and partners purchased 110 acres in Gwinnett County and master planned for mixed-income multifamily and retail. In subsequent years they built and sold land resulting in 700 multifamily units, retail and a large public park.
- In 1985, Malcolm Kilpatrick, David Searles and partners purchased 68 acres in Gwinnett County. We rezoned for Mixed Use and brought in Chick-Fil-A and four other restaurants, two mixed income apartment communities with a total of 400 units, 'for sale' condominiums, grocery, retail center and hotel site.
- In 1990, Malcolm Kilpatrick, David Searles and partners purchased 54 acres in Gwinnett County. We master planned and zoned for grocery, apartments, single family residential, two pharmacies, Ace Hardware, QuikTrip convenience store, Goodyear Tires and a telecommunications tower.
- In 1992, a partnership comprised of FDIC and Malcolm Kilpatrick & David Searles and partners purchased 42 acres in Davidson County, TN, planned the tract, obtained mixed use zoning and installed roads and utilities. We sold lots for hotel, restaurants, retail stores and pharmacy. Our remaining land was planned for senior housing but FDIC asked that we sell in bulk.
- In 1992, the same FDIC partnership acquired 64 acres in historic City of Franklin, Williamson County, TN. We planned the tract, obtained mixed use zoning and developed a mixed income, mixed finance development. In the following 10 years we sold all the lots to YMCA, Pulte (for single family attached and detached), medical office, general office, retail and senior housing.
- In December 2014, a subsidiary of BJS Foundation purchased 13.79 acres zoned Mixed Use in Fayette County, GA. As part of a larger ambitious partnership, in July 2015 BJS Foundation conveyed a 51% interest in the land to a California-based Private Equity partner. That partnership is now selling 5.6 acres of the tract to Hearthside Lafayette, LP for 125 units of mixed income housing. The land JV will retain 8.2 acres retail and mixed use land.
- In Spring 2015, our Private Equity partner and the BJS Foundation subsidiary closed the purchase of 5.82 acres in Cherokee County. In 2016 the land JV considered purchasing the adjoining 1.748 acre commercial corner.

Housing Tax Credit Communities (existing)

Beverly J. Searles Foundation only develops with Housing Tax Credits.

Community	Open	Total Units / Affordable Units	Plan of Finance & Searles Roles
Live Oak Villas[1] (Midway, Liberty County) DCA #2015-052)	Q4 2017	60 / 59	Equity partner is AEP. Sterling Bank Construction Loan, USDA Perm Loan. BJS Foundation owns the General Partner ("GP"). DCA 9% credits.
Wisteria Gardens Newnan[2] (Newnan) DCA #2014-021	Q4 2017	120 / 97	Equity partner is AEP. Sterling Bank Construction Loan. BJS Foundation owns the GP. DCA 9% credits.
The View[3] (Stone Mountain) DCA #2013-011	Q4 2015	80 / 75	Equity partner is Hudson Capital, BJS Foundation partnership with Housing Authority of DeKalb County (HADC) and its affiliate Housing Development Corporation (HDC). DCA 9% credits.
Myrtle Terraces Phase 1[4] (Gainesville, Hall County) DCA #2012-057	Q1 2014	84 / 76	Equity partner is AEP. Sterling Bank Construction Loan, Community Development Trust Perm Loan. BJS Foundation owns the GP. DCA 9% credits.
Antioch Villas + Gardens[5] (Stone Mountain) DCA #2009-042	Q2 2012	106 / 90	Equity partner is Red Stone Equity Partners. BJS Foundation was co-developer with Mercy Housing and Antioch A.M.E. Construction and perm debt from JP Morgan Chase. DCA 9% credits.
Sweetwater Terraces (Duluth)[6] DCA #2006-502	Q3 2008	165 / 149	Equity partner is PNC Real Estate. Washington Mutual Construction, Chase Bank Perm Loan. CRT was the Developer. BJS Foundation owns GP interest. DCA 4% credits.
Lillie R Campbell House (Atlanta)[7] DCA #2006-510	Q4 2008	96 / 86	Equity partner is AEGON USA Realty Advisors. Washington Mutual Construction, Chase Bank Perm Loan. CRT was the Developer. DCA 4% credits.
Antioch Manor Estates (Stone Mountain) DCA #2003-043	Q3 2005	120 / 96	Equity Partner is AIG SunAmerica. CRT developed with Antioch AME Community Development Corporation. Bank of America construction loan, Chase Bank Perm Loan. DCA 9% credits.

[1]**BJS Live Oak Villas, LP**, a BJS Foundation affiliate, owns 60 Villas for veterans and families on 17.3 acres in Midway, Liberty County, GA. AEP is equity partner.

[2]**BJS Wisteria One, L.P.**, a BJS Foundation affiliate, owns 120 units of mixed income senior housing including apartments and villas called **Wisteria Gardens of Newnan** on 13.329 acres in Newnan, Coweta County. AEP is our equity partner. The land sellers made a separate $1,000,000 charitable contribution of 6.694 acres zoned commercial and senior housing.

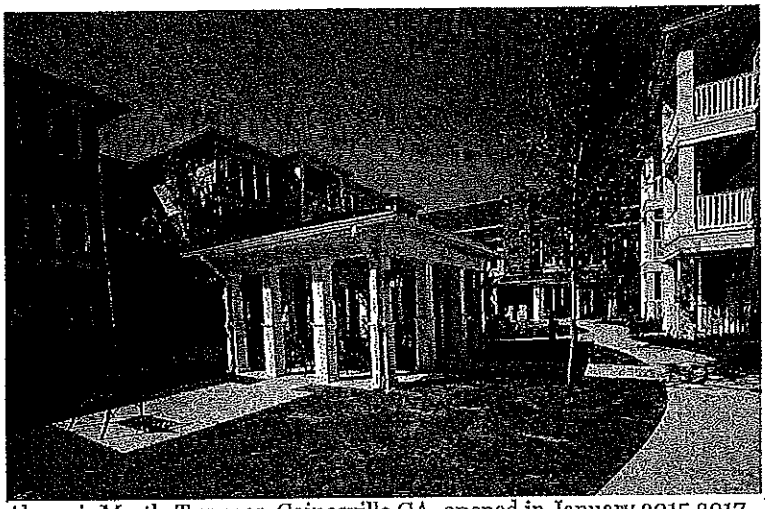
[3]**Mountain View Senior Residences, LP**. owns 80 units of affordable elderly units in Stone Mountain are called "The View". HADC and HDC own 80% of the GP, and a BJS Foundation subsidiary owns 20% of the GP. Financing partners are Bank of America Merrill Lynch, HUD RAD, HOME Loan, Hudson Capital, Direct Tax Credits and Community Development Trust.

[4]**Myrtle Terraces, LP**, a BJS Foundation affiliate, owns 84 mixed income senior apartments on 7.17 acres of land previously owned by Pacolet Milliken Enterprises, Inc. and its predecessors since the 1890's. **Brenau University** College of Health Sciences and BJS Foundation provide services to residents. BJS Foundation owns 8.39 acres for Myrtle Terraces Phase 2.

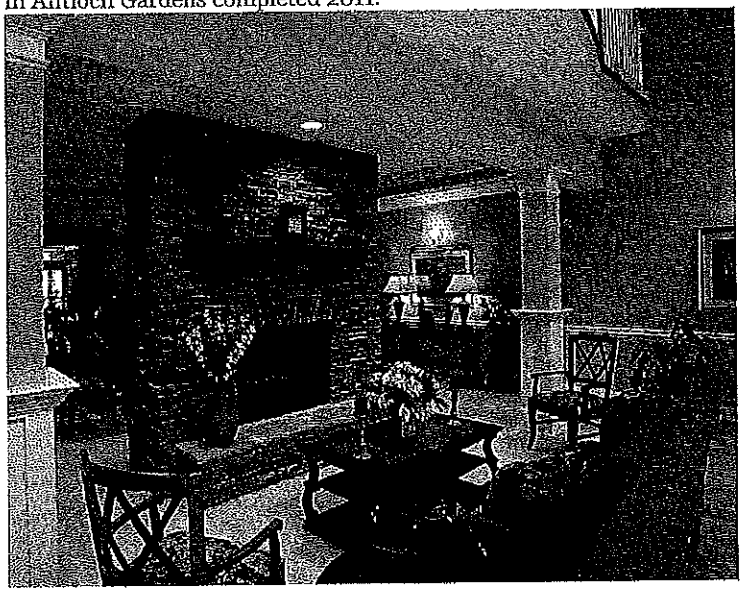
[5]The Searles Team has served **Antioch A.M.E. Church** since 2002. BJS Foundation has no ownership interest. **Antioch Manor Estates, LP** owns 120 units of mixed income senior apartments. **Antioch Villas, LP** owns 106 units of mixed income villas and apartments.

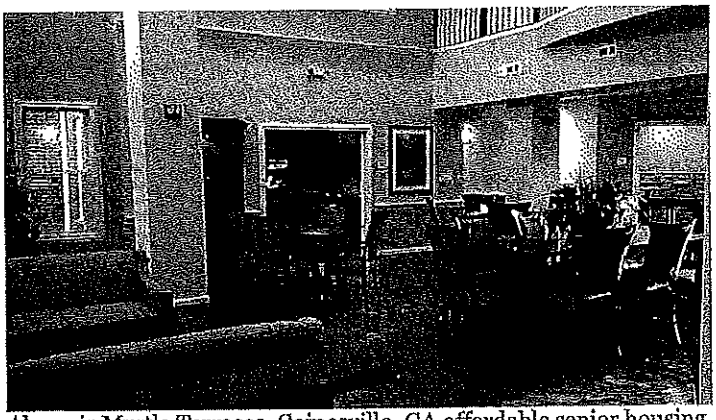
[6]**Belmont Duluth, LP**, a BJS Foundation affiliate, owns 165 units of mixed income senior housing on 4.65 acres in Gwinnett County, GA. PNC Real Estate is the equity partner.

[7] The Searles Team has served **Lillie R. Campbell House** since 2005. BJS Foundation has no ownership interest. **Lillie R. Campbell House, LP** owns 96 units of mixed income senior apartments.

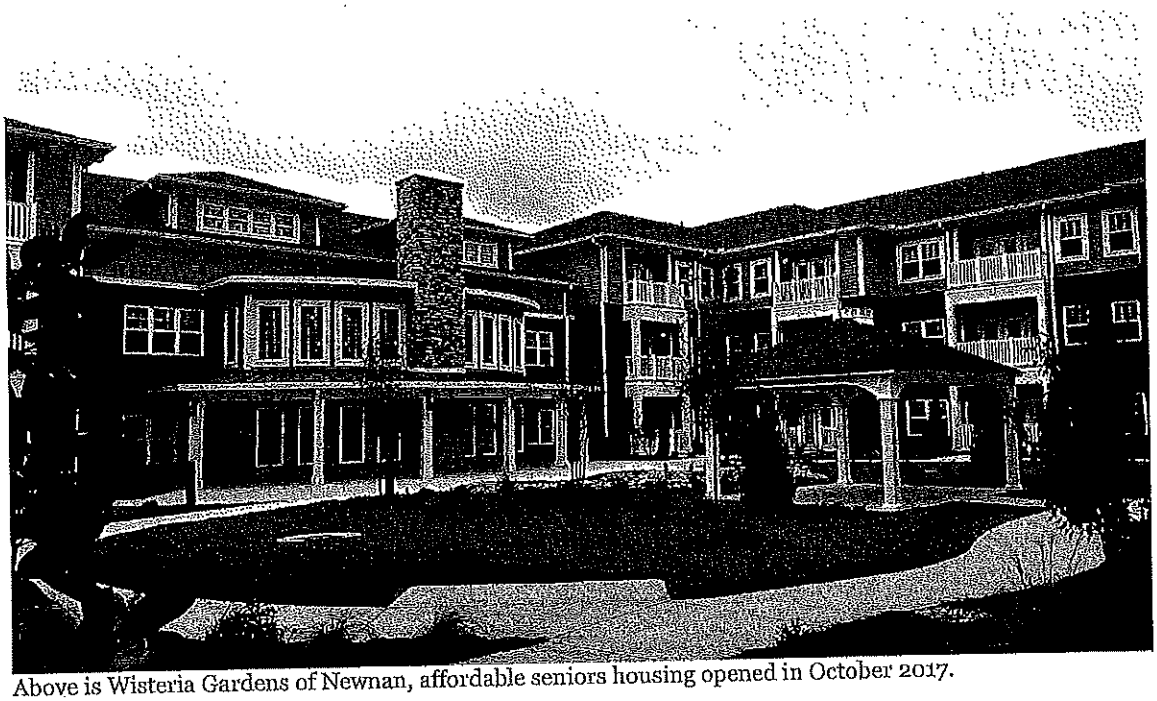


Above is Myrtle Terraces, Gainesville GA, opened in January 2015 2017. Below is one of the common areas in Antioch Gardens completed 2011.



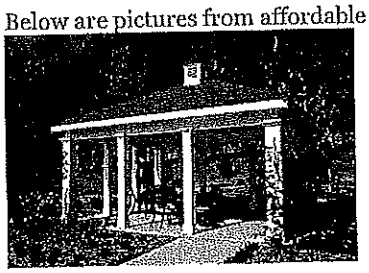


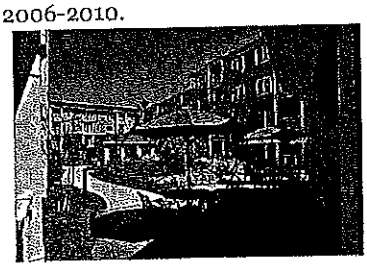
Above is Myrtle Terraces, Gainesville, GA affordable senior housing.



Above is Wisteria Gardens of Newnan, affordable seniors housing opened in October 2017.

Below are pictures from affordable senior living communities completed 2006-2010.





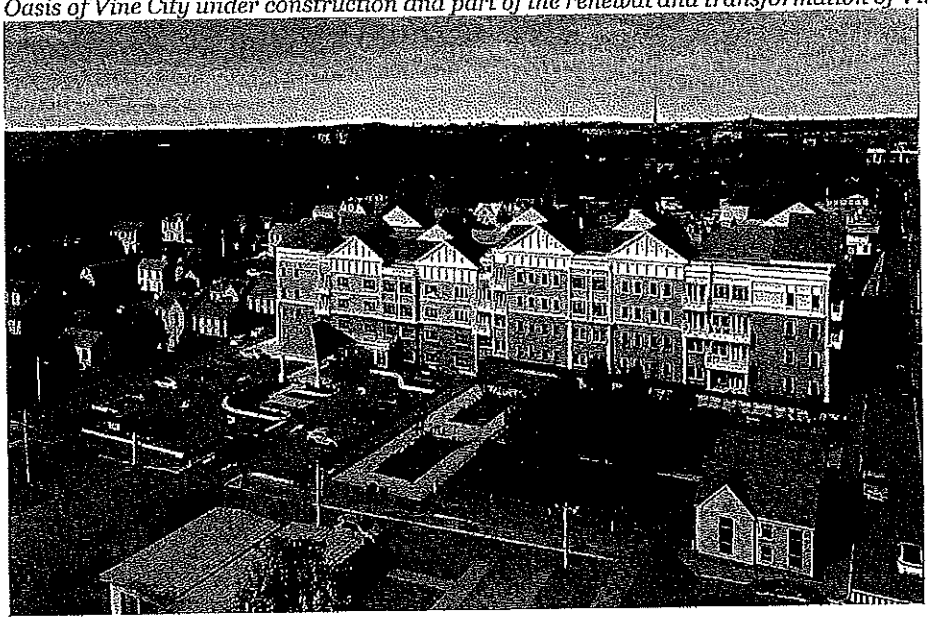
Housing Tax Credit Communities (upcoming 2018-2019)

Community	Timing	Units	Plan of Finance, BJS Foundation Roles
Wisteria Place (Floyd Road, Mableton, Cobb County) DCA #2016-051	Construction started Q4 2017	104 / 83	2016 tax credit allocation from Georgia Department of Community Affairs. Equity partner is AEP; construction loan from Sterling Bank. BJS Foundation owns.
Higher Ground Oasis of Vine City, L.P.[8]	2015-present	105 / 105	Bonds issued on March 1, 2018, by Urban Residential Finance Authority of Atlanta. Bonds purchased by PNC Bank. Housing Tax Credit equity from PNC Real Estate and Cabretta Capital.

[8]The site owned by **Higher Ground Oasis of Vine City, LP** is located across from the Church at 561 Spencer Street NW, Atlanta GA 30314. Oasis of Vine City will have 105 residential units. Total project development costs of $19,423,307 will be funded with URFA-issued bonds, $3,000,000 DCA HOME loan, $1,000,000 Invest Atlanta (Vine City Trust Fund), PNC Real Estate bridge and construction loan, Federal Tax Credit equity, Cabretta Capital - Georgia Tax Credit equity and Community Development Trust long term bondholder. BJS Foundation and a local church own the GP. BJS Foundation is the developer. The church will receive part of the Development Fee and will eventually buy out BJS Foundation for $10.

Starnes Senior Living (Clarkston, GA)	2016-present	128 / 128	4% LIHTC. Partnership with HADC and HDC. FHA 221(d)(4) proposed Construction-Perm BJS Foundation is Co-Developer and Co-General Partner with HDC and HADC.
McEachern Village (2236 Old Villa Rica Rd. Powder Springs, Cobb County)	2016-present	128 / 128	4% LIHTC. Development Authority of Cobb County Bond Inducement May 23, 2017. Partnership with Marietta Housing Authority and its subsidiary Lemon Street Development Corporation. BJS Foundation and Lemon Street Development Corporation are the Developers.

Oasis of Vine City under construction and part of the renewal and transformation of Vine City



Profiles of BJS Foundation Team Members

Philip E. Searles

A native of Atlanta, Philip is our leader for the next generation. After earning a degree in Accounting from the University of Alabama he began his career working at the Reznick Group as an auditor of affordable housing properties, routinely compiling financials from both construction and operating general ledgers. Answering the call to be with his family more, Philip joined the Beverly J. Searles Foundation, a nonprofit housing developer, in 2008. He has become an advocate for providing affordable housing choices for Georgia residents, while encouraging programming that enhances resident's health, wellness and spiritual growth through the Beverly J. Searles Foundation Resident Services. One of his most recent communities was awarded a Charles L. Edson Tax Credit Excellence Award in 2016.

David Russell

David Russell contracts with BJS as a project manager responsible for providing development services. Previously as development officer for Sunrise Senior Living and vice president of CRT Realty & Development, David has been instrumental in the development of 22 senior housing properties with development costs in excess of $250 million as he continues to build his portfolio of experience with BJS Foundation. David's expertise entails the planning, site selection, design, entitlement and construction related processes unique to the senior housing arena. David earned a B.S. in Political Economy at Tulane University and a M.B.A. in Finance from Emory University.

Debbie A. Gallogly

Debbie joined the BJS team in charge of Operations in April 2009 and was awarded the title of Chief Operations Officer in 2011. She joined the BJS Foundation team in Spring 2004. Other work experience

includes work in the non-profit sector. Debbie began work for Wildlife Action, Inc., a nonprofit sportsman group, in 1983 as the head of Public Relations for the National Chapter headquartered in South Carolina, and served as the Environmental Chairperson for a chapter, working with state agencies, state legislature and other sportsmen/environmental groups on state and local issues. She joined the Lancaster County School District as the Volunteer Coordinator in 1997 for a school of 850 students and 60 faculty members in Fort Mill, SC. Debbie's education includes study as a voice major/English major at Francis Marion University, North Greenville College and USC Spartanburg.

Victoria B. Curran
Victoria joined the BJS Foundation team as controller in 2017. A native of Minnesota by way of Tuscaloosa, Alabama, she and her family lived in New York for many years before moving to Atlanta. She is a lover of British mysteries, Cavalier King Charles Spaniels and political intrigue. During her career she has worked for financial institutions, governmental agencies, CPA firms and volunteered with several nonprofits. She has joined the BJS Foundation because of her love of helping other people. A graduate of Miami University of Ohio with a B.S. in Accountancy, she has been a member of the New York Society of Certified Public Accountants and is a member of the Georgia Society of CPAs.

Richard D. Searles
Since August 1995, Rick has been active in the senior housing industry working with several of the country's leading providers of senior housing and assisted living. Rick began working with Sunrise Senior Living, Inc. in its Southeast expansion in 1995. Prior to his senior housing development activities, Rick Searles was the Project Manager for a massive national due diligence contract with Resolution Trust Corporation (RTC), an instrumentality of the United States of America. This assignment was to analyze value and prepare for sale over $1.6 billion of hotels, golf courses, land and other assets. Rick Searles is versed in all senior housing aspects such as design, development consulting, specifics of operations, legislative actions to promote the industry, licensing and permitting issues. Also, he oversees preparation of market feasibility studies, competition analysis, caregiver criteria, projections and business plans.

David S. Searles, Jr.
After service, Harvard Business School and a short time on the Harvard Business School faculty, David Searles began his real estate career in 1971 developing an office in a Connecticut suburb of New York City. Beginning in 1973 he CFO for a large publicly-traded (SEC registered) land development company based in Miami, Florida. In mid-1975, David moved to Atlanta to oversee development and management of a 625-acre golf course planned community in Roswell for the 14 banks that had become land owners. Later as a general partner, developer and owner, David owned and developed apartments and land in Tennessee and Georgia staring in 1977. David and his now retired business partner were general partners for 10 years in a partnership with Federal Deposit Insurance Corporation. David was a Director of Tucker Federal Savings and Loan Association, a $320 million thrift institution, and its parent holding company, Eagle Bancshares, Inc. (now part of PNC Bank). He currently is Manager of Searles Realty Associates, LLC. SRA is a joint venture partner in a $40 million retirement community under construction in west metro Atlanta.

Malcolm Kilpatrick
Malcolm Kilpatrick is co-founder of Chase Properties Associates, LLC, CRT Trust Advisors, Inc. and affiliated companies. He received a B.S. in Business Administration from the University of North Carolina in 1963 and completed advanced training in real estate appraisal from the American Institute of Real Estate Appraisers. Since 1967, Malcolm initially as a commercial mortgage banker and ultimately as a real estate developer and owner has developed, financed, invested in and managed numerous real estate investments for partnerships in which he was a managing partner. Malcolm has personally negotiated and administered complex real estate contracts, acquisitions and closings exceeding $125 million in value. He is particularly experienced in multi-family developments, commercial land and single-family developments.

Jared Young
Jared is currently working with the BJS Foundation to identify new development sites throughout Metro Atlanta and the State of Georgia. He also serves on consultative basis throughout the development process, from entitlement through completion of construction. With a diverse background that started in corporate transformation consulting and then transitioned to land and development services for single and multi-family development, Jared has over 11 years of experience in project execution across real estate, finance, technology, and operations organizations. Jared will assist BJS Foundation in project management services, giving BJS Foundation greater resource flexibility and focus throughout the life of the project.

Searles Team References

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AEP (equity) and Sterling Bank (construction) are financing Wisteria Gardens Newnan, Live Oak Villas of Midway, Lovejoy Place and Wisteria Place Mableton. Sterling Bank, AEP and CDT financed **Myrtle Terraces.**

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Twain Financial
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Heather Bohl, Asset Manager
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Jordan Allen
Asset Manager, PNC Real Estate
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Jordan.allen@pnc.com

Guiding Principles

BJS Foundation accomplishes our Vision and Mission goal by providing housing and services to Senior Adults aged 55+ and veterans and families. BJS Foundation is a leader in public-private oriented development and offers best of class practices to create and operate mixed use, mixed income communities integrated within the community. We are Georgia Department of Community Affairs (DCA) approved Owners and Developers. Our guiding principles include the following:

- Develop and invest in affordable, program-enriched housing for seniors, veterans and people with special needs who may not otherwise have access to quality, energy-efficient and safe housing.
- Sponsor and support stable, vibrant, and healthy communities.
- Provide development services, strategic planning, financial and asset management, access to capital markets to the communities.
- Represent the present and future interests of the communities and their residents.
- Residents first in everything we do.
- The best interests of the total organization are prioritized over any single individual's or a group's interests, personalities, or political behaviors.

Service to God

For many Searles Team members, service to God is our highest goal and priority. In a small way we think we can help do God's work through our housing, programming and passion. BJS Foundation, and almost all our subsidiaries and affiliates, include in organizational documents, IRS filings and DCA applications the following underlying statements of our passion, determination and dedication:

- They will still bear fruit in old age, they will stay fresh and green, proclaiming "The Lord is upright; he is my Rock, and there is no wickedness in him. *Psalm 92:14-15*
- You sent a gracious rain, O God, upon your inheritance; you refreshed the land when it was weary. Your people found their home in it; in your goodness, O God, you have made provision for the poor. *Psalm 68:9-10*
- Go and enjoy choice food and sweet drinks, and send some to those who have nothing prepared. This day is holy to our Lord. Do not grieve, for the joy of the Lord is your strength. *Nehemiah 8:10*
- Suppose a brother or sister is without clothes and daily food. If one of you says to them, 'Go in peace; keep warm and well fed,' but does nothing about their physical needs, what good is it? In the same way, faith by itself, if it is not accompanied by action, is dead. *James 2:15-17*
- And if I go and prepare a place for you, I will come back and take you with me that you also may be where I am. *John 14:3*
- I pray that out of his glorious riches he may strengthen you with power through his Spirit in your inner being, so that Christ may dwell in your hearts through faith. And I pray that you, being rooted and established in love, may have power, together with all of God's people, to grasp how wide and long and high and deep is the love of Christ, and to know this love that surpasses knowledge – that you may be filled to the measure of all the fullness of God. *Ephesians 3:16-19*
- Therefore, strengthen your feeble arms and weak knees. Make level paths for your feet, so that the lame may not be disabled, but rather healed. *Hebrews 12:12-13*

RECEIVED 4/6/18
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P/Z Dep

Beverly J. Searles Foundation, Inc.

5030 Nesbit Ferry Lane, Atlanta GA 30350
E: dsearles@mba1970.hbs.edu

Invitation to Public Participation Meeting

Thursday, March 29, 2018
7:00 PM
Fairfield Inn & Suites
7850 Stonecrest Square, Lithonia GA 30038

Beverly J. Searles Foundation has filed with the City of Stonecrest a Rezoning Application for a vacant 9.3 acre site with an address of **6757 Covington Highway, Lithonia GA 30058.** This vacant land is located on the south side of Covington Highway diagonally across from Wells Fargo Bank. We are on the same side of the road as Walgreen's, 0.3 miles east of Walgreen's and 0.2 miles east of Sonic Drive-In.

BJS Foundation applied to rezone to MR-2 from C-1. The subject parcel has been planned and zoned for neighborhood retail for at least the past 10 years.

BJS Foundation is a not-for-profit developer and owner of mixed income age-restricted housing in Georgia. Today almost 2,000 people woke up in bedrooms that the founders of BJS Foundation and the Foundation planned, developed and/or own. Most of our residents are aged 70+ plus, but we do have a few "youngsters" in their late 50's and 60's. The nearest communities that our officers helped develop is Antioch Manor. Antioch Gardens and Antioch Villas representing 226 units of age-restricted mixed income housing. As of today in various locations around Atlanta, BJS Foundation has another 439 units of affordable senior living in development and under construction.

Subject to City of Stonecrest approvals and available financing, Beverly J. Searles Foundation plans to create "Stonecrest Senior Living" to eventually offer 200+ units of energy efficient, safe, secure affordable housing restricted to folks aged 62 and up. My mother's name is on the Foundation and we only want the best possible communities.

We would be delighted to answer any questions at the Public Participation Meeting or those send by email or USPS.

God's best,

David S. Searles, Jr.

THE CITY OF STONECREST GEORGIA

RECEIVED 3/6/18

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: David Searles Phone: 678-570-1177

Applicant E-mail: davidsearles@crt-trust.com Fax: —

Representative Name: Robert Skrobot Phone: (770) 428.0807 Ext 1817

Representative E-mail: rskrobot@atwell-group.com Fax: —

Site Address: 6757 Covington Highway Parcel Size: 9.3 acreage

Tax Parcel #: 16 089 02 005 City Council District: District 2

Existing Zoning and Case Number: C-1 Proposed Zoning: MR-2

Comprehensive Plan Character Area Map Designation: Neighborhood Center

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: Development of Senior Attached Housing with 120 units

Applicant Signature: David Sewall Searles, Jr. Digitally signed by David Sewall Searles, Jr. DN: cn=David Sewall Searles, Jr., o=Beverly J. Searles Foundation, Inc., ou, email=davidsearles@crt-trust.com, c=US Date: 2018.03.09 11:21:31 -05'00' Date:

Planner Signature: Clyde White Date: 3-06-18

FORESITE group

3740 Davinci Court, Suite 100
Peachtree Corners, Georgia 30092
o | 770.368.1399
f | 770.368.1944
w | www.fg-inc.net

RECEIVED
3 | 6 | 18
P|Z Dep

Trip Generation Memo - March 6, 2018:

To: Robert Skrobot
1800 Parkway Place
Suite 700
Marietta, GA 30067

Re: Stonecrest Senior Trip Generation – Lithonia, GA

A development consisting of a Senior Attached Housing with 128 units is proposed along the south side of Covington Hwy near the intersection with Woodcrest Walk. The project trips for the proposed development were calculated using equations contained in the Institute of Transportation Engineers' (ITE) latest *Trip Generation Manual*, 9th Ed, 2012. Table 1 summarizes the trip generation for the proposed development.

Table 1: Trip Generation

Project Land Use	Project Density	Project Trips			ITE Code	Variable	Equation Used[1]	In/Out Distribution
		Total	Inbound	Outbound				
Senior Adult Housing - Attached	128 DU				220	Dwelling Units		
Daily		402	201	201			T = 2.98(X) + 21.05	50% / 50%
AM Peak Hour		25	9	16			T = 0.20(X) - 0.13	34% / 66%
PM Peak Hour		32	17	15			T = 0.24(X) + 1.64	54% / 46%

Note: [1] Where: T = Trips; X = Density by Variable

The proposed development is anticipated to generate 402 new daily trips (201 inbound and 201 outbound) with the PM peak being the highest with the 25 new trips (9 inbound and 16 outbound) and 25 new AM trips (17 inbound and 15 outbound).

Please contact me or Blake Bredbenner at 770-368-1399 if you have any questions or need additional information. Thank you for your time and consideration.

Sincerely,

FORESITE GROUP, INC.

Sameer S. Patharkar
Project Manager

ATWELL

ONE COMPANY.
INFINITE SOLUTIONS.

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3|6|18
P|Z Dep

March 6, 2018

City of Stonecrest
Community Development Department
3120 Stonecrest Blvd.
Stonecrest, Georgia 30038

RE: Rezoning Environmental Site Analysis Letter for 6757 Covington Hwy (Stonecrest Senior Living)

To Whom It May Concern:

On behalf of our client, DeKalb County Housing Authority (DCHA), this letter is submitted as part of a rezoning application package for the proposed development named "Stonecrest Senior Living." The property is proposed to be rezoned from C-1 to MR-2, in order to be used as medium-density residential for market-quality affordable senior housing. The following land use and environmental topics have been analyzed as part of the rezoning application.

Conformance to Comprehensive Plan

a) The subject property, located on the south side of Covington Highway and north of Hillvale Road, is a currently vacant lot with an area of approximately 9.3 acres which slopes gently from west to east. The property is covered with shrubs, small trees and grass, with a stream identified on its southeast corner.
b) The property is bordered to the south by single family residential zoned R-100, to the east by an auto sale business zoned C-1, to the west by an office building zoned O-I, and across the street to the north by a church and Kroger shopping center. A site plan for the proposed development is included in this submittal.
c) The DeKalb County Comprehensive Land Use Plan 2035 identifies the vicinity in which the property is located as "Suburban" future land use, with "Neighborhood Center" in close proximity to the north and west. "Suburban" future land use includes the primary uses of townhomes and assisted living facilities, which are similar to the proposed property use of multifamily senior living. The proposed zoning of MR-2 and density of 25 units per acre does not fall within the recommended characteristics of the future land use; however, the proposed land use compliments the mixed-use nature of the surrounding area, which includes current land uses of single family residential, office, commercial, and a place of worship.
d) The 2035 Comprehensive Future Land Use Map is included with this submittal, and the vicinity of the property is marked in red.
e) The proposed rezoning and property development compliments the surrounding area of current land uses. While multifamily residential is not recommended for "Suburban" future land use, the property is in close proximity to "Neighborhood Center" future land use, which allows multifamily residential.

Environmental Impacts of Proposed Project

f) Wetlands – No wetlands are identified on the US Fish and Wildlife Service National Wetlands Inventory website. No wetlands were identified in the field.
g) Floodplain – No floodplains are located onsite according to FEMA map 13089C0159J, dated 5/16/2013. No floodplains were identified in the field.

1800 Parkway Place, Suite 700, Marietta, GA 30067 Tel: 770.423.0807 Fax: 770.423.1262
www.atwell-group.com

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i) Proposed open space will preserve the existing stream and stream buffer. The US Fish & Wildlife service identifies the potential presence onsite of a number of aforementioned migrating birds. However, due to the absence of mature trees, it is probable that the proposed development will not have an adverse impact on wildlife.

Thank you for your consideration,

Robert Skrobot, P.E.
Project Manager

1800 Parkway Place, Suite 700, Marietta, GA 30067 Tel: 770.423.0807 Fax: 770.423.1262
www.atwell-group.com

NOT RELEASED FOR CONSTRUCTION
MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.
STARNES SENIOR LIVING
CLARKSTON, GA
CE1
RECEIVED
3/9/18
CONCEPTUAL ELEVATION
CLARKSTON INDUSTRIAL BLVD

NOT RELEASED FOR CONSTRUCTION

CE1

MRA

MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.
30 CHURCH STREET SUITE 200 DECATUR GEORGIA 30030-3109 404-370-2800

STARNES SENIOR LIVING
CLARKSTON, GA

ISSUE	DATE

RECEIVED
3/6/18
P/Z Dep

1 CONCEPTUAL ELEVATION
1/8"=1'-0" CLARKSTON INDUSTRIAL BLVD

ARCHITECTURAL SHINGLES
FIBER CEMENT SIDING
FIBER CEMENT PANELS
BRICK VENEER - ACCENT
SINGLE HUNG VINYL WINDOWS
VINYL RAILINGS
HVAC CONDENSERS SHALL BE MOUNTED ON GRADE AND SHALL BE SCREENED

0 1' 2' 4' 8'
SCALE: 1/8"=1'-0"

PLOTTED: JULY 13, 2018 - 7:19:01 AM BY MARTIN-RILEY\DOCUMENTS\CLARKSTON-CLARKSTON INDUSTRIAL BLVD\ARCH\CLARKSTON - CONCEPTUAL ELEVATION.RVT

NOT RELEASED FOR CONSTRUCTION

CSP1

MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.
25 CHURCH STREET SUITE 20 DECATUR GEORGIA 30030-3329 404-373-2800

SENIOR APARTMENTS
STONECREST, GA

LAND USE
MARKET QUALITY AFFORDABLE ELDERLY HOUSING

CURRENTLY ZONED C-1

PROPOSED ZONING MR-2
(MEDIUM DENSITY RESIDENTIAL-2)

SITE AREA
9.87 ACRES
429,961 SF.

4 STORY BUILDING WITH ELEVATOR
34,422 GROSS S.F.
29,645 S.F. BUILDING COVERAGE

88 UNITS
25.0 UNITS / ACRE
MINIMUM UNIT AREA = 844 S.F.

ALL UNITS SHALL BE HANDICAPPED ADAPTABLE
WITH MORE THAN 20 UNITS FULLY HANDICAPPED
ACCESSIBLE

89 PARKING SPACES
0.68 SPACES / UNIT

MAXIMUM BUILDING HEIGHT = 4 STORIES (60'-0")
ACTUAL BUILDING HEIGHT = 4 STORIES (55'-0")

OPEN SPACE REQUIRED MINIMUM = 15%
OPEN SPACE ACTUAL = 40%

LOT COVERAGE MAXIMUM = 75%
LOT COVERAGE ACTUAL = 64%

2 LOCATION MAP
NTS

1 CONCEPTUAL SITE PLAN
1"=40'

RECEIVED
3/6/18
P12 Dep

PLOTTED: Mar 26, 2018 - 10:24a LOCATION: M:\projects\2018 Stonecrest, Covington, GA\DESIGN\KEY\ Stonecrest site plan 2018-03-26 dgn\working Plotted By: Jhunter - Copyright 2018

CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

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

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

Council Member Diane Adoma – District 5

CITY COUNCIL MEETING MINUTES

April 16, 2018
6:00 p.m.
Stonecrest City Hall
3120 Stonecrest Blvd.
Stonecrest, Georgia 30038

I. CALL TO ORDER: By Mayor Lary

II. ROLL CALL: All Members were present

III. INVOCATION: Pastor Edward Randolph, Union Missionary Baptist Church

IV. PLEDGE OF ALLEGIANCE:

V. PRESENTATIONS: Stonecrest Comprehensive Plan Kick Off & Mayor's Presentation

Madolyn Spann of the Collaborative Group gave an overview of the Comprehensive Plan and how it will define the city. She read the names of the members of the Steering Committee and said the committee will consist of twenty members.

Mayor's Presentation: Mayor Lary introduced the members of the Development Authority Commission. Present was Antonio Render, Jim Kelly, Samuel Stuckley, Leighton Hall, Bill Allen, Linda Hall, Sabrina Wright, Joe Coleman and Julius Lee. Dr. Cynthia Elliott was absent. Mayor Lary introduced former Senator Doug Stoner. Mr. Stoner said he had been the Vice Chairman and associated with the Smyrna Development Authority for over twenty-five years. He also said the Development Authority can do many things for the city. Afterward Mayor Lary presented a power point presentation on the SPLOST.

VI. ADOPTION OF THE CITY COUNCIL AGENDA:

City Manager Michael Harris said he would like to add Budget Transfer as #10 to the agenda and Resolution for Certification of Election Results for SPLOST as #11. Council

Member Adoma made a motion to adopt the agenda with the additional of the two items #10 and #11 with Council Member George Turner providing the second. **The motion carried unanimously.**

VII. PUBLIC HEARINGS:

1. Rezoning (RZ 18-0001) 1882 Coffee Road Tract A

Nicole Dozier, Director of Community Development gave an overview of the Rezoning (RZ 18-0001- 1882 Coffee Road Tract A. Afterwards, Council Member Clanton made a motion to open the Public Hearing with Council Member Adoma providing the second. **The motion carried unanimously.**

Spoke in Favor
Bernard Knight spoke for the Applicant

Spoke Against
Faye Coffield
Barbara Lee
Willie Dunlap
Rene Cale

A rebuttal was given by Bernard Knight for the applicant.

Mayor Lary made a motion to close the public hearing with Council Member Rob Turner providing the second. **The motion carried unanimously.**

There was much discussion between the Mayor and Council concerning the health of the community, what will be developed on the property, area of usage for M1 and M2, change of owners in the property and the trust factor. Ms. Dozier gave overview of what type of companies can be in M2 Zoning.

Council Member Clanton made a motion to approve the rezoning of Coffee Road with the conditions presented by Attorney Knight with Council Member George Turner providing the second.

Council Member Adoma made a motion to defer the rezoning. The motion died for the lack of a second.

A vote was taken on the original motion to approve the rezoning with Council Members George Turner, Jimmy Clanton and Mayor Lary voting

"yes". Council Members Rob Turner, Jazzmin Cobble and Diane Adoma voted "no". **The motion fails.**

2. Parking Industrial Text Amendment (TMOD 18-0002)

Nicole Dozier, Director of Community Development gave an overview of the Parking Industrial Text Amendment. Josh Reed, Land Development Inspector for the City of Stonecrest gave further information.

Council Member Adoma made a motion to open the Public Hearing with Council Member Rob Turner providing the second. **The motion carried unanimously.**

Spoke in favor
Bernard Knight
Bill Wike

Spoke Against
No One

Council Member Rob Turner made a motion to close the Public Hearing with Council Member Adoma providing the second. **The motion carried unanimously.**

There was much discussion regarding gravel and the catch basin. Afterwards, Council Member Clanton made a motion to defer the item with Council Member Adoma providing the second. **The motion carried unanimously.**

3. Special Land Use Permit (SLUP 17-0002) 3185 Evans Mills Road

Council Member George Turner made a motion to open the Public Hearing with Council Member Adoma providing the second. **The motion carried unanimously.**

Spoke in Favor
Alfie Igbadume- Applicant
Shawn-----

Spoke Against
Faye Coffield
Barbara Lee
Albert Edwards
Jim Edwards

Rebuttal by the applicant.

Council Member Adoma made a motion to close the Public Hearing with Council Member George Turner providing the second. **The motion carried unanimously.**

There was much discussion regarding the neighbors not being satisfied, numbers needed for child care center and difference in home and project address of applicant.

After much discussion, Council Member Adoma made a motion to deny the Special Land Use Permit (SLUP 17-0002) at 3185 Evans Mill Road with Council Member George Turner providing the second. **The motion carried unanimously.**

4. Special Land Use Permit (SLUP 18-0001) 5951 Fairington Farms Lane

Nicole Dozier gave an overview of the Special Land Use Permit (SLUP 18-0001).

Council Member George Turner made a motion to open the Public Hearing with Council Member Rob Turner providing the second. **The motion carried unanimously.**

Spoke in Favor
Nicole Harris – Applicant
Attorney Derica S. Johnson
Erica Barnes
Eric Hubbard

Spoke Against
David Walker
Eric Hyppolite
Robyn Manuel
Mr. Burch
Sandra Edwards
Glenn Hodges
Anita Merkerson

Council Member Clanton made a motion to close the Public Hearing with Council Member Adoma providing the second. **The motion carried unanimously.**

There was much discussion amongst the Mayor and Council regarding this not being a rezoning of the property, letter from applicant received from DeKalb County, number of children on property, number of staff on property, weather there is a business license from DeKalb County and State of Georgia, incidents with children and community, DFAC children.

After the discussion Mayor Lary made a motion to defer this item to the May meeting. **The motion died for the lack of a second.**

Council Member Cobble made a motion to deny the SLUP 18-0001 with Council Member Adoma providing the second. Council Members Clanton, Rob Turner and Mayor Lary voted no. Council Members George Turner, Cobble and Adoma voted yes. **The motion failed.**

Council Member George Turner made another motion to defer and the motion died for the lack of a second.

Council Member Cobble made a motion to approve the SLUP 18-0001 with Council Member Clanton providing the second. Council Members Clanton, Rob Turner and Mayor Lary voted yes. Council Member Adoma, Cobble and George Turner voted no. **The motion failed.**

VIII. PUBLIC COMMENTS:

Patricia Willis spoke on the Spring Festival on June 6th at the Mall of Stonecrest.

Faye Coffield thanked the Mayor and Council for listening to the residents, and the placing of rezoning signs.

IX. MINUTES: Approval of Minutes of the City Council Meeting of February 19, 2018, Council Meeting of March 19, 2018 and Special Called Meeting of March 21, 2018

Council Member George Turner made a motion to approve the minutes of February 19, 2018 with Council Member Adoma providing the second. **The motion carried unanimously.**

Council Member Rob Turner made a motion to approve the minutes of March 19, 2018 with Council Member George Turner providing the second. **The motion carried unanimously.**

Council Member Rob Turner made a motion to approve the minutes of the Special Called Meeting of March 21, 2018 with Council Member Adoma providing the second. **The motion carried unanimously.**

X. AGENDA ITEMS:

XI. Old Business:

5. Ordinance for Amendment to Pouring Hours (Incorporating Dekalb's recent changes)

   Mayor Lary made a motion to approve the Ordinance for Amendment to Pouring Hours with Council Members Adoma providing the second. Council Members Rob Turner, Adoma and Mayor Lary voted yes and Council Members George Turner, Clanton and Cobble voted no. **The motion failed.**

6. Ordinance to Amend the Building Permit Fee Schedule and Land Development Fee Schedule in the City of Stonecrest

   This was the First Read Only.

New Business:

7. Execution of Comprehensive SPLOST Management Contract with Grice Consulting Group LLC

   Council Member Rob Turner made the motion for the Execution of Comprehensive SPLOST Management Contract with Grice Consulting Group. Council Member Cobble provided the second.

   Mayor Lary made a substitute motion to entertain multi RFO's and providers for the SPLOST Management. Council Member Adoma provided the second. Council Members Adoma, Clanton and Mayor Lary voted yes, and Council Members Cobble, Rob Turner and George Turner voted no. **The motion failed.**

   Council Member Clanton made a substitute motion for the RFQ process for someone to oversee the SPLOST Management as Project Manager. Mayor Lary provided the second. Council Member Clanton and Mayor Lary voted yes. Council Members Cobble, Rob Turner, George Turner and Adoma voted no. **The motion failed.**

   After much discussion the vote returned to the original motion for the Execution of Comprehensive SPLOST Management Contract with Grice Consulting Group. Council Members George Turner, Clanton and Mayor Lary voted no and Council Members Rob Turner, Adoma and Cobble voted yes. **The motion failed.**

8. Adjustment to the Authorized Spending Limit for the Mayor and City Manager

Council Member Cobble made a motion to change the spending authority of the City Manager back to $25,000.00 with Council Member Rob Turner providing the second.

Mayor Lary made a substitute motion to set a policy for change in the spending limit with Council Member Clanton providing the second. Council Members Clanton and Mayor Lary voted yes and Council Members Rob Turner, George Turner, Adoma and Cobble voted no. **The motion failed.**

The vote was taken on the original motion to lower the spending authority to $25,000.00 with Council Members Clanton and Mayor Lary voting no and Council Members Cobble, Adoma, Rob Turner and George Turner voting yes. **The motion passed.**

9. Resolution Delegating and Authorizing the Mayor to Sign Certificate of Payments of Costs in Appeals from chapter 27 of Special Land Use Permit Decisions

Council Member George Turner made a motion to approve the Resolution delegating and authorizing the Mayor to sign Certificate of Payments of Cost in Appeals from Chapter 27 of Special Land Use Permit Decisions. Council Member Rob Turner provided the second. **The motion carried unanimously.**

10. Budget Transfer

Council Member Cobble made a motion to move $45,000.00 from Council Salary to Economic Development with Council Member Adoma providing the second. **The motion carried unanimously.**

11. Resolution of the City of Stonecrest for Certification of Elections Results

Council Member Clanton made a motion to approve the Resolution of the City of Stonecrest for Certification of the SPLOST Election Results with Council Member Adoma providing the second. **The motion carried unanimously.**

X. CITY MANAGER COMMENTS:

None

XI. CITY ATTORNEY COMMENTS:

None

XII. MAYOR AND COUNCIL COMMENTS:

None

XIII. EXECUTIVE SESSION:

XIV. ADJOURNMENT:

Council Member Adoma made a motion to adjourn the meeting at 1:00am with Council Member George Turner providing the second. **The motion carried unanimously.**

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

THE CITY OF
STONECREST
GEORGIA

CITY COUNCIL AGENDA ITEM

SUBJECT: Resolution for Issuance of Request for Qualifications for SPLOST Project Manager

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

Date Submitted: 05/16/2018 Council Meeting: 05/21/2018

SUBMITTED BY: City Manager

PURPOSE: This item is for the issuance of a request for qualification for the SPLOST Project Manager in accordance with the purchasing policy.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Recommendation of Council

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

RESOLUTION 2018-_____

A RESOLUTION OF THE CITY OF STONECREST, GEORGIA, AUTHORIZING THE ISSUANCE OF A REQUEST FOR QUALIFICATIONS TO VENDOR'S FOR SPLOST ROADS AND TRANSPORATION PROJECT MANAGEMENT SERVICES

WHEREAS, the City of Stonecrest, Georgia Mayor and City Council are authorized by the City Charter to enter contracts with other governmental entities and with private firms and corporation; and

WHEREAS, the Purchasing Policy adopted by this City Council provides for the processes for the competitive procurement of Services;

WHEREAS, the City of Stonecrest will be receiving funds from the 2017 SPLOST referendum commencing in 2018, which funds will be primarily used for transportation infrastructure repairs and improvements ("Transportation Improvements"); and

WHEREAS, the City Council has determined that it is in the best interest of the City of Stonecrest that a firm or person qualified to perform transportation project management services be engaged to manage the City of Stonecrest's planning, bidding, evaluation, oversight and such other functions with respect to its expenditure of SPLOST receipts for Transportation Improvements (the "Services").

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Stonecrest, Georgia, that the Purchasing Agent of the City of Stonecrest:

1. Prepare a Request for Qualifications for the Services in accordance with the terms of the City's Purchasing Policy with such provisions, requirements and conditions as said Purchasing Agent deems necessary;
2. Advertise the same by (a) posting the request on the City's website; (b) notice for publication in the City's legal organ for a period of no less than two weeks; (c) notice to the Georgia Municipal Association; and (d) such other form of notice the Purchasing Agent deems appropriated including, but not limited to, invitations to firms or persons to respond to the Request for Qualifications;
3. Prepare a scoring sheet for the evaluation of submitters which include the following criteria and submit the same to each member of the City Council for comment, individually, and not collectively prior to the issuance of the Request for Qualifications;
    a. Experience.
    b. Involvement of residents of Stonecrest or businesses doing business in Stonecrest.
    c. Minority participation.
    d. Other; and
4. Prepare a time line of critical dates with respect to the issuance of the Request for Qualifications and the selection of the project manager and submit the same to each member of the City Council for comment, individually, and not collectively prior to the issuance of the Request for Qualifications.

This Resolution shall be effective immediately upon its adoption.

SO, RESOLVED this the _____ day of May 2018.

Approved:

_____
Jason Lary, Sr., Mayor

Attest:

_____
Brenda James, City Clerk

THE CITY OF
STONECREST
GEORGIA

CITY COUNCIL AGENDA ITEM

SUBJECT: Selection of Road Condition Analysis Company

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

Date Submitted: 05/16/2018 Council Meeting: 05/21/2018

SUBMITTED BY: Mayor

PURPOSE: This item is for the selection of a company for the Road Condition Analysis. Bids were requested and received from Stantec and Infrastructure Management Services.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Recommendation of Council

Stantec Consulting Services Inc.
1000 Young Street Suite 470, Tonawanda NY 14150-4100

April 9, 2018
File: 162081014.012.240

Attention: Ken Hildebrandt, City Engineer
3120 Stonecrest Blvd.
Stonecrest, GA 30038

Dear Mr. Hildebrandt,

Reference: City of Stonecrest – Pavement Condition Survey and Pavement Management System Analysis

As per our recent discussions, Stantec Consulting Services Inc. is pleased to provide the following proposal to conduct a pavement condition survey, pavement management system analysis, and optional right-of-way asset inventory for the City of Stonecrest, Georgia.

PROJECT UNDERSTANDING

This project will consist of the collection of pavement condition data for approximately 269 survey-miles of the road network. The data will be uploaded to Stantec's RoadMatrix pavement management system to address the following:

- Establish the street network condition (Present Status);
- Select appropriate pavement preservation and rehabilitation treatments (Needs Analysis); and
- Prioritize potential work that is required, using cost-benefit and cost-effectiveness principles, for various funding levels and level of service targets (Priority Programming).

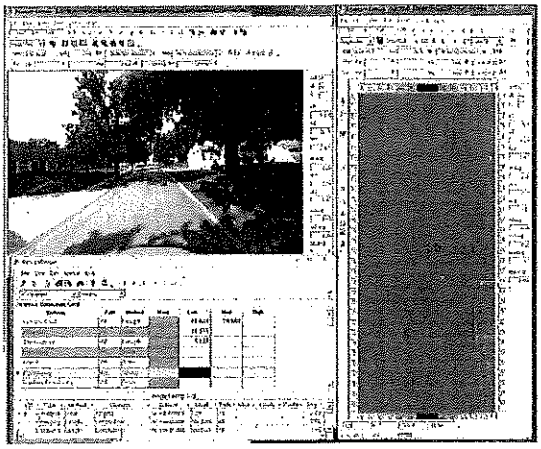
In addition to the pavement condition data, our survey vehicle will collect right-of-way digital images and provide those to the City, for a "streetscape" view of all City streets.

As an option, utilizing the imagery and GPS data collected during the pavement condition survey, a GIS inventory of all City Signals/Flashers and Street Signs/Supports can also be completed.

TECHNICAL APPROACH

Stantec's Road Tester 3000 (RT3000) incorporates the latest in mobile laser, GPS, and crack recognition technology. The RT3000 is a fully mobile solution specifically developed to accurately and efficiently collect pavement condition data. Integrated with lasers, inertial GPS, and high-definition digital imagery, the RT3000 can simultaneously collect pavement profile, rutting, surface distress, macro-texture, roadway geometrics, pavement and ROW imagery, and infrastructure assets.

Reference: City of Stonecrest – Pavement Condition Survey and Pavement Management System Analysis



Stantec's Laser Road Imaging System (LRIS) is composed of two high-resolution linescan cameras and narrow spectrum (non-visible) infrared laser illuminators that are configured to capture pavement imagery up to 13 feet in width, providing 1mm resolution, at traffic speeds.

The resulting pavement images are synchronized with corresponding right-of-way images, to provide a full set of digital imagery for accurately assessing the condition of the City roads.

The collected pavement imagery is subsequently post-processed through Stantec's Imaging Workstation, which was designed specifically for pavement surface analysis, using the linescan pavement images and right-of-way images collected by the RT3000 vehicles.

Each distress is measured, not estimated, and tagged with a linear reference and corresponding GPS coordinates. Technicians categorize, rate, measure, save all pavement distress information, and export the results in a format for upload into the RoadMatrix pavement management system.

Distress Rating Protocols

For this project, pavement distresses will be evaluated using the industry standard ASTM D6433 distress rating protocol. Captured surface distress will be categorized into three levels of severity (Slight/Moderate/Severe) and measured units of extent (Length/Area/Count) for each distress type.

ASTM D6433 Pavement Distresses

Flexible Pavements	Rigid Pavements
Patching	Patching
Rippling & Shoving	Scaling
Raveling & Weathering	Raveling & Weathering
Flushing & Bleeding	Polishing
Distortion (Bumps/Depressions)	Distortion
Excessive Crown	C&D Cracking
Progressive Edge Cracking	Coarse Aggregate Loss
Alligator Cracking	Potholes
Potholes	Joint Sealant Loss
Block/Map Cracking	Linear Cracking
Longitudinal Cracking	Transverse Cracking
Transverse Cracking	Joint Spalling
Wheel Track Rutting	Joint Faulting/Stepping

Reference: City of Stonecrest – Pavement Condition Survey and Pavement Management System Analysis

The distress data is collected continuously and processed at 100-foot intervals. Each distress severity and distress extent combination will be processed to determine a distress density. Using the individual distress densities and ASTM deduct models, a *Pavement Condition Index (PCI)* will be computed for each roadway section.

Note: All roads are evaluated in a single driven lane for up to three-lane wide streets. Roads with four or more lanes, or divided by a median, will be surveyed in the outer most lane in both directions.

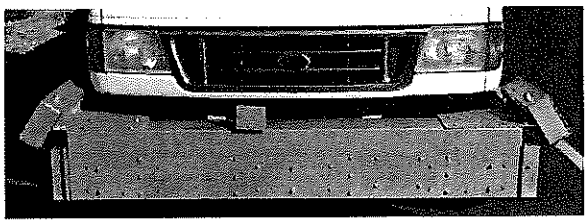
Roughness and Rutting

The RT3000 incorporates an ASTM E950 ***certified*** Class I profiler configured to capture longitudinal profile measurements and *International Roughness Index (IRI)* determinations in both wheel paths.

The IRI data is collected continuously and summarized at 100-foot intervals. The IRI data will be used to compute a *Ride Comfort Index (RCI)*, whereby the IRI data is correlated against people's perception of ride quality on a 0 to 100 score.

The specialized profile measurement system, mounted on the front bumper of the RT3000 survey vehicle, employs two sensing devices:

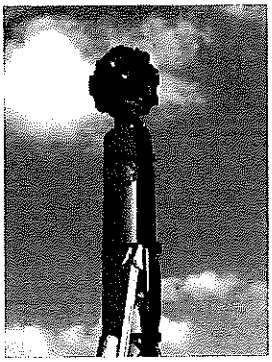
1. *Laser Height Sensors* that measure the distance between the vehicle and the pavement surface, while the vehicle is traveling at posted speeds or less.
2. *Accelerometers* that measure the vertical acceleration of the vehicle as it bounces in response to the pavement surface profile.



The RT3000 will also measure transverse profile and rut depths, using high precision, laser-based, height-measuring sensors. The lasers on either end of the rut bar are angled to provide the complete transverse profile across the traveled lane, without the need for extension pods. Extension pods can pose a hazard to other drivers, cyclists, and pedestrians.

Reference: City of Stonecrest – Pavement Condition Survey and Pavement Management System Analysis

Digital Images



High-resolution digital images are collected during the pavement condition survey, allowing Stantec to gather additional imagery for distress rating QA/QC as well as value added deliverables to the City.

Stantec's RT3000 collects the digital imagery using multiple camera configurations. All camera configurations are comprised of high-resolution, 5MP cameras that collect continuous digital images at user-defined intervals.

Our 360-degree camera system is composed of six 5MP cameras for individual or panoramic views.

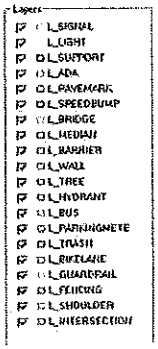
Each image is tagged with a GPS coordinate and Location Referencing System (LRS) data, to facilitate easy linkage to the City's GIS. The resulting image database contains industry standard JPEGs with geo-referenced information.

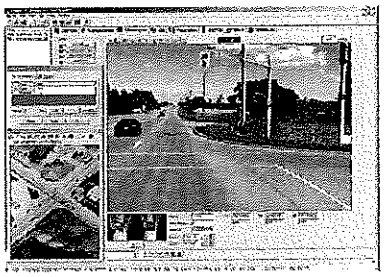
ASSET INVENTORIES

By combining the digital imagery and GPS coordinate data collected from the RT3000, a comprehensive inventory of infrastructure assets can be achieved.

Typical assets include but are not limited to:

- Signs and Supports
- Drainage Features
- Sidewalks and Ramps
- Street Lights
- Signals
- Fire Hydrants
- Guide Rails
- Pavement Markings and Striping





By means of the Trimble Imaging Hub asset extraction workstation system, technicians are able to geo-locate any attributes and asset visible in the imagery. The Imaging Hub allows virtually any type of feature to be defined for collection of location, attribute, and condition data. Once an attribute/asset is observed in the imagery, the operator toggles to the individual record input screen, and proceeds to input the appropriate attribute and associated information. "Pick lists" are employed to streamline the data entry function and provide consistent data throughout the inventory.

Reference: City of Stonecrest – Pavement Condition Survey and Pavement Management System Analysis

Each asset is defined either as:

- 3D Points – ramps, signs, supports, hydrants, manholes;
- 3D Polylines – linear feature that are contained in a single series of images such as striping; and
- 3D Extended Polylines – linear features that extend across multiple images such as guide rails, curb & gutter, sidewalks, and so forth.

The location (x, y coordinates) and attribute data for each asset is extracted from the image, and stored as a GIS layer and associated geo-database.

Optional Signals/Flashers and Sign/Support Inventory

For this project, the Trimble Imaging HUB would be configured to collect Signals and Flashers, and Sign and Support location and attribute information for each road segment included in the pavement survey. All deliverables would be in the form of a GIS shapefile.

PROJECT TASK SUMMARY

The following work plan summarizes the various tasks involved in executing the project to achieve the desired results, satisfy the City's objectives, and maintain cost control.

Task 1 – Project Setup

	Description
Objective	To develop network segmentation and routing plans.
Activities	• Define linkage between the RoadMatrix Pavement Management system and City's GIS Street Centerline; and • Create survey routing plans and maps for RT3000 crew.

Task 2 – Field Data Collection

	Description
Objective	To collect pavement condition data, on approximately 269 survey-miles of City streets.
Activities	• Provide contact information for Field personnel and City Project Manager; • Mobilize RT3000 to the City; • Provide RT3000 demonstration to City staff; • Perform pre-survey and ongoing calibrations and diagnostics; • RT3000 Surface Distress/Roughness/Imagery/GPS data collection; • Field staff communicate weekly with City Project Manager on production; and • Follow QA/QC plan.

Reference: City of Stonecrest – Pavement Condition Survey and Pavement Management System Analysis

Task 3 – Pavement Data Processing and Quality Assurance

	Description
Objective	To review, process, and format the collected pavement condition data for upload to the City's RoadMatrix pavement management system.
Activities	• Pavement condition data processing in accordance with current standards, using Linescan imaging workstation and other data processing tools; • Normalize condition data (Distress and Roughness) processed at 100-foot intervals, and aggregate results for each pavement section; • Validate pavement condition data; • Format data and upload into RoadMatrix; and • Analyze and calculate performance indices (RCI/PCI).

Task 4 – RoadMatrix Configuration and Analysis

	Description
Objective	To configure the RoadMatrix analysis features, including decision trees, treatments, unit rates, and budget scenarios that will provide realistic Pavement Management System outputs.
Activities	• Review maintenance and rehabilitation strategies, including types, unit rates, timing, benefits, and life expectancy; • Develop Maintenance/Rehabilitation Decision Trees; • Determine and input various funding scenarios; and • RoadMatrix analysis including Present Status, Maintenance and Rehabilitation Needs, and Budget Driven Priority scenarios.

Task 5 – Final Report

	Description
Objective	Provide a final project report with a summary of findings.
Activities	• A summary of the methodology/technology used for data collection; • Present Status Results; • Network Rehabilitation Needs; • Various Funding Scenario Impacts on the Network Condition; • RoadMatrix Priority Rehabilitation Program Output (five-year); • GIS Maps of Results; and • Excel spreadsheets of City street listing and associated Condition and Needs results.

Reference: City of Stonecrest – Pavement Condition Survey and Pavement Management System Analysis

Option – Asset Inventory (Signals/Flashers and Street Signs/Supports)

	Description
Objective	Develop a GIS inventory of all City Signals and Flasher and Street signs and associated supports.
Activities	• Configure Trident Imaging Hub for Signals/Flashers and Street Signs/Support attributes; • Use collected ROW imagery and GPS to develop GIS inventory of required assets; • Quality assurance reviews; and • Provide GIS shapefile of asset locations and attributes.

TIMELINE

The timelines of the major tasks associated with the above pavement management services are outlined below.

Task	Description	Duration
1.0	Project Initiation/Data Gathering/Survey Preparation	1 week
2.0	Field Data Collection	2 weeks
3.0	Data Processing and Quality Assurance	5 weeks
4.0	RoadMatrix Configuration and Analysis	2 weeks
5.0	Final Report	2 weeks
	Approximate Project Duration	12 weeks

Reference: City of Stonecrest – Pavement Condition Survey and Pavement Management System Analysis

FEE SCHEDULE

The following fee schedule is based on the project scope stated herein. All fees are Lump Sum and exclusive of any applicable taxes. This fee will remain valid for 90 days.

Task	Description	Lump Sum Fees
1.0	Project Setup	$4,000.00
2.a	RT3000 Mobilization	$2,500.00
2.b	Field Data Collection (Approx. 269 test-miles)	$26,900.00
3.0	Pavement Data Processing and Quality Assurance	$6,500.00
4.0	RoadMatrix Configuration and Analysis	$5,000.00
5.0	Final Report	$5,000.00
	Project Fees:	$47,900.00

Option Right-of-way Asset Inventory

Signals and Flashers: $3,000.00
Signs and Supports: $20,000.00

Note: Project will be invoiced monthly on a percent complete basis.

TERMS AND CONDITIONS

Any City-supplied Contract, Services Agreement or Purchase Order Terms will require Stantec's review and approval by Risk Management, prior to execution.

We trust the provided services as outlined above will meet with your expectations. We look forward to working with the City of Stonecrest.

Stantec Consulting Services Inc.

Fred Stephenson, B.Sc.
Associate
Infrastructure Management
& Pavement Engineering
Phone: 226-973-2549
fred.stephenson@stantec.com

Amir Abd El Halim, Ph.D., P.Eng.
Managing Principal
Infrastructure Management
& Pavement Engineering
Phone: 716-631-8030 ext. 7465
amir.abdelhalim@stantec.com

Quotation for Professional Services

IMS Infrastructure Management Services
1820 W. Drake Dr. Suite 104. Tempe, AZ 85283
Phone: (480) 839-4347 Fax: (480) 839-4348
www.ims-rst.com

To:	Ken Hildebrandt, P.E., PTOE, City Engineer	**Date:**	January 18, 2018
From:	Zac Thomason, MBA, National Manager of Client Services	**Project:**	Stonecrest, GA
Subject:	2018 Pavement Data Collection	**Project No.:**	N/A

Thank you for taking the time to review the pavement and asset data collection services offered by IMS Infrastructure Management Services. IMS excels in pavement and asset management solutions and can provide a full suite of data collection and software services.

As we understand, the City of Stonecrest currently maintains approximately 230 centerline miles of roadway and does not currently have an existing pavement management application. The Laser Road Surface Tester (RST) has performed objective pavement data collection for similar agencies such as Atlanta, Canton, Powder Springs, Marietta, Peachtree Corners, Sandy Springs, and Dunwoody amongst others in the area. To ensure adequate coverage across the network, the RST will survey the arterial and collector roadways in each direction while testing the residential roadways in a single direction, resulting in a survey mileage of approximately **287 miles**.

IMS collects all data in accordance with the U.S. Army Corps of Engineers data protocols, commonly referred to as ASTM D6433. In addition, we deliver all data in industry standard formats such as Excel, Access, Geodatabases, shape files, and even Google Earth KMZ files. While IMS can implement and load data to dedicated pavement management applications such as: MicroPAVER, Lucity, RoadMatrix, PavePRO Manager, and many others; the base scope of this proposal will focus on a comprehensive, simple to use, Interactive Excel spreadsheet called Easy Street Analysis (ESA).

Our approach, and key service differentiator, is based on three, time proven, fundamentals:

Answer the questions that are being asked – don't over-engineer the system or make it needlessly complicated. Databases and the application of technology are meant to simplify asset management, not make it more difficult.

Service and quality are paramount to success – the right blend of technically correct data, condition rating, and reporting will provide the agency with a long-term, stable solution. Service to the client remains our top priority.

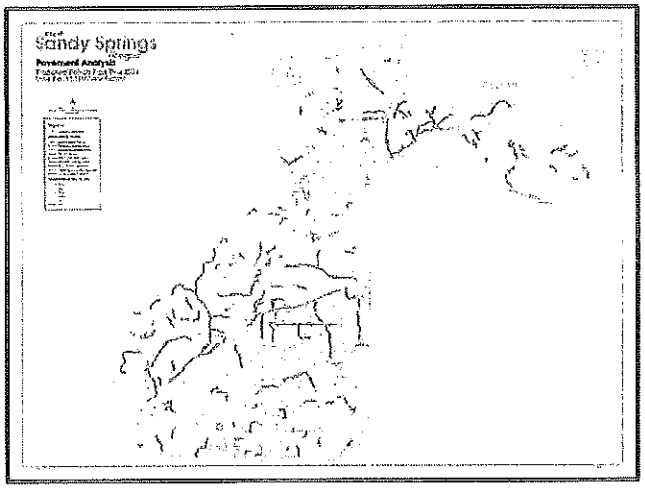
Local control and communications are key – it is important that all stakeholders understand the impacts of their decisions and have the system outputs react accordingly. We excel in making ourselves readily available.

Data Collection

IMS is unique to the industry, as an objective and repeatable data collection effort will be completed. The Laser RST will be used to perform a surface condition assessment of all City streets. Instead of using the subjective feet on ground or windshield sampling method, all data will be collected continuously and recorded in 100-foot intervals in the form of a detailed database complete with GPS coordinates. The data will also be aggregated to the section level, following the sectioning and referencing methodology determined after IMS and City review.

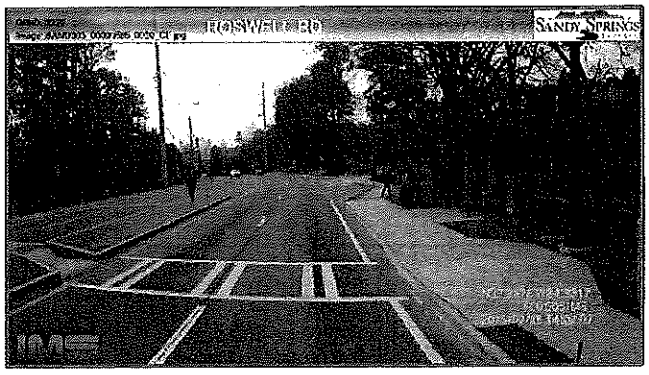
GIS and Pavement Management Linkage

The role of GIS in pavement management cannot be overstated. It is a powerful tool that provides the capability to handle and present vast amounts of data in an efficient manner. IMS can provide a link between the City's GIS environment and the pavement management data to enable the City to display and generate color-coded maps based upon existing pavement conditions, street rehabilitation plans or most of the data in the pavement management program. An output of a 5-year maintenance prioritization program is illustrated in the adjacent image.

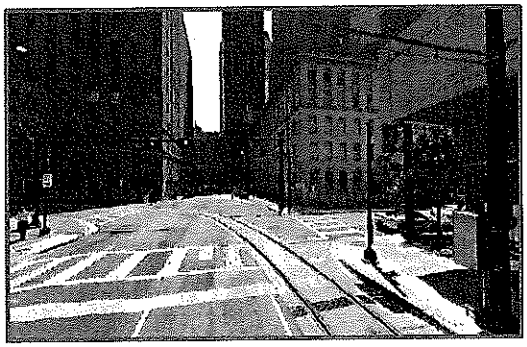


Digital Imagery & ROW Asset Inventories

In conjunction with the surface condition survey, each test section is recorded on HD digital video with a forward-facing and rear digital camera. The downward view is used as part of the IMS Quality Control and Quality Assurance procedures. Additional cameras can be mounted to expand the viewing area or to include right of way asset features of special interest to the City. IMS can provide digital images at specified intervals (e.g. 10', 25' or 50') for viewing in selected third party software, data views, and/or through the City's GIS.



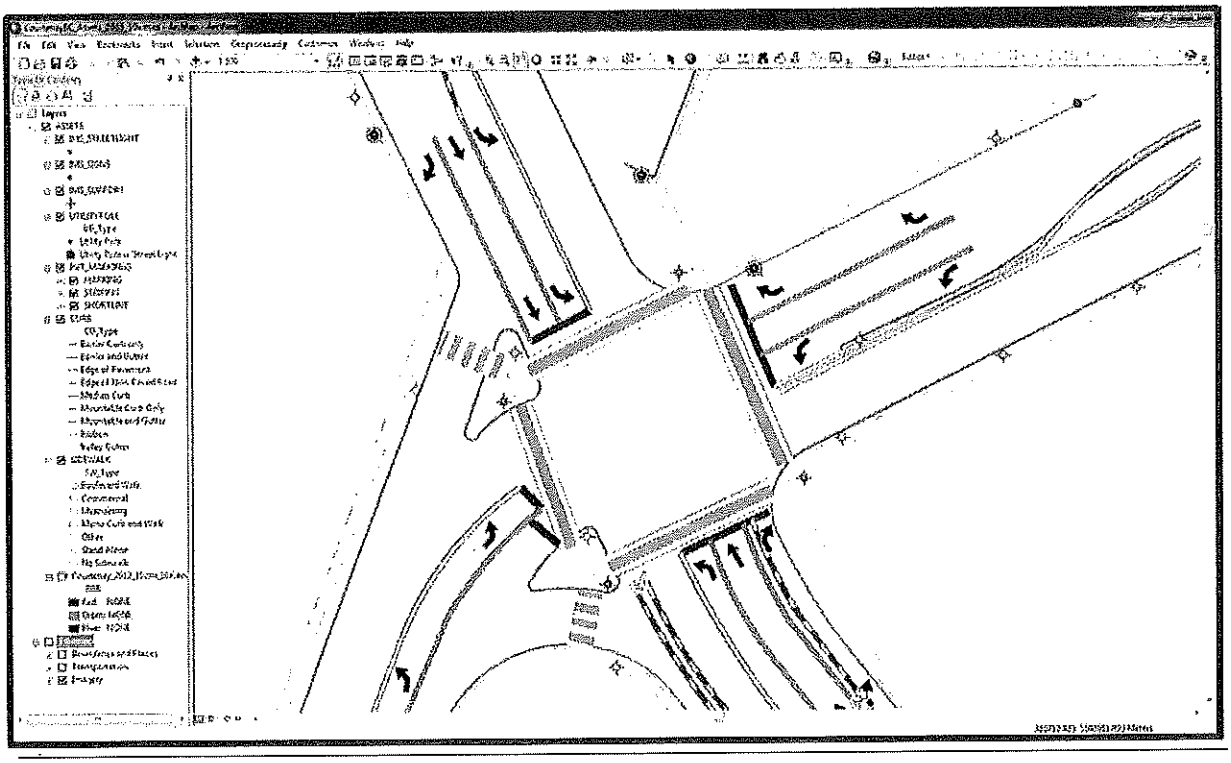
OPTIONAL RIGHT-OF-WAY ASSET INVENTORIES



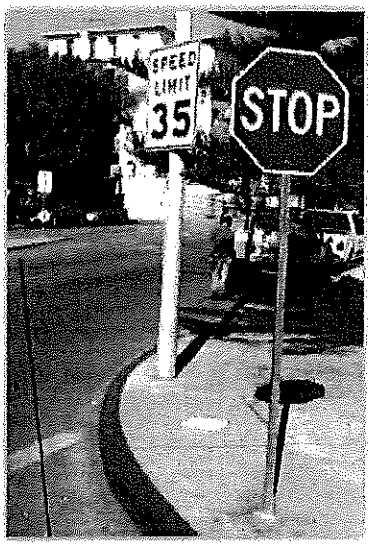
The IMS Laser RST uses high-end GPS coordinate data and HD digital cameras positioned so that all assets/attributes requiring data capture are visible with the front, side, and rear cameras. For Stonecrest, we can collect information for traffic signs, signals, sidewalks, ADA ramps, curb & gutter/ditches, pavement markings, signals, and many other ROW assets visible in the RST HD video. *ROW asset inventories are supplemented with air photos and GIS to ensure positional accuracy.* The IMS technology is an open architecture system that allows virtually any type of asset to be defined for collection of location, attribute, and condition data. Once an asset is observed, the operator toggles to the individual record input screen and proceeds to input the appropriate attribute and associated information. Wherever possible, "pick lists" are employed to streamline the data entry function and provide uniform, high quality data. IMS confirms the feature attributes to be collected with the client prior to data collection.

The images and GPS data are merged on a frame-by-frame basis. The images are then post-processed using a specialty piece of GIS and image viewing software. Using RST imagery, the existing centerline GIS, and aerial photography, IMS spatially plots each right-of-way asset in its real world location.

Prior to commencing the optional ROW asset inventories, a document called the **Master Asset List** (MAL) will be developed, using each applicable exhibit as a starting point. The MAL defines what assets or inventory items are to be logged and what attributes will be extracted. The MAL also defines the methodology for condition rating each asset.



Asset Inventory Example – Traffic Sign Inventory

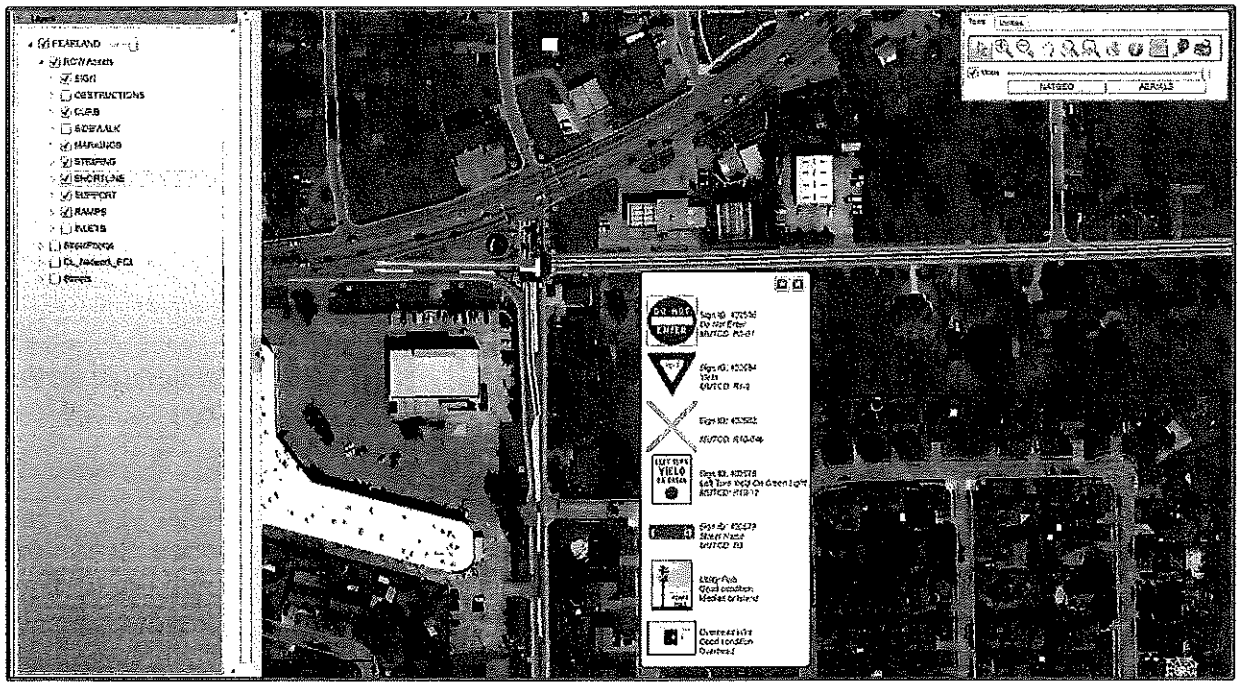


IMS sign inventory and condition assessment projects are comprehensive in nature. Our trained technicians review all RST HD video collected to acquire sign and support attributes. Through the use of a specialty piece of GIS software that consumes the RST imagery, we can spatially plot each sign in its real world location. We take it one-step further by adopting the most recent aerial photography (if available) to ensure all signs and supports are positionally correct within the City's GIS environment.

For the City of Stonecrest, IMS can include the following attributes for acquisition: segment ID, sign ID, MUTCD code, support type, support ID, location, condition, and a series of descriptive measurements assigned from the MUTCD code definitions. Our sign inventories are also supplemented with a support inventory as it takes very little time to assign an ID to each support, as well as the type, and location. Each support is linked to a corresponding sign (or group of signs if more than one is present). The image below is a recent example of a completed sign inventory that was loaded to the **IMSvue** data viewer tool.

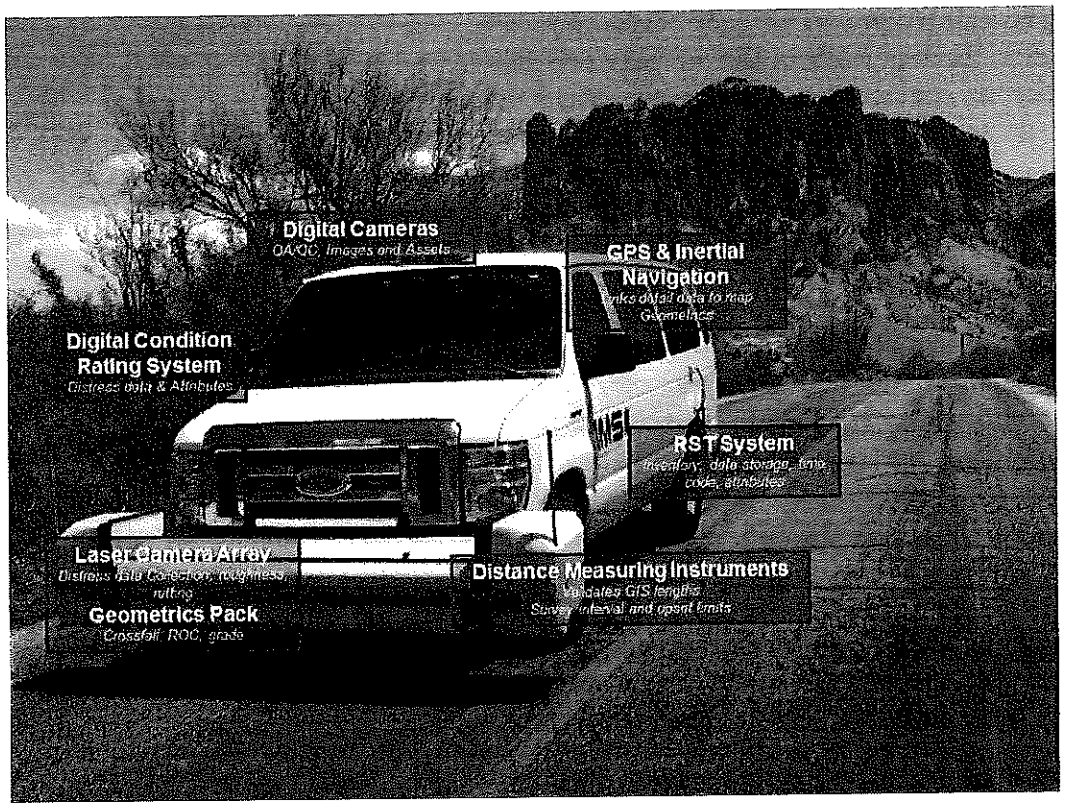
The sign/support inventory can be delivered in all or any of the following formats:

- Populated in Excel or Access
- Delivered as a personal geodatabase or series of shape files
- Delivered as a Google Earth KMZ file



A Closer Look at the Laser RST Configuration

The following diagram illustrates the full configuration of the RST for ASTM D6433 data collection assignments. The RST is operated by three highly trained technicians.



Laser Camera Array (LCA)

11 laser sensors that objectively quantify pavement cracking, texture, rutting, roughness, cross fall, crown, grade, and radius of curvature. The lasers collect data in a severity and extent format that conforms to ASTM D6433 protocols.

Digital Cameras

The Laser RST can be mounted with up to 7 digital cameras depending on each project's unique requirements. Digital images are largely used for many purposes: data validation, virtual drive deliverables to clients, and right-of-way asset inventory development.

GPS Acquisition

GPS technology is coupled with inertial navigation to enhance the acquisition of accurate longitude and latitude coordinates. Municipal agencies are becoming GIS centric and thus all data must be georeferenced for plotting in a GIS environment.

Distance Measuring Instruments (DMI)

Dual DMI pulse transducers that accurately collect and report vehicle distance and speed. The distance data is integrated with the inventory, GPS data flow, and time code.

Hardware & Storage

The Laser RST is equipped with multiple servers and computers that store the data collected from the lasers, cameras, GPS, and touch-screen event board.

Digital Direct Condition Rating System (DDCRS)

The touch-screen event board allows IMS to collect a wide range of data from pavement distresses to the validation of pavement attributes. The touch-screen event board can be configured in any manner we desire and conforms to the ASTM severity and extent data collection protocols. This is also used for unique asset attribute identification.

PCI Development, Analysis Configuration & Multi-Year Plan

Immediately following the completion of the field survey's IMS will begin processing the pavement distress severity and extent scores in an effort to develop a Pavement Condition Index (PCI) for each roadway segment. The condition results are analyzed by a team of IMS engineers, who then develop the Stonecrest multi-year pavement management plan. This section provides a brief summary of the functionality of the IMS pavement analysis in order to emphasize our implementation expertise as well as the abilities and constraints within a pavement analysis.

The purpose of pavement management is to produce cost effective maintenance programs that maximize available resources and roadway life. By incorporating key components of a cost benefit analysis into the analysis operating parameters, we can develop a game plan that is optimized to meet the needs of Stonecrest. In addition, the analysis operating parameters described within this section will be delivered in an easy to use Interactive Excel Spreadsheet (ESA) including the segment PCI data, pavement deterioration curves, triggers (priority weighting factors), and the prioritized multi-year rehabilitation plan. Everything is linked to GIS in the form of simple shape files or even a personal geodatabase.

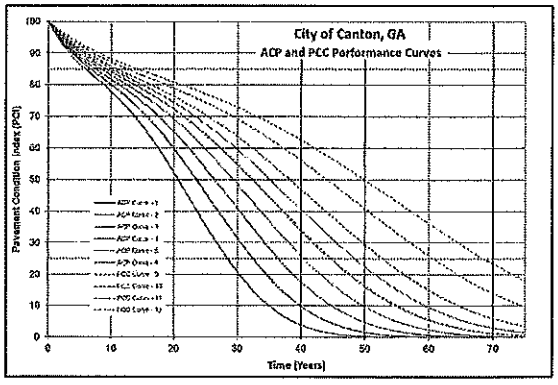
Field Inspection Data and Pavement Condition Index (PCI)

The IMS analysis allows you to store information regarding your pavements, including surface types, number of lanes, patching estimates, cross slopes, and sidewalk & curb types with replacement estimates. Pavement condition data including surface distress, roughness, and deflection results can be stored and analyzed. Using an in-house Pavement Manager Setup module, we can develop customized condition elements, distress types (load & non-load), Indices (SDI, RI, & SI), weightings, and overall PCI calculations.

In addition to the yearly programs, the net impact each budget scenario has on the expected condition of the road network over time can be determined. This budget impact can be illustrated both in terms of the yearly increase or decrease in the average network PCI score, PCI distribution, or % Backlog of roads that were not selected by the budgets. IMS converts the difficult to understand FHWA and ASTM D6433 data to a 0-10 distress rating scale with distress weighted factors (DWF), where DWF = {Area under D6433 deduct curves/3000}.

Modeling and Performance Curves

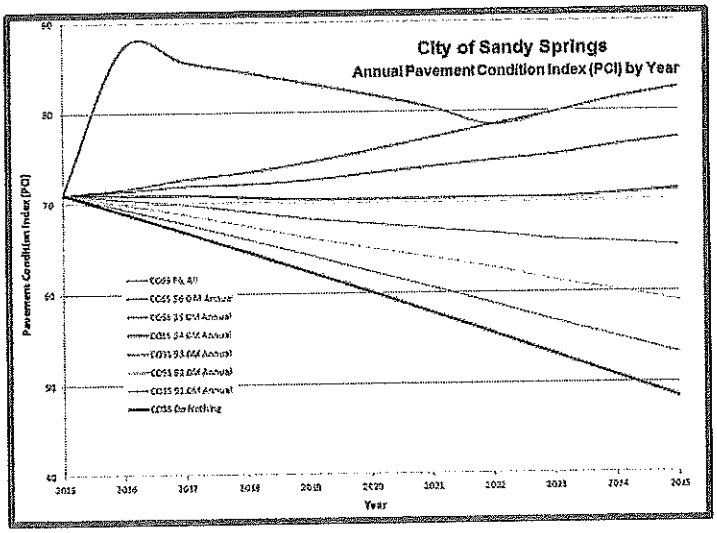
With an IMS analysis, you can forecast various budget scenarios to help you determine your ideal maintenance and rehabilitation schedule. The IMS approach will help you decide what rehab activities should be performed, when and where to perform them, and an ideal budget for your system to maintain it at a specific level of service.



IMS engineers use pavement deterioration models that can be customized to reflect the climatic conditions and structural characteristics of the Stonecrest road network. As a result, performance curves can be developed on factors such as functional class, pavement type and sub-grade strength.

Rehabilitation Analysis

An unlimited number of pavement maintenance and rehabilitation strategies can be defined within our system. An analysis is then run, incorporating the performance curves, set points, filter criteria and rehab alternatives to identify the overall need in terms of rehab strategies and costs for the City's road network, for today as well as year on year for the next 5 to 10 years.



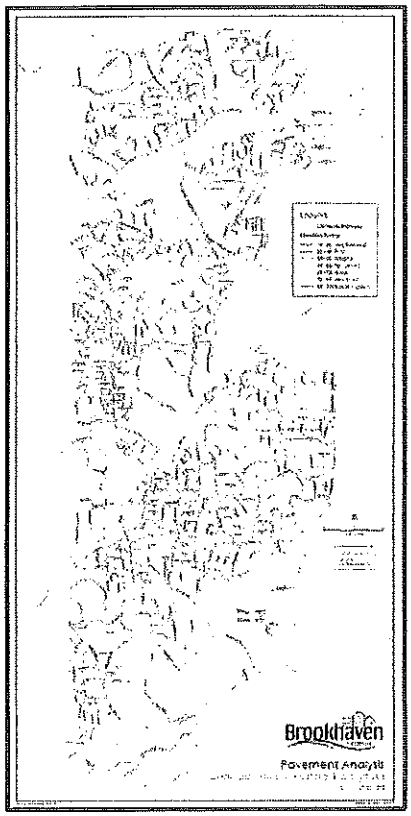
The IMS approach allows you to input any number of "what if" budget scenarios and produce prioritized yearly rehab programs based on those funding levels over a 10-year analysis period. Typical budget scenarios include Budget $/Year, Unlimited Budget $, "Do Nothing" Budget, and a Target PCI Budget.

What is included in an IMS analysis & report?

- *Street ownership and inventory/attribute report*
- *Present condition ranking* – detailed and summary condition data including; Good/Fair/Poor, Load Associated Distresses (LAD), Non-LAD, and Project reviews of each street in the network, as well as the network as a whole.
- *Fix all budget analysis* – this identifies the upper limit of spending by rehabilitating all streets assuming unlimited funding.
- *Do nothing analysis* – this identifies the effects of not performing roadway rehabilitation projects.
- *Steady state rehabilitation life cycle analysis* – this identifies the minimum amount of rehabilitation that must be completed in order to maintain the existing level of service over 3, 5, or 10 years.
- *PCI & funding levels* – what funding will be necessary to maintain a PCI of 75, 80, & 85.
- *Plus or minus 50% and other additional runs* – additional budget runs are completed at rates of +50% and -50% of the suggested steady state analysis. Up to 10 budget scenarios will be run.
- *Integration of capital projects and Master Plans* – ongoing and proposed projects that affect roadway rehabilitation planning will be incorporated into the analysis.
- *Draft multi-year rehabilitation and prioritized paving plans* – based on need, available budget and level of service constraints; a minimum of three budget runs will be completed.
- *Final prioritized paving plan* – incorporating feedback from stakeholder departments and utilities, complete with budget and level of service constraints.

An IMS pavement management program is comprehensive, from the data collection process to the implementation of software, and ensures that Stonecrest will have the capability to utilize the pavement condition data for the implementation of real-world maintenance and construction programs.

GIS Integration & Mapping



The role of GIS in asset management cannot be overstated. It is a powerful tool that provides the ability to handle and present vast amounts of data in an efficient manner. Not only does GIS allow an agency to visually plot textural data, it also establishes an easy access portal to the data through an efficient integration with many 3rd party asset management applications.

IMS kicks off every project by completing a brief review of the agency's GIS environment to assess suitability for network referencing, survey map preparation, and pavement management purposes. Our team will consume the City's existing GIS files and use the GIS as the basis for developing the network segmentation on a logical block-to-block or intersection-to-intersection basis. If the City retains an existing pavement inventory linked to an asset management system, no changes will be made unless approved by City staff.

The data collected by IMS is linked to the existing GIS environment and is supplied as a personal geodatabase, spatial database engine, Auto CAD files, or a series of shape files. IMS collects XY coordinates for all data elements using GPS technology coupled with inertial navigation and integrates with most 3rd party GIS applications, including ESRI.

At a minimum, the GIS supplied by the City should have an ownership attribute, functional classifications, contiguous line work, and be in a digital format such as shape files and/or personal/file geodatabases. As a supplemental task, IMS also offers full service "GIS Clean-Up" and "Functional Class Review" activities for agencies that require additional GIS development above and beyond standard network referencing activities. IMS can also compare the existing roadway inventory within any current asset management system to the City's GIS environment. If they do not match and a one-to-one relationship is required, IMS has the team available to develop the correct referencing information. This remains an optional activity to be conducted at the discretion of City staff.

For this assignment, GIS will be used in four key areas of work:

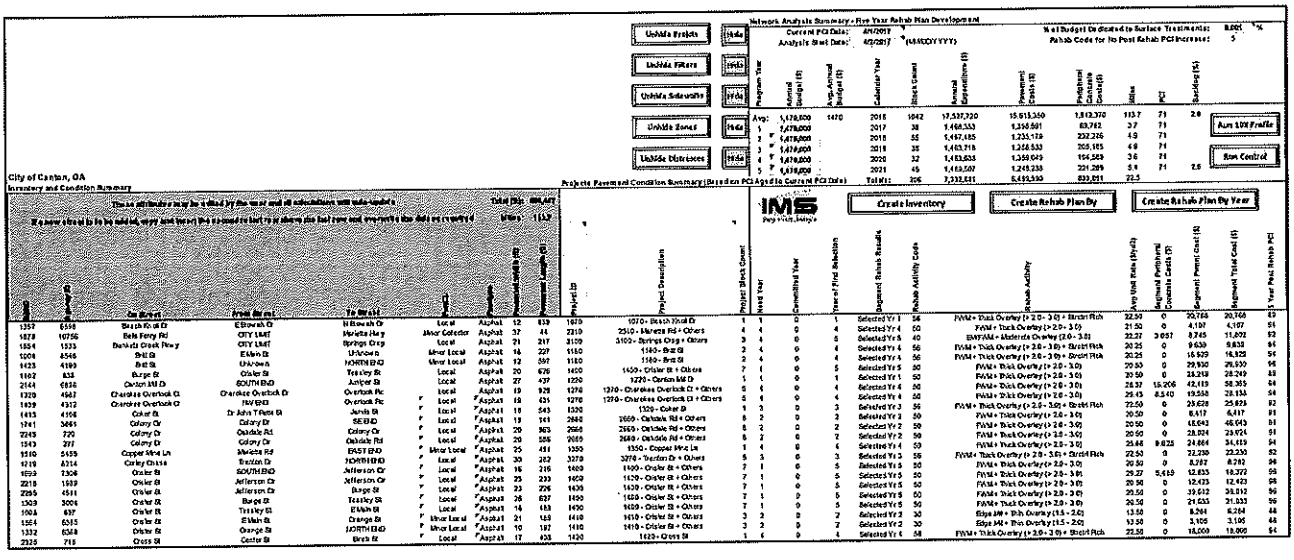
1. GIS will be used to verify the streets to be surveyed and to create the routing maps for use during the field surveys.
2. The survey productivity will be tracked through the plotting of the GPS data collected during the field surveys. This will allow IMS to review all streets that have been covered, identify anomalies in the referencing, and spot missed streets.
3. GIS will be used in processing the distress and inventory data. By plotting the data, we can QA the data and identify data exceptions in addition to proofing out the GIS.
4. Personal geodatabases, spatial database engines, shape and/or KML files, can be created for the visual presentation of condition data and analysis results.

Easy Street Analysis (ESA) - Interactive Excel Spreadsheet

While the results of the survey will certainly be documented and bound into a final report that illustrates the findings of the survey, it is imperative that City staff have access to the pavement condition and analysis results without having to become software experts. While IMS is a leading expert with most 3rd party pavement management applications, we have engineered a simple and easy to use Excel spreadsheet that utilizes the core metrics of any great pavement management system such as the ability to prioritize and optimize the multi-year plans.

The IMS interactive Excel spreadsheet will be programmed to develop a multi-year maintenance and rehabilitation plan using "cost of deferral" as a rehabilitation candidate selection constraint in an effort to introduce cost-benefit techniques into the City's pavement management plan. In addition, the Excel spreadsheet will have referenced deterioration curves for each functional classification, pavement type, and even pavement strength rating. The power of having the data in such an open architecture fashion allows the City to utilize 3rd party software in the future if desired. The spreadsheet will also contain a full suite of maintenance and rehabilitation techniques, unit rates, and associated PCI resets. The parameters of the analysis (Priority Weighting Factors) can also be modified and reprioritized on the fly. This will allow the City's data to evolve with the priorities of elected officials and department staff. Programmed priority weighting factors include functional classification, pavement type, and pavement strength while actual candidate selection is based on the incremental cost of deferral.

As seen in the image below, the analysis data in the spreadsheet is supplemented with many cells highlighted in yellow. The yellow highlighted cells simply indicate that they are "HOT" and can be modified by the end user. Two of the yellow cells shown below represent the Annual Budget and the Project ID. The Annual Budget cell can be modified with a new budget and the 5-year plan will automatically re-prioritize on the fly. While IMS will have already aggregated the City's segments (intersection-to-intersection) into viable projects (multiple segments strung together to form a logical project), the user has the ability to aggregate additional segments into a project or even remove a segment from a project without having to become a software expert.



The spreadsheet also allows an agency to re-fresh the 5-year plan by entering the maintenance and rehabilitation work completed. As seen in the image below, the spreadsheet is supplemented with "PCI Override" functionality. When work is completed on a particular segment, the user simply inserts the override PCI value along with a date. The spreadsheet then removes the segment from the 5-year plan and updates all referenced network PCI averages.

Pavement Condition Summary

PCI: 76 **Today: 3/30/2015** **Current Network PCI: 74**

Surface Distress Index (SDI)	Roughness Index (RI)	Pavement Condition Index (PCI)	PCI Survey Date	Strength Rating	Condition Rating	Load Associated Deducts (LADD)	Non-Load Associated Deducts (NLAD)	PCI Override	PCI Override Date	Current PCI
74	53	**67**	6/1/2014	MOD	Good	0	0			**66**
55	63	57	6/1/2014	MOD	Fair	27	18			**55**
70	63	68	6/1/2014	MOD	Good	19	10			**66**

Other features of the IMS Easy Street Analysis spreadsheet are as follows:

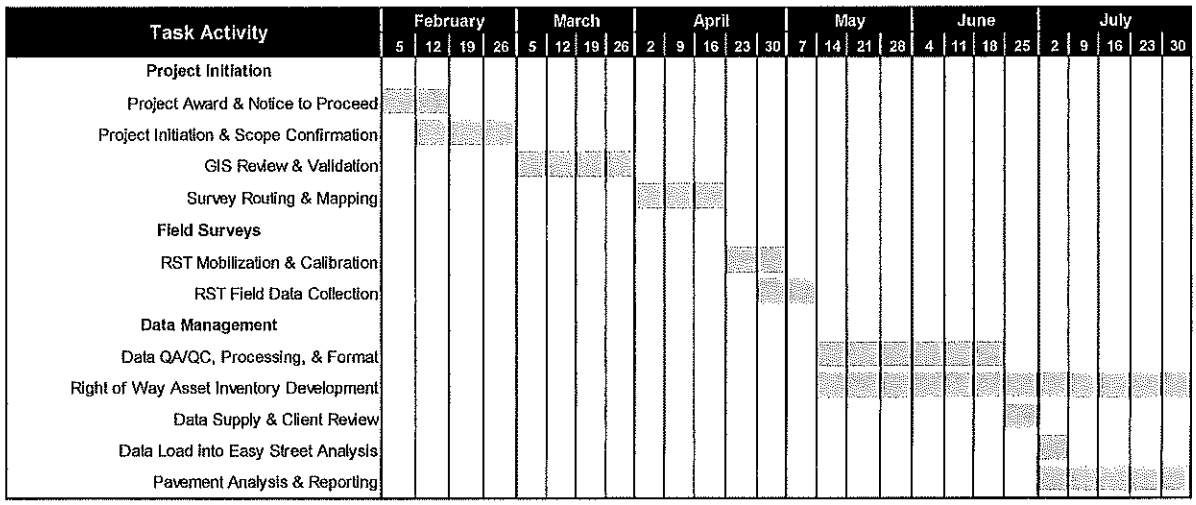
- Red triangle tips that trigger a dialogue box explaining cell contents.
- Ability to add new road segments and attributes on the fly.
- Modifiable distress indices for City field inspections.
- Input work completed and override segment level PCI scores.
- Prioritize by neighborhoods, zones, or districts.
- Ability to modify project lengths – includes aggregating and splits.
- Commit projects and force "Must Do's" or "Must Never Do".
- Program varying annual budgets over a 5-year horizon.
- Commit a percentage of the budget to surface treatments if desired.
- Automated rehab plan prioritization and optimization.
- Macros that automatically sort and filter simple rehab and inventory lists.
- Ability to sync the spreadsheet with the Data Viewer though a .CSV file export.

While the spreadsheet is not meant to replace pavement management systems, it is an alternative for agencies that simply do not have the resources, staff, or time to maintain a dedicated application. The information provided within the spreadsheet can be moved over to most 3rd party pavement management systems at any time.

SCHEDULE & CAPACITY

Currently IMS has a total capacity to complete 2,500 miles/month based on urban surveys, so completing the Stonecrest surveys in a timely fashion is not an issue. Field surveys are expected to progress at a conservative rate of 25 to 35 miles per day. Surveys usually proceed at 5-6 days per week depending on weather, congestion, and statutory holidays. Elapsed time for the City of Stonecrest field surveys is estimated at **7-10 days** for the RST. IMS has the necessary staff, equipment, and availability to complete this assignment in a timely manner for the City and ratepayers of Stonecrest. Currently IMS has Sandy Springs and Dunwoody on the schedule for completion in April of 2018.

- On all projects three rate-determining functions rise to the top as being critical in maintaining the proposed project schedule. In general, it is not the surveys that take the longest time, but rather handling the data that causes project schedules to slide. The three steps we wish to highlight, so they can be addressed by the City are:
- Finalizing the inventory and maps to be used for the field surveys. The delay in this step usually occurs in obtaining the maps or GIS topology, confirming the streets list and then validating the limits of the surveys.
- Review of the field data and exceptions reports delivered to the clients. As part of the QA/QC process, only quality data can pass through to the analysis. Thus, it is critical that once the data passes through the IMS QA/QC process, it be accepted and signed off by the City.
- Obtaining feedback and acceptance of the final format and load. No matter how much planning goes into a schedule, the bottom line is Council's operating on their own timetable and the project must be able to conform to their schedules.



Proposed Project Budget

The detailed budget presented below is based on the IMS work plan and deliverables. It represents a realistic budget to complete the work, and we are confident we can maintain an on-time, on-budget approach to the assignment.

2018 Pavement Condition Update

Task	Activity	Quant	Units	Unit Rate	Total
	Project Initiation				
1	Project Initiation	1	LS	$3,000.00	$3,000.00
2	Network Referencing & GIS Linkage	287	T-Mi	$20.00	$5,740.00
	Field Surveys				
3	RST Mobilization/Calibration	1	LS	$3,500.00	$3,500.00
4	RST Field Data Collection - Pavements	287	T-Mi	$110.00	$31,570.00
5	Right-of-Way Asset Video Collection (GPS & ROW Imagery Calibration)	287	T-Mi	$15.00	$4,305.00
	Data Management				
6	Data QA/QC, Processing, Format, & Supply (Excel, Shapefile, KML)	287	T-Mi	$23.00	$6,601.00
7	Provision of Digital Images at 25-foot Intervals (Per View)	287	T-Mi	$14.00	$4,018.00
8	Signs/Support Inventory & Database Development	287	T-Mi	$100.00	$28,700.00
9	Traffic Signals/Flashers/Controllers Inventory & Database Development	287	T-Mi	$40.00	$11,480.00
10	Pavement Analysis, ESA Spreadsheet, & Final Pavement Management Report	1	LS	$8,000.00	$8,000.00
	a. "ESA - Easy Street Analysis" Pavement Management Spreadsheet Software			Included in Base Activities	
	b. Customizable Prioritization & Cost-Benefit Analysis			Included in Base Activities	
	c. Online ESA Spreadsheet Training			Included in Base Activities	
11	Project Management	1	LS	$8,019.00	$8,019.00
				Project Total:	**$114,933.00**
	Supplemental Activities:				
12	Dynaflect Mobilization	1	LS	$2,500.00	$2,500.00
	a. Deflection Testing (Arterials & Collectors)	115	T-Mi	$150.00	$17,250.00
13	GIS Clean-Up Services	12	HR	$175.00	$2,100.00
14	Functional Classification Review	287	T-Mi	$10.00	$2,870.00
15	Onsite Council Results Presentation	1	LS	$3,500.00	$3,500.00
16	Web Hosted Digital Image Viewer	1	LS	$7,000.00	$7,000.00
17	Additional or Specialty Maps for Reporting (beyond typical 2 sets)	1	EA	$175.00	$175.00
18	Additional Onsite Meetings	1	EA	$3,000.00	$3,000.00
19	Additional Hard Copies of the Final Report (Above Typical 2 Sets Included)	1	EA	$200.00	$200.00
	Additional Right of Way Assets				
20	Pavement Markings & Stripings Database Development	287	T-Mi	$60.00	$17,220.00
21	Curb & Gutter Database Development	287	T-Mi	$50.00	$14,350.00
22	ADA Ramp & Obstructions Database Development	287	T-Mi	$60.00	$17,220.00
23	Street Lights Database Development	287	T-Mi	$50.00	$14,350.00
24	Sidewalk & Obstructions Database Development	287	T-Mi	$50.00	$14,350.00
25	Median/Curb Drop Inlet Database Development	287	T-Mi	$30.00	$8,610.00

Thank you for considering IMS as a viable solution to your pavement management needs and we will strive to become an asset and extension of the Stonecrest staff and team. If any questions arise, please do not hesitate to contact me at (480) 839-4347 or zthomason@ims-rst.com.

Best Regards,

IMS Infrastructure Management Services

Zac Thomason, MBA
National Manager of Client Services

THE CITY OF
STONECREST
GEORGIA

CITY COUNCIL AGENDA ITEM

SUBJECT: Discussion on Entering into an Intergovernmental Agreement with DeKalb County for the HOST/EHOST

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

Date Submitted: 04/24/2018 Work Session: 05/02/2018 Council Meeting: 05/21/2018

SUBMITTED BY: Council Attorney Laura Cosgray

PURPOSE: The City Attorney will bring this item for discussion because in May the City needs to let the County know is the City of Stonecrest is willing to enter in to an IGA with other cities and the county.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

May 16, 2018

INTERGOVERNMENTAL AGREEMENT FOR THE 2018 DISTRIBUTION OF HOMESTEAD OPTION SALES TAX PROCEEDS AND EQUALIZED HOMESTEAD OPTION SALES TAX PROCEEDS

THIS AGREEMENT is made and entered into this ____ day of _____, 2018 by and between DeKalb County, a political subdivision of the State of Georgia (hereinafter the "County"), and the City of Avondale Estates, the City of Brookhaven, the City of Chamblee, the City of Clarkston, the City of Decatur, the City of Doraville, the City of Dunwoody, the City of Lithonia, the City of Pine Lake, the City of Stonecrest, the City of Stone Mountain, and the City of Tucker, municipal corporations of the State of Georgia (hereinafter collectively the "Municipalities" and, individually, as the context requires, "Municipality").

WITNESSETH:

WHEREAS, the parties to this Agreement consist of the County and the Municipalities;

WHEREAS, pursuant to O.C.G.A. § 48-8-109.1 *et seq.* (the "Act"), a referendum election was held in DeKalb County, Georgia on November 7, 2017 in which voters approved suspending the one percent Homestead Option Sales and Use Tax ("HOST") and replacing the tax with a one percent Equalized Homestead Option Sales and Use Tax ("EHOST"), for the purpose of applying one-hundred percent of the proceeds collected from EHOST toward reducing ad valorem property tax millage rates within the County and Municipalities;

WHEREAS, pursuant to the Act, HOST is levied in DeKalb County until April 1, 2018, at which time EHOST becomes effective;

WHEREAS, the Act does not provide a method for the distribution of HOST and EHOST proceeds during partial years;

WHEREAS, the State Revenue Commissioner for the Georgia Department of Revenue ("Revenue Commissioner") collected HOST proceeds within DeKalb County from January 1, 2018 through March 31, 2018 ("2018 HOST Proceeds") and disbursed the 2018 HOST Proceeds to the County governing authority;

WHEREAS, the County and the Municipalities have agreed on an equalization amount to be paid by the County to the governing authority of each Municipality from the 2018 HOST Proceeds and also agreed on a method to calculate the total homestead exemption provided in 2018 for all homestead properties in DeKalb County;

WHEREAS, the County and the Municipalities have reviewed the applicable law and agreed upon a method to request the Revenue Commissioner to disburse proceeds collected from EHOST during 2018;

WHEREAS, the County and the Municipalities are authorized to enter into this Agreement by Georgia law, specifically including Article IX, Section III, Paragraph 1 of the Constitution of the State of Georgia and O.C.G.A. § 48-8-104(c)(2); and

NOW, THEREFORE, in consideration of the mutual promises and understandings made in this Agreement, and for other good and valuable consideration, the County and the Municipalities consent and agree as follows:

Section 1. Representations and Mutual Covenants

(A) The County makes the following representations and warranties which may be specifically relied upon by all parties as a basis for entering this Agreement:

(i) The County is a political subdivision duly created and organized under the Constitution of the State of Georgia; and

(ii) The governing authority of the County is duly authorized to execute, deliver and perform this Agreement; and

(iii) This Agreement is a valid, binding, and enforceable obligation of the County.

(B) Each of the Municipalities, on its own behalf, makes the following representations and warranties, which may be specifically relied upon by all parties as a basis for entering this Agreement:

(i) The Municipality is a municipal corporation duly created and organized under the Laws of the State of Georgia; and

(ii) The governing authority of the Municipality is duly authorized to execute, deliver and perform this Agreement; and

(iii) This Agreement is a valid, binding, and enforceable obligation of the Municipality; and

(iv) The Municipality is located in part or entirely within the geographic boundaries of the special tax district created in the County.

(C) It is the intention of the County and Municipalities to comply in all applicable respects with O.C.G.A. §§ 48-8-100 *et seq.* and 48-8-109.1 *et seq.* and all provisions of this Agreement shall be construed in light of the applicable provisions found in O.C.G.A. §§ 48-8-100 *et seq.* and 48-8-109.1 *et seq.*

(D) The County and the Municipalities agree to maintain thorough and accurate records concerning their respective receipt and expenditure of HOST and EHOST proceeds.

Section 2. Conditions Precedent

The obligations of the County and Municipalities pursuant to this Agreement are conditioned upon the collection of both the HOST and EHOST taxes by the Revenue Commissioner and transferring same to the County and Municipalities in conformity with this

Agreement and the applicable provisions of O.C.G.A. § 48-8-100 *et seq.* and O.C.G.A. § 48-8-109.1 *et seq.*

Section 3. 2018 HOST Equalization Payments

(A) The parties acknowledge that the Revenue Commissioner disbursed all 2018 HOST Proceeds to the County.

(B) The parties acknowledge and agree, in accordance with O.C.G.A. § 48-8-104, that the parties are required to utilize a portion of the 2018 HOST proceeds to fund capital outlay projects.

(C) The parties expressly agree that the total amounts due each Municipality for capital outlay projects ("Equalization Payments") from the 2018 HOST Proceeds are reflected in the table below:

City	Equalization Payments
Avondale Estates	$ 131,445.12
Brookhaven	$ 1,631,932.97
Chamblee	$ 313,285.45
Clarkston	$ 18,591.05
Decatur	$ 1,162,248.60
Doraville	$ 65,971.98
Dunwoody	$ 1,476,947.03
Lithonia	$ 3,747.14
Pine Lake	$ 8,771.95
Stone Mountain	$ 24,160.85
Stonecrest	$ 52,045.71
Tucker	$ 102,739.58

(D) The County shall remit each respective Equalization Payment above to the Municipalities within 30 days of the execution of this Agreement.

(E) The parties agree that the County shall retain that portion of the 2018 HOST Proceeds dedicated toward capital outlay projects remaining after the above Equalization Payments are remitted to the Municipalities.

(F) The parties agree, upon remittance of the above Equalization Payments to the Municipalities by the County, that all 2018 HOST Proceeds are properly disbursed and distributed in accordance with O.C.G.A. §§ 48-8-100 *et seq.* and 48-8-109.1 *et seq.* and that no further 2018 HOST Proceeds are due and owing to any party to this Agreement.

Section 4. Distribution of 2018 EHOST Proceeds

(A) The parties agree, in accordance with O.C.G.A. § 48-8-109.5, that EHOST proceeds collected by the Revenue Commissioner shall be disbursed as follows:

(i) One percent of EHOST proceeds shall be paid by the Revenue Commissioner into the general fund of the state treasury in order to defray the costs of administration.

(ii) After one percent of EHOST proceeds are subtracted to defray the cost of administration, the Revenue Commissioner, as required by O.C.G.A. § 48-8-109.5(c)(2)(A), shall disburse 2018 EHOST proceeds to the County to roll back, and eliminate if possible, the 2018 millage rates for any county ad valorem property tax line items levied uniformly throughout the county on homestead properties, which in this case are commonly referred to as the general fund taxes and taxes to defray the cost of hospital services. Because EHOST proceeds will only be collected for nine months in 2018, the County does not anticipate excess proceeds to be distributed pursuant to O.C.G.A. § 48-8-109.5(c)(2)(B) to the County and all the Municipalities, including that portion of the City of Atlanta located in DeKalb County.

(B) On or before August 1, 2018, the County shall provide to the Revenue Commissioner and each Municipality, including that portion of the City of Atlanta located in DeKalb County, written certification of the amount of EHOST proceeds necessary to roll back and eliminate the millage rates for all county ad valorem property tax line items levied uniformly throughout DeKalb County on homestead properties.

(C) On or before August 1, 2018, the County and the Municipalities shall provide to the Revenue Commissioner written certification of the EHOST proceeds necessary to roll back and eliminate if possible: (1) the millage rates for any county ad valorem property tax line items levied only in unincorporated portions of the county on homestead properties; and (2) the millage rates for any municipal ad valorem property tax line items levied in every municipality located wholly or partially in the county on homestead properties but not in unincorporated portions of the county.

(D) In the event the amount of EHOST proceeds necessary to eliminate the millage rates for all county ad valorem property tax line items identified in O.C.G.A. § 48-8-109.5(c)(2)(A) is reached, the County shall immediately provide written notification to the Revenue Commissioner and the Municipalities, including that portion of the City of Atlanta located in DeKalb County.

(E) The County and the Municipalities agree that excess proceeds, if any, shall be distributed pursuant to O.C.G.A. § 48-8-109.5(c)(2)(B) to the County and the Municipalities, including that portion of the City of Atlanta located in DeKalb County.

Section 5. 2018 Homestead Exemption

The amount of proceeds used by the County to calculate the 2018 homestead exemption shall be the sum of (1) the amount of 2018 HOST Proceeds remaining after the proceeds dedicated

toward capital outlay projects are subtracted and (2) an amount equal to 75% of the total HOST sales and use taxes collected within DeKalb County during 2017.

Section 6. Effective Date and Term of this Agreement

This Agreement shall commence upon the date of its execution and shall terminate on April 1, 2019, unless amended or superseded.

Section 7. Entire Agreement

This Agreement, including any attachments or exhibits, constitutes all of the understandings and agreements existing between the County and the Municipalities with respect to the distribution and use of the proceeds from the Homestead Option Sales and Use Tax and the Equalized Homestead Option Sales and Use Tax for the 2018 calendar year. Furthermore, this Agreement supersedes all prior agreements, negotiations and communications of whatever type, whether written or oral, between the parties hereto with respect to distribution and use of said HOST and EHOST taxes. No representation oral or written not incorporated in this Agreement shall be binding upon the County or the Municipalities.

Section 8. Amendments

This Agreement shall not be amended or modified except by agreement in writing executed by the County and the Municipalities.

Section 9. Severability, Non-Waiver, Applicable Law, and Enforceability

If a court of competent jurisdiction renders any provision of this Agreement (or portion of a provision) to be invalid or otherwise unenforceable, that provision or portion of the provision will be severed and the remainder of this Agreement will continue in full force and effect as if the invalid provision or portion of the provision were not part of this Agreement. No action taken pursuant to this Agreement should be deemed to constitute a waiver of compliance with any representation, warranty, covenant or agreement contained in this Agreement and will not operate or be construed as a waiver of any subsequent breach, whether of a similar or dissimilar nature. This Agreement is governed by the laws of the State of Georgia without regard to conflicts of law principles thereof. Should any provision of this Agreement require judicial interpretation, it is agreed that the arbitrator or court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party by reason of the rule of construction that a document is to be construed more strictly against the party who itself or through its agent prepared the same, it being agreed that the agents of all parties have participated in the preparation hereof.

Section 10. Compliance with Law

During the term of this Agreement, the County and each Municipality shall comply with all State law applicable to the use of the HOST and EHOST proceeds, specifically including O.C.G.A. § 48-8-100 *et seq.* and O.C.G.A. § 48-8-109.1 *et seq.*

Section 11. Dispute Resolution

Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled by arbitration administered by the American Arbitration Association in accordance with its Commercial Arbitration Rules and judgment on the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

(A) Claims shall be heard by a single arbitrator, unless the claim amount exceeds $500,000, in which case the dispute shall be heard by a panel of three arbitrators. Where the claim is to be heard by single arbitrator, the arbitrator shall be selected pursuant to the list process provided for in the Commercial Arbitration Rules unless the parties to the arbitration are able to select an arbitrator independently by mutual agreement. The arbitrator shall be a lawyer with at least 10 years of active practice in commercial law and/or local government law. Where the claim is to be heard by a panel of three arbitrators, selection shall occur as follows. Within 15 days after the commencement of arbitration, the city or cities party to the arbitration shall select one person to act as arbitrator and the County shall select one person to act as an arbitrator. The two selected arbitrators shall then select a third arbitrator within ten days of their appointment. If the arbitrators selected by the parties are unable or fail to agree upon the third arbitrator, the third arbitrator shall be selected by the American Arbitration Association. This third arbitrator shall be a former judge in the State or Superior Courts of Georgia or a former federal district judge.

(B) The arbitration shall be governed by the laws of the State of Georgia.

(C) The standard provisions of the Commercial Rules shall apply.

(D) Arbitrators will have the authority to allocate the costs of the arbitration process among the parties, but will only have the authority to allocate attorneys' fees if a particular law permits them to do so, specifically including O.C.G.A. § 9-15-14.

(E) The award of the arbitrators shall be accompanied by a written opinion that includes express findings of fact and conclusions of law.

Section 12. No Consent to Breach

No consent or waiver, express or implied, by any party to this Agreement, to any breach of any covenant, condition or duty of another party shall be construed as a consent to or waiver of any future breach of the same.

Section 13. Counterparts

This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the County and the Municipalities acting through their duly authorized agents have caused this Agreement to be signed, sealed and delivered for final execution by the County on the date indicated herein.

DEKALB COUNTY, GEORGIA

_____(SEAL)
MICHAEL L. THURMOND
Chief Executive Officer

ATTEST:

_____
BARBARA SANDERS-NORWOOD, CCC
Clerk to the Board of Commissioners
and Chief Executive Officer

APPROVED AS TO SUBSTANCE:

_____
ZACHARY L. WILLIAMS
Chief Operating Officer

APPROVED AS TO FORM AND LEGAL VALIDITY:

_____
VIVIANE H. ERNSTES
Interim County Attorney

CITY OF AVONDALE ESTATES, GEORGIA

Attest:

_____(SEAL)

Mayor

_____

Municipal Clerk

APPROVED AS TO SUBSTANCE:

_____

City Manager

APPROVED AS TO FORM AND LEGAL VALIDITY:

_____

City Attorney

CITY OF BROOKHAVEN, GEORGIA

Attest:

_____(SEAL)

Mayor

_____

Municipal Clerk

APPROVED AS TO SUBSTANCE:

_____

City Manager

APPROVED AS TO FORM AND LEGAL VALIDITY:

_____

City Attorney

CITY OF CHAMBLEE, GEORGIA

Attest:

_____(SEAL)

Mayor

_____

Municipal Clerk

APPROVED AS TO SUBSTANCE:

_____

City Manager

APPROVED AS TO FORM AND LEGAL VALIDITY:

_____

City Attorney

CITY OF CLARKSTON, GEORGIA

Attest:

_____(SEAL)

Mayor

_____

Municipal Clerk

APPROVED AS TO SUBSTANCE:

_____

City Manager

APPROVED AS TO FORM AND LEGAL VALIDITY:

_____

City Attorney

CITY OF DECATUR, GEORGIA

Attest:

_____(SEAL)

Mayor

_____

Municipal Clerk

APPROVED AS TO SUBSTANCE:

_____

City Manager

APPROVED AS TO FORM AND LEGAL VALIDITY:

_____

City Attorney

CITY OF DORAVILLE, GEORGIA

Attest:

_____(SEAL)

Mayor

_____

Municipal Clerk

APPROVED AS TO SUBSTANCE:

_____

City Manager

APPROVED AS TO FORM AND LEGAL VALIDITY:

_____

City Attorney

CITY OF DUNWOODY, GEORGIA

Attest:

_____(SEAL)

Mayor

_____

Municipal Clerk

APPROVED AS TO SUBSTANCE:

_____

City Manager

APPROVED AS TO FORM AND LEGAL VALIDITY:

_____

City Attorney

CITY OF LITHONIA, GEORGIA

Attest:

_____(SEAL)

Mayor

_____

Municipal Clerk

APPROVED AS TO SUBSTANCE:

_____

City Manager

APPROVED AS TO FORM AND LEGAL VALIDITY:

_____

City Attorney

CITY OF PINE LAKE, GEORGIA

Attest:

_____(SEAL)

Mayor

_____

Municipal Clerk

APPROVED AS TO SUBSTANCE:

_____

City Manager

APPROVED AS TO FORM AND LEGAL VALIDITY:

_____

City Attorney

CITY OF STONE MOUNTAIN, GEORGIA

Attest:

_____(SEAL)

Mayor

_____

Municipal Clerk

APPROVED AS TO SUBSTANCE:

APPROVED AS TO FORM AND LEGAL VALIDITY:

_____

City Manager

_____

City Attorney

May 16, 2018

CITY OF STONECREST, GEORGIA

Attest:

_____(SEAL)

Mayor

_____

Municipal Clerk

APPROVED AS TO SUBSTANCE:

_____

City Manager

APPROVED AS TO FORM AND LEGAL VALIDITY:

_____

City Attorney

May 16, 2018

CITY OF TUCKER, GEORGIA

Attest:

_____(SEAL)

Mayor

_____

Municipal Clerk

APPROVED AS TO SUBSTANCE:

_____

City Manager

APPROVED AS TO FORM AND LEGAL VALIDITY:

_____

City Attorney

THE CITY OF
STONECREST
GEORGIA

CITY COUNCIL AGENDA ITEM

SUBJECT: Resolution Setting Work Session and Council Meeting Dates and Times

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

Date Submitted: 05/11/2018 Council Meeting: 05/21/2018

SUBMITTED BY: City Manager, Michael Harris

PURPOSE: This resolution if for the Mayor and Council to change the current Work Session and City Council Meeting dates starting in June 2018. There are two options for the times of Work Sessions and Council Meetings.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Mayor & Council

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

RESOLUTION 2018-_____

A RESOLUTION OF THE CITY OF STONECREST, GEORGIA, SETTING WORK SESSION AND MEETING DATES AND TIMES

WHEREAS, the Mayor and Council of the City of Stonecrest, Georgia desire to establish a change in the meeting times for the Work Sessions and City Council Meetings; and

WHEREAS, the Mayor and City Council find that the City's Meeting Schedule for the remainder of 2018 must be established and published on the city's website to provide information to the citizens of the City of Stonecrest; and

WHEREAS, the Work Sessions will be held on the first Wednesday of each month at 9:00 a.m. and on the third Monday at 6:00p.m.; and

WHEREAS, the City Council Meetings shall be held on the first Wednesday, at 10:00 a.m. and City Council Meetings on third Monday at 7:00p.m. and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Stonecrest, Georgia, that the Mayor and City Council do hereby adopt the City's Meeting Schedule for 2018 attached hereto.

This Resolution shall be effective immediately upon its adoption.

SO, RESOLVED this the _____ day of _____, 2018.

Approved:

_____
Jason Lary, Sr., Mayor

Attest:

_____
Brenda James, City Clerk

2018

MEETING DATES STARTING JUNE 2018

Work Sessions on First Wednesday 9:00am

Council Meetings on First Wednesday 10:00am

Work Session on third Monday at 6:00pm

Council Meeting on Third Monday 7:00 pm

June 6th	Work Session & Council Meeting
June 18th	Work Session & Council Meeting
July 3rd (4th holiday)	Work Session & Council Meeting
July 16th	Work Session & Council Meeting
August 1st	Work Session & Council Meeting
August 20th	Work Session & Council Meeting
September 5th	Work Session & Council Meeting
September 17th	Work Session & Council Meeting
October 3rd	Work Session & Council Meeting
October 15th	Work Session & Council Meeting
November 7th	Work Session & Council Meeting
November 19th	Work Session & Council Meeting
December 5th	Work Session & Council Meeting
December 17th	Work Session & Council Meeting

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

RESOLUTION 2018-_____

A RESOLUTION OF THE CITY OF STONECREST, GEORGIA, SETTING WORK SESSION AND MEETING DATES AND TIMES

WHEREAS, the Mayor and Council of the City of Stonecrest, Georgia desire to establish a change in the meeting times for the Work Sessions and City Council Meetings; and

WHEREAS, the Mayor and City Council find that the City's Meeting Schedule for the remainder of 2018 must be established and published on the city's website to provide information to the citizens of the City of Stonecrest; and

WHEREAS, the Work Sessions will be held on the first Wednesday of each month at 10:00 a.m. and on the third Monday at 6:00p.m.; and

WHEREAS, the City Council Meetings shall be held on the first Wednesday, at 11:00 a.m. and the third Monday at 7:00 p.m.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Stonecrest, Georgia, that the Mayor and City Council do hereby adopt the City's Meeting Schedule for 2018 attached hereto.

This Resolution shall be effective immediately upon its adoption.

SO, RESOLVED this the _____ day of _____, 2018.

Approved:

_____
Jason Lary, Sr., Mayor

Attest:

_____
Brenda James, City Clerk

2018

MEETING DATES STARTING JUNE 2018

Work Sessions on First Wednesday 10:00am

Council Meetings on First Wednesday 11:00am

Work Session on third Monday at 6:00pm

Council Meeting on Third Monday 7:00 pm

June 6th	Work Session & Council Meeting
June 18th	Work Session & Council Meeting
July 3rd (4th holiday)	Work Session & Council Meeting
July 16th	Work Session & Council Meeting
August 1st	Work Session & Council Meeting
August 20th	Work Session & Council Meeting
September 5th	Work Session & Council Meeting
September 17th	Work Session & Council Meeting
October 3rd	Work Session & Council Meeting
October 15th	Work Session & Council Meeting
November 7th	Work Session & Council Meeting
November 19th	Work Session & Council Meeting
December 5th	Work Session & Council Meeting
December 17th	Work Session & Council Meeting

THE CITY OF
STONECREST
GEORGIA

CITY COUNCIL AGENDA ITEM

SUBJECT: An Ordinance of the City of Stonecrest regarding SLUP 17-0002

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

Date Submitted: 04/26/2018 Work Session: 05/02/2018 Council Meeting: 05/21/2018

SUBMITTED BY: City Attorney

PURPOSE: This ordinance is regarding SLUP 17-0002 and the Denial of the Special Land Use.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: First Read on May 21, 2018

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST ORDINANCE 2018-_____

AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, REGARDING SLUP 17-0002

WHEREAS, the City of Stonecrest has advertised and held public hearings in front of the Planning Commission and in front of the Mayor and City Council regarding SLUP 17-0002, the request for a special land use permit to operate a child care institution at 3185 Evans Mills Road, Stonecrest, Georgia;

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

WHEREAS, the health, safety, welfare, aesthetics and morals of the citizens of the City of Stonecrest, Georgia shall be improved and protected by adoption and implementation of this Ordinance.

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

Section 1:

SLUP 17-0002, request for a special land use permit to operate a child care institution at 3185 Evans Mills Road, Stonecrest, Georgia is **DENIED** for the failure to make satisfactory provisions or arrangements regarding all of the factors in Sec. 7.4.6 of Article 7 of Chapter 27 of the City of Stonecrest Code of Ordinances.

Section 2:

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

2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise

unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

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

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

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

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

Approved:

_____
Jason Lary, Sr., Mayor

As to form:

_____
City Attorney

Attest:

_____
Brenda James, City Clerk

THE CITY OF
STONECREST
GEORGIA

CITY COUNCIL AGENDA ITEM

SUBJECT: An Ordinance of the City of Stonecrest regarding SLUP 18-0001

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

Date Submitted: 04/26/2018 Work Session: 05/02/2018 Council Meeting: 05/21/2018

SUBMITTED BY: City Attorney

PURPOSE: This ordinance is regarding SLUP 18-0001 and the Denial of the Special Land Use.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: First Read on May 21, 2018

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST ORDINANCE 2018-_____

AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, REGARDING SLUP 18-0001

WHEREAS, the City of Stonecrest has advertised and held public hearings in front of the Planning Commission and in front of the Mayor and City Council regarding SLUP 18-0001, the request for a special land use permit to operate a child care institution at 5951 Fairington Farms Lane, Stonecrest, Georgia;

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

WHEREAS, the health, safety, welfare, aesthetics and morals of the citizens of the City of Stonecrest, Georgia shall be improved and protected by adoption and implementation of this Ordinance.

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

Section 1:

SLUP 18-0001, request for a special land use permit to operate a child care institution at 5951 Fairington Farms Lane, Stonecrest, Georgia, Georgia is **DENIED** for the failure to make satisfactory provisions or arrangements regarding all of the factors in Sec. 7.4.6 of Article 7 of Chapter 27 of the City of Stonecrest Code of Ordinances.

Section 2:

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

2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise

unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

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

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

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

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

Approved:

_____
Jason Lary, Sr., Mayor

As to form:

_____
City Attorney

Attest:

_____
Brenda James, City Clerk

THE CITY OF
STONECREST
GEORGIA

CITY COUNCIL AGENDA ITEM

SUBJECT: An Ordinance to Amend the Building Permit Fee Schedule and Land Development Fee Schedule in the City of Stonecrest

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

Date Submitted: 04/03/2018 First Read 04/16/2018 Council Meeting: 05/21/2018

SUBMITTED BY: City Attorney

PURPOSE: This ordinance is to amend the Building Permit Fee Schedule and Land Development Fee Schedule

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Adoption of the Ordinance

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST ORDINANCE 2018-_____

AN ORDINANCE TO AMEND THE BUILDING PERMIT FEE SCHEDULE AND LAND DEVELOPMENT FEE SCHEDULE IN THE CITY OF STONECREST, GEORGIA

WHEREAS: Section 1.03(b)(3) of the Charter of the City of Stonecrest provides that the City may regulate and license the erection and construction of buildings and all other structures; and

WHEREAS: It is the imperative that the City Council update its Schedule of Fees to reflect changes made to the City of Stonecrest Code of Ordinances.

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

Section 1:

The Mayor and City Council of the City of Stonecrest, Georgia, hereby amend the schedule of fees to adopt the "Building Permit Fee Schedule" and "Land Development Fee Schedule" attached hereto as Exhibit A.

Section 2:

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

2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,

sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

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

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

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

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

Approved:

_____
Jason Lary, Sr., Mayor

As to form:

_____
City Attorney

Attest:

_____
Brenda James, City Clerk

Exhibit A

BUILDING PERMIT FEE SCHEDULE

Minimum permit fee	$175
Technology Fee added to each permit	$20

BUILDING PERMIT

NEW CONSTRUCTION - ALL TYPES

Step 1: Determine the Construction Type and Occupancy Group
Step 2: Find the Constuction Cost per SF from the ICC Building Valuation Chart and multiply by the project SF
Step 3: Multiply the Construction cost by .0065 to determine the Permit fee ($6.50 per $1000)
All fees will be calculated based on the Currently adopted ICC Valuation Table
Plan Review Fee: Minimum $50 up to 10K Project Value after which the plan review fee will be 20% of the permit fee with no cap.
Note: All fees to be collected at the time of plan sumittal unless previous arangments are made.
Trade permit fees are included in new ground up building permits. Affidavits are required.

INTERIOR TENANT FINISH/ RESIDENTIAL REMODEL

Minimum permit fee	$175
Technology Fee added to each permit	$20
Commercial interior finish:	$6.00 per $1000 of value of work
Residential renovation/ addition/ repair	$6.00 per $1000 of value of work

Plan Review Fee: Minimum $50 up to 10K Project Value after which the plan review fee will be 20% of the permit fee with no cap.
Trade permit fees are not included in interior finish or remodel building permit fees

OTHER FEES

Certificate of Occupancy Fee/ Letter of Completion Fee	$50
Special Administrative Fee - 5 days or less	$200
Special Administrative Fee - 14 days	$300
Permit Extension - same owner	$300
Change of Contractor after permit issued	$175
Working without valid permit	Double permit fee
Permit Fee refunds after plan review completed	50% of total fee
House moving permit	$150
Swimming Pool	Base fee of $100 up to 16k value then $6.50 per $1000 value added
Demolition (Single Family)	$100
Demolition (Commercial Family)	Base fee of $100 up to 16k value then $6.50 per $1000 value added
Temporary Construction Trailer	$100
Temporary Structure	$150
Minimum Miscellaneous Fee	$100
Grease Trap	Base fee of $100 up to 16k value then $6.50 per $1000 value added
Irrigation system	$100

REINSPECTION FEES - BUILDING AND TRADES

Reinspection - 1st occurance	$25
Reinspection - 2nd occurance	$50
Reinspection - 3rd and others	$100

PLUMBING PERMITS

Base permit fee	$100
Technology Fee (added to each permit)	$20
Fee per plumbing fixture	$5
Fee per gas service added	$25
Fee per grease trap	Base fee of $100 up to 16k value then $6.50 per $1000 value added
Sprinkler system per residential unit	$18

Sprinkler system per commercial suite/ building	Base fee of $100 up to 16k value then $6.50 per $1000 value added
Sewer service per unit	$30
Water service per unit	$30
Miscellaneous fee	$15

HVAC PERMITS

Base permit fee	$100
Technology Fee (added to each permit)	$20
Fee per heating appliance	$35
Fee per cooling appliance	$35
Fee per residential exhaust fan	$15
Fee per commercial exhaust fan	$25
Fee per gas service added	$25
fee fer commercial vent hood	$80
Fee per residential vent hood	$25
Miscellaneous fee	$15

ELECTRICAL PERMITS

Base permit fee	$100
Technology Fee (added to each permit)	$20
Temporary Service Pole	$25 each
Number of receptacles	$2 each
Number of Light Fixtures	$2 each
Service Panel between 30 amps and 125 amps	$20 each
Service Panel between 126 amps and 400 amps	$30 each
Service Panel 401 amps and above	$40 each
Number of appliances including furnace and air conditioning	$5 Each
Swimming pool, spa, jacuzzi	$50 each
Miscellaneous equipment	$20 each
Construction trailer	$50
Power reconnect	$50 base fee
Low Voltage(residential)	$25 per unit
Low Voltage (commercial)	$50

THE CITY OF
STONECREST
GEORGIA

CITY COUNCIL AGENDA ITEM

SUBJECT: An Ordinance Adopting Chapter 18 – Nuisances

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

Date Submitted: 04/26/2018 Work Session: 05/02/2018 Council Meeting: 05/21/2018

SUBMITTED BY: City Attorney

PURPOSE: This ordinance is to adopt Chapter 18 Nuisances in its Entirety.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: First Read on May 21, 2018

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-_____

AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, TO ADOPT CHAPTER 18 – NUISANCES, IN ITS ENTIRETY

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

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

THEREFORE, IT is ORDAINED as follows:

Section 1:

The Mayor and City Council of the City of Stonecrest, Georgia, hereby repeal DeKalb County's Chapter 18 and adopt an ordinance designated as "Chapter 18- Nuisances" to read and to be codified as follows:

CHAPTER 18 - NUISANCES

ARTICLE I – IN GENERAL

Sec. 18-1. - Purpose and findings.

(a) The governing authority finds that there is a need to establish minimum standards governing the use, occupancy, condition and maintenance of property, dwellings, buildings, and structures. Left completely unregulated, the failure to properly maintain property can become a threat to public safety and a detriment to property values and to the city's general public welfare, as well as create an aesthetic nuisance. The city finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address these concerns through the adoption of the following regulations. The purpose and intent of the governing authority of the city in enacting this Chapter is as follows:

(1) To protect the health, safety and general welfare of the citizens of the city through the enactment of a comprehensive set of regulations governing property maintenance in the city;

(2) To preserve the value of property and maintain for the city's residents, workers and visitors a safe and aesthetically attractive environment and to advance the aesthetic interest of the city;

(3) To establish minimum standards governing supplied utilities and facilities and other physical things and conditions essential to make dwellings, buildings and structures and surrounding premises safe, sanitary and fit for human use and habitation;

(4) To establish minimum standards governing the use, occupancy, condition and maintenance of property, dwellings, buildings, and structures;

(5) To promote and protect the public health and safety through the control of weeds and grass which constitute a fire hazard and a public nuisance;

(6) To fix certain responsibilities and duties of owners, operators and occupants of dwellings;

(7) To provide for the condemnation of buildings and structures deemed unfit for human use and habitation and provide for removal of such buildings at public expense after hearing pursuant to Chapter 7;

(8) To authorize the inspection of dwellings and structures; and

(9) To prohibit property owners from maintaining property in a manner not expressly authorized by this Chapter, to provide for the maintenance of property, and to provide for the enforcement of the provisions of this Chapter.

Sec. 18-2. - Scope and application.

(a) Every building, dwelling or structure within the limits of city, whether occupied or vacant, shall conform to the requirements of this Chapter and Chapter 7, regardless of when such building may have been constructed, altered or repaired. However, when a building, dwelling or structure is vacant, the owner shall only maintain the exterior of the property in compliance with this Chapter, ensure the interior has been cleaned of trash, rubbish and debris, and secure the building, dwelling or structure in a closed and inaccessible manner until occupied. Any building, dwelling or structure that is vacant and closed shall be boarded to minimum specifications as determined by the building official. Owners shall conform their property to the full requirements of this Chapter prior to the occupation of any vacant property. Where applicable, this Chapter also governs the condition of unimproved property.

(b) Repairs and alterations in restoring a building to its condition previous to damage or deterioration, or altering such building in conformity with this Chapter in such manners as will not extend or increase an existing nonconformity or hazard may be made with approved materials similar in kind to those of which such building is constructed and are authorized by law.

(c) Where repairs, alterations, construction, maintenance and work required to meet the provisions of this Chapter are regulated and/or required to be permitted by other ordinances, such repairs, alterations, construction, maintenance and work shall comply with all provisions of this Code. In the event of a conflict between two (2) regulations, the regulation most recently enacted shall govern.

(d) The provisions of this Code shall not be mandatory for existing buildings, dwellings or structures designated by the state, DeKalb County, or the city as historic buildings when such buildings, dwellings or structures are judged by the public authority to be safe and in the public interest of health, safety and welfare.

(e) Nothing in this Chapter shall prohibit the City from exercising any other remedy granted under the Code of Ordinances, including in Chapter 7. Furthermore, nothing in this Section shall prohibit the City from declaring any property a public nuisance as provided for under the Code of Ordinances or Georgia law.

Sec. 18-3 – 18-6. Reserved.

ARTICLE II. – PROPERTY MAINTENANCE CODE ADOPTION

Sec. 18-7. – Adopted Codes.

(a) *Generally.* As future new editions and/or amendments of the code listed below are adopted by the board of community affairs of the state department of community affairs, it shall become a part of or replacement for the adopted code, rules and regulations or standards and shall become enforceable as prescribed without separate adoption by the city. All new construction, installations, repairs or alterations shall be in conformance with the current edition of the following codes and referenced appendixes with state amendments as currently adopted by the board of community affairs of the state department of community affairs: International Property Maintenance Code.

(b) *Referenced standards.* Standards referenced in the above-stated codes shall be considered an integral part of the code without separate adoption. If specific portions of a standard are denoted by a code test, only those portions of the standard shall be enforced. Where code provisions conflict with a

standard, the code provisions shall govern. Permissive and advisory provisions in a standard shall not be construed as mandatory.

(c) *Appendices.* The appendices included in any code adopted pursuant to subsection (a) of this section are not intended for enforcement unless specifically referenced in this chapter or specifically included in this Code.

(d) *Referenced codes and standards.* The adopted state codes adopted pursuant to this chapter shall be considered part of the requirements of this chapter to the prescribed extent of each such adoption. Where differences occur between the provisions of this chapter and referenced codes and standards, the provisions of this chapter shall govern.

Sec. 18-8. - International Property Maintenance Code.

That a certain document, three (3) copies of which are on file in the City of Stonecrest, one (1) at the office of the City Clerk and two (2) at the office of Community Development, being marked and designated as the International Property Maintenance Code, 2012 edition, as published by the International Code Council, along with its 2015 Amendments, be hereby adopted as the Property Maintenance Code of the City of Stonecrest for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the in the offices stated above are hereby referred to, adopted and made part of as if fully set out in this ordinance with the additions, insertions, deletions and changes prescribed in Section 18-9 of this ordinance.

Sec. 18-9. - Revisions to the International Property Maintenance Code.

Notwithstanding anything to the contrary contained herein, the International Property Maintenance Code adopted by reference in Section Section 18-7 and 18-8 above is adopted with the following additions, deletions, modifications, or amendments:

The term "*code official*" shall refer to the Director of the Department of Community Development or his or her designee, which term shall have the same meaning as given such term in this chapter

The following sections are hereby revised:

Section 101.1 Insert "*City of Stonecrest*".

Section 103.1 Change "Department of Property Maintenance" to "Department of Community Development or its designee."

Section 103.5 Delete section and Insert "*Fees shall be as determined by the Authority having Jurisdiction.*"

Section 106.2 Add Sentence: "*A citation without prior notice of violation maybe be served upon owner of property where a notice of any violation had previously been served within a 24-month period prior to the new violation.*"

Section 106.4. Add Sentence: "*Penalties assessed for each violation shall be either a fine of up to $1,000 or a term of incarceration of up to 6 months, or both.*"

Section 107.1 is amended in its entirety to read as follows:

Notice to person responsible: Whenever the code official determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, the code official may, but is not required to, provide notice of same prior to issuing a citation or accusation for said violation. If a notice is issued, it is given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this Code. Notices for condemnation procedures shall also comply with Section 108.3. The code official shall have the power to issue subpoenas requiring occupants, residents, owners or parties in interest of buildings under inspection, investigation or who have been accused of a violation of this Chapter to appear in Stonecrest Municipal Court. The code official or his designee shall also have the power to issue subpoenas to occupants, residents, owners or parties in interest to produce written records related to the property under inspection or investigation.

Section 302.4 Insert "*10 inches*"

Section 304.14 Insert "*April 1st and October 1st*".

Section 602.3 Insert "*November 1st and April 1st*"

Section 602.4 Insert "*November 1st and April 1st*"

The following sections are hereby inserted:

Section 507. STORM DRAINAGE

Section 507.1. *General.* Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manger that creates a public nuisance.

Section 507.2. *Existing Stormwater Management Facilities.* Where no maintenance covenant or agreement has been recorded to define maintenance responsibility, it shall be the responsibility of the property owner to maintain the operational characteristics of any stormwater management facility (including ditches, pipes, and detention basins) located on their property pursuant to City requirements, and as designed, to keep the access easements free of obstructions, and to maintain the facility free of obstruction, silt or debris.

Section 507.3. *Stormwater Management Facilities.* Stormwater management facilities shall be maintained such that the storage capacity and/or function of any stormwater basin,

pond or other impoundment, whether natural or manmade, shall not be removed or diminished without written approval of the City.

Section 507.4. *Maintain.* The term "maintain" shall include removal of sediment, vegetative growth, debris or trash that reduces or hinders the facility from performing as intended.

Section 507.5. *Inspection.* Inspection programs by the City may be established on any reasonable basis, including but not limited to: routine inspections, random inspections, inspections based upon complaints or other notice of possible violations, and joint inspections with other agencies inspecting under environmental or safety laws. Provide copies of annual inspections of private stormwater management facilities to the City of Stormwater.

Sec. 18-10. – Pending Cases

Nothing in this ordinance or in the property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any causes of action acquired or existing, or under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Sec. 18-11. – Sec. 18-14. Reserved.

ARTICLE III. – VEHICLES

Sec. 18-15. – Restrictions and limitations.

(a) *Unregistered and unlicensed motor vehicles.* No person shall park or permit any other person to park any motor vehicle, except a motor vehicle parked in an enclosed building, on any premises in a residential district, if the vehicle:

(1) Is unregistered; or

(2) Has expired registration; or

(3) Does not have a lawful license plate or lawful temporary tag, which plate or tag is currently registered to that vehicle displayed thereon.

(b) *Inoperable vehicles.* No owner or occupant of any premises shall park any inoperable vehicle or permit any other person to park any inoperable vehicle on the owner's or occupant's premises for more than seventy-two (72) hours, unless the inoperable vehicle is parked in an enclosed structure. This section does not apply to premises for which the zoning code permits the storage of junk vehicles (as defined by section 27-31) outside an enclosed building. No person shall park any inoperable vehicle upon any public street, alley, or other public property. A court of competent jurisdiction shall have the authority,

upon conviction of a violation of this subsection, to order the owner and/or occupant of the premises to replace ground cover beneath the inoperable vehicle, if appropriate.

(c) *Major overhaul.*

(1) No person shall perform a major overhaul of any vehicle or permit any other person to perform a major overhaul of any vehicle on premises in a residential zone.

(2) No person shall perform a major overhaul of any vehicle or permit any other person to perform a major overhaul of any vehicle on any premises in a business, commercial or industrial district, unless the overhaul is performed at an approved automobile sales or repair establishment.

(d) *Storage of vehicles used for recreational purposes.* No person shall park or permit any other person to park any unlicensed, unregistered, inoperable or junk vehicles which are used for recreation purposes including, but not limited to, boats, snowmobiles, travel trailers, cargo trailers, campers, all-terrain vehicles and motor homes, on premises in a residential district, unless they are stored within an enclosed building. No person may park or permit any other person to park a vehicle used for recreation purposes except in the manner described in Chapter 27, as amended.

(e) *Storage of machinery, implements and equipment.* No person shall park or permit any other person to park any machinery, implements or equipment designed for use in agriculture, construction or other commercial enterprise, unless the machinery, implement or equipment is parked in an enclosed garage. This requirement does not apply to single parcels zoned for commercial or industrial purposes or to single agricultural parcels greater than five (5) acres. This requirement does not apply to such machinery, implements or equipment that is being used in construction of structures or dwellings so long as such machinery, implements or equipment is removed after fifteen (15) days.

Sec. 18-16.- Sec. 18-19. Reserved.

ARTICLE IV. – VEGETATION, DEBRIS, JUNK, ETC.

Sec. 18-20. - Vegetation and debris.

(a) *Vegetation.* There shall be no dead or hazardous trees, shrubs, ground cover or weeds likely to harbor vermin or insects, restrict or impede access to or public use of adjacent sidewalks and streets, obstruct traffic-control signs and devices and fire hydrants, or pose a risk of physical injury to the public.

(b) *Debris.* There shall not be maintained on a property for more than seven (7) calendar days any used or damaged lumber, junk, trash, debris, scrap metal, concrete, sand, asphalt, cans, bottles, tires, salvage materials, boxes, containers, bins, and abandoned, discarded, inoperative or unusable furniture, stove, refrigerator, freezer, sink, toilet, cabinet or other household fixtures, yard waste or equipment stored so as to be visible from public street, alley or from an adjoining property unless appropriate permits have been obtained from the city and county. Nothing herein shall preclude the placement of stacked firewood for use on the premises in the side or rear yards of the premises.

(c) *Shared property.* Where parking in open areas is used jointly for the benefit of two (2) or more owners or tenants, the responsibility for maintaining these parking areas free of garbage and trash shall be the joint and several responsibility of the owners and tenants.

Sec. 18-21. - Weeds, junk, etc., prohibited.

(a) Persons shall keep their property free of those weeds and underbrush which create a health menace, fire hazard or an unsafe or unsanitary condition as well as trash, garbage, inoperable vehicles or other things thereon which constitute a violation of the provisions of this Chapter.

(b) It shall be unlawful for the owner, operator or occupant of a dwelling, rooming house, building or structure to use the premises of such property for the open storage of any inoperable vehicle, household appliance, glass, building material, building trash or similar item. It shall be the duty and the responsibility of each owner, operator or occupant to maintain the premises of such property and to remove from the premises all abandoned items as listed above, including, but not limited to, weeds, dead trees, trash and garbage, upon notice from the city.

(c) Owners and occupants of property shall not permit weeds or grass within one hundred fifty (150) feet of any building or structure to grow on such property to a height exceeding ten(10) inches, including in any public right of way.

(d) Owners and tenants of property or structures abutting a street, sidewalk, lane or parking area on which the property or structure abuts shall maintain the property or structure clean and free of garbage and trash.

(e) Where parking in open areas is used jointly for the benefit of two (2) or more owners or tenants, the responsibility for maintaining these parking areas free of garbage and trash shall be the joint and severable responsibility of the owners and tenants of these premises.

Sec. 18-22.-18-24. Reserved.

ARTICLE V. - ADMINISTRATION, ENFORCEMENT, VIOLATION AND PENALTIES

Sec. 18-25. - Enforcement generally.

(a) The Director of the Community Development Department, or his or her designee is hereby authorized and directed to administer and enforce all of the provisions of this Chapter.

(b) Whenever necessary to make an inspection or to enforce any of the provisions of this Chapter or whenever the Director of the Community Development Department or his or her designee has reasonable cause to believe that there exists in any building or structure any condition which makes such building or structure unsafe, the Director of the Community Development Department or his or her designee may enter the building or structure during normal work hours with the consent of the owner or an inspection warrant to inspect the same or to perform any duty imposed upon the Director of the Community Development Department or his or her designee by this Chapter.

(1) If such property is occupied, the Director of the Community Development Department or his or her designee shall first present proper credentials and request and obtain consent to enter before entering the building or structure. Reasonable effort must be made to locate the owner or other persons having charge or control of the property when seeking permission for entry.

(2) If no consent has been given to enter or inspect any building or structure, no entry or inspection shall be made without the procurement of a warrant from the judge of the municipal court of the City of Stonecrest or any other judge as permitted by law.

(3) 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.

(4) The Director of the Community Development Department or his or her designee may enter the premises without consent or an inspection warrant to make an inspection or enforce any provisions of this Code only if so authorized by state or federal law.

Sec. 18-26. - No financial interest.

No official or employee of the city or the department making inspection of properties for the purpose of determining the necessity for repairs or corrections shall or may have any financial interest, directly or indirectly in any repairs or corrections which may be required by this Chapter.

Sec. 18-27. - Owner's right of entry.

Every occupant of a building, dwelling, or dwelling unit shall give the owner thereof, or the owner's agents or employees, access to any part of such building, dwelling or dwelling unit or its premises, at all reasonable times, for the purpose of maintenance, improving or making such repairs or alterations as are necessary to effect compliance with the provisions of this Chapter or with any lawful rule or regulation adopted pursuant to the provisions of this Chapter.

Sec. 18-28. - Stopping work.

Whenever the Director of the Community Development Department or his or her designee determines defective or illegal work is performed in violation of a provision or requirement of this Chapter or the City of Stonecrest Code of Ordinances, it shall order, in writing, all further work to cease until such defective or illegal work is corrected.

Sec. 18-29. - Prohibited manner of managing or controlling real property.

(a) It shall be a violation of this Chapter for any person who has management authority over or control of property within a residential zoning district, whether as a legal or equitable owner, managing agent, leasing agent, rental agent or otherwise, to recklessly permit the physical condition or facilities of the property to become or remain in any condition which endangers the health or safety of any person. Such conduct shall include, but not be limited to:

(1) Recklessly allowing property to be improperly secured, resulting in the commission of a crime against a resident of the property or against any other person;

(2) Recklessly allowing property to collapse or partially collapse, resulting in injury to a person inside or outside of a building;

(3) Recklessly allowing property to remain in violation of applicable building codes, fire codes, or other applicable provisions of this Code;

(4) Recklessly failing to respond to reasonable requests by the city to repair property that is in violation of an applicable provision of the Code; or

(5) Recklessly endangering the health and safety of any person by illegally altering or modifying a structure to increase the number of dwelling units or habitable rooms within the structure, or by allowing any such alteration or modification to continue or be used.

(b) Any person found to have violated subsection (a) shall be subject to a fine of not less than five hundred dollars ($500.00) for each offense. A separate and distinct offense shall be regarded as committed each day on which such person shall continue any such violation.

(c) This section shall not apply to any freestanding, owner-occupied single-family home or to any owner-occupied townhouse; provided, however, the requirements of this section shall apply to any single-family home, or townhouse, which is rented, or to any structure that is altered or modified in violation of this Code.

(d) This section shall not apply to any person who is a tenant on the property or in the structure that is the subject of the violation so long as such tenant has no ownership interest in the property or structure.

Sec. 18-30. - Violations.

A person who violates a provision of this Chapter or fails to comply with this Chapter is guilty of an offense. The owner of a building, structure or premises, where anything in violation of this Chapter shall be placed or shall exist, or any person who may have assisted in the commission of such violation, shall each be guilty of a separate offense. A purchaser, transferee, lessee or mortgagee who has actual or constructive knowledge of the issuance of a citation or notice of violation pursuant to this Chapter shall be deemed to have notice of the violation as of the date of such sale, transfer, lease or mortgage.

Sec. 18-31. - Penalties.

(a) Any person, firm or corporation that does anything prohibited or fails to do anything required by the provisions of this Chapter, as they now exist or as they may hereafter be amended, upon citation by the Director of the Community Development Department or his/her designee and conviction of the violation in a court of competent jurisdiction, shall be subject to a fine and/or imprisonment in accordance with the provisions of Chapter 1. Where any offense or violation continues from day to day, each day's continuance thereof shall be deemed a separate offense.

(b) Without limiting the foregoing, upon the presentment of evidence, the judge may consider whether the imposition of a sentence authorized under this Chapter would:

(1) Result in undue burden or hardship;

(2) Alter or impair the obligations created by court order or decree; or

(3) Otherwise not further the health, safety and welfare of the citizens of the city.

Sec. 18-32.- Sec. 18-34.- Reserved.

ARTICLE VI. - OFFENSES INVOLVING PROPERTY RIGHTS

DIVISION 1- GENERAL OFFENSES

Sec. 18-35. - Vandalism.

(a) *Public property.* It is unlawful for any person to vandalize, deface, or in any way alter the appearance or operation of any public property or park in the city.

(b) *Private property.*

(1) It is unlawful for any person to vandalize, deface, or in any way alter the appearance or operation of any private property without the consent of the owner.

(2) This subsection shall not be construed as affecting any remedy the private property owner may have at law.

Sec. 18-36. - Graffiti.

(a) *Property owner responsibility.* It shall be unlawful for any person who is the owner or who has primary responsibility for control of property or for repair or maintenance of in the city to permit property that is defaced with graffiti to remain defaced for a period in excess of ten days. The city may provide notice of defacement to such owner or responsible person by first class mail or personal service; provided that failure to receive notice shall not alleviate the person's responsibility for removal of the graffiti. Notice shall contain the following information:

(1) The street address and/or description of the property sufficient for identification of the property;

(2) A description of the graffiti with notice to remove same, and notice that the property owner shall, if the graffiti is not removed within ten days after receipt of the notice, be cited for violation of this section.

(b) *Exceptions to property owner responsibility.* The removal requirements of subsection (a) of this section shall not apply if the property owner or responsible party can demonstrate that:

(1) The property owner or responsible party lacks the financial ability to remove the defacing graffiti; or

(2) The property owner or responsible party has an active program for the removal of graffiti and has scheduled the removal of the graffiti as part of that program, in which case it shall be unlawful to permit such property to remain defaced with graffiti for a period of 30 days after defacement.

(c) *Citation of owner, right of city to remove graffiti.* Whenever the owner or person responsible for control or maintenance of private property fails or refuses to remove the graffiti after notice by the city to do so, such owner or responsible person shall be cited for violation of this section. The city may, upon the owner's or responsible person's failure to act, take any necessary action to remove, repaint, or repair the graffiti-damaged property and may use public funds for such action, the cost of which shall be a lien on the property served. Nothing in this section shall be construed to require the city to undertake such repair, repainting or removal.

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

Graffiti shall have that meaning ascribed to it in O.C.G.A. § 17-15A-2.

Graffiti implement or *paraphernalia* means any substance or material such as, but not limited to, aerosol paint containers, permanent ink markers, paint sticks, and etchers; also including, but not limited to, tips or nozzles which can be applied to aerosol paint containers.

(e) *Unlawful possession on public or private property.* It shall be unlawful for any person to possess any graffiti implement or paraphernalia while in, on, at or about any private property without the owner or occupant's permission or any public property including, but not limited to, public parks, playgrounds, swimming pools, recreation facilities, schools, school district facilities, libraries, courthouses, utility stations, storm drains or any other publicly owned, operated and/or maintained facility. This subsection shall not apply to persons located on public sidewalks or streets during each daily period from sunrise to

sunset. This subsection shall not apply to any officer, employee or agent of the public entity that owns the public property acting within the scope of their employment.

Sec. 18-37. - Tampering with utilities.

It is unlawful for any person to disturb, tamper with, or remove any guy wires from any electric power pole, utility pole, water or gas meter, or telephone pole located within the city.

Sec. 18-38.- 18-50. Reserved.

DIVISION 2. – LITTERING

Sec. 18-51. - Purpose and intent.

The purpose of this division is to protect the public health, safety, environment, and general welfare through the regulation and prevention of litter. The objectives of this division are:

(1) To provide for uniform prohibition of littering on public or private property throughout the city;

(2) To prevent harm to the public health, safety, environment, and general welfare, including the degradation of water and aquatic resources caused by litter; and

(3) To preserve the value of the many unique natural resources in the city and enhance the beauty and quality of life enjoyed by the citizens of the city.

Sec. 18-52. - Applicability.

This division shall apply to all public and private property within the city.

Sec. 18-53. - Compatibility with other regulations.

This division is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, stature, or other provision of law. The requirements of this division should be considered minimum requirements, and where any provision of this division imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

Sec. 18-54. - Severability.

If the provisions of any section, subsection, paragraph, subdivision or clause of this division shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any division, section, subsection, paragraph, subdivision or clause of this chapter.

Sec. 18-55. - Definitions.

Litter means any organic or inorganic waste material, rubbish, refuse, garbage, trash, hulls, peelings, debris, grass, weeds, ashes, sand, gravel, slag, brickbats, metal, plastic, and glass containers, broken glass,

dead animals or intentionally or unintentionally discarded materials of every kind and description which are not "hazardous waste" as such term is defined in O.C.G.A. § 16-7-51, paragraph 6.

Public or private property means the right-of-way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; timberlands or forests; and residential, commercial, industrial, or farm properties.

Sec. 18-56. - Prohibition against littering public or private property or waters.

It shall be unlawful for any person or persons to dump, deposit, throw or leave or to cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property in the city or any waters in the city unless:

(1) The property is designated by the state or by any of its agencies or political subdivisions for the disposal of such litter, and such person is authorized by the proper public authority to use such property;

(2) The litter is placed into a receptacle or container installed on such property; or,

(3) The person is the owner or tenant in lawful possession of such property, or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare.

Construction site operators shall control waste at the construction site, such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste.

Sec. 18-57. - Vehicle loads causing litter.

No person shall operate any motor vehicle with a load on or in such vehicle unless the load on or in such vehicle is adequately secured to prevent the dropping or shifting of materials from such load onto the roadway.

Sec. 18-58. - Violations, enforcement and penalties.

(a) *Violations.* It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this division, or to willfully obstruct, resist, impede, or interfere with the city or any code enforcement officer in connection with such person's enforcement of this division, or to retaliate or discriminate in any manner against such person as a reprisal for any act or omission of such person. Any violation of this subsection shall be punishable as a misdemeanor. Any person who has violated or continues to violate the provisions of this division, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise sentenced in a manner provided by law.

(b) *Evidence.*

(1) Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of this division, it shall be prima facie evidence that the operator of the conveyance has violated this division.

(2) Except as provided in subsection (1), whenever any litter which is dumped, deposited, thrown or left on public or private property in violation of this division is discovered to contain any article or articles, including but not limited to letters, bills, publications or other writing which display the name of the person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this chapter.

(c) *Penalties.* Any person who violates this division shall be guilty of a violation and, upon conviction thereof, shall be punished as follows:

(1) By a fine of not less than $200.00 and not more than $1000.00, and/or imprisonment in accordance with this Code. Where any offense or violation continues from day to day, each day's continuance thereof shall be deemed a separate offense; and

(2) In addition to the fine set out in subsection (1) above, the violator shall reimburse the city for the reasonable cost of removing the litter when the litter is or is ordered removed by the city; and

(3) In the sound discretion of the court, the person may be directed to pick up and remove from any public street or highway or public right-of way any litter he or she has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence; or

(4) In the sound discretion of the court, the person may be directed to pick up and remove any and all litter from any public property, private right-of-way, or with prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that he has deposited litter, and any and all litter deposited thereon by anyone prior to the date of execution of sentence; and

(5) The court may publish the names of persons convicted of violating this division.

(d) *Enforcement.* All city departments are hereby authorized, empowered and directed to enforce compliance with this division. Primary enforcement responsibilities for litter control are shared by the officers of the code enforcement division.

(e) *Liability.* Neither the city nor any department, agency, board, or officer of the city shall be liable or accountable for or on account of any act or omission of any code enforcement officer in connection with such person's enforcement of the provisions of this division.

Sec. 18-59- Reserved.

ARTICLE VII. . – NOISE

Sec. 18-60. – Purpose and intent.

(a) Excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life, and a substantial body of science and technology exists by which excessive sound may be substantially abated, and the people have a right to, and should be ensured an environment free from excessive sound.

(b) In order to ensure attractive residential and commercial areas, it is necessary that an audibly satisfying environment be maintained. It is the policy of the mayor and council to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life. The city is more likely to attract permanent residents and commercial enterprises if it controls and maintains appropriate noise quality, and the residents will ultimately gain financial improvements and protection in their quality of life as a result of these regulations.

(c) This division shall apply to the control of sound originating from sources within the limits of the city.

Sec. 18-61. – Applicability.

This division applies to any sound projected, emitted or transmitted between 11:00 p.m. and 7:00 a.m., such that the sound is plainly audible anywhere within the interior of a single-family detached sealed dwelling in a residential area. This division further applies to any sound projected, emitted or transmitted

between 11:00 p.m. and 7:00 a.m., such that the sound is plainly audible in a common area of a multifamily dwelling in a residential area.

Sec. 18-62. - Definitions.

For purposes of this article, certain phrases and words are defined below. Words or phrases not defined in this article, but defined in applicable state law or elsewhere in this Code, shall be given that meaning. All other words or phrases shall be given their common ordinary meaning unless the context requires otherwise. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them below except where the text clearly indicates a different meaning:

"A" weighted sound level means the sound level reported in units of dB(A) approximating the response of human hearing when measuring sounds of low to moderate intensity as measured using the "A" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors.

ANSI means the American National Standards Institute.

"C" weighted sound level means the sound level reported in units of dB(C) as measured using the "C" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors.

Commercial area means any parcel of land which is zoned for any commercial use, including regional commercial centers, neighborhood and community-oriented stores, shopping centers and other developed centers where commercial land uses predominate..

Common area means any portion of residential property that is either commonly used or owned by its residents, is intended for the common enjoyment of its residents, or is accessible to residents of more than one (1) dwelling located on the property and includes, but is not limited to, closed and open hallways, stairwells, stairways, elevators, lobbies, parking lots, parking garages, indoor and outdoor recreational areas within the development, laundry rooms, mailbox areas, yards, and open space that is the central organizing feature of a development.

Decibel (dB) means the unit for the measurement of sound pressure based upon a reference pressure of twenty (20) micropascals (zero (0) decibels), i.e., the average threshold of hearing for a person with very good hearing.

Dwelling means one (1) or more rooms, designed, occupied or intended for occupancy as separate living quarters for humans.

Industrial area means any parcel of land which is zoned for industrial use, including property used for light and heavy distribution, warehouses, assembly, manufacturing, quarrying, truck terminals and landfills. Such area includes property zoned M-1 and M-2 and includes any commercial land uses allowed in M-2.

Mixed-use development means a development which incorporates a variety of two (2) or more different land uses, buildings or structures that include both primary residential uses and primary nonresidential uses as 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.

Multifamily dwelling means a building designed for and containing more than one (1) dwelling, and shall include single-family attached dwellings, multifamily dwelling units, apartments, duplexes, triplexes, condominiums and attached townhomes.

Plainly audible means any sound which can be heard or detected by the unaided and unimpaired human ear. Words and phrases need not be discernable in order for them to be considered plainly audible.

Residential area means any parcel of land which is zoned for any residential use, including single-family detached or attached dwellings, multifamily dwellings, or mobile home parks.

Sealed dwelling means any dwelling that has all of its windows and doors closed.

Single-family detached dwelling means a dwelling on an individual lot unattached to another dwelling.

Sound means any oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency. Bass reverberations constitute sound. Sound includes, but is not limited to:

(1) Mechanical sound-making devices such as radios, stereos, boom boxes, televisions, musical instruments, horns, whistles, bells, chimes or carillons, phonographs, sound amplifiers or other machines or devices for the producing, reproducing or amplifying of sound;

(2) Human-produced sounds such as yelling, shouting, hooting, whistling, singing, speaking or arguing;

(3) Commercial advertising sounds;

(4) Party noise;

(5) Sound coming from motorized landscape maintenance devices such as lawn mowers, weed-whackers, leaf blowers, and chain saws;

(6) Animal vocalizations from pets or nondomesticated animals;

(7) Testing of burglar, fire or car alarms; and

(8) Sound coming from construction and demolition activities such as hammering, nailing, drilling, sawing, and paving.

Sound level meter means an instrument that conforms to ANSI S1.4-1983 or its successors.

DIVISION 1. - NOISE IN RESIDENTIAL AREAS

Sec. 18-63. - Sound between the hours of 11:00 p.m. and 7:00 a.m.

(a) *Single-family detached dwellings.* It is unlawful for any person, between the hours of 11:00 p.m. and 7:00 a.m., to make, cause, or allow any sound from a source within his ownership or control that projects, emits or transmits into any single-family detached dwelling in a residential area owned or occupied by another, such that the sound is plainly audible anywhere within the interior of a sealed dwelling.

(b) *Multifamily dwellings.* It is unlawful for any person, between the hours of 11:00 p.m. and 7:00 a.m., to make, cause, or allow any plainly audible sound from a source within his ownership or control that projects, emits or transmits within the common area of a multifamily dwelling in a residential area.

(c) *Exclusions.* The prohibitions of this section shall not apply to the following sounds:

(1) Sound by public safety vehicles, emergency signaling devices, or authorized public safety personnel for the purpose of alerting persons to the existence of an emergency;

(2) Sound from an exterior burglar or fire alarm of any building, provided such burglar or fire alarm shall terminate its operation within five (5) minutes of its activation if the sound is uninterrupted, or ten (10) minutes, if intermittent, but the testing of burglar and fire alarms shall not be allowed between the hours of 8:00 p.m. and 7:00 a.m.;

(3) Sound from any automobile alarm, provided such alarm shall terminate its operation within five (5) minutes of its activation if the sound is uninterrupted, or ten (10) minutes, if the sound is intermittent;

(4) The generation of sound in situations within the jurisdiction of the federal Occupational Safety and Health Administration;

(5) National Warning System (NAWAS) sounds used to warn the community of attack or imminent public danger such as flooding, explosion or hurricane;

(6) Sound of aircraft operations, where federal regulations preempt the local regulation of such specific operations;

(7) Protests, marches, parades, or an event sanctioned by the federal, state or county government(s);

(8) Surface carriers engaged in commerce by railroad;

(9) Any other activity solely controlled and within the jurisdiction of federal or state law;

(10) Sound projected, emitted or transmitted from motor vehicles, as such sound is regulated by O.C.G.A. § 40-6-14(a);

(11) An emergency which is a serious urgent situation or occurrence that happens unexpectedly and requires immediate attention;

(12) Sound from agricultural activities;

(13) Sound from the travel of properly muffled motor vehicles on a public right-of-way;

(14) Sound from residential air conditioner units;

(15) Sound from swimming pool filtering systems; and

(16) Sound resulting from activities for which a special administrative permit has been issued pursuant to the terms of this article.

Sec. 18-64. - Animal vocalizations, construction and landscaping activities, and the testing of burglar and fire alarms.

(a) *Residential areas.* Instead of the limitations set forth in section 18-34, the sound limitations set forth in this section 18-35 apply to the following activities in all residential areas.

(b) *Animal vocalizations.* Animal vocalizations in a residential area during the hours from 7:01 a.m. until 10:59 p.m. shall be regulated as follows. Pets and nondomesticated animals may not make any vocalizations for more than fifteen (15) minutes without interruption or more than thirty (30) minutes if intermittent. The limitations in subsections 18-35(a) and (b) apply to animal vocalizations between 11:00 p.m. and 7:00 a.m. The limitations in this subsection and in section 18-34 do not apply if the vocalizations are given as a warning to the presence of an intruder.

(c) *Landscaping.* Power tools used for landscaping or yard maintenance shall only be operated between the hours of 7:01 a.m. and 9:00 p.m. on weekdays, or between the hours of 9:01 a.m. and 9:00 p.m. on weekends. Power tools used for landscaping or yard maintenance shall not be operated between the hours of 9:01 p.m. and 7:00 a.m. on weekdays, or between the hours of 9:01 p.m. and 9:00 a.m. on weekends. All motorized equipment used in these activities shall be operated with a muffler.

(d) *Construction and demolition activity.* Construction and demolition activity or deliveries shall only be performed between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, or between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. There shall be no construction or demolition activity or deliveries on

Sundays or New Year's Day, Thanksgiving Day, Christmas Day, Memorial Day, July 4, or Labor Day unless such activity arises from an emergency which puts the site or neighboring property owners and their property at risk of harm or loss.

(e) *Testing burglar and fire alarms.* The testing of burglar or fire alarms shall not exceed five (5) minutes in duration, and shall not occur between the hours of 8:00 p.m. and 7:00 a.m. Fire drills may be conducted outside of these hours no more than once a month, and with prior notification to all properties within two hundred fifty (250) feet of the property line where the testing will take place.

DIVISION 2. - NOISE IN COMMERCIAL AND INDUSTRIAL AREAS AND IN MIXED-USE DEVELOPMENTS.

Sec. 18-65. - Maximum permissible sound levels and sound during certain hours.

(a) This subdivision applies to all sound emitting from property in all commercial and industrial areas and all mixed-use developments within the city.

(b) No person shall cause, suffer, allow, or permit the operation of any source of sound on any property within commercial areas, industrial areas, mixed-use developments that exceeds seventy (70) dB(A) in commercial areas; eighty (80) dB(A) in industrial areas; and seventy (70) dB(A) or seventy-three (73) dB(C) in mixed-use developments from the hours of 7:01 a.m. until 10:59 p.m. or sixty (60) dB(A) or sixty-three (63) dB(C) from the hours of 11:00 p.m. until 7:00 a.m. Sound shall be measured at any location at or within the property line of the affected property, and sound levels in excess of those established in this section shall constitute prima facie evidence that such sound is in violation of this article.

(c) It is unlawful for any person between the hours of 11:00 p.m. and 7:00 a.m. to make, cause or allow any sound from a source within his ownership or control that projects, emits or transmits from a commercial area, industrial area, or a mixed-use development if such sound is plainly audible within the interior of a single-family detached sealed dwelling in a residential area or in a common area of a multifamily dwelling in a residential area.

(d) The exclusions listed in subsection 18-63(c) apply as exclusions in all commercial and industrial areas and all mixed-use developments as if fully set forth in this section.

Sec. 18-66. - Animal vocalizations, construction and landscaping activities, and the testing of burglar and fire alarms.

(a) *Time limitations.* Instead of the limitations set forth in section 18-65 , the time limitations set forth in this section apply as specified in this section.

(b) *Animal vocalizations in commercial and industrial areas and mixed-use developments.* Animal vocalizations in commercial and industrial areas and in mixed-use developments during the hours from 7:01 a.m. until 10:59 p.m. shall be regulated as follows. Pets and nondomesticated animals may not make any vocalizations for more than fifteen (15) minutes without interruption, or more than thirty (30) minutes, if intermittent. The limitations in subsection 18-63(a) and (b) apply to animal vocalizations between 11:00 p.m. and 7:00 a.m. The limitations in this subsection and in section 18-63 do not apply if the vocalizations are given as a warning to the presence of an intruder.

(c) *Landscaping in mixed-use developments.* Power tools used for landscaping or yard maintenance shall only be operated between the hours of 7:01 a.m. and 9:00 p.m. on weekdays, or between the hours of 9:01 a.m. and 9:00 p.m. on weekends in a mixed-use development. Power tools used for landscaping or yard maintenance shall not be operated between the hours of 9:01 p.m. and 7:00 a.m. on weekdays,

or between the hours of 9:01 p.m. and 9:00 a.m. on weekends. All motorized equipment used in these activities shall be operated with a muffler.

(d) *Construction and demolition activity in mixed-use developments.* Construction and demolition activity or deliveries shall only be performed between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, or between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays in mixed-use developments. There shall be no construction or demolition activity or deliveries on Sundays, New Year's Day, Thanksgiving Day, Christmas Day, Memorial Day, July 4, or Labor Day in mixed-use developments unless such activity arises from an emergency which puts the site or neighboring property owners and their property at risk of harm or loss.

(e) *Testing burglar and fire alarms in a mixed-use development.* The testing of burglar or fire alarms in a mixed-use development shall not exceed five (5) minutes in duration, and shall not occur between the hours of 8:00 p.m. and 7:00 a.m. Fire drills may be conducted outside of these hours no more than once a month, and with prior notification to all properties within two hundred fifty (250) feet of the property line where the testing will take place.

DIVISION 3. - ENFORCEMENT, MEASUREMENT OF SOUND, ADMINISTRATION, VIOLATIONS AND PENALTIES.

Sec. 18-67. - Enforcement officers.

Where the provisions of this division require the measurement of sound with the use of a sound level meter, a code enforcement officer, and/or an authorized agent or designee thereof, who is trained in the use of a sound level meter shall make such measurement.

Sec. 18-68. - Procedures for the determination of sound levels.

Insofar as practicable, sound will be measured while the source under investigation is operating at normal, routine conditions and, as necessary, at other conditions, including but not limited to, design, maximum and fluctuating rates. All sound measurements shall be made at or within the property line of the affected property, unless otherwise directed in this article. When instrumentation cannot be placed at or within the property line, the measurement shall be made as close thereto as is reasonable. For the purposes of this ordinance, sound measurements are measured on the A- or C-weighted sound scale, as applicable, of a sound level meter of standard design and quality having characteristics established by ANSI.

Sec. 18-69. – Special variances; application and approval.

(a) The Community Development Department, or a designated representative thereof, shall have the authority, consistent with this article, to grant special variances.

(b) Any person seeking a special variance pursuant to this article shall file an application with the Community Department. The application shall contain information which demonstrates that bringing the source of sound into compliance with this article would constitute an unreasonable hardship on the applicant, on the community, or on the other persons. Notice of an application for a special variance shall be given by the Community Development Department, or a representative thereof, to persons who frequent the area of the sound or activity and who may be adversely affected by the granting of the variance. Any individual who claims to be adversely affected by allowance of the special variance may file a statement

with the Community Development Department containing any information to support such individual's claim.

(c) In determining whether to grant or deny the application, the Community Development Department shall balance the hardship to the applicant, the community, and other persons of not granting the special variance against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on property affected, and any other adverse impact of granting the special variance. Applicants for special variances may be required to submit any information reasonably required by the Community Development Department. In granting or denying an application, the Community Development Department shall place on public file a copy of the decision and the reasons for denying or granting the special variance.

(d) Special variances shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the special variance shall terminate it and subject the person holding it to those provisions of this article regulating the source of sound or activity for which the special variance was granted.

(e) Application for extension of time limits specified in special variances or for modification of other substantial conditions shall be treated like applications for initial special variances.

(f) The Community Development Department may issue guidelines approved by city council defining the procedures to be followed in applying for a special variance and the criteria to be considered in deciding whether or not to grant a special variance.

Sec. 18-70. - Violations and penalties.

(a) Any person that does anything prohibited or fails to do anything required by this article, upon citation and conviction of the violation in a court of competent jurisdiction, shall be subject to fine and/or imprisonment in accordance with this Code, with the following minimum penalties.

(1) Upon a first conviction of any violation of this division, the court shall impose a fine of not less than two hundred dollars ($200.00) in addition to any other penalty or punishment imposed by the court.

(2) Upon a second conviction of a violation of this division within twelve (12) months measured from the date of the first conviction, the court shall impose a fine of not less than five hundred dollars ($500.00) in addition to any other penalty or punishment imposed by the court.

(3) Upon a third conviction of a violation of this division within twenty-four (24) months measured from the date of the first conviction, the court shall impose a fine of not less than one thousand dollars ($1,000.00) in addition to any other penalty or punishment imposed by the court.

(b) In addition to issuing a fine as provided in above, or in lieu thereof, the court may issue an order requiring immediate abatement of any sound source alleged to be in violation of this section.

(c) No provision of this section shall be construed to impair any common law or statutory cause of action, or legal remedy therefore, of any person for injury or damage arising from any violation of this section or from other law.

ARTICLE VIII. - CLEAN INDOOR AIR

Sec. 18-71. - Title.

This article shall be known, cited, and referred to as the City of Stonecrest Smoke-Free Air Ordinance.

Sec. 18-72. - Findings and purpose.

(a) The mayor city council does hereby find that:

(1) Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of disease in healthy non-smokers, including heart disease, stroke, respiratory disease, and lung cancer.

(2) Secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive disease. Children exposed to secondhand smoke have an increased risk of asthma, respiratory infections, sudden infant death syndrome, developmental abnormalities, and cancer.

(b) Accordingly, the mayor and city council finds and declares that the purposes of this article are:

(1) To protect the public health and welfare by prohibiting smoking in public places and public and private places of employment; and

(2) To guarantee the right of non-smokers to breathe smoke-free air; and

(3) To recognize that the need to breathe smoke-free air shall have priority over the desire to smoke.

Sec. 18-73. - Definitions.

Words or phrases not defined in this article, but defined in applicable state law or elsewhere in this Code shall be given that meaning. All other words or phrases shall be given their common ordinary meaning unless the context requires otherwise. The following words, terms and phrases, when used in this article , shall have the meanings ascribed to them below except where the text clearly indicates a different meaning:

Bar means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including, but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

Business means any corporation, sole proprietorship, partnership, limited partnership, limited liability corporation, limited liability partnership, professional corporation, enterprise, franchise, association, trust, joint venture, or other entity, whether for profit or nonprofit.

Child care facility means any institution, society, agency, or facility, whether incorporated or not, which either primarily or incidentally provides full-time care for children under 17 years of age outside of their own homes, subject to such exceptions as may be provided in rules and regulations of the state board of human resources, as defined by O.C.G.A. § 49-5-3.

Common area means only those outdoor areas of apartments, condominiums, townhomes, residential subdivisions, roominghouses, retirement facilities, nursing homes, personal care homes, and other multi-unit residential property that are either commonly used or owned by its residents and intended for the common enjoyment of its residents, or accessible to residents of more than one dwelling located on the property. Common areas include, but are not limited to, outdoor recreational areas within a development, and common open space that is the central organizing feature of a development.

E-cigarette means any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, that creates a vapor of nicotine and simulates smoking. This term includes any

such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptive name.

Employee means an individual who is employed by a business in consideration for direct or indirect monetary wages or profit.

Employer means an individual or a business that employs one or more individuals.

Enclosed area means all space between a floor and ceiling that is enclosed on all sides by solid walls or windows, exclusive of doorways, which extend from the floor to the ceiling.

Establishment means any business, store, office or other place where goods or services are sold or provided as part of a commercial venture. The term "establishment" includes, but is not limited to, the following:

(1) Major retail establishments;

(2) General merchandise stores;

(3) Convenience stores;

(4) Special events facilities;

(5) Major and minor automobile repair and maintenance shops;

(6) Service stations, stores or shops for the repair or maintenance of appliances, shoes, motor vehicles or other items or products;

(7) Establishments offering personal services to the general public;

(8) Hotels, motels and other places that provide lodging or board and lodging to the public; and

(9) Restaurants.

Health care facility means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including, but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, homes for the chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities. This definition shall not include long-term care facilities as defined in paragraph (3) of O.C.G.A. § 31-8-81.

Infiltrate means to permeate an enclosed area by passing through its walls, ceilings, floors, windows, or ventilation systems to the extent that an individual can smell secondhand smoke.

Outdoor recreational public place means any outdoor area of a place to which the public is invited or in which the public is permitted that is used, or intended for use, as a recreational area, regardless of any fee or age requirement. The term "outdoor recreational public place" includes, but is not limited to, parks, picnic areas, playgrounds, athletic or sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, horseback riding trails, swimming pool facilities, aquatic areas, water parks, skateboard parks, amusement parks, stadiums, amphitheaters, beaches, lakes, and outdoor areas of roller- and ice-skating rinks, concert venues, sports pavilions, gymnasiums, health spas, boxing arenas, bingo facilities, video arcades, pool halls, bowling facilities, amusement centers, and theaters.

Place of employment means an enclosed area under the control of a public or private employer that employees utilize during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, and hallways. A private residence is not a place of employment unless it is used as a licensed child care, adult day-care, or health care facility. This term shall not include vehicles used in the course of employment.

Public place means an enclosed area to which the public is invited or in which the public is permitted, including, but not limited to, banks, bars, educational facilities, health care facilities, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a public place unless it is used as a licensed child care, adult day-care, or health care facility.

Restaurant means an eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term shall include a bar area within any restaurant.

Retail tobacco store means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

Secondhand smoke means smoke emitted from lighted, smoldering, or burning tobacco when the person smoking is not inhaling, smoke emitted at the mouthpiece during puff drawing, and smoke exhaled by the person smoking.

Service line means an indoor line in which one or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.

Shopping mall means an enclosed public walkway or hall area that serves to connect retail or professional establishments.

Smoking means inhaling, exhaling, burning, or carrying any lighted tobacco product including cigarettes, cigars, and pipe tobacco.

Smoking area means a separately designated enclosed room which need not be entered by an employee in order to conduct business that is designated as a smoking area and, when so designated as a smoking area, shall not be construed as to deprive employees of a nonsmoking lounge, waiting area, or break room.

Sec. 18-74. – Smoking prohibited; generally.

Except as allowed in this article, smoking is prohibited in all public places, outdoor recreational public places, common areas, and places of employment within the city.

Sec. 18-75. - Smoking prohibited; city property.

Smoking shall be prohibited in all common areas, public places, places of employment, outdoor recreational public places and vehicles owned, leased or operated by the city.

Sec. 18-76. - Reasonable distance.

(a) Smoking shall be prohibited within:

(1) Twenty (20) feet of any outside entrance, operable window, or ventilation system of a common area, public place, place of employment, or outdoor recreational public place. This prohibition shall not apply to porches, courtyards or decks contiguous to a restaurant; or

(2) Twenty (20) feet of any service line.

(b) Smoking shall be allowed in the parking lots of a common area, public place, place of employment, or outdoor recreational public place, except in the following situations:

(1) Smoking in such parking lots is prohibited if it occurs in an area of the parking lot that is within twenty 20 feet of any outside entrance, operable window or ventilation system of a common area, public place, place of employment, or outdoor recreational public place.

(2) Smoking is prohibited in the parking lots of a common area, public place, place of employment, or outdoor recreational public place if the owner, operator, manager, employer, or other person who controls the common area, public place, place of employment or outdoor recreational public place has posted in the parking lots "No Smoking" signs that comply with the requirements of this division.

Sec. 18-77. – Exemptions.

(a) The smoking prohibition shall not apply in the following areas:

(1) Private residences, including private residences which may serve as an office workplace, except if used as a childcare, an adult daycare or a health care facility.

(2) Designated smoking rooms in hotels and motels rented by guests, provided that such designated smoking rooms shall not comprise more than 25 percent of the total number of rooms available for rent.

(3) Retail tobacco stores.

(4) Outdoor areas of places of employment, except where an owner or employer declares that the outdoor area is a smoke-free environment, as provided in this article.

(5) Restaurants and bars as follows:

a. All restaurants and bars to which access is denied to any person under the age of 18 and that do not employ any individual under the age of 18 years; or

b. Private rooms in restaurants and bars if such rooms are enclosed and have an air handling system independent from the main air handling system that serves all other areas of the building and all air within the private room is exhausted directly to the outside by an exhaust fan of sufficient size.

(b) To qualify for exempt status under subsection (a) of this section, any area described in subsection (a) of this section, except for areas described in paragraph (1) of subsection (a) of this section, shall post conspicuously at every entrance a sign indicating that smoking is permitted.

Sec. 18-78. - Smoking prohibited in designated nonsmoking places

Notwithstanding any other provision of this article, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area within the city may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Sec. 18-80 is posted.

Sec. 18-79. - Employers' responsibility.

(a) It is the responsibility of employers to provide a smoke-free workplace for all employees of public places, and places of employment but employers are not required to make expenditures or structural changes to create a smoke-free work area.

(b) Each employer having an enclosed place of employment located within the city is encouraged to adopt, implement, make known and maintain a written smoking policy that incorporates the smoking prohibitions of this article.

(c) The written smoking policy should be provided to all employees.

Sec. 18-80. – Posting of signs and notification.

(a) At every entrance to every place where smoking is prohibited by this division, "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted by the owner, operator, manager, employer or other person having control of such building or area.

(b) In every area where smoking is prohibited by this division, all ashtrays shall be removed by the owner, operator, manager, employer or other person having control of the area.

Sec. 18-81. – Enforcement.

Any owner, operator or manager of any establishment regulated by this article shall inform persons whom they witness violate this division of the appropriate provisions, and request compliance.

Sec. 18-82. - Nonretaliation.

No person or employer shall discharge, refuse to hire or in any manner retaliate against any employee, applicant for employment, or customer because such employee, applicant, or customer exercises any right to a smoke-free environment as afforded by this article.

Sec. 18-83. - Violations and penalties.

(a) Any person who violates any provision of this article shall be subject to the following penalties:

(1) A fine not exceeding fifty dollars ($50.00) for a first violation;

(2) A fine not exceeding seventy-five dollars ($75.00) for a second violation of this division within one (1) year; and

(3) A fine not exceeding one hundred dollars ($100.00) for each additional violation of this division within one (1) year.

(b) In addition to the fines established by this section, the violation of any provision of this article by an owner, operator or manager of any establishment regulated by this article may result in the suspension or revocation of any permit or license issued by the city for the premises on which the violation occurred.

(c) Each day on which a violation occurs shall be considered a separate and distinct violation.

Sec. 18-84. - Other applicable laws and disclaimer.

This article shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws. By regulating smoking, the city is assuming an undertaking only to promote the general health and welfare of its citizens. By this enactment, neither the city, its officers nor its employees are liable in money damages to any person who claims that any breach of this division caused injury.

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-_____

ARTICLE IX.- HOTELS, MOTELS AND EXTENDED STAY HOTELS.

Sec. 18-85. Purpose.

(a) The purpose of this article is to ensure the continued availability of quality transient lodging within the City, proper maintenance of hotels, motels, and extended-stay hotels and to protect the health, safety and welfare of hotel, motel, and extended-stay hotel inhabitants.

(b) Unless otherwise stated in this article, the requirements of this article apply to those who occupy, visit, patronize, frequent, operate, keep, conduct, or own a hotel, motel, or extended-stay hotel within the City, regardless of the date of the hotel, motel, or extended-stay hotel's construction.

(c) This article is essential to the public's interest, safety, health, and welfare, and this ordinance shall be liberally construed to effectuate its purposes.

Sec. 18-86. Definitions.

"Bona fide employee" shall mean a person who works in the service of the hotel, motel, or extended stay hotel (i.e. the employer) under a contract of hire, whether express or implied, where the employer has the power or right to control or direct the details of what work is to be performed and the manner in which that work is to be performed.

"Electronic records" shall mean the identifying information for all patrons and their guests contained in the electronic guest registration system as listed in this article, which is recorded at the time of registration and maintained for a period of no less than one hundred eighty (180) days after the rental agreement's termination.

"Extended-stay hotel" shall, for the purpose of this article, mean any structure consisting of one or more buildings, with more than five dwelling units with provisions for living, sanitation, and sleeping, that is specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where temporary residence is offered for pay (a) to persons for non-transient extended-stays and/or stays longer than 30 days; or (b) for stays longer than 15 days in rooms equipped with kitchen facilities.

"Guest" shall mean a person who is not a patron who is present on the premises of a hotel, motel or extended-stay hotel with the express permission of (a) a guest or patron of the hotel, motel or extended-stay hotel and (b) the owner, operator, keeper or proprietor of the hotel, motel or extended-stay hotel.

"Hotel" or "motel" shall, for the purpose of this article, mean any structure consisting of one or more buildings, with more than five dwelling units with provisions for transient living, sanitation, and sleeping, that is specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where temporary lodging is offered for pay to guests, is not intended for long-term occupancy, and does not otherwise meet the definition of an extended-stay hotel as defined in this section. This shall include boutique hotels, as described in Chapter 27.

"Housekeeping" shall mean the cleaning of guest rooms, guest bathrooms, public area, changing of linen and removal of trash from guest rooms and common areas.

"Kitchen facilities" shall mean kitchen amenities, which at a minimum must include a stove, oven, and a kitchen-type sink. A bathroom sink does not qualify as a kitchen facility. Amenities limited to a microwave, mini-refrigerator, and/or an appliance designed to produce coffee or tea do not constitute "kitchen facilities" for purposes of this definition.

"Loitering" is defined in Chapter 16of this code.

"Manual records" shall mean the identifying information for all patrons and their guests contained in the form of a paper record or reservation book as listed in this article, which is recorded at the time of

registration and maintained for a period of no less than one hundred eighty (180) days after the rental agreement's termination.

"Patron" shall mean a person who pays a fee to the owner, operator, keeper or proprietor of the hotel, motel or extended-stay hotel.

"Public nuisance" shall mean a condition, obstruction or use of property allowed or continued by any person, legal entity or agent, that interferes with the comfortable enjoyment of life and property by the neighborhood, community, or members of the public; or which can cause hurt, damage, inconvenience or affect or offend an ordinary, reasonable person.

"Vehicle" is any car, truck, trailer, motorcycle, or other machinery used for transporting people or goods and is normally required to be registered with a state in order to be legally operated or towed on a public roadway.

"Visitor" shall mean a person, who is not a patron or guest, who is on the premises of a hotel, motel or extended-stay hotel at the invitation of a patron or guest, but without the express permission of the owner, operator, keeper or proprietor of the hotel, motel or extended-stay hotel.

Sec. 18-87. -Provisions applicable to hotels, motels, and extended-stay hotels.

a) For any hotel, motel, or extended stay hotel permitted for construction after July 1, 2018 any public-facing entry points to the premises must require a magnetic or electronic keycard/locking device for access. Public facing entry point doors shall have operating automatic closures, key entry and shall remain locked at all times between the hours of 9:00 pm and 6:00 am. Additionally, all entry point doors shall be equipped with an alarm or other device that will alert hotel, motel, or extended-stay hotel security, attendants, or other employees that the door has been opened or remains open. These requirements are not applicable to entry points that enter directly into the lobby of the hotel, motel, or extended stay hotel as long as the lobby is manned by a bona fide employee 24 hours a day. These requirements are also not applicable to entry points that enter directly into a banquet hall, conference room, or other facility utilized for a special event or meeting hosted by a hotel, motel, or extended-stay hotel as long as there is a bona fide employee staffing the banquet hall, conference room, or other facility utilized for the duration of that event.

b) Notwithstanding Sec. 18-88 and Sec. 18-89, an owner, operator, keeper or proprietor of a hotel, motel, or extended-stay hotel may designate no more than five (5) percent or six (6) (rooms, whichever is fewer, for the purpose of allowing any number of bona-fide employees and their family to reside on the premises. Rooms designated for employee residences must be clearly marked as distinct from rooms held out for rent and, where practical, must be located adjacent to other rooms designated for employee residences. Rooms designated for employee residences may not be held out for rent to the public.

c) No owner, operator, keeper or proprietor of a hotel, motel, or extended-stay hotel shall provide lodging at an hourly rate.

Sec. 18-88. -Provisions applicable to hotels and motels.

a) No hotel or motel located within the City shall allow any person to occupy such hotel or motel for more than a one hundred eighty (180) day period. No guest residing for more than one hundred and eighty (180) consecutive days shall begin a new rental agreement with the hotel or motel without a two (2) day vacancy between stays.

Sec. 18-89. -Provisions applicable to extended-stay hotels.

a) No extended-stay hotel located within the City shall allow any person to occupy such extended-stay hotel for more than one hundred and eighty (180) consecutive days unless otherwise permitted in this section. No guest residing for more than one hundred and eighty (180) consecutive days shall begin a new rental agreement with the extended stay hotel without at least a two (2) day vacancy between stays.

b) Notwithstanding subsection (a) of section 18-88, a stay in excess of one hundred and eighty (180) consecutive days may occur in the following situations:

1) Where there is a written contract or documented agreement between an extended-stay hotel and a business, corporation, firm or governmental agency to house employees or individuals on valid work orders;

2) Where there is documentation, consistent with HIPPA privacy rules, that a hotel guest is considered family or is providing care for a patient who is admitted at local hospital; or

3) When an insurance company or federal, state or local agency has provided documentation that a hotel guest has been displaced from their home by a natural disaster or fire.

c) Extended-stay hotels are required to comply with all applicable provisions of this code, including but not limited to Chapter 27.

d) All extended-stay hotels constructed after July 1, 2018 must provide a minimum of one thousand (1,000) square feet in common areas for recreational use by guests. In computing the one thousand (1,000) square feet requirement, swimming pools, fitness or recreation centers, patios, terraces, and other recreational facilities in common areas may be used in determining the square footage required by this subsection. An extended-stay hotel is considered constructed only after a certificate of occupancy is issued.

Sec. 18-90. Responsibilities, access, and registration requirements.

(a) Every owner, operator, keeper or proprietor of any hotel, motel, or extended-stay hotel shall, without delay, report violations of law to the City or its designee that were either witnessed or made known to them by an employee, patron, guest, visitor or other person on the premises.

(b) Every owner, operator, keeper or proprietor of any hotel, motel, or extended-stay hotel shall, at all times, maintain a manager on duty capable of assisting, communicating, and cooperating with the City, code enforcement, police or other law enforcement officials in maintaining the public health, welfare, and safety.

(c) All information required to be procured and kept pursuant to this ordinance shall be kept strictly confidential in accordance with state and federal law and shall not be provided to any person except to a federal or state law enforcement officer or to any officer empowered to enforce this ordinance.

(d) All information required to be procured and kept pursuant to this ordinance shall be provided to any federal or state law enforcement officers, code enforcement officer, or local sworn enforcement officer empowered to enforce this ordinance, upon demand of the officer and a representation by said officer that a reasonable suspicion exists that such information is relevant to a then-pending inquiry or investigation. Nothing in this requirement shall be construed as giving any such officer any greater right or license to enter a room or invade privacy than the officer shall otherwise possess as a matter of law, probable cause, constitutional law, statutory right, or warrant.

(e) Every owner, operator, keeper or proprietor of any hotel, motel, or extended-stay hotel shall keep a record of all rental agreements between the hotel, motel, or extended-stay hotel and all patrons and their guests, and make these records available to the City within a reasonable time upon request. For the purposes of this section, the term "record" shall mean the hotel, motel, or extended-stay hotel's electronic guest registration system which stores guest identifying information. In the event the hotel, motel, or extended-stay hotel does not have an electronic guest registration system, the hotel, motel, or extended-stay hotel shall record the guest, patron and their guest's information in a paper record or reservation book. The following information, at a minimum, must be recorded at the time of registration and maintained for a period of no less than one hundred eighty (180) days after the rental agreement's termination:

(1) The full name, phone number, and home address of each patron and overnight guest. If the patron is a tourism company or other business, only the patron shall be required to provide this information;

(2) The total number of occupants (patrons and guests) registered in each room;

(3) The room number assigned to each patron and guest;

(4) The day, month, year and time of arrival of each patron and guest;

(5) The day, month, year each patron and each guest is scheduled to depart;

(6) Upon departure, record of departure day, month, and year for each patron and guest;

(7) The rate charged and amount collected for rental of the room;

(8) The method of payment for each room; and

(9) Documentation used to verify a stay in excess of one hundred and eighty (180) consecutive days as stated in Sec. 18-89(b).

(f) Every owner, operator, keeper or proprietor of any hotel, motel, or extended-stay hotel shall require each patron to provide proper identification prior to renting a room when registering in person. Proper identification is defined as a current and valid government issued photo identification card such as a driver's license, military identification card, state identification card, or passport. A record of the provided identification shall be kept on file for the duration of the occupancy and for one hundred eighty (180) days thereafter.

(g) Annually, the City shall provide every owner, operator, keeper or proprietor of any hotel, motel, or extended-stay hotel with a list of crimes and ordinance violations that occurred on the property in the previous year.

(h) No person shall procure or provide lodging in any hotel, motel, or extended-stay hotel, or any services therefrom, through misrepresentation or production of false identification, or identification which misrepresents the identity of the person procuring or sharing in such lodging or service.

(i) Change of location or name.

(1) No applicant shall operate, conduct, manage, engage in, or carry on a hotel, motel, or 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 a hotel, motel, or extended-stay motel/hotel is located shall require inspection and shall comply with all applicable codes and regulations.

Sec. 18-91. Vehicles, Parking, and Registration.

(a) All handicap parking must be in compliance with state and local laws.

(b) All vehicles parked on any hotel's premises must be in good working order.

(c) Vehicle maintenance in hotel parking lots is prohibited.

Sec. 18-92

(a) Every operator, owner, keeper, or proprietor of any hotel, motel, or extended-stay hotel shall keep and maintain in each and every rental unit, a telephone equipped to place a direct call to 911.

(b) No operator, owner, keeper, or proprietor of any hotel, motel, or extended-stay hotel shall rent or provide a room for any number of persons greater than the sleeping accommodations provided within the particular rental unit or temporary sleeping accommodations provided by the hotel, motel, or extended-stay hotel.

(c) No operator, owner, keeper, or proprietor, patron, visitor or guest of any hotel, motel, or extended-stay hotel shall be allowed to congregate within any room or single rental unit a number of persons which is greater than two (2) times the number of persons for whom sleeping accommodations are provided within the single room or rental unit except when temporarily designated as a hospitality suite by the hotel, motel, or extended-stay hotel.

(d) Daily housekeeping shall be included within the standard room rate of any hotel, motel, or extended stay hotel. At a minimum, rooms must be cleaned before each new guest checks in and no less frequently than once every seven (7) days. Each hotel, motel, and extended-stay hotel must maintain a log that documents when each room is cleaned. The log must be maintained for one hundred and twenty (120) days for extended-stay hotels and must be maintained for thirty (30) days for hotels and motels. Any hotel, motel, or extended-stay hotel must make these records available to the City within a reasonable time upon request.

(e) The utilization of clothes-lines or other clothes-drying equipment or facilities outside of a room that are located on or are visible from the outside of a room are prohibited. Balconies and railings are not to be used for hanging towels, personal items or any other articles of clothing.

(f) No occupational tax certificate shall be issued for the purpose of conducting business from a guest room of a hotel, motel, or extended-stay hotel, and no home occupation shall be conducted from such room.

(g) Each existing and newly constructed guest room of a hotel, motel, or extended-stay hotel in existence as of July 1, 2018 of this article shall, at a minimum, be brought into compliance, within three (3) years of the date of the effective date of this ordinance, with sprinkler requirements for new construction set forth in NFPA 101, 2012 edition. The fire marshal shall provide notice to the building owner or agent of any hotel or dormitory that is not in compliance with NFPA 101, 2012 edition. Within sixty (60) days of receiving such notice of noncompliance, the building owner or agent of such owner shall file an intent to comply with this requirement with the fire marshal. Unless otherwise noted, it is intended that the provisions of this section be applied to new as well as existing facilities, equipment, structures, or installations that are approved for construction or installation prior to the effective date of this document. Existing facilities, equipment, structures, or installations will have three (3) years from July 1, 2018 to comply with the provisions of this section. The following extensions and exemptions to this requirement shall apply:

(1) Hotels, motels, or extended-stay hotels in existence as of July1, 2018 may receive up to a two (2) year extension at the discretion of the Director of the Community Development Department based on submitted plans for the installation of the approved supervised Sprinkler System. An affidavit shall be submitted to the fire marshal within sixty (60) days of the end of the three (3) year period, certifying that the premise is in compliance with the following regulation:

(A) No kitchen facilities are installed or operated within any dwelling unit. Microwaves are allowed.

(2) Automatic sprinkler protection shall not be required in buildings where all guest sleeping rooms or guest suites have a door opening directly to either of the following:

(A) Outside at the street or the finished ground level

(B) Exterior exit access arranged in accordance with NFPA 101:7.5.3 in buildings three or fewer stories in height

(3) NFPA 101: 7.5.3 Exterior Ways of Exit Access.

(A) 7.5.3.1 Exit access shall be permitted to be by means of any exterior balcony, porch, gallery, or roof that conforms to the requirements of this chapter.

(B) 7.5.3.2 The long side of the balcony, porch, gallery, or similar space shall be at least fifty (50) percent open and shall be arranged to restrict the accumulation of smoke.

(C) 7.5.3.3 Exterior exit access balconies shall be separated from the interior of the building by walls and opening protectives as required for corridors, unless the exterior exit access balcony is served by at least two remote stairs that can be accessed without any occupant traveling past an unprotected opening to reach one of the stairs, or unless dead ends on the exterior exit access do not exceed twenty (20) ft. (6100 mm).

(h) Each new and existing guest room of a hotel, motel, or extended-stay hotel shall be equipped with a hard wired smoke detector or smoke alarms whose device housing is tamper-resistant and is powered by a non-replaceable, non-removable energy source capable of powering the alarm for a minimum of ten years from the manufacture's date on the device. All smoke detectors or alarms must be installed and approved by the Fire Marshal within one hundred and eighty (180) days after July1, 2018.

(i) All new Hotels, Motels and Extended Stay Hotels must have in place Laundry facilities consisting of washer and dryer machines which shall be made available to patrons for a fee. This equipment shall be maintained and in good repair at all times. Laundry supplies (detergent, softener, etc.) may also be made available to patrons for a fee. Washers and dryers should be provided at a ratio of one washer and dryer for every one hundred and fifty (150) rooms. For existing hotels, motels and extended-stay hotels, Laundry equipment must be installed and in working conditions within one hundred and eighty (180) days after July 1, 2018.

Sec. 18-93. Common area requirements and parking illumination.

(a) The open parking area and all areas surrounding any building or proposed building being a hotel, motel, or extended-stay hotel shall have an average maintained foot-candle intensity of at least one (1) foot-candle with a minimum allowable intensity of three-tenths of a foot-candle. The covered parking area of any hotel, motel, or extended-stay hotel shall have an average maintained foot-candle intensity of five-tenths of a foot-candle.

(b) Any hotel, motel, or extended-stay hotel must provide and maintain security in its parking area. This shall include one or more of the following: live patrol guard, security fencing that is decorative and consistent with the zoning code, or other security measures approved in writing by the city to meet the minimum security standards required by this code section. All hotels, motels, or extended-stay hotels must maintain a security plan which shall include all implemented security measures. Security Plans and documentation for approved alternative security measures shall be kept on file and made available to the City within a reasonable time upon request.

Sec. 18-94. Smoking.

(a) Smoking is prohibited in all hotel, motel, or extended-stay hotel rooms with the exception of designated smoking areas.

(b) Smoking is prohibited except in designated smoking areas. Smoking is expressly prohibited in exterior breezeways, stairwells, or within twenty-five (25) feet of any guest room or doors used for ingress or egress.

Sec. 18-95. Video Surveillance Systems.

(a) For the purpose of this section, "Video Surveillance System" (VSS) means a continuous digital surveillance system including cameras, cabling, monitors, and digital video recorders (DVR).

(b) Every owner, operator, keeper or proprietor of any new or existing hotel, motel, or extended-stay hotel is required to install a VSS within one hundred and eighty (180) days of July 1, 2018. All hotels, motels, and extended-stay hotels, which have installed a VSS prior to the effective date of this ordinance, shall ensure said systems are in full compliance with this section and request an approval assessment from the City within one hundred and eighty (180) days of the effective date of this ordinance.

(c) All VSS shall be maintained in proper working order at all times, be kept in continuous operation 24 hours a day, 7 days a week, and meet the minimum technological standards established in this section. The hotel, motel, or extended-stay hotel shall retain the continuous digital images recorded by this system for no less than twenty-one (21) days.

(d) All VSS shall have no less than one camera dedicated to each register or check—out stand, entrance/exit, interior hallway and lobby, swimming pool area, exercise facility, loading dock, and parking lots or areas designated for customer and/or employee parking use. The placement of cameras included in VSS required under this section must be approved by the city. The citywill conduct an assessment of each site required to install a VSS prior to installation of said system, and upon approval will issue an approval notice which will be placed in plain view inside the common area of the hotel, motel, or extended-stay hotel. This approval notice will also inform customers and employees of the presence of the VSS. Existing VSS at any hotel, motel, or extended-stay hotel as of the effective date of this ordinance will be evaluated to ensure full compliance with this section.

(e) The VSS shall be subject to regular inspection by the city, who is authorized to inspect any such System, at reasonable times to determine whether it conforms to this section. If the VSS does not conform, the hotel, motel, or extended-stay hotel, in question, shall take immediate steps to bring the system back into compliance.

Sec. 18-96. Loitering and Juvenile Curfew.

(a) All hotel, motel, or extended-stay hotel operators will advise patrons and guests verbally, upon registration, and through posted signage that loitering is prohibited.

(b) No person(s) shall loiter in or upon any hotel, motel, or extended-stay hotel parking lot, public parking structure or in or around any building to include breezeways, stairwells or hotel, motel, or extended-stay hotel rooms either on foot or in or upon any conveyance being driven or parked thereon, without the permission of the owner, operator, keeper or proprietor or the hotel, motel, or extended-stay hotel.

(c) The common areas of a hotel, motel, or extended-stay hotel shall be considered an "establishment" as that term is defined in Chapter 16.

(d) Chapter 16,of this Code, related to juvenile curfew and loitering shall be enforced in the common areas of a hotel, motel, or extended-stay hotel.

Sec. 18-97. Violations and penalties.

(a) The objective of enforcement is compliance.

(b) Any violation of the provisions of this article shall be punishable under Chapter 1 of this code. Any person or entity violating the provisions of this article shall be guilty of a separate offense for each and every day during which any violation of any provision of this article is committed, continued, or permitted by that person and shall be punished accordingly.

(c) The violation of the provisions of this article may be abated as a nuisance.

(d) The violation of all provisions of this article by any person may be enjoined by instituting appropriate proceedings for injunction in any court of competent jurisdiction. Such actions may be maintained notwithstanding that other adequate remedies of law exist. Such actions may be instituted in the name of the City of Stoncrest.

(e) If a person is convicted of a violation of this article, the court shall impose a fine in accordance with the following schedule:

a. First conviction in a calendar year: a minimum of $250;

b. Second conviction in a twelve (12) month period measured from the date of the first conviction: a minimum of $500;

c. Third conviction in a twelve (12) month period measured from the date of the first conviction: a minimum of $750; and

d. Fourth conviction in a twelve (12) month period measured from the date of the first conviction: a minimum of $1000.

Sec. 18-98. Responsibility for enforcement.

(a) City employees and their designees shall have the responsibility for the enforcement of this section and shall have the authority to inspect establishments governed under this section during the hours in which the premises are open for business.

(b) These inspections shall be made for the purpose of verifying compliance with the requirements of this section and state law.

Sec. 18-99. Right of Entry.

(a) When there is probable cause to make an inspection to enforce the provisions of this article, or whenever there is reasonable cause to believe that there exists a condition in violation of this code, personnel identified in Sec. 18-98 of this code are authorized to enter the structure or premises, including individual rooms, at reasonable times to inspect or perform the duties imposed by this Code.

(b) If such structure or premises is occupied, City personnel shall present credentials to the occupant and request entry. If entry is refused by occupant, City personnel shall have recourse to the remedies provided by law to secure entry. If such structure or premises is unoccupied, City personnel shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused by the owner or the person having charge or or control of the structure refuses entry, City employees shall have recourse to all methods of entry allowed by law, and the owner and responsible party shall be in violation of this article and subject to punishment under Chapter 1 of this Code.

Sec. 18-100. Unlawful operation declared nuisance.

Any hotel, motel, or extended-stay hotel operated, conducted or maintained contrary to the provisions of this article may be declared to be unlawful and a public nuisance. The City may, in addition, or in lieu of all other remedies, commence actions or proceedings for abatement, removal or enjoinment thereof, in the manner provided by state law and this Code.

ARTICLE X. - GAMBLING

DIVISION 1. - GENERALLY

Sec. 18-101. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Pool" or "billiards" includes any game played on a table surrounded by an elastic ledge of cushions with balls which are impelled by a cue."Poolroom" means any public place where a person is permitted to play the game of pool or billiards.

Sec. 18-102. - Applicability.

O.C.G.A. title 43, ch. 8 (O.C.G.A. § 43-8-1 et seq.) does not apply within the city. The provisions of this article govern the operation of poolrooms within the city.

Sec. 18-103. - Inspection of licensed establishments.

The City or its designee may inspect establishments licensed under this article during the hours in which the premises are open for business. Such inspection shall be made for the purpose of verifying compliance with the requirements of this article.

Sec. 18-104. - Gambling.

No gambling or other games of chance shall be permitted in a poolroom.

Sec. 18-105. - Manager.

All poolrooms which have three or more pool tables shall have a manager, or designated employee, on duty during operating hours, whose responsibility is the operation of the pool tables.

Sec. 18-106. - Drug and illegal gambling houses, houses of prostitution and other disorderly houses.

(a) Any dwelling, building, or structure used for prostitution, illegal gambling, or in connection with the commission of drug crimes is hereby declared to be a public nuisance. However, consistent with state public policy, this chapter shall not apply to any publicly owned cultural facility pursuant to O.C.G.A. § 41-1-8.

(b) It is the affirmative duty of the owner of every dwelling, building, or structure within city to construct and maintain such dwelling, building, or structure in conformance with applicable codes under state law, and all ordinances in force within the city.

(c) An owner or party-in-interest of a dwelling, building or structure shall not be subject to proceedings described in subsection (e) of this section if it is established that the owner or party-in-interest: (1) Did not know and could not reasonably have known of the public nuisance described in subsection (a) of this section occurring on the subject premises; (2) Does not hold the subject property for the benefit of or as nominee for any person whose conduct gave rise to the public nuisance described in subsection (a) of this section, and, if the owner or party-in-interest acquired the interest through any such person, the owner or party-in-interest acquired it as a bona fide purchaser for value without knowingly taking part in the public nuisance; or (3) Acquired ownership or legal interest after the completion of the public nuisance giving rise to proceedings under this chapter or at the time the title was acquired, was reasonably without cause to believe that the dwelling, building or structure was subject to be deemed a public nuisance or likely to become subject to being deemed a public nuisance under this chapter.

(d) The Director of the Community Development Department or his or her designee shall have all powers to carry out and effectuate the purpose of this chapter as set forth in O.C.G.A. § 41-2-11 as a public officer.

(e) The public officer shall make an investigation or inspection of a dwelling, building, or structure whenever a charge is made that any dwelling, building, or structure is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of activities described in subsection (a) of this section; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions. If the public officer's investigation or inspection identifies that any dwelling, building, or structure is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of activities described in subsection (a) of this section; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer may either:

(1) Issue a citation for violation of any applicable state minimum standard codes, building, fire, life safety, and other codes adopted by ordinance, and conditions creating a public health hazard or general nuisance. The citation shall notify the owner and parties of the violation and a time frame for compliance; and

(2) Issue a complaint in rem against the lot, tract, or parcel of real property on which such dwelling, building, or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the owner and parties in interest in such dwelling, building, or structure pursuant to the procedures in Chapter 7.

Section 2:

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

2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

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

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

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

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

Approved:

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-_____

_____
Jason Lary, Sr., Mayor

As to form:

_____
City Attorney

Attest:

_____
Brenda James, City Clerk

THE CITY OF
STONECREST
GEORGIA

CITY COUNCIL AGENDA ITEM

SUBJECT: An Ordinance Adopting Chapter 14 – Land Development

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

Date Submitted: 04/26/2018 Work Session: 05/02/2018 Council Meeting: 05/21/2018

SUBMITTED BY: City Attorney

PURPOSE: This ordinance is to adopt Chapter 14 Land Development in its Entirety.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: First Read on May 21, 2018

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-_____

AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, ADOPTING CHAPTER 14 – LAND DEVELOPMENT, IN ITS ENTIRETY

WHEREAS, the City of Stonecrest, Georgia Mayor and City Council are authorized by the City Charter to regulate land development; and

WHEREAS, the City of Stonecrest has advertised and held public hearings in front of the Planning Commission and in front of the Mayor and City Council; and

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

WHEREAS, the health, safety, welfare, aesthetics and morals of the citizens of the City of Stonecrest, Georgia shall be improved and protected by adoption and implementation of this Ordinance.

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

Section 1: The Mayor and City Council of the City of Stonecrest, Georgia, hereby adopt an ordinance designated as "Chapter 14, Land Development" to read and to be codified as follows:

ARTICLE I. - IN GENERAL

Sec. 14-1. - Definitions.

For the purposes of this Chapter, certain terms and words are hereby defined. Where words are not herein defined, but are defined in Chapter 1, those words shall have the meaning as defined therein. The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected to a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

Aggrieved person(s) means a person(s) whose property is the subject of the action appealed from or a person's who has a substantial interest in the action appealed from that is in danger of suffering special damage or injury not common to all property owners similarly situated.

Agricultural operations means those practices involving the establishment, cultivation, or harvesting of products of the field or orchard, the preparation and planting of pasture land, farm ponds, dairy operations, livestock and poultry management practices and the construction of farm buildings.

Alley means a minor way, which is used primarily for vehicular service access to the back or side of properties otherwise fronting on a street.

Appeal means a review authorized by this chapter of any final order, requirement, or decision of the planning director or the City staff based on or made in the enforcement of this chapter.

Applicant means any person who acts in the person's own behalf or as the agent of an owner of property and engages in alteration of land or vegetation in preparation for construction activity.

As-built drawings means amended site plans specifying the location, dimensions, elevations, capacities and operational capabilities of public improvements, including water, sewer, road and drainage structures and stormwater management facilities as they have been constructed.

Bank (stream bank) means the sloping land that contains the stream channel and the normal flows of the stream.

Basement means a space having one-half (½) or more of its floor-to-ceiling height below the average level of adjoining ground and with a floor-to-ceiling height of not less than six and one-half (6½) feet.

Best management practices (BMP's) includes sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sediment Control in Georgia, published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

Bicycle lane means that part of a street or highway adjacent to the roadway, designated by official signs or markings for use by persons riding bicycles.

Block means a piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the planning director may delineate the outline of the block.

Buffer area means that portion of a lot set aside for open space and/or visual screening purposes, pursuant to the applicable provisions of the City of Stonecrest Code and all conditions of zoning, 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.

Buffer, stream means the portion of a lot and/or area of land immediately adjacent to the banks of streams as regulated by land development regulations of this Chapter.

Buffer zone, state means an area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Buildable area means the area of a lot remaining after all setback requirements, including buffer areas, have been met.

Builder as used in sections 14-135 and 14-136 means a person who constructs a structure or dwelling for residential occupancy by humans.

Building means any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building permit means required written permission issued by the development director for the construction, repair, alteration, or addition to a structure.

Building setback line. Building setback line means the minimum horizontal distance required between the public right-of-way or the utility easement abutting a private street and the principal building or structure on a lot or any projection thereof except projections that are authorized exceptions to building set back line requirements in chapter 27 of the Code of the City of Stonecrest and any zoning conditions approved thereto. The size of the utility easement(s) for a private street shall be equal to the required size of the public right of way and shall not be any smaller in width or length than what would be required for a public right of way.

CPESC means a certified professional in erosion and sediment control with current certification by Certified Profession in Erosion and Sediment Control Inc., a corporation registered in North Carolina, which is also referred to as CPESC or CPESC, Inc.

Caliper means the diameter of a tree trunk, applied only to new or replacement plantings, that is taken six (6) inches above the ground for up to and including four-inch caliper size, and twelve (12) inches above the ground for larger sizes.

Certified personnel means a person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

Channel means a natural or artificial watercourse with a definite bed and banks that conduct continuously or periodically flowing water.

Channel protection means the protection of stream channels, in accord with the Georgia Stormwater Management Manual, from bank and bed erosion and degradation by preserving or restoring the applicable stream buffer, by providing extended detention, and by integrating erosion prevention measures such as energy dissipation and velocity control.

City means the City of Stonecrest, Georgia, a political subdivision of the State of Georgia. When appropriate to the context, the term "city" also includes authorized officers, employees and agents thereof.

Director of Community Development means the city official having the primary responsibilities of administration and enforcement of the tree protection ordinance. *Director of Community Development* may also be referred to as the development director, planning director, or the director.

City Manager means the City Manager of City of Stonecrest or designee.

City zoning ordinance or *zoning ordinance* means the zoning ordinance of the City of Stonecrest, Georgia.

Clean concrete means concrete that is free of added paints, insulators, reinforcing materials, sealers, asphalt, clay balls, soils, epoxy expansion material, or any other deleterious material that could potentially contaminate groundwater.

Coastal Marshlands shall have the same meaning as in O.C.G.A. §12-5-282.

Collector street means a street or road designated as a collector street in the thoroughfare plan.

Combination plat means the combination or redivsion of two or more lots, tracts or parcels, regardless of their existing and future use, into one lot, tract, or parcel.

Commission means the Georgia Soil and Water Conservation Commission (GSWCC).

Comprehensive plan means the City of Stonecrest Comprehensive Plan adopted by the city council, 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.

Conservation easement means a restriction or limitation on the use of real property which is expressly recited in any deed or other instrument of grant or conveyance executed by or on behalf of the owner of the land described therein and whose purpose is to preserve land or water areas predominantly in their natural scenic landscape or open condition or in an agricultural farming, forest or open space use and includes conservation easements authorized by state law.

Construction means any alteration of land for the purpose of achieving its development or changed use, including particularly any preparation for, building of or erection of a structure.

Construction waste means waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures. Such waste includes, but is not limited to: asbestos-containing waste, wood, tree stumps, tree tops, bricks, metal, concrete, wall board, paper, cardboard, glass, wire, plastics, and other typical construction waste products and refuse.

CPESC means the Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc., which is aso referred to as CPESC or CPESC, Inc.

Critical root zone means an area of root space that is within a circle circumscribed around the trunk of a healthy tree using a radius of one (1) foot per inch DBH.

Crosswalk means a right-of-way within a block dedicated to public use, ten (10) feet or more in width, intended primarily for pedestrians and from which motor-propelled vehicles are excluded, and which is designed to improve or provide access to adjacent roads or lots.

Cut means a portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as "excavation."

DBH (Diameter at breast height) means the diameter of a tree trunk measured in inches at a height of four and one-half (4½) feet above the ground. If a tree splits into multiple trunks below four and one-half (4½) feet, then the trunk is measured at its most narrow point beneath the split.

DNR means the Department of Natural Resources of the State of Georgia.

Deck, elevated means an open, unenclosed structure elevated above pervious natural grade that is attached to the primary structure.

Density factor means a unit of measurement used to prescribe the calculated required tree coverage on a site.

Department means the community development department or its designee.

Design professional means a professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a certified professional in erosion and sediment control (CPESC) with a current certification by EnviroCert, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

Detention means the temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge of the stormwater, as that term is defined by state law or this Chapter.

Detention facility means a facility that provides for storage of stormwater runoff and controlled release of this runoff during and after a flood or storm.

Developer means any person who acts in the person's own behalf or as the agent of an owner of property and engages in alteration of land or vegetation in preparation for construction activity.

Development means all activities associated with the conversion of land or the expansion of replacement of an existing use to any new use intended for human operation, occupancy, or habitation, other than for agricultural purposes devoted strictly to the cultivation of land, dairying or animal husbandry. Such activities include, but are not limited to, land disturbance (clearing and grubbing the land of vegetation and stumps, and grading) and the construction of improvements such as, but not limited to, streets, driveways or parking area, water sewer mains, storm water drainage facilities, sidewalks or other structures permanently placed in or on the property. Where appropriate to the context, development also may be used to denote a specific subdivision or project which is a single entity or intended to be constructed as in interrelated whole, whether simultaneously or in phases.

Development director, Planning Director, or Director, means the director of the community development department of the City of Stonecrest or designee.

Development permit means any permit that authorizes land disturbance for the use, construction thereon or alteration of any real property within the incorporated limits of the city.

Director, EPD means the director of the Environmental Protection Division of the Department of Natural Resources.

District means the DeKalb County Soil and Water Conservation District.

Division means the Environmental Protection Division of the Department of Natural Resources.

Drainage means the removal of surface or subsurface water from a given area, either by gravity or by pumping, commonly applied herein to surface water.

Drainage easement means an easement appurtenant or attached to a tract or parcel of land allowing the owners of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

Drainage plan means a plan prepared using appropriate and commonly accepted engineering standards, which specifies the means for alteration or development of a drainage system.

Drainage structure means a device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one (1) place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood control purposes.

Drainage system means the surface and subsurface system for the removal of water from the land, including, but not limited to, both the natural elements of streams, marshes, swales and ponds, whether of an intermittent or continuous nature, and the manmade element which includes culverts, ditches, channels, detention facilities that comprise the storm drainage system.

EPD means the environmental protection division of the department of natural resources.

Elevated building means a nonbasement building built to have the lowest floor elevated above ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), and/or shear walls.

Erosion means the process by which land surface is worn away by the action of wind, water, ice or gravity.

Exceptional and historical trees means those trees or stands of trees which are exceptional representatives of their species in terms of size, age or unusual botanical quality, or are associated with historically notable events.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before June 6, 1974.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Extended detention means the detention of stormwater runoff for an extended period, typically twenty-four (24) hours or greater.

Extreme flood protection means measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of one hundred (100) years.

Fill means a portion of land surface to which properly compacted soils have been added: the depth above the original ground surface or an excavation.

Final stabilization means that all soil-disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, one hundred (100%) percent of the soil surface is uniformly covered in permanent vegetation with a density of seventy (70%) percent or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.

Finished grade means the final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Flood or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from the usual and rapid accumulation or runoff of surface waters from any source.

Flood hazard boundary map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as zone A.

Flood hazard map means the current Federal Emergency Management Agency hazard map designating the elevation and boundaries of flooding and associated floodways under base flood conditions, any subsequent official flood hazard map adopted by the City, the United States Corps of Engineers or other reputable reports accepted by the Director, and based upon competent engineering studies prepared by a currently state-registered professional engineer, or the city.

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood insurance study is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.

Floodplain means any land area susceptible to flooding, which would have at least a one (1) percent probability of a flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan; i.e., the regulatory flood.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floor means the top surface of an enclosed area in a building (including basement), i.e., the top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Footpath means any unpaved, narrow and pervious trail in a stream buffer allowing for pedestrian travel.

Frontage, lot means the distance for which the front boundary line of the lot and the street line are coincident.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Georgia Stormwater Management Manual is the manual adopted by the mayor and council that provides the criteria, technical design specifications and standards for the proper implementation of the requirements of this chapter.

Governing authority of the City of Stonecrest means the city's mayor and council.

Grading means altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Ground elevation means the original elevation of the ground surface prior to cutting or filling.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

Historic structure. See Chapter 13.5.

Impervious surface means any surface that is highly resistant to infiltration by water, including but not limited to surfaces such as concrete or asphalt as well as most conventionally surfaced streets, roofs, sidewalks, driveways, parking lots, and other similar structures.

Infiltration means the process of percolating stormwater runoff into the soil.

Inspection and maintenance agreement means a written agreement executed by an owner in a form approved by the director that will provide the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

Intermediate regional flood (IRF) means a one-hundred-year frequency flood as defined on the flood hazard map which has a probability of occurring once every one hundred (100) years or having a one (1) percent chance of being equaled or exceeded in any given year. Also known as the base flood, or one hundred-year flood.

Intermediate regional floodplain means the land area within the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year as defined on the flood hazard map. Also known as area of special flood hazard, or one hundred-year floodplain.

Land-disturbing activity means any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including,

but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land, but not including agricultural practices.

Larger common plan of development or sale means a contiguous area where multiple separate and distinct construction activities are occurring under one (1) plan of development or sale. For the purposes of this paragraph, "plan" means an announcement, piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design, or physical demarcation such as boundary signs, lot stakes, or surveyor markings indicating that construction activities may occur on a specific plot.

Live detention means that quantity of water capable of being effectively contained by a designated facility for stormwater storage for a specified period of time.

Local issuing authority (LIA) means the governing authority of the City of Stonecrest.

Local street means a street used primarily for access to abutting properties in residential, industrial or other developments.

Lot means a designated parcel, tract, or area of land legally established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

Lot, corner means a lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

Lot, double-frontage means 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.

Lowest floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of 44 CFR 60.3.

Maintenance of detention facility means preserving the enclosed walls or impounding embankments of the detention facility in good condition; ensuring structural soundness, functional adequacy and freedom from excessive sediment; removing obstructions affecting operation of outlet device(s) and rectifying any unforeseen erosion problems.

Major thoroughfare/major arterial means a street, road or highway shown as a major thoroughfare in the thoroughfare plan.

Manufactured home means a new or used 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 or, when erected on site, is three hundred twenty (320) or more square feet 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; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required

by the secretary of housing and urban development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. section 5401 et seq.

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter, the term is synonymous with national geodetic vertical datum (NGVD).

Metropolitan River Protection Act (MRPA) means a state law found at O.C.G.A. § 12-5-440 et seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Minor thoroughfare/minor arterial means a street, road or highway shown as a minor thoroughfare in the thoroughfare plan.

Multi-phase residential development means any development undertaken by a single developer or a group of developers acting in concert, to develop lots for sale in a residential subdivision where such land is developed pursuant to multiple preliminary or final plats and such land is contiguous or is known, designated, or advertised as a common unit or by a common name.

NOI means a notice of intent form provided by EPD for coverage under the State General Permit.

NOT means a notice of termination form provided by EPD to terminate coverage under the State General Permit.

National geodetic vertical datum (NGVD), as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

Natural ground surface means the ground surface in its original state before any grading excavation or filling.

Nephelometric turbidity units (NTU's) means numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidally dispersed or suspended particles are present.

New construction means any structure for which the permitted date of construction commenced after adoption of this chapter.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 6, 1974.

Nonpoint source pollution means a form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product

of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Nonstructural stormwater management practice or *nonstructural practice* means any natural or planted vegetation or other nonstructural component and practice of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, vegetated channels and natural depressions.

Off-site facility means a stormwater management facility located outside the boundaries of the site.

One hundred-year floodplain means land in the floodplain subject to a one (1) percent or greater statistical occurrence probability of flooding in any given year.

On-site facility means a stormwater management facility located within the boundaries of the site.

Open space means that portion of a lot, including yards, established pursuant to the requirements of this chapter as open space, which is open and unobstructed from ground level to the sky, with the exception of natural foliage or accessory recreational facilities or walkways, which is accessible to all persons occupying a building on the lot and is not a part of the roof of any portion of any building.

Operator means the party or parties that have: (a) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (b) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

Outfall means the location where stormwater in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is receiving water on site, becomes a point source discharging into that receiving water.

Overbank flood protection means measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e. flow events that exceed the capacity of the channel and enter the floodplain), and that are intended to protect downstream properties from flooding for the two-year through twenty-five-year frequency storm events.

Owner means the person in whom is vested the fee ownership, dominion or title of property, the proprietor; this term may also include a tenant, if chargeable under the lease for maintenance of the property, and any agent of the owner or tenant including a developer.

Parcel means any plot, lot or acreage shown as a unit on the latest county tax assessment records.

Permit means the authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.

Person means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Georgia, any interstate body or any other legal entity.

Phase or *phased* means subparts or segments of construction projects where the subpart or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

Planning commission means the planning commission of the City of Stonecrest.

Post-development refers to the time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of land development activity on a site as the context may require.

Potential purchaser as used in sections 14-135 and 14-136 means a person purchasing property in a residential subdivision or a multi-phase residential development from a developer and/or builder for occupancy as a residence or as a residence to be rented or leased to others.

Predevelopment refers to the wooded conditions of a site.

Project means the entire proposed development project regardless of the size of the area of land to be disturbed.

Properly designed means designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.

Protected zone means all areas of a parcel required to remain in open space, including all areas required as yard areas, buffer areas, stream buffers, state buffer zones or landscaped areas according to provisions of the Zoning Ordinance or by conditions of zoning or variance approval.

Public facilities shall mean the roads, water, sewer, schools, traffic control devices, and electrical service.

Qualified personnel means any person who meets or exceeds the education and training requirements of O.C.G.A. § 12-7-19.

Reach means a longitudinal segment of a stream or river measured along specified points on the stream or river.

Reasonable access means a fifteen-foot access easement from the public right-of-way to the stormwater management facility and a ten-foot drainage and maintenance easement on all four (4) sides of the stormwater management facility.

Recreation areas means those portions of open space designed and intended for active recreational use, such as sports fields and other play areas.

Recreational vehicle means a vehicle that is:

(1) Built on a single chassis;

(2) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recycled concrete aggregate means clean concrete made up of previously used concrete construction material that has been cleaned and crushed for use in future construction projects.

Redevelopment means a land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

Regional stormwater management facility or *regional facility* means stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

Residential shall have the same meaning as given in Chapter 27 except that it shall not include apartments.

Riparian means belonging or related to the bank of a river, stream, lake, pond or impoundment.

Roadway drainage structure means a device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water under a roadway by intercepting the flow on one (1) side of a traveled roadway consisting of one (1) or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Rock outcropping means a single, contiguous piece of exposed rock that has a horizontal surface area equal to or greater than two hundred (200) square feet.

Runoff means the portion of precipitation on the land that reaches the drainage system.

Runoff coefficient means the ratio of runoff to rainfall.

Sediment means solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice or gravity as a product of erosion.

Sedimentation means the process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

Sedimentation facility means a detention facility specifically developed for the purpose of allowing the deposit of sediment resulting from the land development process which may be constructed as part of or separately from a detention facility.

Sediment basin means a detention facility specifically developed for the purpose of allowing the deposit of sediment resulting from the land development process that may be constructed as part of or separately from a detention facility.

Seller as used in sections 14-135 and 14-136 means a builder or developer.

Significant tree means any existing, healthy, living tree eight (8) inches DBH or greater in size.

Site plan means that plan required to acquire a development, construction or building permit which shows the means by which the applicant will conform with applicable provisions of this chapter and other applicable ordinances.

Soil and Water Conservation District Approved Plan means an erosion, sedimentation, and pollution control plan approved in writing by the DeKalb County Soil and Water Conservation District.

Soil stabilizer means construction material placed on the soil surface to add stability for future construction projects.

SS&WCC means the state soil and water conservation commission.

Stabilization means the process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

Start of construction includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

State means the State of Georgia.

State General Permit means the National Pollution Discharge Elimination System (NPDES) general permit or permits for storm-water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. § 1251 et seq. and O.C.G.A. § 12-5-30(f).

State Waters means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State of Georgia, which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Stormwater better site design means nonstructural site design approach and technique that can reduce a site's impact on the watershed and can provide for nonstructural stormwater

management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover and using natural features for stormwater management.

Stormwater hotspot means an area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater. Examples of stormwater hotspots include, but are not limited to the following: gas/fueling stations, vehicle maintenance areas, vehicle washing/steam cleaning facilities, auto recycling facilities, outdoor material storage areas, loading and transfer areas, landfills, construction sites, industrial sites, and industrial rooftops.

Stormwater management facility means those structures and facilities that are designed for the collection, conveyance, storage, treatment and disposal of stormwater runoff into and through the drainage system.

Stormwater management manual means the Georgia Stormwater Management Manual.

Stormwater management measure means any stormwater management facility or nonstructural stormwater practice.

Stormwater quality site development review tool is an Excel spreadsheet tool available from the Georgia Stormwater Management Manual or website for use by both local government review staff and the development community to quickly evaluate the water quality performance of stormwater management plans for development sites. All new development and redevelopments in the City of Stonecresty use the stormwater quality site development review tool to facilitate the evaluation of the project in accordance with recommendations of this chapter and the Georgia Stormwater Management Manual.

Stormwater retrofit means a stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

Streambank means as measured horizontally from that point where vegetation has been wrested by normal stream flow or wave action.

Street, private means 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 Division 3, Part B of this chapter.

Street, public means any right-of-way set aside for public travel deeded to the city and any right-of-way that has been accepted for maintenance as a street by the city. Public streets shall also include any right-of-way deed to DeKalb County that are part of the municipal street system and were located within the incorporated limits of the City prior to the incorporation of the City of Stonecrest.

Street right-of-way line means the dividing line between a lot, tract or parcel of land and a street right-of-way.

Structure means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on or in the ground. This does not include telephone poles and utility boxes.

Structural Erosion, Sedimentation and Pollution Control Practices means practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are rip rap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication "Manual for Erosion and Sediment Control in Georgia."

Structural fill material means construction material used to support structures or build up a piece of land or embankment.

Structural stormwater control means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow of such runoff.

Subdivision means any division or redivision of a lot, tract or parcel, regardless of its existing and future use, into two (2) or more lots, tracts or parcels. Where appropriate to context, subdivision may also be used to reference the aggregate of all lots held in common ownership at the time of division.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial improvement means any combination of repairs, reconstruction, alteration or improvements to a structure taking place during the life of a structure, the cumulative cost of which equals or exceeds fifty (50) percent of the market value of the structure. The market value of the structure should be the appraised value of the structure prior to the start of the initial repair or improvement or, in the case of damage, the value of the structure prior to the damage occurring. This term includes structures that have incurred substantial damage regardless of the actual repair work performed. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a building required to comply with existing state or local health, sanitary, or safety code specifications which have been identified by a code enforcement official and which are solely necessary to assure safe living conditions, or any alteration to a structure listed on the National Register of Historic Places or a state inventory of historic places.

Substantially improved existing manufactured home parks or subdivision is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

SWCD means the Soil and Water Conservation District of DeKalb County.

Thoroughfare plan means a comprehensive street plan of the city indicating proposed location and right-of-way widths for major thoroughfares, minor thoroughfares, collector streets and other streets. *Thoroughfare plan* shall mean the DeKalb County Thoroughfare Plan in effect on the date of adoption of the Chapter, including the 2014 Transportation Plan adopted by

DeKalb County and the Map 1 DeKalb County Recommended Functional Classification, or any subsequent thoroughfare plan adopted by the City

Tree means 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 harvesting means the felling, loading, and transporting of timber products done pursuant to a special exception issued by the zoning board of appeals.

Tree save area means the boundaries of the area or areas surrounding trees wherein it is essential that they remain undisturbed in order to prevent damage and loss of trees that are to be retained on site during the development and building process.

Tree replacement means the replacement of trees and landscape plant materials into the minimum required landscape areas, as determined by the zoning regulations or the tree protection ordinance.

Trout streams means all streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20 et seq., in the rules and regulations for Water Quality Control, Chapter 391-3-6 at www.epd.georgia.gov.

Trout waters, first order means streams into which no other streams flow except springs.

Trout waters, primary means streams or waters supporting a self-sustaining population of rainbow, brown or brook trout.

Trout waters, secondary means streams or waters in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year.

Used for includes the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

Vegetation means all plant growth, especially trees, shrubs, vines, ferns, mosses and grasses.

Vegetative Erosion and Sedimentation Control Measures means measures for the stabilization of erodible or sediment-producing areas by covering the soil with: permanent seeding, sprigging or planting, producing long-term vegetative cover; temporary seeding, producing short-term vegetative cover; or sodding, covering areas with a turf of perennial sod-forming grass. Such measures can be found in the publication "Manual for Erosion and Sediment Control in Georgia."

Watercourse means any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Water quality protection means the requirement that all developments must improve the quality of storm runoff from the development site.

Watershed means the land area that drains into a particular stream.

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Sec. 14-2. Conflicting provisions and private covenants.

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. Further, where there is a conflict between any standard or requirement within this Chapter, or between this Chapter's standards and any other provision of the Code, the more restrictive standard or requirement shall apply.

Sec. 14-3. Transition

In the event that Chapter 14 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 version of the code, section, plan or ordinance in effect on the date of adoption of this Chapter shall apply. Furthermore, nothing in this ordinance shall be deemed to impact any services being provided by DeKalb County during the transition period until such service is transferred to and accepted by the City. In the event that Chapter 14 refers to a department or an official not yet created in the City of Stonecrest, the reference shall refer to the Director of his or her designee.

Secs. 14-4.—14-27. - Reserved.

ARTICLE II. – IN GENERAL.

Sec. 14-28. - Purposes.

(a) It is the purpose of this Chapter to establish public policies for the protection of the natural environment and to establish requirements, standards and procedures for land development. The public policy objective of protecting the natural environment is to be achieved by:

(1) Regulating the alteration of land and topography.

(2) Regulating the removal and requiring the replacement of certain vegetation.

(3) Requiring erosion control and sedimentation control.

(4) Protecting streams and floodplains from substantial alteration of their natural functions and from sediment and debris accumulation.

(5) Specifying standards for drainage system design.

(6) Assuring the continuous and efficient operation of the drainage system.

(7) Protecting the water quality within intermittent and perennial streams throughout the City.

(b) It is the Mayor and Council's intent that land development be accomplished in conformity with the public policy statements. To that end, the plans required under applicable provisions of this Chapter shall be reviewed by the City to enable a full exchange of information between the City and the applicant as to the City's public policies for land development. However, these policies shall not be used as a control or regulatory mechanism nor be construed as land development standards enforceable under applicable provisions of this Chapter.

(c) The Mayor and Council further declares its intent that these public policies be evaluated periodically so as to reflect the community's interests in protection of the natural environment and to give direction to city actions in matters affecting the natural environment and land development.

Sec. 14-29. - Scope and applicability.

(a) The provisions of this Chapter shall apply to applicable development activity within the City.

(b) Before filing a land development application on a project for review and approval, the applicant shall meet with the Department to discuss the procedure for approval of a land development permit and the requirements as to the general layout of streets, parking, open space/lot coverage, street improvements, drainage, sewage, fire protection and similar matters, as well as the availability of existing services, including schools. The Department and the applicant shall review the applicant's stormwater management plans, inspection and maintenance requirements and water quality control requirements. The Department may advise the applicant, when appropriate, to discuss the proposed project with those officials who must eventually approve those aspects of the project coming within their jurisdiction. This meeting will also allow City officials to discuss with the applicant the necessary regulations that will properly accomplish the project.

Sec. 14-30. -Reserved.

Sec. 14-31. - Administration and enforcement generally.

The City shall administer and enforce the provisions of this Chapter as follows:

(a) The Director is designated to administer and enforce the grading, vegetation, erosion control, sedimentation control, drainage and water quality provisions of this article for all development and construction projects with the following duties and responsibilities:

(1) Review all development permits to assure that the permit requirements of this Chapter have been satisfied;

(2) Advise permittee when additional federal or state permits may be required, and if specific federal or state permits are known to be required, that copies of such permits be provided and maintained on file with the development permit; and

(3) Notify adjacent communities and the state Department of Natural Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(b) The Director shall administer and enforce those provisions of this Chapter that apply to developed and occupied areas and to property in an undeveloped state affecting city responsibility for maintenance of the storm drainage system. The Director shall assure that maintenance is provided within any altered or relocated portion of any watercourse so that the flood-carrying capacity is not diminished.

Sec. 14-32. - Inspection; right of entry.

(a) Upon presentation of city identification to the applicant, contractor, owner, owner's agent, operator or occupants, city employees may enter during all reasonable hours any property under proposed or existing development or construction. These employees may make inspections of the facilities for the purpose of determining plan requirements or compliance with all ordinance provisions.

(b) Reserved.

(c) The Department, in addition to other procedures provided, may obtain an inspection warrant under the conditions specified in this section. The warrant shall authorize the Director to conduct a search or inspection of property 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 Municipal Court when 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; and

(B) The issuing judge determines that the issuance of the warrant is authorized by law.

(2) The 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; and

(D) The warrant refers, in general terms, to the ordinance provisions sought to be enforced.

Sec. 14-33. - Emergency maintenance operations.

(a) The Director or designee may conduct emergency maintenance operations on private land where emergency conditions exist. Emergency maintenance shall constitute the removal of trees and other debris, which in the judgment of Director create a condition potentially injurious to life, property and the public road system.

(b) The provisions of Article VI of this Chapter shall not apply in the case of tree trimming, removal or cutting necessitated by emergencies such as floods, windstorms, ice storms or other disasters.

(c) Emergency maintenance conducted on any drainage system shall not be construed as constituting a continuing maintenance obligation on the part of the City.

Sec. 14-34. - Issuance of notice of violation; specification of time period for correction.

(a) *Notice of violation.* Whenever the Director determines that development activity or inactivity on a property does not comply with the approved development and construction plans, that approved and required erosion, sedimentation and pollution control facilities or devices have been altered, damaged or destroyed, or that any other activities violate the provisions of this Chapter, the Director shall issue a notice of violation. Whenever the Director determines that the drainage system has been unlawfully altered, causing inadequate drainage, the Director shall issue a notice of violation. The provisions of this section 14-34(a) shall be in addition to any other penalty or notice provisions applicable to this Chapter and shall not prevent the City from exercising any other notice or penalty provision. The Director may issue a court summons in lieu of a notice of violation. The notice of violation of the provisions of this Chapter or of any rule or regulation adopted pursuant hereto shall be addressed to the owner of the property or the owner's agent and to the person, tenant, firm, corporation, property owner or property owner's agent found to be violating the provisions of this Chapter and shall:

(1) Be in writing;

(2) Include a description of the property sufficient for identification of where the violation has occurred;

(3) List the specific provisions of this Chapter which have been violated;

(4) State that, if these repairs, construction or alterations are not completed within a reasonable time period specified by the inspector, summons shall be issued for the person, firm, corporation, owner, or owner's agent to appear in Municipal Court. However, the Director may issue a court summons in lieu of a notice of violation.

(b) *Penalty.* It shall be unlawful for any person, firm or corporation to do anything prohibited or fail to do anything required by the provisions of this Chapter, as they now exist or as they

may hereafter be amended. Any person, firm or corporation that shall do anything prohibited or fail to do anything required by the provisions of this Chapter, as they now exist or as they may hereafter be amended, upon conviction of a violation in Municipal Court shall be subject to a fine and/or imprisonment in accordance with the Code. Where any offense or violation continues from day-to-day, each day's continuance thereof shall be deemed 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, engineer, 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.

Sec. 14-35. Variances

(a) Except as further limited herein, an applicant may request a variance from the terms of the requirements of section 14-38, Articles V-VIII of this Chapter, and otherwise as permitted in this Chapter. The Zoning Board of Appeals shall have the power to hear all variance requests. The Zoning Board of Appeals shall have no power to consider or to grant variances which are the responsibility of the Director of the EPD pursuant to O.C.G.A. § 12-2-8 and other relevant state statutes and regulations. Where variances involving the same project are requested from both the Director of the EPD and the Zoning Board of Appeals, the Zoning Board of Appeals shall take no action on any such request for variance until the Director of the EPD grants the variance or otherwise approves the request pending before the EPD. Receiving a variance from the Director of the EPD and/or the Zoning Board of Appeals does not obligate the Director to permit the project to proceed if the project does not also meet all the other requirements of this Chapter. No variance from the provisions of this Chapter shall be authorized except as specifically authorized in this section or specifically authorized in another section of this Chapter.

(b) Applications for variances authorized in subsection (a) above shall be made in writing to the Director and shall contain all of those materials and documents required by the Director that are necessary to demonstrate that said request meets the criteria for granting variances. The Director must review the variance request and make a recommendation of approval or denial to the Zoning Board of Appeals. The applications shall be processed in accordance with the calendar adopted for variance decisions under Chapter 27.

(c) In considering a request for a variance to the terms of this Article, Article V, VI, VII, or VIII, authorized in subsection (a) above, the Zoning Board of Appeals shall use all of the following criteria:

(1) The request, while not strictly meeting the requirements of this Chapter, will in the judgment of the Zoning Board of Appeals be at least as protective of natural resources and the environment as would a plan which met the strict application of these requirements. In making such a judgment, the Zoning Board of Appeals shall examine whether the request will be at least as protective of the natural resources and the environment with regard to the following factors:

(i) Stream bank or soil stabilization;

(ii) Trapping of sediment in surface runoff;

(iii) Removal of nutrients, heavy metals, pesticides and other pollutants from surface runoff;

(iv) Terrestrial habitat, food chain, and migration corridor;

(v) Buffering of flood flows;

(vi) Infiltration of surface runoff;

(vii) Noise and visual buffers;

(viii) Downstream water quality; and

(ix) Impact on threatened and endangered species, as those species are designated by law or federal or state regulation.

(2) By reason of exceptional topographic or other relevant physical conditions of the subject property that were not created by the owner or applicant, there is no opportunity for any development under any design configuration unless a variance is granted.

(3) The request does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privileges inconsistent with the limitations upon other properties that are similarly situated.

(4)The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the area in which the property is located.

(5)The literal interpretation and strict application of the applicable provisions or requirements of this Chapter would cause an extreme hardship, provided the hardship was not created by the owner.

(d) *Time and notice of hearing.* The Zoning Board of Appeals shall conduct a hearing in accordance with the procedures in Article 7 of Chapter 27.

(e) All appeals of final decisions of the Zoning Board of Appeals on variances shall be as follows:

(1) Any party 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 for a writ of certiorari, in accordance with State law.

(2) In any such petition filed, the Zoning Board of Appeals shall be designated the respondent in certiorari and the City of Stonecrest shall be designated the defendant in certiorari. Service upon the City as defendant shall be as otherwise provided by law.

Sec. 14-36. Appeals from Administrative Officials

(a) *Basis for appeal.* Whenever it is alleged by the applicant that there is error in any final order, requirement, or final decision made by an administrative official based on or made in the interpretation or enforcement of this Chapter 14, the applicant, or any person or entity aggrieved by said administrative decision, shall have the right to appeal said final order, requirement or decision to the Zoning Board of Appeals.

(b) *Initiation of appeal.* Appeals shall be made by filing with the Director an application for appeal specifying the grounds thereof, within fifteen (15) days after the action, determination, decision or order appealed from was taken.

(c) *Appeal stays all legal proceedings.* An appeal shall stay all legal proceedings in furtherance of the action 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 reasons of facts stated in the certificate, a stay would, in that official's opinion, cause imminent peril to life and property.

(d) *Time and notice of hearing.* The Zoning Board of Appeals shall conduct a hearing in accordance with the procedures in Article 7 of Chapter 27.

(e) All appeals of final decisions of the Zoning Board of Appeals under the provisions of this article shall be as follows:

(1) Any party 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 for a writ of certiorari, in accordance with State law.

(2) In any such petition filed, the Zoning Board of Appeals shall be designated the respondent in certiorari and the City of Stonecrest shall be designated the defendant in certiorari. Service upon the City as defendant shall be as otherwise provided by law.

Sec. 14-37. Plan submission requirements.

(a) All site plans submitted in accordance with applicable provisions of this Chapter shall meet the requirements for their preparation and shall also provide information to enable a determination to be made by the Director as to plan conformance with the public policy statements of this Chapter.

(b) All persons proposing developments, redevelopments or construction shall submit site plans to the Director illustrating the means by which conformance with policy provisions may be achieved and illustrating compliance with applicable development standards before issuance of a development or building permit.

(c) Individual single-family lots within approved subdivisions shall be exempt from these requirements for new residential construction with the exception that individual single-family lots where site plans for each are required by special designation on the recorded plat or such lots are located within the special flood hazard areas shall be submitted for review and approval in accordance with this Chapter and other applicable provisions of the Code. Owners and developers of individual single-family lots shall be required to use best management practices to prevent sedimentation from leaving the site.

(d) Grading, erosion control, sedimentation control, water quality control and drainage plans shall be prepared under the supervision of a currently state-registered professional engineer, forester or landscape architect, or combination as may be appropriate for project planning and design. Tree protection plans may be prepared by and implemented under the supervision of a currently state-registered professional architect, forester, landscape architect or engineer as may be appropriate for project planning and design. When the hydrologic engineering analysis includes applications of the principles for flood routing, super critical flow, high energy dissipation or conversion, backwater curves, floodplain studies or other advanced hydrologic engineering techniques, the analysis shall be made by a currently state-registered professional engineer proficient in hydrology.

(e) Site plans and supporting documentation to show conformance with this Chapter shall be submitted in accordance with the applicable provisions of Chapter 27 and all conditions of zoning and shall include the following:

(1) Evidence of conformance with the requirements of this Chapter for grading, vegetation alteration, erosion control, sedimentation control, water quality control and drainage system alteration or development. Grading plans shall illustrate existing and proposed contours to the two-foot interval at a minimum; golf courses and other open space areas shall be exempt from this requirement but general grading plans for golf courses and other open space areas shall be submitted. Water quality plans shall include the identification of existing wetland areas within the development site and shall demonstrate use of the stormwater quality site development review tool. Related plans shall show locations of structures, roads, surface drainage, existing and proposed drainage conduits, buffer areas, stream buffers, state buffer zones, and proposed alterations to the existing site;

(2) A hydrologic engineering analysis of stormwater runoff under pre-developed and post-developed site conditions and a detailed evaluation of the projected effects on upstream and downstream properties within the affected drainage basin. In determining downstream effects from stormwater management structures, BMPs, and the development, hydrologic-hydraulic engineering studies shall extend downstream to a point where the proposed development represents less than ten (10) percent of the total watershed. This analysis shall include a determination of the culvert, floodplain and channel cross-section area required to carry the affected runoff. The requirement for a complete hydrologic study may be waived in writing by the Director for any development where the site plan submitted illustrates predeveloped or proposed improvements sufficient to ensure compliance with applicable provisions of this Chapter;

(3) Delineation of the boundaries, contour elevations and floodways of the special flood hazard areas for streams draining in excess of one hundred (100) acres. Unless shown on the flood hazard map, the special flood hazard areas shall be established by engineering field control surveys and then be added to the flood hazard map upon approval of the Director and be clearly designated on each site plan, subdivision plat and construction plan. The actual building site in relation to special flood hazard area boundaries shall be shown; the same information shall be indicated by the seller to the

purchaser of each property so affected. The elevation contours representing the special flood hazard area conditions shall be shown when they are located outside established ditch banks. A benchmark suitable for determining special flood hazard area elevations shall be established;

(4) The projected sequence of work represented by the grading, vegetation, erosion control, sedimentation control, water quality control and drainage plans as related to other major items of construction;

(5) Upon development project completion, location, size and invert elevations of piped segments of the storm drainage system, of control weirs, BMPs and water surface elevations and volumes in detention ponds shall be shown on the final plat for a subdivision, and on a final plan for other developments which shall be submitted to the Director prior to approval. The currently state-registered professional engineer, architect or landscape architect reviewing the construction shall provide a certificate that the development is in substantial compliance with approved plans. As-built elevation certifications prepared by currently state-registered land surveyors or currently state-registered professional engineers for all developments, including fill, allowed within a flood-prone area, shall be submitted to the Director; and

(6) A separate tree protection plan in conformance with the requirements of this Chapter.

Sec. 14-38. - Grading.

(a) *Policies.* It is hereby declared to be public policy to:

(1) Encourage the design of residential grading plans to provide natural appearance of land contours and to provide ease of use in public areas.

(2) Minimize the adverse effects of land clearance and grading upon existing vegetation.

(3) Minimize the adverse effects of land clearance and grading upon the drainage system by strict erosion control and sedimentation control measures.

(4) Minimize erosion and shear failure potential by encouraging limited cutting and filling.

(b) *Standards.*

(1) All grading operations shall be conducted in compliance with the approved site plans.

(2) Before beginning construction activity, the floodplain elevation contours shall be identified on the property by staking or other identifying mechanisms no less than every one hundred (100) feet, and shall be identifiable throughout project development.

(3) Finish grade slopes on residential projects and lots shall not be steeper than three-to-one (3:1), unless absolutely impractical due to vegetation, topography, or soil conditions. Three-to-one (3:1) finish grade slopes shall transition to two-to-one (2:1) slopes at all perpendicular stream crossings.

(4) Large-scale general grading shall include installation of approved soil and erosion control measures and be limited to phases approved by the Director and completed prior to commencing building construction.

(5) Prohibit grading and filling in floodplains, except for the construction and maintenance of perpendicular crossings of public utilities, drainage conveyances, roadways, sidewalks, and multi-purpose trails constructed in accordance with City of Stonecrest design standards and specifications. Any variance from the requirements of this section shall be in accordance with the requirements of section 14-35 and with the following requirements:

a. If the required hydrologic studies reveal that a request for filling or grading within the intermediate regional floodplain would overload the capacity of the channel downstream or increase flood stages upstream, the development permit shall be denied unless equivalent flow and storage capacity is replaced and maintained by the owner within the special flood hazard area. Altered sections of the special flood hazard area shall have a positive slope so as to provide positive drainage back to the stream flow line and this section must be maintained by the owners in perpetuity so as to prevent or remove silt buildup.

b. Excavation within floodplain areas shall not be permitted unless the excavation can be accomplished in such a manner that the existing low level drainage pattern through the floodplain shall be maintained. The area of compensation within the floodplain shall be considered as ineffective flow area for the purpose of calculating floodplain elevations to meet no-rise certification requirements. The amount of compensation shall be limited to three hundred (300) cubic yards per acre of floodplain area.

(6) The burying, piling, or concealing in any way of construction waste is prohibited, except where permitted within an M-2 (Industrial) District, as defined in Chapter 27 of this Code, and by a permit issued by the Georgia Department of Natural Resources, Environmental Protection Division. No certificate of occupancy shall be issued by the City under Chapter 7 of this Code until the applicant provides a written certification to the Director, accompanied by a landfill receipt, that proves that all construction waste has been removed from the property.

(7) Grading must be performed to avoid the restrictions of drainage through drainageways and drainage easements. Grading must be performed to provide positive drainage to storm drainage inlets, swales, channels, ditches or gutters.

(8) Fills must be placed in uniform layers not to exceed a compacted thickness of six inches per layer. In all areas where structures, parking lots and drives, streets, dams and utilities are to be places, fills must be compacted to a density of at least 95 percent of the maximum laboratory dry weight per cubic foot, as determined by ASTM D 698. All other fills must be compacted to at least 85 percent, except for the upper one foot of roadways, which must be compacted to 98 percent.

(9) Fill dirt, permitted through the issuance of a separate land disturbance permit on any residentially-zoned property shall be limited to:

a. A cumulative maximum of 1000 cubic yards per property; and

b. No more than 20 trips per day, including trips to and from the permitted property.

c. Separate land disturbance permits issued under this subsection must be used only in accordance with the provisions of the zoning district on which the property is situated and its intent and not for any commercial purposes.

Sec. 14-39. – Reserved.

Sec. 14-40. - Groundwater recharge area.

Development within groundwater recharge areas, as delineated by the Georgia Department of Natural Resources' (DNR) Significant Recharge Areas, Hydrological Atlas 18 (1989 Edition) and the DNR's Pollution Susceptibility Map, shall meet the criteria for the protection of groundwater recharge areas established in Chapter 391-3-16-.02 of the DNR's Rules for Environmental Planning Criteria.

Secs. 14-41—14-54. - Reserved.

ARTICLE III. - SUBDIVISIONS

DIVISION 1. - GENERALLY

Sec. 14-55. - Title.

This article shall be known, cited, and referred to as the subdivision regulations of City of Stonecrest.

Sec. 14-56. - Effective date.

These subdivision regulations shall become effective on adoption.

Sec. 14-57. - Policies and purposes.

(a) Policies.

(1) It is declared to be the policy of City of Stonecrest to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the city pursuant to the city's official comprehensive plan in order to promote the orderly, planned, efficient, and economical development of the city.

(2) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace.

(3) The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the comprehensive plan and official map(s) and it is intended that these regulations shall supplement and facilitate the enforcement of the

provisions and standards contained in building and housing codes, zoning ordinances, the comprehensive plan, and official map and land use plan.

(b) These regulations are adopted for the following purposes:

(1) To protect and provide for the public health, safety, and general welfare of City of Stonecrest.

(2) To guide the future growth and development of the city in accordance with the comprehensive plan.

(3) To protect and conserve the value of land and the economic stability of all communities in the city and to encourage the orderly and beneficial development of the city through appropriate growth management techniques, including consideration of the timing and sequencing of development, consideration of infill development in existing neighborhoods and nonresidential areas with adequate public facilities.

(4) To guide public policy and both public and private actions in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and public services and support facilities.

(5) To provide for the safe and efficient circulation of traffic throughout the city, having particular regard to avoidance of congestion in the streets and highways and the pedestrians and bicycle traffic movements appropriate to the various uses of lands and buildings, and to provide for the proper location and width of streets and building lines.

(6) To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land developments.

(7) To establish reasonable standards of design and procedures for subdivisions and resubdivisions to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land.

(8) To ensure to the extent legally possible that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision.

(9) To protect and restore the highest quality of the city's air and water resources; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the city in order to preserve the integrity, stability, and beauty of the city and the value of the land.

(10) To preserve the natural beauty, environment, and topography of the city and to ensure appropriate development with regard to these natural features.

Sec. 14-58. - Public purpose.

Regulation of the subdivision of land and the attachment of reasonable regulations to land subdivision is an exercise of valid police power delegated by the state to this city. A developer of land has the duty of compliance with the regulations set forth herein for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic

development of the city and to the health, safety, and general welfare of the future lot owners in the subdivision and of the community at large.

Sec. 14-59. - Interpretation.

In their interpretation and application, these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted. Any conflict between provisions should be resolved in the way that best serves the purposes of the regulations.

Sec. 14-60. - Scope and applicability.

These regulations shall apply to all subdivision and combination of land located within the City of Stonecrest as may be provided by law.

Sec. 14-61. - Exemptions.

This article does not apply to a lot or parcel of land established by deed or plat recorded among the land records of the city prior to the effective date of these subdivision regulations or the division or sale of land by judicial decree.

Sec. 14-62. - Plats not to be recorded until accepted; lots not to be sold in unaccepted subdivision.

No person shall record any subdivision plat until it has been approved as a final plat and accepted by the mayor, as the governing authority's designee, nor shall any lot be sold by reference to any subdivision plat whether recorded or not, if the plat is made after the effective date of this chapter, unless it shall have been approved and accepted by the mayor as a final plat. The recording of a plat shall be based on an approved plat and shall not be recorded solely on the basis of a metes and bounds description.

Sec. 14-63. - Issuance of building permits and certificates of occupancy; extension of services.

No development permit, building permit, or certificate of occupancy shall be issued for a lot or plat subdivided or sold in violation of the provisions of these regulations, nor shall the city have any obligation to extend services to any parcel created in violation of these regulations.

Sec. 14-64. - Criteria to be used in deciding variances, and appeals.

(a) The Board of Zoning Appeals shall hear and decide applications for variances from the strict application of this Article where strict application of any regulation enacted in Division 3 of Article III would result in exceptional and undue hardship to the owner of such property. These regulations provide the minimum necessary requirements for subdivisions in City of Stonecrest; thus, variances from the requirements of Division 3 of Article III shall be authorized only upon consideration of all of the following findings:

(1) By reason of the shape or topographical conditions of a parcel of property which were not created by the owner or applicant, the strict application of Division 3 of Article III would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners in the same zoning district;

(2) By reason of the shape or topographical conditions of a parcel of property which were not created by the owner or applicant, there is no opportunity for development under any design configuration allowed by these subdivision regulations unless a variance is granted;

(3) The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute the grant of a special privilege inconsistent with the limitations upon other property owners in the zoning district in which the subject property is located;

(4) The requested 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; and

(5) The requested variance will not in any manner vary the provisions of Chapter 27, the City of Stonecrest Comprehensive Plan or the zoning map of City of Stonecrest.

(b) No variance shall be granted to:

(1) 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 mayor and city council;

(2) Increase the density allowed on the property; or

(3) Vary the requirements set forth in sections 14-256 through 14-260.

Sec. 14-65. - Enforcement, violations, and penalties.

(a) *General.* It shall be the duty of the Director to enforce this chapter.

(b) *Violations and penalties.* Any person, firm or corporation violating any of the provisions of these regulations shall be deemed guilty of an offense and upon conviction in Municipal Court shall be punished as is provided in Chapter 1 of the Code of City of Stonecrest. Each violation of these regulations shall be considered a separate offense. The owner of any structures, buildings, lots or parcels or parts thereof, where anything in violation of these regulations 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.

(c) *Enforcement.* Appropriate actions and proceedings, including the issuance of stop work orders and actions in a court of law, may be taken by City of Stonecrest in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation and to prevent illegal occupancy of a building structure or premises. These remedies shall be in addition to the penalties described above.

Secs. 14-66.—14-83. - Reserved.

DIVISION 2. - PLAT APPROVAL PROCEDURE

Part A. – Minor Plat

Sec. 14-84. – Minor Plats

(1). A minor plat shall consist of the combination or division of two (2) lots.

(2). A minor plat may be either a minor combination plat (combining two lots into one), or a minor subdivision plat (dividing one lot into two).

Sec. 14-85- Minor Plat Approval Procedures

(1). The Director may approve a minor plat that meets the requirements of this Chapter administratively.

(2). An applicant for a minor plat may submit an application and a preliminary plat for review to the Director. The minor plat must meet the requirements for a preliminary plat as defined in Part C below and must be designed in accordance with the design standards and requirements of this Chapter. After the receipt of a completed application and preliminary plat, the Director shall either approve or deny the minor plat within sixty (60) days. A preliminary plat must be approved prior to the issuance of a building permit or land disturbance permit. Appeals from Director's certification or refusal to certify the preliminary plat shall be to the Board of Zoning Appeals pursuant to appeals for administrative officials.

(3). After approval of a preliminary plat, the applicant must prepare and submit a final plat for final approval and certification prior to recording. The final plat must meet the requirements for a final plat as defined in Part D below.

(4). The Director shall approve or deny the final plat within thirty (30) days of receiving a final plat. After approval, the Director shall forward the final plat to the mayor for certification. Appeals from Director's certification or refusal to certify the final plat shall be to the Board of Zoning Appeals pursuant to appeals for administrative officials.

(5). Notwithstanding, a proposed minor subdivision plat which includes or abuts any part of the state highway system or requires access to the state highway system must be submitted and approved by the Planning Commission using the same procedures as a major plat. The planning

commission shall then submit said plats pursuant to O.C.G.A. § 32-6-151 and other applicable state law.

Part B. – Major Plats

Sec. 14-86.- Major Plats

(1). A major plat shall consist of the combination or division of three (3) or more lots.

(2). A major plat may be either a major combination plat (combining three or more lots into one), or a major subdivision plat (dividing one lot into three or more lots).

Sec. 14-87.- Major Plat Approval General Procedures

(1). Applicants for a major plat must submit an application and a preliminary plat for approval prior to the issuance of a building permit or a land disturbance permit. The minor plat must meet the requirements for a preliminary plat as defined in Part C below and must be designed in accordance with the design standards and requirements of this Chapter.

(2). The Director shall review the preliminary plat within ninety (90) days of a complete application and preliminary plat. The preliminary plat shall not be forwarded to the mayor and council until such time that the Director of Community Development certifies that preliminary plat complies with all city zoning, environmental, and subdivision ordinances and regulations and all applicable state and federal laws. Appeals from Director's certification or refusal to certify the preliminary plat shall be to the Board of Zoning Appeals pursuant to appeals for administrative officials. The City Council shall vote to approve, deny, or defer the preliminary plat based on its compliance with this Chapter.

(3). After approval of a preliminary plat, the applicant must prepare and submit a final plat for final approval and certification prior to recording. The final plat must meet the requirements for a final plat as defined in Part D below and must be designed in accordance with the design standards and requirements of this Chapter. The final plat shall not be forwarded to the mayor and council until such time that the Director of Community Development certifies that the final plat conforms to the approved preliminary plat and complies with all city zoning, environmental, and subdivision ordinances and regulations and all applicable state and federal laws. The Director shall review the final plat within ninety (90) days of a complete application and final plat. Appeals from Director's certification or refusal to certify the final plat shall be to the Board of Zoning Appeals pursuant to appeals for administrative officials.

(4). The City Council shall vote to approve, deny, or defer the final plat based on its compliance with this Chapter.

(5). A major subdivision plat which includes or abuts any part of the state highway system or requires access to the state highway system shall be submitted pursuant to O.C.G.A. § 32-6-151 and other applicable state law after approval by the Planning Commission.

Part C.- Preliminary Plat

Sec. 14-88. - Application and preliminary plat required for all Minor Plats and Major Plats

The owner of the land where the proposed development is to occur, or his authorized agent, shall file a preliminary plat with the Director along with an application for approval. The application shall:

(1) Be submitted with the plan set for a Land Disturbance Permit;

(2) Be accompanied by minimum of six (6) copies of the plans, which must be prepared by a registered civil engineer, surveyor, or landscape architect, as described in these regulations and complying in all respects with these regulations and conforming with the zoning of the property

(3) Be accompanied by an application fee in the amount set by the mayor and city council;

(4) Be accompanied by a tree survey;

(5) Include the name, address and telephone number of an agent who is authorized to receive all notices required by these regulations;

(6) Be signed by the owner of the property, or if the application is not signed by the owner, a completed indemnification agreement signed by the owner of the property;

(7) Be accompanied with a consent affidavit from the property owner;

(8) Be accompanied by a small map of the City of Stonecrest depicted the subdivision location within the City;

(9) Be accompanied by a vicinity map at a scale of four hundred (400) feet to one (1) inch showing the location of the tract with reference to surrounding properties, streets, municipal boundaries, and streams within five hundred (500) feet of the tract show zoning districts of adjoining property;

(10) Include the names of adjoining property owners and the zoning classifications of adjacent properties;

(11) Include the name, address and phone of developmer and engineer;

(12) Be accompanied by a certification by the applicant that no lots platted are non-conforming or will result in any non-conforming lots;

(13) The applicant shall obtain the approval of the DeKalb County Health Department and the DeKalb County Department for Watershed Management; and

(14) Payment of the appropriate development review application fee.

Sec. 14-89. - Required Information.

(a) The following existing conditions shall be shown on a preliminary plat:

(1) *Boundary lines.* Perimeter boundary of the overall tract, bearings and distances, referred the legal point of beginning;

(2) *Streets on or adjacent to tract.* Name, right-of-way width, and location of streets on and adjacent to the tract, and any existing railroad, sidewalk, trail, or bike lane;

(3) *Contour data.* Topographic contour data at no more than two-foot elevation intervals. The source of this data shall be written on the plat;

(4) *Tree survey.* A tree survey in compliance with this Chapter or tree sample calculations where allowed by the Director which may be submitted as a separate plan;

(5) *Historic resources.* Any building, structure, site or district identified as historic by the Historic Preservation Commission, the DeKalb County Historic Resources Survey, the comprehensive plan, by listing on the Georgia or National Register of Historic Places, or by listing as a National Historic Landmark.

(6) *Natural features on tract.* Other conditions on the tract such as stream buffers, state waters, cemeteries, wetlands, existing structures, intermediate regional floodplain boundary (where available), rock outcroppings, and archeological resources;

(7) *Soils.* Location of soils as shown on the National Resources Conservation Service Soil Map, by the United States Department of Agriculture's soil map, or any map designated by the Director;

(8) *Geographical data.* Numerical and graphic scales, north arrow, land lot and district numbers and lines, city and city names and limit lines;

(9) *Prior subdivisions.* Name and reference of any formerly recorded subdivision crossing any of the land shown on the plat;

(10) *Zoning district.* Show zoning district, case number and conditions of zoning;

(11) *Permits.* Show any special administrative permit number, special land use permit number, or board of appeals case number and conditions;

(12) *Variances.* Show any variance approvals;

(13) *Septic tanks.* Show existing septic tank and drain field location or note absence;

(14) *Sewers.* Show size and location of sanitary sewer main(s) available;

(15) *Sewer easements.* Show a sanitary sewer easement with a minimum width of fifteen (15) feet of for all county maintained lines not within county or city right-of-way, or as required by DeKalb County;

(16) *Water mains.* Show size and location of water main(s) and fire hydrants;

(17) *Water main easements.* Show a water main easement with a minimum width of fifteen (15) feet for all county maintained lines not within right-of-way, or as required by DeKalb County;

(18) *IRF.* Show on plan whether FEMA or city benchmark used to establish IRF also identify location of Benchmark;

(19) *Wetlands.* Provide wetlands determination from U.S. Army corps of engineers;

(20) *Receiving waters.* Provide distance to and name of receiving waters;

(21) *Bury pits.* Show location of any existing inert waste bury pits.

(b) The following proposed features shall be shown on the preliminary plat:

(1) *Title.* The title under which the proposed subdivision is to be recorded, if known, with the name of the property owner(s) and designers and the date of the plat;

(2) *Street names.* The name of all proposed streets.

(3) *Rights-of-way.* Street rights-of-way and widths indicated, including any necessary right-of-way required for improvements;

(4) *Sidewalks.* All proposed sidewalk and bike lane locations;

(5) *Lots.* Lot lines, lot numbers, block letters, and the total number of proposed lots within the development;

(6) *Dedications.* Sites, if any, to be dedicated or reserved for common areas, public parks, open space, schools, playgrounds, multi-use trails, or other public uses, together with the purpose and the conditions or limitations of these dedications, if any;

(7) *Yards.* Minimum building setback lines as required under the yard requirements of zoning ordinance;

(8) *Zoning conditions.* All conditions of zoning and existing and proposed deed restrictions shall be recited on the preliminary plat;

(9) *Corner lots.* Show that corner lots shall have an extra width of not less than fifteen (15) feet more than required for interior lots for the zoning district within which they are located;

(10) *Transitional buffers.* Show transitional buffers, if any and any required screening fencing;

(11) *BMPs.* Show conceptual location of storm water management and water quality BMP facilities on preliminary plat;

(12) *IRF.* Show proposed IRF contour, spot elevation (if available) and source;

(13) *Covenants.* Indicate whether the proposed subdivision will be subject to private covenants and whether a homeowner's association will be established;

(14) *Sewer easements.* Show a sanitary sewer easement with a minimum width of fifteen (15) feet for all county maintained lines not within county or city right-of-way, or as required by DeKalb County;

(15) *Water main easements.* Show a water main easement with a minimum width of fifteen (15) feet for all county maintained lines not within right-of-way, or as required by DeKalb County;

(16) *Fire hydrants.* Show new fire hydrant(s) and eight-inch fireline(s); and

(17) *Fencing.* Show any required fencing around detention ponds, if required.

(18) *Electrical service.* Show whether electrical service will be above ground or underground.

(c) The following additional information shall be shown on the preliminary plat:

(1) *Seal.* All sheets of plats must be sealed by a professional engineer, surveyor, or landscape architect currently registered in the state of Georgia;

(2) Space for Comments and Certification in accordance with this article; and

(3) Surveyor's Acknowledgement and Owner's Acknowledgement in accordance with this article.

Sec. 14-90. - Space for Comments, Certifications.

A blank space of fifty (50) square inches shall be provided on the plat to allow room for any stamps, notes, approval or denials as required to be placed thereon by county and city agencies and for certification.

Sec. 14-91. - Scale.

Preliminary plats shall be prepared at an appropriate scale of not more than one hundred (100) feet to one (1) inch. Maximum sheet size shall be twenty-four (24) inches by thirty-six (36) inches.

Secs. 14-92.—14-120. - Reserved.

Part D. - Final Plat

Sec. 14-121. - Preparation.

The applicant shall have a registered surveyor prepare the final plat of the subdivision, including the space required under Sec. 14-90. An application for final plat approval may be made when a preliminary plat of the proposed subdivision has been approved and construction of all required infrastructure is complete, or a surety is provided as approved by the Director of Community Development, to ascertain its location as built.

Sec. 14-121.1 - Surveyor's and Owner's Acknowledgments.

The following wording for the engineer's [surveyor's] and owner's acknowledgments shall be shown and certified on the plat:

(1) *Surveyor's Acknowledgment.*

In my opinion, this plat, drawn by me or under my supervision, was made from an actual survey, and is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.

_____R.L.S. No._____

(2) *Owner's Acknowledgment.*

I, _____, the owner of the land shown on this plat and whose name is subscribed hereto, acknowledges that this plat was made from an actual survey, and for value received the sufficiency of which is hereby acknowledged, do hereby convey all rights-of-way abutting the roads to the City of Stonecrest, and further dedicate to the use of the public forever all streets and rights-of-way, alleys, parks, easements and public places hereon shown for the purposes and considerations herein expressed. In consideration of the approval of this development plan and other valuable considerations, the owner further releases and holds harmless City of Stonecrest from any and all claims, damages or demands arising on account of the design, construction and maintenance of the property shown hereon; on account of the roads, fills, embankments, ditches, cross-drains, culverts, water mains, sewer lines, and bridges within the proposed rights-of-way and easements shown; and on account of backwater, the collection and discharge of surface water, or the changing of courses of streams.

And further the owner warrants that he owns fee simple title to the property shown hereon and agrees that City of Stonecrest shall not be liable to him/her, his/her heirs, successors or assigns for any claims or damages resulting from the construction or maintenance of cross-drain extensions, drives, structures, streets, culverts, curbs or sidewalks, the changing of courses of streams and rivers, flooding from natural creeks and rivers, surface waters and any other matter whatsoever. I further warrant that I have the right to sell and convey the land according to this plat and do hereby bind myself and owners subsequent in title to defend by virtue of these present.

All roads have been properly designed and dedicated to accommodate any required parking in the right-of-way.

In witness whereof, I have hereunto set my hand this _____ day of _____/_____/_____,
_____/_____/_____.

(SEAL)

(Owner)_____

Witness:_____

Notary Public.

Sec. 14-122. - Filing; Digital Submission of Final Plat; fee.

The final plat and a fee in the amount established by the mayor and city council shall be filed with the city. The final plat and as-built drawings shall also be submitted in a digital format acceptable to the city. The final plat must be in recordable form and comply with O.C.G.A. § 15-6-67, including the required data listed in O.C.G.A. § 15-6-67(c)(2) and (3).

Sec. 14-123. - Review, Certification by City Departments.

(a) Upon receipt of the final plat, the Director of Community Development shall forward copies of the final plat to any department or entity the Director of Community Development deems appropriate for certification that the improvements are complete and in conformity with the preliminary plat.

(b) The applicant shall obtain the approval of the DeKalb County Health Department and the DeKalb County Department for Watershed Management.

(c) Any department to which the final plat is submitted shall note on the plat whether the development meets or fails to meet the requirements of this Code and of that department, specifically, whether all improvements were properly completed and whether the improvements are in conformity with the preliminary plat. If the improvements are incomplete or if the improvements are not in conformity with the preliminary plat, the department shall note on the plat the manner in which the plat fails to meet these requirements. Minor changes shall be permitted as defined in Section 14-146. (c).

(d) Upon receipt of the annotated copies from all of the departments which received the final plat for notation, the Director of Community Development shall independently review the final plat and determine whether it complies with all city zoning, environmental, and subdivision ordinances and regulations and all applicable state and federal laws. The Director of Community Development shall certify in writing on the final plat their finding of whether the final plat complies with all city zoning, environmental, and subdivision ordinances and regulations and all applicable state and federal laws and forward it to the City Council for review.

(e) The final plat shall conform to the approved preliminary plat on file with the city and shall comply with the city zoning ordinance including conditions of zoning. Minor changes from the preliminary plat shall be permitted as defined in Section 14-146. (c).

(f) The final plat shall not be forwarded to the mayor and council until such time that the Director of Community Development certifies that the final plat conforms to the approved preliminary plat and complies with all city zoning, environmental, and subdivision ordinances and regulations and all applicable state and federal laws.

Sec. 14-124. - Referral to the Mayor and Council.

(b) The mayor and council as the designee for the governing authority of the city shall approve or disapprove the final plat. If the final plat is approved, the mayor and council shall place the following wording on the original as follows:

This plat has been submitted to and accepted by the mayor and council of City of Stonecrest, Georgia, and has been approved as required by state law and city codes as meeting all conditions precedent to recording in the superior court of this circuit.

Dated this _____ day of _____/_____/_____,
_____/_____/_____.

By:_____
[Mayor as designee of the governing authority]

(c) Final plat acknowledgement and approval by the mayor and council shall constitute that approval, if any, required in order to file subdivision plats with the clerk of the superior court of DeKalb County pursuant to O.C.G.A. § 15-6-67(d).

Sec. 14-125. - Appeal of final Plat Decision.

The decision of the mayor to approve or disapprove the final plat may be appealed only by a petition for writ of certiorari to the Superior Court of DeKalb County.

Sec. 14-126. - Recording.

The approved final plat shall be recorded with the clerk of the superior court of DeKalb County by the applicant and returned to the Director of Community Development.

Sec. 14-127. - Dedication Offers.

The filing and recording of the final plat by the Director of Community Development shall, upon completion of the improvements by the applicant and compliance with all procedures of this chapter, be deemed an acceptance of the dedication of the streets and other public land as shown upon said plat as dedicated to the City of Stonecrest, Georgia on behalf of the public.

Sec. 14-128. -Reserved.

Sec. 14-129. - Scale.

Final plats shall be prepared at a scale of not more than one hundred (100) feet to one (1) inch and shall have a maximum sheet size of not more than twenty-four (24) inches in width and thirty-six (36) inches in length, and a minimum sheet size of not less than seventeen (17) inches in width and twenty-one (21) inches in length.

Sec. 14-130. - Compliance with Zoning Ordinance.

The final plat shall comply with the requirements of Chapter 27 and all conditions of zoning for the subject property to be shown in the upper right corner of the final plat with text height at a minimum of .18 inches for 24" × 36" sheet size and .09 inches for 17" × 21" sheet size.

Sec. 14-131. - Required Information.

The final plat shall show the following:

(1) Sufficient data to determine readily and reproduce on the ground the location, bearings and lengths of every right-of-way, street line, lot line, boundary line and building line, whether curved or straight;

(2) Tract boundary lines, land lot and district lines, city and county limit lines, right-of-way lines of streets, easements and other rights-of-way and property lines of residential lots and other sites;

(3) All dimensions shall be accurate to the nearest one hundredth of a foot and all angles accurate to the nearest second;

(4) Name and right-of-way width of each street including necessary right-of-way required for present or future widening of major, minor, collector, residential or other streets as shown on the thoroughfare plan;

(5) Sidewalk and bike path locations and width;

(6) House numbers: numbers will be assigned by the geographic information system department and placed on the final plat by the community development department;

(7) Title, north arrow, date, scale, land lot numbers and district numbers;

(8) Location, dimensions and purpose of easements and areas to be dedicated to public use, common areas or sites for other than residential use with notices stating their purpose and limitations;

(9) Intermediate regional floodplain contour line and setback line required by this chapter, state waters/state streams, wetlands, and required stream buffers;

(10) Water and sewer utility locations, and the location and type of permanent stormwater management facilities and water quality facilities;

(11) Lots numbered in numerical order and blocks lettered alphabetically; all lot and block numerals shall be kept in a uniform sequence on all plats and units of the subdivision;

(12) Accurate location, material and description of monuments and markers; within each subdivision set one (1) monument on two (2) front corners of the property adjacent to existing rights-of-way on interior streets, or as otherwise approved by the development director; each monument shall be a minimum four-inch diameter disk by twenty-four-inch high concrete monument with brass caps set flush with finished grade;

(13) Lots which shall not be built upon until detailed plans for grading and drainage have been approved by the development director; and

(14) All required data and certifications under O.C.G.A. § 15-6-67.

Sec. 14-134. - Protective Covenants to Meet Minimum Zoning Requirements.

The final plat shall not contain protective covenants stipulating lower standards than the minimum restrictions required by the city zoning ordinance.

Sec. 14-135. - Disclosure Statement Required for Residential Subdivisions and Multi-Phase Residential Developments.

(a) Before any final plat for any residential subdivision and any multi-phase residential development, may be submitted for review by the city, a disclosure statement, sworn to by the applicant under penalty of perjury before a notary public or other officer authorized to administer oaths, must be filed with the Director of Community Development. The disclosure statement shall be in a form promulgated by the Director of Community Development and approved by the city attorney.

(b) Any applicant for the final plat, intending to make written or oral representations to potential purchasers of homes in any residential subdivision and any multi-phase residential development must submit the information specified herein on the disclosure statement which shall be made available to members of the public by the Director of Community Development:

(1) An estimated date of completion of the entire residential subdivision;

(2) A statement of the average size of homes to be constructed in the subdivision, any specified style of architecture, landscaping, the type of construction materials to be used (i.e. brick, stone, stucco, pressboard, etc.), and the average size of lots;

(3) A statement of the applicant's commitment to build any community amenities within the subdivision, including but not limited to a clubhouse, tennis courts or swimming pool;

(4) A statement of the general terms and conditions at which the applicant proposes to dispose of the lots and/or homes in the residential subdivision;

(5) Copies of all forms of conveyance to be used in selling lots to potential purchasers;

(6) A statement of all deed restrictions, easements and covenants applicable to the residential subdivision;

(7) Copies of instruments creating any deed restrictions, easements and covenants applicable to the residential subdivision;

(8) A statement regarding whether there will be a mandatory membership in any homeowner's association and if so, a copy of the budget for the association for its first year of operation including the estimated amount of the first year's assessments and the estimated amount of revenue to be subsidized by the developer; and

(9) An explanation of the timing and method of transfer of control of the association to the homeowners where there is a mandatory membership in the homeowner's association governing the residential subdivision.

(c) With respect to the first phase and subsequent phases of a multi-phase residential development, the applicant must also submit the following information:

(1) An estimated date of completion of each phase of a multi-phase residential development and estimated date of completion of all phases of the development;

(2) A statement of the average size of homes to be constructed in the future phases of the development, any specified type of architecture, landscaping, the type of construction materials to be used (i.e. brick, stone, stucco, pressboard, etc), and the average size of lots;

(3) A statement of any community amenities to be built within the development currently or in the future, including but not limited to a clubhouse, tennis courts or swimming pools the applicant is committed to constructing in future phases; and

(4) A statement of the general terms and conditions at which the applicant proposes to dispose of the lots and/or homes in the future phases of the development.

(d) If the applicant intends to make no representations or commitments to potential purchasers concerning each of the representations set forth in subsection (b) and (c), the applicant shall note the same in the disclosure statement filed with the Director of Community Development which statement shall be made available by the Director of Community Development to the public.

(e) After the required disclosure statement has been submitted, the Director of Community Development shall examine the information provided and determine whether the information submitted is consistent with the final plat and if the information is consistent, the Director of Community Development shall approve the disclosure statement in writing within thirty-five (35) days of submission of the statement.

(f) If it appears to the Director of Community Development that a disclosure statement is incomplete or fraudulent, the Director of Community Development shall disapprove the disclosure statement and notify the applicant for the final plat in writing within fourteen (14) days after the initial submission of the statement. Such notification shall serve to suspend the review of the final plat by any city employee or official until the applicant files such additional information, as the Director of Community Development shall require. No final plat may be certified by the Director of Community Development until such time as the Director of Community Development approves the applicant's disclosure statement.

(g) If at any time after approval of the disclosure statement the Director of Community Development becomes aware that the disclosure statement contains false or misleading information, or that the applicant is developing in a manner inconsistent with the approved disclosure statement, the Director of Community Development shall disapprove the disclosure statement and notify the applicant in writing that the disclosure statement has been disapproved.

(h) Subsequent to the recording of the final plat for a residential subdivision and for each phase of a multi-phase residential development, the approved disclosure statement on file with the city shall be provided by any seller to potential purchasers at the execution of the purchase and sales contract or if no such contract is executed, ten (10) days prior to the real estate closing on any property governed by this section.

Sec. 14-136. - Violations.

It shall be unlawful for any person to sell property in a residential subdivision or a multi-phase residential development without providing a potential purchaser with a copy of an

approved disclosure statement as required by section 14-135. It shall be unlawful for any person to provide the Director of Community Development with false or misleading information in an approved disclosure statement as required by section 14-135. It shall be unlawful for any person to develop in a manner inconsistent with the approved disclosure statement. Any person, firm or corporation convicted of violating this section shall be subject to fine and/or imprisonment in accordance with Chapter 1 of this Code.

Secs. 14-137—14-145. - Reserved.

Part D. - Revised Final Plat

Sec. 14-146. - Procedure.

(a) The original recorded plat shall be used for all revisions.

(b) When it becomes necessary to revise an original recorded final plat due to some error, required adjustment or desired adjustment, the applicant shall confer with the Director of Community Development to determine if the revision is a minor or major revision. The applicant's surveyor shall make the necessary corrections on the original final plat or prepare a new tracing of that portion of the subdivision involved. The subdivision name, date and book and page number of the original recording shall be noted on the new plat. If the original final plat is not available, then any proposed revision to the final plat shall be considered a major change.

(c) A minor change is one that corrects a drafting or scrivener's error, changes or moves a lot line while not changing the number of lots or site density or is otherwise administrative in nature and does not affect how the subdivision will be developed or built. A major change is any other change, including changes that alter how the subdivision will be developed or built, such as, but not limited to, increasing or decreasing the number of lots, changing the location of any public facilities or utilities, and revising protective covenants applying to the property.

(d) If the Director of Community Development determines the change is minor, then the Director of Community Development will approve and accept the revised final plat; the applicant shall record the revised final plat with the clerk of superior court.

(e) If the Director of Community Development determines the change is major, the revised plat must proceed through the approval process for final plats described in this Code.

(f) The basis for the Director of Community Development's characterization of the change as either major or minor shall be recorded in black ink on the revised plat.

Sec. 14-147. - When New Tracing Required.

If the original final plat is not available, the applicant shall prepare a new Mylar or other durable, stable, and reproducible drafting medium approved by the community development department, in accordance with section 14-146(b) above.

Sec. 14-148. - Revisions and Explanation to Be in Black Ink.

Revisions and a notation explaining the revisions shall be shown in black ink on the revised plat.

Sec. 14-149. - Space for Certifications.

A blank space consisting of not less than fifty (50) square inches shall be provided on the revised plat to accommodate required certifications.

Sec. 14-150. - Scale.

Revised plats shall be prepared at a scale of not less than fifty (50) feet to one (1) inch.

Sec. 14-151. - Compliance with Zoning Ordinance.

The revised plat shall comply with the regulations of the city zoning ordinance, including all conditions of zoning, which are to be shown in the upper right hand corner of the revised plat.

Sec. 14-152. - Inclusion of Required Wording.

The revised plat shall show the following wording in black ink:

This revised plat has been submitted to the mayor and council of City of Stonecrest, Georgia, and has been approved as required by state law and city codes as meeting all conditions precedent to recording in the superior court of this circuit. This plat is hereby approved subject to any protective covenants shown hereon.

Dated this _____ day of _____/_____/_____

_____
Mayor
City of Stonecrest, Georgia

Sec. 14-153. - Original Protective Covenants not to be Changed.

All revisions to original plats shall be bound by the protective covenants on the original final plat and a statement to that effect shall be noted in black ink on the revised plat unless noted otherwise.

Sec. 14-154. - City May Require Additional Data.

Other data which may be required in support of a revised final plat are: a final engineering design report on proposed revisions and such other certificates, affidavits, endorsements, or dedications as may be required by city officials in the enforcement of this chapter.

Secs. 14-155—14-165. - Reserved.

DIVISION 3. - DESIGN STANDARDS

Part A. - General Provisions

Sec. 14-166. - Adequate Public Facilities.

The applicant shall submit sufficient information and data with the application on the proposed subdivision to demonstrate compliance with the following:

(1) *Comprehensive plan consistency required.* Proposed public improvements shall conform to and be properly related to the City of Stonecrest Comprehensive Plan and all applicable capital improvement plans.

(2) *Water.* All habitable buildings and buildable lots shall be connected to a public water system capable of providing water for health and emergency purposes, including adequate fire protection.

(3) *Wastewater.* All habitable buildings and buildable lots shall be served by an approved means of wastewater collection and treatment.

(4) *Stormwater management.* Drainage improvements shall accommodate potential runoff from the entire upstream drainage area and shall be designed to prevent increases in downstream flooding as required under this Chapter. Stormwater quality management facilities shall be adequate as required under this Chapter. The City of Stonecrest or the reviewing government entity or designee may require the use of control methods such as retention or detention, and or the construction of offsite drainage improvements to mitigate the impacts of the proposed developments.

(5) *Roads.* Proposed roads shall provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation, shall be properly related to the comprehensive plan, and shall be appropriate for the particular traffic characteristics of each proposed development.

(6) *Extension policies.* All public improvements and required easements shall be extended through the parcel on which new development is proposed. Streets, water lines, wastewater systems, drainage facilities, electric lines, and telecommunications lines shall be constructed through new development to promote the logical extension of public infrastructure.

Sec. 14-167. - Conservation of Natural Resources.

(a) To better implement the policies and purposes of this chapter, to protect the health, safety, and welfare of the citizens of City of Stonecrest and to minimize the negative environmental effects of development, subdivisions shall be designed and developed to avoid areas of environmental sensitivity. The following land areas shall be preserved in their natural state or not subject to any development or land disturbance activity, and shall not be part of the buildable area:

(1) Wetlands; and

(2) The intermediate regional floodplain;

(b) Subdivisions shall be also laid out to:

(1) Avoid adversely affecting watercourses, ground water, and aquifer recharge;

(2) Minimize cut and fill;

(3) Minimize impervious cover and the environmental impacts of roads and access points;

(4) Minimize flooding; and

(5) Minimize adverse effects of noise, odor, traffic, drainage, and utilities on neighboring properties.

(c) The Director of Community Development shall not recommend approval for a preliminary plat or parts thereof if the director determines that:

(1) The areas listed in subsection (a) above have not been set aside and protected from development;

(2) The proposed subdivision does not comply with the requirements of subsection (b) above; or

(3) If the proposed subdivision is not in the best interest of the public health, safety, and general welfare of the city.

Secs. 14-168—14-180. - Reserved.

Part B. - Streets

Sec. 14-181. - Generally.

(a) The provisions of this part apply to streets in subdivisions and in other projects requiring a development or land disturbance permit from City of Stonecrest.

(b) The arrangement, character, extent, width, grade and location of all subdivision streets shall conform to the provisions of this chapter and to the thoroughfare plan. New streets shall be designed and located with consideration of their relation to existing and planned streets, to topographical conditions, to public convenience and safety in their appropriate relation to the proposed uses of the land to be served by the streets.

Sec. 14-182. - Arrangement where not shown on thoroughfare plan.

Where not shown in a thoroughfare plan adopted by the City, the arrangement of streets in a subdivision shall either:

(1) Provide for the continuation or appropriate projection of existing streets in surrounding areas; or

(2) Conform to a plan for a neighborhood approved or adopted by the mayor and city council to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

Sec. 14-183. - Minor streets/minor arterials.

(a) Local residential streets shall be so designed to discourage speeding and encourage safe environment for pedestrians and bicyclists. They shall be designed to discourage high speed through traffic.

(b) Within historic districts, the platting of lots and streets shall be compatible with the historic patterns that exist within the historic district except for numbered state or federal routes.

Sec. 14-184. - Thoroughfare plan.

The Director of Community Development shall review changes in the patterns of traffic, land development, and subdivisions, and prepare a report to the mayor and city council with recommendations concerning appropriate revisions to the thoroughfare plan. Such review shall:

(1) Ensure safe and efficient access between neighborhoods and local services;

(2) Ensure the continuity and adequacy of local streets, collector streets and arterial streets to form a coherent and continuous system of routes;

(3) Identify applications of appropriate traffic calming and traffic management strategies to discourage unnecessary traffic and travel speeds in neighborhoods; and

(4) Ensure a coherent and continuous system for pedestrian and bicycle travel.

Sec. 14-185. - Subdivisions bordering on or containing arterial streets, railroad right-of-way or limited-access highway right-of-way.

Where a subdivision borders on or contains an arterial street (major thoroughfares, and minor thoroughfares), a railroad right-of-way or limited-access highway right-of-way, the Director of Community Development may require the following:

(1) Rear service alleys to facilitate traffic flow, safety and public services;

(2) Provision of one (1) or a pair of smaller marginal access streets approximately parallel to and on each side of this right-of-way at a distance suitable for the appropriate use of the intervening land as park or open space and to provide for multipurpose trails. These distances shall also be determined with due regard for the requirements of approach grades and future grade separations; or

(3) In the case of limited-access highways only, reverse frontage lots may be created with landscape buffers and a non-access reserve strip along the rear property line.

Sec. 14-186. - Reserve strips.

Reserve strips that separate developed or developable land from necessary access to streets shall be prohibited except when such access is controlled by City of Stonecrest.

Sec. 14-187. - Street intersection spacing.

Street intersections with centerline offsets of less than one hundred twenty-five (125) feet shall be prohibited in subdivisions.

Sec. 14-188. - Intersections—Right angles.

Street intersections in subdivisions shall be as nearly at right angles as practicable. No interior angle shall be less than seventy-five (75) degrees. Intersections or more than two (2) streets shall be designed according to the specific types illustrated in the Standards for Construction and Design.

Sec. 14-189. - Same—Property line to be mitered.

At each street intersection in a subdivision the property line at each block corner shall either be mitered. A mitered property line shall be located on the interior chord of a convex curve or located fifteen (15) feet inside the tangent of a concave curve.

Sec. 14-189.1. - Traffic improvements, street improvements, curb cuts, visibility requirements, and private street construction standards.

(a) Each building shall be located on a lot or parcel that abuts a public street or private street. Private streets shall only be allowed if the development seeking to have a private street(s) is ten (10) acres or larger in size. The Director shall have the authority to waive this minimum acreage requirement if all real property owners that abut the proposed private street agree to such waiver.

(b) Where this chapter measures minimum building setback lines and frontages, or imposes development standards in connection with, or with reference to public streets, such measurements or standards set forth in the district regulations and supplemental regulations of chapter 27, in this chapter or elsewhere in the Code of City of Stonecrest shall apply similarly for property abutting a private street where such private street has been approved by the planning commission. Nothing in this article is intended to authorize any kind of development on a private street that would not be authorized where there was public right of way.

(c) Private streets within any zoning district shall not be used to satisfy the off-street parking requirements of the Code. Private streets within any district shall be assigned names and locations. The names of these streets shall be shown on plans required for the issuance of building and development permits as provided in this chapter and chapters 7 and 27 of the Code of City of Stonecrest.

(d) Lots may front on a public street or private street constructed to the standards found in this chapter.

(e) Where sewer lines are constructed underneath a private street, the developer is required to grant an easement to the county for installation, maintenance and repair of such sewer lines if required by DeKalb County.

(f) Private streets shall not be eligible for participation in the city's traffic calming program as provided for in chapter 17 of this Code.

(g) Private streets shall not be eligible for participation in the city's residential sidewalk district program as provided for in chapter 23 of this Code.

(h) Developers and property owners' associations shall ensure access to all private streets by emergency and law enforcement vehicles and shall ensure that private streets are constructed to allow access by all emergency vehicles and law enforcement vehicles.

(i) The use of private streets may not result in an increase in permitted density above that which would otherwise be permitted by the applicable district regulations. Density calculations shall be made based on a public street system and the preliminary plat that provides for a private street shall be density neutral Additionally, a utility easement(s) is not to be included in any plat as a part of an individual lot and thus such land that comprises the utility easement(s) cannot be used to calculate the required minimum lot size, or minimum front yard size.

(j) Private streets shall comply with requirements for public streets found in this chapter and all other applicable sections of the Code of City of Stonecrest. Private streets shall be surfaced with the same type of materials that are used for the surfacing and resurfacing of public streets or with materials that are as protective as those used by the city to surface and resurface streets so long as such alternative materials are approved by the Director.

Sec. 14-189.2. - Approval to create a private street.

(a) The Director of Community Development, or his/her designee, shall authorize a private street where the Community Development Department has certified that the applicant has submitted all required documentation as set forth herein and where the Director of Community Development finds that:

(1) The location of the proposed private street(s) will not adversely impact use of any existing surrounding public street(s); and

(2) The location of the proposed private street will not adversely impact adjacent existing communities or neighborhoods; and

(3) The applicant has shown that there is the requisite legal mechanism for the maintenance of the proposed private street(s); and

(4) The applicant has provided written evidence that the proposed private street system is acceptable to the city departments or divisions responsible for law enforcement, sanitation, transportation and fire and rescue; and

(b) If the private street is to be located in a historic district as that term is defined in chapter 13.5 of this Code, then the applicant must provide the Director of Community Development a certificate of appropriateness authorizing the private street from the historic preservation commission. If no such certificate of appropriateness is provided to the Director of Director of Community Development, then the Director of Community Development shall deny the application for a private street.

(c) Street rights-of-way shall be owned by the mandatory homeowners' association as required by section 14-189.3. Street rights-of-way shall comply with all the requirements set forth in this Code, including but not limited to the requirements set forth in this chapter and in

chapter 27 of this Code. An access easement and a utility easement shall entirely overlay the rights-of-way and shall be dedicated to City of Stonecrest for public use. All applicable setbacks, lot widths and lot areas shall be measured from the homeowner's association right of way.

Sec. 14-189.3 - Legal mechanism for maintenance of private streets, resurfacing fund.

(a) *Maintenance of private streets.*

(1) Each developer that chooses to include private streets within a condominium, as that term is defined by state law, or any other residential, commercial, institutional, industrial or office development shall organize and establish a property owners' association prior to recording of the final plat. Membership in the property owners' association shall be mandatory for each original and successive purchaser of a lot, building or unit within the development. The property owners' association shall be organized so that it has clear legal authority to maintain and exercise control over the private street(s) and required improvements associated with private streets, including, but not limited to, sidewalks, bikeways, curbs and gutters, traffic signs and markings, associated landscaping and lighting, entry signs, monuments, perimeter walls and fences, entry gates and gatehouses. The declaration of covenants creating the property owners' association shall be recorded with the clerk of the Superior Court of DeKalb County and the recorded declaration of covenants and articles of incorporation creating the property owners' association shall provide that all private streets and associated improvements are owned by the property owners' association or are held in common by the property owners within the development. Said streets shall be properly maintained and insured with no liability or maintenance responsibilities accruing to the city. The recorded declaration of covenants and articles of association shall specifically require the property owners' association to repair and maintain each private street in the same manner as similar public streets are maintained by the city and such maintenance and repair shall be performed in compliance with all city standards and all applicable provisions of law.

(2) Prior to any final plat approval, the developer shall submit articles of incorporation, declaration of covenants and bylaws for the property owners' association to the community development department. Those documents must thereafter be reviewed and approved by the city attorney.

(b) *Maintenance fund.* The declaration of covenants and articles of association shall provide for a street maintenance fund the proceeds of which shall be used solely for the purpose of regular maintenance of the street(s), whether for resurfacing or a similar purpose. For the purposes of further providing further assurance that city funds shall not be used for maintenance of private streets, the developer shall submit proof of deposit of fifty (50) percent of the current estimate of resurfacing costs, as determined by the community development and development director or designee, in an interest bearing account on behalf of the property owners' association.

(c) *Maintenance bond* A developer must provide a maintenance bond renewable annually to cover the cost of maintenance and repair for any private streets within a subdivision. The

bond shall be for an amount equal to fifty (50) percent of the current estimate of resurfacing costs, as determined by the Director of Community Development or designee. The developer may avoid securing the maintenance bond set forth in this subsection if the developer submits proof to the community development department that one hundred (100) percent of the then-current estimate of resurfacing costs, as determined by the community development and development director or designee, has been deposited in an interest-bearing account on behalf of the property owners' association. If the developer chooses this alternative, the declarations of covenants and articles of association shall specifically require the property owners' association to continuously maintain one hundred (100) percent of the then-current estimate of resurfacing costs of the private streets in this maintenance fund.

(d) *Assessment and liens.* The property owners' association must be empowered to levy assessments against owners within the development for the payment of expenditures made by the association for maintenance of the private streets and other items set forth in subsection (a) herein. At least fifteen (15) percent of all fees or assessments paid shall be set aside in the maintenance fund. Any unpaid assessments shall constitute a lien in favor of the property owners' association on the lot, building or unit of the owner.

Sec. 14-189.4 - Inspection of private streets within nine months of approval of the final plat; failure to correct deficiencies.

(a) Within nine (9) months following approval of the final plat, the Director of Community Development or designee shall inspect the private street(s) to ensure compliance with all city standards and all applicable provisions of this Code including, but not limited to, the requirements set forth in law for public streets, curbs, sidewalks, signage and street lighting. The developer shall be notified of any deficiencies in writing and such deficiencies shall be corrected within sixty (60) days of the written notice of deficiencies unless the city agrees to extension of that period in writing.

(b) Failure to correct the complete list of deficiencies shall be a violation of this section and shall subject the developer to prosecution for a code violation in the Municipal Court of City of Stonecrest. Any person found to have violated this section shall be subject to a fine of not less than five hundred dollars ($500.00) for each violation. A separate and distinct offense shall be regarded as committed each day on which such person shall continue any such violation.

(c) The Director of Community Development or designee shall deny the issuance of certificates of occupancy until all deficiencies have been corrected.

Sec. 14-189.5. - Abandonment of existing public streets.

(a) Any abandonment of a public street by the City pursuant to this section must comply with the applicable requirements set forth in state law and this code, including but not limited to the requirements set forth in O.C.G.A. §§ 32-7-2(c) and 32-7-4 and as may hereinafter be amended.

(b) A property owner(s) may petition the governing authority to abandon an existing public street that abuts the owner(s)' property. The petition must include documents that comply with all of the following requirements set forth in this section.

(c) The petition shall contain evidence that each abutting landowner to the public street seeks to have the street abandoned.

(d) The petition shall contain evidence that once abandoned pursuant to the requirements of state law, all property owners that abut the street agree that ownership of the street shall be placed in a property owners' association. The petition shall include evidence that one hundred (100) percent of all property owners in the property owners' association have agreed that the street at issue may become private and have agreed to maintain and exercise control over the private street as required by this ordinance.

(e) The petition shall contain evidence that the property owners' association has the financial ability to maintain the street and associated improvements in perpetuity.

(f) The petition shall include evidence that the declaration of covenants and articles of association or other legal instrument(s) creating the property owners' association provide or have been amended to provide that membership in the property owners' association shall be mandatory for each original and successive purchaser of a lot, building or unit on the street.

(g) The petition shall include evidence that the property owners' association shall be organized so that it has absolute legal authority to maintain and exercise control over the private street(s) and required improvements associated with private streets, including, but not limited to, sidewalks, bikeways, curbs and gutters, traffic signs and markings, associated landscaping and lighting, entry signs, monuments, perimeter walls and fences, entry gates and gatehouses.

(h) The petition shall include evidence that the declaration of covenants creating the property owners' association shall be recorded with the clerk of the Superior Court of DeKalb County and the recorded declaration of covenants and articles of incorporation creating the property owners' association shall provide that all private streets and associated improvements are owned by the property owners' association or are held in common by the property owners within the development. Said streets shall be properly maintained and insured with no liability or maintenance responsibilities accruing to the city.

(i) The petition shall include evidence that the declaration of covenants and articles of association shall provide for a maintenance fund, the proceeds of which shall be used solely for the purpose of regular maintenance of the street(s), whether for resurfacing or similar purpose. For the purposes of further providing further assurances that city funds shall not be used for maintenance of private streets, the property owners' association shall submit proof of a maintenance fund equal to fifty (50) percent of the current estimate of resurfacing costs, as determined by the Director of Community Development or designee, in an interest bearing account on behalf of the property owners' association.

(j) The petition shall include evidence that the property owners have a maintenance bond renewable annually in an amount equal to fifty (50) percent of the current estimate of resurfacing costs, as determined by the Director of Community Development or designee.

(k) The petition shall include evidence that the property owners' association is empowered to levy assessments against owners on the street(s) for the payment of expenditures made by the association for maintenance of the private streets and improvements associated with private streets, including, but not limited to, sidewalks, bikeways, curbs and gutters, traffic signs and markings, associated landscaping and lighting, entry signs, monuments, perimeter walls and fences, entry gates and gatehouses and evidence that any unpaid assessments shall constitute a lien in favor of the property owners' association on the lot, building, or unit of the owner. At least fifteen (15) percent of all fees or assessments paid shall be set aside in the maintenance fund.

(l) The governing authority shall not consider a petition for abandonment unless it:

(1) Contains all of the evidence and documents required by this ordinance; and

(2) The street is no longer used by the public to the extent that it serves no substantial public purpose and that the public at large will benefit from its closure since the public will no longer be responsible for any costs to maintain and repair the street; and

(3) Is supported by an analysis by the community development department that shows that the abandonment of the street shall not negatively impact adjacent neighboring communities and the public at large.

Sec. 14-190. - Street classification and right-of-way width.

All streets shall be classified according to the table in this section. Street construction standards shall be no less than as follows:

Minimum Right-of-Way
Per Street Classification

Street Classification	Minimum Right-of-Way (Ft)	As Measured from Centerline (Ft)
Principal arterial	150	75
Minor arterial	80	40
Collector	60	30
Nonresidential local	60	30
Local (Residential subdivision)	50	25
Alley	20	10
Cul-de-sac	60	N/A

Sec. 14-190.1 – Sidewalk Required

(a) Sidewalk is required along the frontage of any property abutting a public or private street in which a City of Stonecrest land disturbance permit is required pursuant to the requirements of Chapter 27.

(b) Where a property or development abuts both sides of an existing or future street, sidewalk will be required on both sides of the street.

Sec. 14-191. - Improvements, right-of-way dedication.

(a) All proposed new streets shall be designed and built according to one of the standards listed in section 14-190 and as shown in the Standards for Construction and Design adopted by the Director.

(b) Where a proposed subdivision or project requiring a land development permit has frontage on an existing public street, right-of-way shall be dedicated along that frontage so as to meet the standards of that street's classification in the city thoroughfare plan. The right-of-way shall be improved wherever required as further provided in this section. For existing streets on which a proposed subdivision or project requiring a land development permit has frontage, the applicant shall:

(1) Dedicate a minimum of fifty (50) percent of the required right-of-way width as measured from the centerline of the existing street right-of-way;

(2) Install all required sidewalks, street trees, streetlights, and place utilities according to the standards in section 14-190; and

(3) Provide a minimum of fifty (50) percent of the roadway pavement required in section 14-190 and install it to the right-of-way centerline.

(c) Land reserved for any road purposes may not be counted in satisfying yard or area requirements on the City of Stonecrest Zoning Ordinance where the land is to be dedicated to the public in fee simple or an easement associated with the road is granted to City of Stonecrest.

(d) Right-of-way dedication and road widening shall extend for the full length of road frontage of the property under development and shall conform the standards in these regulations. Flares at pavement ends may be required to extend beyond property under development.

(e) The Director of Community Development, or his/her designee, after considering all related factors, may authorize deviations from this section as follows:

(1) Right-of-way dedication may be waived or modified if:

a. Existing use of property is not to be substantially changed as a result of proposed development or construction;

b. Existing government construction plans for the roadway indicate lesser right-of-way would be required for dedication; or

c. The adjoining frontage is developed and the predominate existing right-of-way meets city standards.

(2) Road improvements may be waived or modified if:

a. Existing use of property not to be substantially changed (i.e., traffic generation and ingress/egress would remain the same);

b. Governmental construction plans for the road indicate a pavement width less than city standards (only the planned pavement width shall be required);

c. No more than five (5) percent of average daily traffic generation would occur between 7:00 a.m. and 9:00 a.m. and 4:00 p.m. and 6:00 p.m., on weekdays;

d. The existing road meets current city standards; or

e. Widening would create a hazard to traffic, pedestrians, or bicyclists along the thoroughfare.

(3) The applicant may, with written concurrence of the development director and the city attorney, provide payment to the city in lieu of road improvements when:

a. Road improvements by state or local action are scheduled within twenty-four (24) months;

b. Existing utility companies' improvements are situated so as to require their removal or relocation before road improvements should be accomplished;

c. Improvements would be economically unfeasible or would cause unreasonable land development hardships because of topography, soils, bridges, grades, etc., and delay of improvements would not adversely impact the city's road system; and

d. Payment for road improvements shall be in accordance with a schedule adopted by the mayor and city council based on current street construction costs for the required section.

Sec. 14-192. - Half streets.

Half streets are prohibited. The applicant shall be required to pave the full standard width of any existing unpaved public right-of-way or any proposed public street on which the proposed subdivision has frontage and access.

Sec. 14-193. - Temporary dead-end streets.

Temporary dead-end streets may be platted, if recommended by the planning director and approved by the mayor and council, where the proposed subdivision adjoins property not yet subdivided or property that may be redevelopment. A temporary dead end street shall end in a temporary turn-around. The right-of-way of any temporary dead end street shall be carried to the boundary of the properties being subdivided. Street signs shall be posted stating: "No Exit — temporary dead-end street."

Sec. 14-194. - Permanent dead-end streets; cul-de-sac required.

(a) Dead-end streets designed to be so permanently shall be provided with a cul-de-sac at the closed end and shall not exceed one thousand two hundred (1200) feet.

(b) The minimum outside radius of a cul-de-sac on a public street shall be forty (40) feet, measured to the inside face of the outside curb. Each cul-de-sac shall provide a landscaped island at the center, and the clear width of the paved roadway measured from the outside of the landscaped island to the inside face of the outside curb shall not be less than twenty-four (24) feet. The radius of the right of way for the cul-de-sac shall not be less than fifty (50) feet.

Sec. 14-195. - Alleys.

(a) Alleys shall be required wherever topography or the presence of arterial roads or other features makes vehicular access from the front of the lot impractical or unsafe. Where the alley serves as the primary means of vehicular access to the lot, it shall be dedicated as a public right-of-way and built to the standards required in these regulations/this chapter.

(b) Alleys may be permitted as private streets providing secondary or service access and where the principal buildings have adequate access for emergency vehicles from a public street on their frontage. Private alleys may end in a turn-around. All alleys dedicated to the public shall provide a continuous connection between one (1) or more public streets. Alleys shall be paved and constructed to the same standards as the connecting public streets except that:

(1) The paved width of an alley shall be not less than twelve (12) feet;

(2) Alleys shall be constructed with flush curbs;

(3) Buildings shall be set back at least ten (10) feet from the back of curb of an alley.

Sec. 14-196. - Street grades.

(a) Subdivision street grades shall not exceed the following, with due allowance for reasonable vertical curves:

Type	Percent Grade
Major arterial	8
Minor arterial	10
Residential arterial and alley	12
Collector street	12
Local residential	12
Alleys	12

(b) A fourteen (14) percent grade on local residential streets may be approved by the Director of Community Development where a sight distance in feet of ten (10) times the speed limit is maintained. An as-built street profile may be required.

(c) No street grade shall be less than one (1) percent and no one (1) percent grade shall be longer than three hundred (300) feet.

(d) Up to a twelve (12) percent grade on alleys may be allowed, provided the Director of Community Development approves any required drainage plan.

Sec. 14-197. - Minimum horizontal curve radius.

Subdivision streets with design speeds of twenty (20) miles per hour may not have a minimum centerline horizontal curve radius less than ninety (90) feet. No other subdivision street shall have a horizontal curve radius less than one hundred fifty (150) feet. Radius shall be measured from the centerline of the right-of-way.

Sec. 14-198. - Minimum sight distance.

All subdivision streets shall have minimum sight distance according to the table below.

Design Speed (MPH)	Sight Distance (Ft) [1]				
	2-Lane	3 and 4 Lanes		5 and 6 Lanes	
	SDL=SDR	SDL	SDR	SDL	SDR
25	280	n/a	n/a	n/a	n/a
30	335	350	375	400	420
35	390	410	440	465	490
40	445	470	500	530	560
45	500	530	560	595	630
50	555	590	625	660	700
55	610	650	685	730	770

Notes:

1. SDL refers to "sight distance to the left" and SDR refers to "sight distance to the right."

2. Minimum intersection sight distance for stopped passenger vehicles turning onto a roadway with no median and grades of three percent or less. Distances shall be adjusted for entering roadways with different design characteristics.

If, due to other restrictions, this minimum sight distance cannot be maintained, the applicant shall, at the applicant's expense, provide adequate traffic-control devices or other physical improvements subject to the approval and installation by the city.

Sec. 14-200. - Access management.

The following standards shall apply to all subdivisions and all projects requiring a land development permit where the primary access is from a state or federal highway or an arterial classified as a major, minor or residential arterial or collector street in thoroughfare plan. These standards shall apply unless a more restrictive standard is required by the Georgia Department of Transportation:

(1) Commercial or office properties may be required, based on site conditions as determined by the development director, to provide a cross access drive and pedestrian access to allow circulation between sites. Cross access is not required between non-residential uses and single-family uses.

(2) Joint driveways, cross access easements and pedestrian access shall be established wherever feasible along a major or minor arterial or collector street. The building site shall incorporate the following:

a. Continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation of at least 1,000 feet of linear frontage along the thoroughfare.

b. A design speed of ten (10) mph and a two-way travel aisle width of twenty-four (24) feet to accommodate automobiles, service vehicles, and loading vehicles.

c. Stub-outs and other design features to indicate that abutting properties may be connected to provide cross access via a service drive.

(3) *Reserved.*

(4) The Director of Community Development may reduce the required separation distance of access points where they prove impractical, provided all of the following requirements are met:

a. Joint access driveways and cross access easements are provided in accordance with this section.

b. The site plan incorporates a unified vehicular and pedestrian access and circulation system in accordance with this section.

c. The property owner shall enter a written agreement with City of Stonecrest, recorded with the deed, that pre-existing connections on the site that do not meet the requirements of section 14-200 will be closed and eliminated after construction of each side of the joint use driveway.

(5) All developments shall have access to a public right-of-way. The number of access points shall be as follows:

Minimum Number of Access Points

Type of Development	Minimum No. of Access Points	Type of Primary Access
Residential, under 75 units	1	Residential arterial or collector street
Residential, 76—150 units	2	Residential arterial or collector street
Residential, 151—300	3	Collector street
Residential over 300 units	4	Collector street
Nonresidential, less than 300 required parking spaces	1	Collector street
Nonresidential, 300—999 required parking spaces	2	Major or minor arterial or collector street
Nonresidential, 1,000 or more required parking spaces	2 or more as determined by the department	Major or minor arterial or collector street

(6) The separation of access points on a major or minor arterial or collector street shall be determined by the speed limit of the road with the following minimum spacing requirements:

Posted Speed Limit of Road	Minimum Driveway Spacing
Less than or equal to 35 MPH	125 feet
36 to 45 MPH	245 feet
Greater than 45 MPH	440 feet

a. The distance between access points shall be measured from the centerline of the proposed driveway or public street to the centerline of the nearest existing adjacent driveway or public street.

b. Driveway spacing at intersections and corners shall provide adequate sight distance, response time, and permit adequate queuing space.

c. No driveway, except residential access, shall be allowed within one hundred (100) feet of the centerline of an intersecting arterial or collector street.

d. No non-residential access except right in/right out channelized access shall be allowed within one hundred (100) feet of the centerline of any other major or minor arterial.

e. The requirements of this section are not intended to eliminate all access to a parcel of land that was legally subdivided prior to the enactment of this section.

(7) Where major or minor arterials or collector streets include medians, directional median openings shall be separated by a minimum of three hundred thirty (330) feet and full median openings shall be separated by a minimum of six hundred sixty (660) feet.

(8) All street design and other development activities, including landscaping, shall be arranged on site so as to provide safe and convenient access for emergency vehicles.

(9) Along major or minor arterials, residential arterials, or collector streets, a deceleration lane, a turn lane, larger or reduced turning radius, traffic islands or other devices or designs, including traffic calming devices and designs, may be required to avoid specific traffic hazards which would otherwise be created by the proposed driveway location.

.a. Deceleration lane. A deceleration lane shall be required at each project driveway or subdivision street entrance, as applicable, that meets either the average daily traffic (ADT) or right turning volumes shown in the following table.

	2 Lanes on Main Road		>2 Lanes on Main Road	
	35-40 MPH	>40 MPH	35-40 MPH	>40 MPH
Main roadway ADT	8,000	4,000	12,000	10,000
Daily right turning volume	150	75	150	75
Peak hour right turning volume	15	7	15	7

Operating Speed	Deceleration Lanes
Subdivision Streets	Not Required
35 mph	150'+50' taper
40 mph	150'+50' taper
45 mph	150'+50' taper
55 mph	200'+150' taper

Deceleration lanes located within 75' of an intersection radius may be extended to the intersection.

b. Left turn lanes.

Left turn lanes must be constructed at no cost to the city if either the ADT or left turning volumes shown in the following table are met. The Director of Community Development may also require the addition of a left turn lane, even when the conditions in the following table are not met, if roadway geometry or field conditions indicate that the safety of the traveling public would be improved.

Table 11.4-5
Minimum Volumes Requiring
Left Turn Lanes

	2 Lanes on Main Road		>2 Lanes on Main Road	
	35-40 MPH	>40 MPH	35-40 MPH	>40 MPH
Main roadway ADT	6,000	4,000	10,000	8,000
Daily left	300	200	300	200

turning volume				
Peak hour left turning volume	30	20	30	20

Sec. 14-201. - Planting strips.

The Director of Community Development shall maintain a list of trees that are appropriate for the planting strips, and no trees other than those on the list shall be placed in the planting strips. The Director of Community Development shall also maintain specifications regarding spacing trees, and the appropriate time for planting. The trees may not count toward the fulfillment of the requirement to plant front yard trees but may fulfill any remaining density tree requirements under the tree protection ordinance, provided the requirements for tree type for planting strips are met.

Sec. 14-202. - Access management areas; purpose and intent.

The purpose and intent in enacting these regulations is as follows:

(a) To promote policies for the uniform improvement of safe and efficient movement of traffic, both vehicular and pedestrian, throughout City of Stonecrest;

(b) To maximize the benefit of transportation investments by maintaining a high level of functionality along major roadways;

(c) To encourage efficient development plans that enable individuals to fulfill their daily activities through minimal use of single-occupancy vehicles, and through increased use of alternative transportation modes such as public transit, walking, and bicycling;

(d) To provide for uniform control of the location, spacing, design, and operation of driveways, median openings, interchanges, and street connections to a roadway throughout City of Stonecrest;

(e) To support the goals stated in the transportation plan, including improved multimodal transportation, increased accessibility, and improved travel safety and efficiency; and

(f) To provide a transportation system that results in less congestion and increased use of alternative modes of travel.

Sec. 14-202.1. - Scope and applicability of regulations.

These regulations apply to each application for the development, use, alteration, parking, open space, building or modification of any structure where the subject property is, in whole or in part, contained within the boundaries of an access management area. The procedures, standards, and criteria herein apply only to that portion of the subject property within the boundaries of the access management area. Access management area regulations are supplemental to the underlying zoning district regulations. No development or building permit shall be issued to any applicant for permits for property or portions of property within an access management area until such time as the application complies with all applicable access

management area regulations and underlying zoning district regulations. Where there is a conflict between an access management area regulation and another regulation contained in the Code, the access management area regulation shall govern. Where an access management area regulation is equally restrictive with other regulations in the Code, the access management area regulation shall govern.

Sec. 14-202.2. - Definitions.

Continuous service drive means a privately owned and maintained continuous drive providing for ingress and egress to a public road.

Lower functional classification means those areas the Georgia Department of Transportation designates as lower functional classification on the current Functional Classification Map for the incorporated areas of the City of Stonecrest.

Throat length means the distance between the edge of the street and the end of the driveway within a development. The fifty-foot throat length will allow three (3) cars to stack up waiting to leave without interfering with the internal circulation of the parking lot.

Sec. 14-202.3. - Driveways.

The following standards for driveway access and spacing shall apply to all properties included in an access management area. These standards shall apply unless a more restrictive standard is required by the Georgia Department of Transportation:

(a) Where roadways include medians, median openings shall be separated by a minimum of six hundred sixty (660) feet;

(b) Right-turn lanes shall be required at all driveways where the right-turning volume exceeds three hundred (300) vehicles per day;

(c) The following driveway spacing shall be required for all driveways along the corridor between median openings or intersections with public roadways (measured center line to center line):

(1) The minimum distance of an upstream driveway from a median opening or intersection with a public roadway shall be three hundred (300) feet in addition to the storage length required for the driveway.

(2) The minimum distance of a downstream driveway from a median opening or intersection with a public roadway shall be three hundred (300) feet;

(d) All developments shall have access to a public right-of-way. Access to a public right-of-way may be obtained via an adjacent public roadway with a lower functional classification. The maximum number of driveways per parcel depends upon the length of frontage along the corridor:

(1) For parcels with less than six hundred (600) feet of frontage, there shall be a maximum of one (1) driveway allowed per parcel.

(2) For parcels with at least six hundred (600) feet of frontage, there shall be a maximum of two (2) driveways per parcel.

(3) For parcels which have frontage along an adjacent public roadway with a lower functional classification, the maximum number of driveways will be unchanged, but the first driveway shall be located on the adjacent public roadway.

(e) All driveways serving a single parcel must be at least one hundred (100) feet (measured from the centerline) from the property line that is perpendicular to the property frontage, and all deceleration lanes must be contained entirely within the property frontage. For parcels with insufficient frontage to accommodate these requirements, exceptions will be allowed, but driveway locations must be approved by the mayor or his or her designee. Access to a public right-of-way may be obtained through a shared driveway, which provides access to more than one (1) parcel. Shared driveways are exempt from the requirement regarding distance of the driveway from the property line.

(f) There shall be a minimum driveway throat length of fifty (50) feet. Throat length is the distance needed into a site to transition vehicles to the internal circulation system of the site.

(g) Driveway Width Dimensions

Nonresidential Driveway Width

Entrance Configuration	Minimum Width (Ft)	Maximum Width (Ft)
One way	15 (1)	18 (1)
Two way	24	36 (2)

Notes:

(1) Where no other access is provided a minimum width of 20 feet shall be required.

(2) Additional width may be approved by the Director of Community Development based on an approved engineering design.

(h) Driveway Radii

The minimum driveway radii for the intersection of local and non-residential driveways and local streets is 25 feet. For all other roadway classifications the minimum driveway radii is 50 feet.

Sec. 14-202.4. - Interparcel access.

To the maximum extent possible, sidewalks and parking lots serving adjacent lots shall be interconnected to provide continuous driveway connections and pedestrian connections between

adjoining lots and streets, except that this requirement shall not apply to lots zoned for single family or duplex residential units. Where necessary, the mayor or his or her designee may require access easements be provided to ensure continuous access and egress routes connecting commercial, office, and multifamily lots. Stub-outs shall be provided to indicate that abutting properties may be connected to provide cross-access via a continuous service drive.

Sec. 14-202.5. - Pedestrian and bicycle access.

Connections to available transportation modes, such as driveways, sidewalks, and bike paths shall be constructed along adjacent streets and those entering adjoining properties. Safe, convenient, and handicap-accessible pedestrian ways shall be provided from sidewalks along streets to each building entrance, including pedestrian access routes across parking lots and between adjacent buildings within the same development.

Sec. 14-202.6 – Reserved.

Secs. 14-203—14-215. - Reserved.

Part C. - Easements

Sec. 14-216. - Scope.

The provisions of this division apply to easements for or in subdivisions.

Sec. 14-217. - Permission for dedication required.

The applicant must obtain permission from the Director of Community Development for the dedication of utility easements prior to the submission of the dedication.

Sec. 14-218. - Reserved.

Sec. 14-219. - Drainage easements—Off-site.

Where drainage system improvements are required on private land outside the subdivision, appropriate drainage rights must be secured by the applicant and indicated on the plat.

Sec. 14-220. - Pedestrian and bicycle easements and paths.

Pedestrian and bicycle easements and paths shall be required in subdivision or projects requiring a land development permit to provide circulation or access to schools, parks, libraries, shopping centers, transportation centers and other community facilities. Such easements shall have a paving width of five (5) feet. Such paths shall be constructed according to the specifications set forth in the Standards for Construction and Design Drawings.

Secs. 14-221—14-235. - Reserved.

Part D. - Blocks

Sec. 14-236. - Generally.

The lengths, widths and shapes of blocks in subdivisions shall be determined with due regard to:

(1) Provision of building sites suitable to the special needs of the type of use contemplated or for the conservation of open space or existing historic features;

(2) Zoning requirements as to lot sizes and dimensions;

(3) Needs for convenient access by pedestrians and bicyclists to public transit, nearby schools, or commercial districts, vehicular circulation at safe speeds and adequate access for emergency vehicles; and

(4) Limitations and opportunities of topography to minimize land disturbance and erosion.

Sec. 14-237. - Desirable maximum and minimum lengths.

The dimensions of blocks shall be designed to accommodate and promote vehicular circulation at safe speeds. The desirable maximum block length in a subdivision is one thousand two hundred (1,200) feet and the desirable minimum length is three hundred (300) feet.

Sec. 14-238. - Mid-block easements and pedestrian paths.

In blocks of eight hundred (800) feet or more, the Director of Community Development may require the reservation of a ten-foot (10') easement and the paving of a five-foot (5') wide path through the block to accommodate utilities, drainage-facilities, or pedestrian traffic. Such paths shall be constructed according to-the specifications set forth in the Standards of Construction and Design Drawings.

Secs. 14-239—14-255. - Reserved.

Part E. - Lots

Sec. 14-256. - Generally.

The lot size, width, depth, shape and orientation and the minimum building, setback, side yard, and rear yard lines in subdivisions shall be in accordance with requirements of the city zoning ordinance.

Sec. 14-257. - Corner lots.

Corner lots for residential use in a subdivision shall have an extra width of not less than fifteen (15) feet more than required for interior lots by the zoning ordinance for the zoning district within which they are located in order to provide appropriate front building setback from and orientation to both streets.

Sec. 14-258. - Frontage.

Each subdivision lot shall front upon a publicly maintained street, unless otherwise approved under this Chapter.

Sec. 14-259. - Through lots and reverse frontage lots prohibited.

Through lots and reverse frontage lots shall be prohibited in subdivisions except along limited access highways, such as interstate highways. Where it is necessary to provide separation of residential development from major arterials or to overcome-specific disadvantages of topography and orientation, the lots fronting such features may be platted in greater depth so that dwellings may be set back an appropriate distance from the major arterial or other feature. Such lots may obtain vehicular access from a rear alley. Lots having access from a public alley shall not constitute a prohibited through lot. A landscape reservation of at least ten (10) feet in width, and across which there shall be no right of vehicular access, may be required-along the lot lines of lots abutting any disadvantageous feature or land use where access should be restricted in the public interest.

Sec. 14-260. - Side lot lines.

Side lot lines in subdivisions shall be substantially at right angles or radial to street lines as they extend from the front lot line to the front building line.

Secs. 14-261—14-274. - Reserved.

Part F. - Reservation of Open Spaces

Sec. 14-275. - Open space required; purposes.

(a) All residential subdivisions under five (5) acres or consisting of thirty-six (36) or less dwelling units may, and all residential subdivisions greater than five (5) acres or consisting of more than thirty-six (36) dwelling units shall be required to provide open space, in order to achieve the following public purposes:

(1) Conserve open land, including those areas containing historic or cultural resources, or sensitive natural features and wildlife habitats;

(2) Reduce erosion and sedimentation by minimizing land disturbance; and

(3) Preserve and develop an adequate-tree cover.

(b) Open space shall be a minimum of twenty (20) percent of the land in all new subdivision developments.

(c) Open space required by this section may be used in a variety of ways, including natural areas for wildlife and ecological functions, parks, gardens, landscaped medians, squares, village greens, courtyards, recreational space, or recreational facilities, provided the use is consistent with the requirements of this part.

Sec. 14-276. - Restrictions on open space.

No more than twenty (20) percent of the open space area may be covered with an impervious surface. Impervious surfaces may include paved trails, bike paths or multi-use paths, buildings, plazas, swimming pools, or athletic courts. Impervious surfaces in open space may not include sidewalks along public rights of way or parking lots, streets, or other areas for motorized vehicular use.

Sec. 14-277. - Dedication of parks, open space, recreation areas and conservation easements.

Parks, open space, multi-use trails, recreation areas and conservation easements may be offered for dedication to the city by the property owner.

Secs. 14-278—14-285. - Reserved.

Part G. - Sites for Civic Uses

Sec. 14-286. - Reservation of sites for civic uses.

A developer may reserve and offer property within a subdivision as a site for a civic use, including but not limited to public schools, fire stations, police stations, or recreation centers. The developer shall allow a minimum period of one (1) year from the date of submittal of submittal of the preliminary plat during which time the proper authorities may authorize acquisition of the property for its intended civic purposes. If the reserved site has not been authorized for acquisition by the proper authorities within one (1) year, the reservation shall terminate unless extended by the developer. If not extended, development of the formerly reserved site must follow the standard plat approval process. An amended final plat for the entire subdivision shall then be processed in the required manner when submitted by the developer.

Secs. 14-287—14-295. - Reserved.

DIVISION 4. - REQUIRED IMPROVEMENTS

Part A. - General Provisions

Sec. 14-296. - Scope.

This division applies to required improvements for or in subdivisions.

Sec. 14-297. - Location of required utilities in public rights of way.

All required utilities within county or city rights of way shall be located as shown in the Standards of Drawings and Specifications maintained by the development department and as otherwise provided herein.

Secs. 14-298—14-311. - Reserved.

Part B. - Water

Sec. 14-312. -Reserved.

Sec. 14-313. - Design, Construction and Acceptance.

The design and construction of all water main and appurtenances shall conform to the specifications and requirements of the DeKalb County Department of Watershed Management prior to the approval of a development permit by the community development department.

Sec. 14-314. - Pavement replacement.

Cuts in existing street pavement and driveways will be patched by the applicant/owner. The applicant/owner shall maintain the cuts in good condition until a permanent patch is made. When necessary to abate dust, mud or potholing, the contractor shall furnish and install crushed rock or cold patch asphaltic concrete to the surface of the trench. Appropriate utility permits must be obtained prior to work being initiated.

Secs. 14-334—14-350. - Reserved.

Part C. - Sewers

Sec.14-351. – Reserved.

Sec. 14-352. – Design, Construction and Acceptance.

The design and construction of all sewer lines and appurtenances shall conform to the specifications and requirements of the DeKalb County Department of Watershed Management prior to the approval of a development permit by the community development department.

Sec. 14-353. Pavement replacement.

Cuts in existing street placement and driveways will be patched by the applicant/owner. The applicant/owner shall maintain the cuts in good condition until a permanent patch is made. When necessary to abate dust, mud or potholing, the contractor shall furnish and install crushed rock or cold patch asphaltic concrete to the surface of the trench. Appropriate utility permits must be obtained prior to work being initiated.

Secs. 14-354—14-375. - Reserved.

Part D. - Streets

Sec. 14-376. - Standards.

(a) *Generally.* Street improvements shall be provided in each subdivision in accordance with the specifications in this part and the standard plans and specifications available from the city. The term "state transportation department specifications'" shall refer to the state department of transportation specifications in effect at the time the work is placed under contract. The references made to these specifications shall control the materials and equipment as well as the construction method of every class of work so applicable unless otherwise noted.

(b) *Grading.* The construction limits shall be cleared of all trees, stumps, brush and rubbish before grading operations are begun. No trees, stumps, brush or rubbish shall be placed in fill sections within the construction limits. Such debris shall be disposed of in a manner satisfactory to the development director. Fill sections shall be placed in six-inch layers with each layer thoroughly compacted with a sheep foot roller or by other approved methods before the next layer is placed, compaction to be not less than ninety-five (95) percent as

determined by AASHO, section T-99. Where unsatisfactory material is encountered (namely any material that will not compact properly, including solid rock) an additional twelve (12) inches shall be excavated below the subgrade elevation and backfilled with a select material. Where unstable material is used in fills, the fill shall be left twelve (12) inches below the subgrade elevation. This twelve-inch fill section shall be filled with select material. Streets shall be graded to width of not less than forty-two (42) feet in the center of the right-of-way to provide eight-foot shoulders in accordance with city's standard plan.

(c) *Curbing.* Header curbing shall be required on all streets and shall be furnished and installed by the applicant unless grassed swales are used for water quality control and approved by the development director. The minimum classes and types of curbing permitted will be as follows:

(1) Granite curbing, class D or better.

(2) Other than approved by the Director of Community Development, all curbing shall be placed in firm well-compacted subgrade, and curbing displaced prior to acceptance for maintenance by the city shall be reset or replaced. Specifications for the granite curbing are available from the City of Stonecrest Community Development Department.

(3) The use of rollback curb as approved by the Director of Community Development.

(d) *Base and paving.* All roadways shall be paved according to the table below.

Minimum Construction Standards

Street Classification	Base	Binder	Topping9.5 mm-Type II or 12.5 mm
Principal and minor arterials	12" GAB	6" (2)	1½"
Collectors	12" GAB	6" (2)	1½"
Nonresidential local	8" GAB	3" 19mm	1½"
Residential local and alleys	8" GAB	2" 19 mm	1"

Notes:

1. Unless otherwise specified by the community development department or GDOT.

2. Binder course shall consist of four inches 25 mm Superpave base and two inches of 19 mm Superpave binder.

(e) As-built drawings for all new streets shall be submitted to the community development department depicting a street profile based on the centerline and fifty (50) foot stations.

Sec. 14-377. - Street signs.

(a) The city's standard steel post with horizontal reflectorized street nameplates with four-inch letters shall be furnished by the applicant and set by the applicant at all subdivision street intersections.

(b) Street name signs shall have four-inch black letters on reflectorized silver background with black border. Nameplates shall be mounted parallel or nearly parallel to the street. The names shall be marked and visible from both sides. Signposts shall be ten-foot poles with at least three (3) feet well-embedded in the ground.

(c) The applicant shall pay to the city for each street name sign.

(d) To ensure that all street markers are paid for by the applicant and installed at the proper time, the required street markers will be paid for by the applicant at the time of recording.

(1) For subdivisions recorded under a performance bond, the street marker will not be installed until the paving has been completed.

(2) For subdivisions recorded under a maintenance bond, the street markers may be installed at the time of recording.

Sec. 14-378. - Road hazards prohibited.

Subdivision signs, planter boxes, and other similar permanent structures shall not be located on street rights-of-way and shall not be constructed in a manner which, in the opinion of the city, obstructs driveway sight distance or creates a traffic hazard; detailed plans for these structures shall be submitted to development director.

Sec. 14-379. - Surface drainage specifications.

(a) The size, length and location of all surface drainage pipe or structures shall be shown on the final subdivision plats and shall be subject to the approval of the department and/or DeKalb County. All storm drain pipes or culverts carrying stormwater from the street and adjacent property between or through lots shall be extended to at least thirty (30) feet behind the rear of the house, or otherwise as required by DeKalb County. Stormwater must be released into a channel without causing scouring, erosion or resulting sedimentation to the receiving channel. When necessary, the outlet channel shall include structural and vegetative measures to assure nonerosion velocities. This requirement for pipe extension shall only apply to the discharge ends of piped systems.

(1) An exception to extending pipes thirty (30) feet behind the rear of the house may be made for pipes fifty-four (54) inches and larger where the house site is proposed to be more than thirty (30) feet from the center of the drainage way.

(2) An exception to extending pipes thirty (30) feet behind the rear of the house may be granted by the city when soil conditions prohibit erosion.

(3) An exception to extending pipes thirty (30) feet behind the rear of the house may be granted by the city where lots are at least one (1) acre in size, open channels are provided, and neither ponding nor erosion control will result.

(b) Installation, backfilling and compaction shall be in accordance with state transportation department specifications, sections 106 and 520. All pipes shall have a minimum cover of one (1) foot and headwalls or inlet basins constructed at the end of each pipe.

(c) The design of drainage structures shall be based on recognized hydrological formulas as outlined in the Georgia Stormwater Management Manual.

(d) A contour map with an interval of two (2) feet shall be submitted as part of preliminary plats; where available, the city two-foot topographic map shall be used. As determined by the Director of Community Development, any lots within the subdivision which are undesirable for building due to bad drainage conditions shall be excluded, and no building shall be permitted thereon until these conditions have been corrected as specified by the department.

Sec. 14-380. - Reserved.

Sec. 14-381. - Bonds or escrow required.

(a) If, at the time the final plat is submitted for approval, the construction of the street improvements has not been accomplished, then the final plat shall be disapproved. No performance bonds shall be allowed or authorized except the mayor shall require a performance bond to be filed with the city to ensure that all final road improvements required by this Code are made by the owner or applicant. The city shall accept no road until such time as all road improvements required by the city are made. Any acceptance of a road or approval of a final plat where the road improvements were not made prior to acceptance or approval shall be considered ultra vires and void.

(b) After the work has been completed according to the city specifications and duly inspected by the city, then a maintenance bond shall be required equal to ten (10) percent of the estimated construction cost. The proposed maintenance bond shall be reviewed and approved as to form by the city attorney prior to acceptance by the city. The maintenance bond shall cover the street improvements, drainage system, water system and sewer system. Funds may be placed in escrow with the city in lieu of maintenance bonds.

(c) The applicant shall be required to sign a maintenance agreement with the city, by which the applicant shall agree to maintain the streets, drainage, water quality BMPs, water and sewer systems, and rights-of-way.

(d) In case of emergency repairs, which must be made immediately, or required corrections, which are not made within thirty (30) days of notice, the city shall have the authority to make these corrections and recover costs from the applicant. In cases where funds are being held in escrow by the city, the cost of making these corrections shall be deducted from these funds, and the applicant charged with any costs above the amount of escrow funds.

Sec. 14-382. - Standard plans and specifications available.

Standard city plans and specifications referred to in this part are on file and may be obtained from the development department. The plans are cross sections and construction drawings for a

graded street, paved street, driveway section for curbed streets, brick catch basin, barricade for dead-end streets, twenty-four-inch concrete curb and gutter section and standard street marker.

Sec. 14-383. - Sidewalks and bicycle lanes.

(a) Sidewalks shall be required on all sides of street frontage on all new and improved local residential streets in all subdivisions and along the street frontage of all new and improved non-residential developments and as set forth in section 14-190 of this article, unless determined by the Director of Community Development to be infeasible only due to severe cross-slopes, shallow rock, soil or topographic conditions. At a minimum, however, continuous sidewalks shall be required on at least one (1) side of all new and improved local residential streets in all new and improved. Refer to section 14-191 for sidewalk exemptions.

(b) The Director of Community Development may require that sidewalks required pursuant to 14-383(a) be continued to the nearest major or minor arterial or collector street.

(c) A grassed, planted or landscaped strip, as set forth in section 14-190 of this article, shall separate all sidewalks from adjacent curbs, bridges excepted. The Director of Community Development may approve a variable sidewalk location and landscape strip width based on site conditions and future road expansions. Where sidewalks currently exist, new sidewalk construction or re-construction shall be continuous with existing sidewalks.

(d) Sidewalks shall be concrete, with the width based on the zoning ordinance, and four (4) inches thick. Concrete shall be Class "B", as defined by the Georgia Department of Transportation, and have strength of two thousand five hundred (2,500) psi at twenty-eight (28) days. Disturbed areas along sidewalks shall be backfilled, stabilized, and grassed. The required width of a sidewalk may be increased, as determined by the Director of Community Development, based on site conditions to ensure pedestrian safety. See also, section 14-190.

(e) Sidewalks shall be installed at the same time as the building construction, unless an alternative method is approved by the Director of Community Development. Sidewalks shall be completed prior to the issuance of certificate of occupancy for property on which the sidewalk fronts. The sidewalk plan shall be recorded on the final plat and all sidewalks completely installed prior to approval of the final plat.

(f) Sidewalks shall not be cut, removed or closed temporarily without a permit from the Community Development Department. Such permit shall not be issued unless safe, adequate, and convenient provision is made for pedestrian travel through the area that is disrupted. Damage to sidewalks caused during construction or development activity shall be repaired at no cost to the city within thirty (30) days or prior to issuance of a certificate of occupancy, whichever is earlier.

(g) In any "landmark district" or "historic district", as defined by the city, where replacement or reconstruction of the sidewalk is deemed necessary, the sidewalk shall be replaced or reconstructed using materials, widths, and designs that are compatible with the historic materials and designs, if any, that exist within the historic district. Design compatibility shall be determined by the City of Stonecrest Historic Preservation Commission.

(h) All sidewalk construction and repairs shall provide for wheelchair ramps to and from sidewalks at the intersection of each street corner and crosswalk. Access ramps shall be constructed pursuant to standards approved by the department.

(i) No person shall construct a sidewalk on any street in the city without first having obtained a permit to do so from the department. Any person constructing a sidewalk on a street, without first obtaining a permit, shall be in violation of this Code, and the department shall be authorized to condemn the sidewalk and have it removed and replaced at no cost to the city.

(j) Bicycle lanes shall be required on new or substantially improved major or minor arterials, parkways, or collector streets where the posted speed limit is thirty-five (35) miles per hour or greater. Bicycle lanes may also be required by the Director of Community Development where necessary to provide connections to bikeways in concert with the city bikeway master plan. Bicycle lanes shall be constructed as follows:

(1) Bicycle lanes, where required, shall be at least four (4) feet wide and placed in the outside lane of a roadway, adjacent to the curb or shoulder. When on-street parking is permitted, the bicycle lane shall be at least five (5) feet wide and located between the parking lane and the outer lane of moving vehicles. Bicycle pavement widths shall be in addition to the minimum pavement width required for the road. See also section 14-190.

(2) Bicycle lanes shall be delineated with signs and striping consistent with the latest edition of the manual for uniform traffic control devices, and approved by the development director.

(3) Bikeways and bicycle lanes shall be constructed according to the most recent specifications set forth in American Association of State Highway and Transportation Officials (AASHTO) guidelines.

(4) The design, striping and sign system for bicycle lanes shall be coordinated with that of the vehicular road system to provide a safe and continuous route for bicycles. Deceleration lanes shall be striped so that bicycles can safely remain in a lane marked between the deceleration lane and the through traffic lane.

(k) No wall, fence, sign or other structure shall obstruct passage along a sidewalk or bicycle lane.

Sec. 14-384. - Reserved.

Sec. 14-385. - Underground utilities.

All utilities are required to be placed underground in all new subdivisions of two (2) or more lots except where no utility improvements are required by this chapter, or where the development director determines underground utilities are infeasible due to shallow rock, high water table, or other similar geologic or hydrologic conditions.

Sec. 14-386. - Streetlights.

Streetlights consistent with Georgia Power specifications, are required in all new subdivisions of two (2) or more lots except where no utility improvements are required by this chapter. Streetlights shall be provided on the same side of the street as sidewalks.

Secs. 14-387—14-395. - Reserved.

Part E. - Private Sewage Disposal

Private sewage disposal including septic tanks shall be approved by the health department.

Sec. 14-396 – 14.406. - Reserved

ARTICLE IV. - FLOODPLAIN MANAGEMENT

DIVISION 1. - FINDINGS OF FACT AND STATEMENT OF PURPOSE

Sec. 14-407. Findings of fact.

(a) The flood hazard areas of the City are subject to periodic inundation which results in loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(b) These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effects of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to the flood loss.

Sec. 14-408. Purpose and intent.

It is the purpose of this Article to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(a) Protect, maintain and enhance human life and health;

(b) Minimize the expenditure of public money for costly flood control projects;

(c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) Minimize prolonged business interruptions;

(e) Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;

(f) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;

(g) Ensure that potential buyers are notified that property is in an area of special flood hazard;

(h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and

(i) Improve the stormwater management, water quality, stream bank protection, stream corridor protection, wetland preservation and ecological functions of natural floodplain areas.

Sec. 14-409. - Methods of reducing flood losses.

In order to accomplish its purposes, this Article includes methods and provisions that:

(a) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or result in damaging increases in erosion or flood heights or velocities;

(b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(d) Control filling, grading, dredging, and other development which may increase flood damage;

(e) Prevent or regulate the construction of flood barriers, which will unnaturally divert flood waters or which may increase flood hazards in other areas; and

(f) Limit the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of flood waters.

DIVISION 2. - DEFINITIONS

Sec. 14-410. - Specific definitions.

Unless specifically defined below, words or phrases used in this Article shall be interpreted so as to give them the meaning they have in common usage and to give this Article its most reasonable application.

Accessory use means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a

firewall. Any walled and roofed addition which is connected by a firewall or is separated by an independent perimeter load-bearing wall shall be considered new construction.

Adversely affects means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

Apex means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.

Appeal means a request for a review of the Director's interpretation of any provision of this Article.

Area of shallow flooding means a designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard. See "Special flood hazard area."

Base flood means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").

Base flood elevation means the highest water surface elevation anticipated at any given point during the base flood.

Basement means any area of the building having its floor subgrade i.e., below ground level on all sides.

Basin means a region or land area drained by a single river system.

Building means any structure built for support, shelter or enclosure for any occupancy or storage.

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations or storage of equipment or materials.

Director means the director of community development or designee.

Elevated building means a nonbasement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

Encroachment means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

Existing construction means any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by a community as a basis for that community's participation in the National Flood Insurance Program.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the instillation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 6, 1974.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA means the Federal Emergency Management Agency.

Flood, flooding, or flood water means:

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and

(2) The condition resulting from flood-related erosion.

Flood hazard boundary map (FHBM) means the official map on which the Federal Emergency Management Agency or the Federal Insurance Administration has delineated the special flood hazard areas as Zone A.

Flood insurance rate map (FIRM) means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood insurance study (FIS) means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood insurance rate map, the flood boundary and floodway map and the water surface elevation of the base flood.

Floodplain or *flood-prone area* means any land area susceptible to being inundated by water from any source. See "Flooding."

Floodplain coordinator is the individual appointed to administer and enforce the floodplain management regulations, and shall mean the Director of Community Development or his or her designee.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodway means the channel of river or other watercourse and the adjacent land areas of the floodplain that is necessary to contain and discharge the based flood flow without cumulatively

increasing the water surface elevation more than one (1) foot, also referred to as "regulatory floodway."

Floodway fringe is the area of the floodplain on either side of the regulatory floodway where encroachment may be permitted.

Fraud and victimization as related to Division 6, Variances, of this Article, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Zoning Board of Appeals will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty (50) to one hundred (100) years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

Functionally dependent use means a use which cannot perform its intended purposes unless it is located or carried out in close proximity to water. The terms include only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and do not include long-term storage or related manufacturing facilities.

Future-conditions flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year based on future-conditions hydrology. Also known as the one-hundred-year future-conditions flood.

Future-conditions floodplain means any land area susceptible to flooding by the future-conditions flood.

Future-conditions flood elevation means the flood standard equal to or higher than the base flood elevation. The future-conditions flood elevation is defined as the highest water surface anticipated at any given point during the future-conditions flood.

Future-conditions hydrology means the flood discharges associated with projected land-use conditions based on a community's zoning map, comprehensive land-use plans, and/or watershed study projections, and without consideration of projected future construction of flood detention structures or projected future hydraulic modifications, within a stream or other waterway, such as a bridge or culvert construction, fill and excavation.

Governing body is the Mayor and City Council for the City of Stonecrest..

Hardship as related to Division 6, Variances, of this Article means the exceptional hardship that could result from a failure to grant the requested variance. The Zoning Board of Appeals requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed foundation of a building.

Historic structure means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

Increased costs of compliance coverage means the National Flood Insurance Program coverage used to mitigate repetitive flood loss properties, where the cumulative flood damage over a ten-year period is such that the cost of repairing the damage is more than half of the building's fair market value.

Land development means any land change, including but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.

Land Development Activities means those actions or activities that comprise or facilitate a result in land development.

Land development project means a specific land development undertaking.

Levee means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such a closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area, including basement (see "Basement"), which includes the following:

(a) An unfinished or flood-resistant enclosure below the lowest floor that is usable solely for parking or vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of other provisions of this Chapter.

(b) For residential structures, all subgrade-enclosed areas are considered to be basements, including below-grade garages and storage areas.

Manufactured home means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes any structure commonly referred to as a "mobile home" regardless of the date of manufacture. The term also includes parked trailers, travel trailers and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Article, the term is synonymous with National Geodetic Vertical Datum (NGVD) and/or the North American Vertical Datum (NAVD) of 1988.

Minimum necessary means to afford relief with a minimum of deviation from the requirements of this Article.

National Geodetic Vertical Datum (NGVD) as corrected in 1929, means the vertical control used as a reference for establishing varying elevations within a floodplain.

New construction, for floodplain management purposes, means structures for which the "start of construction" commenced after adoption of this Chapter, and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the instillation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 6, 1974.

Owner means the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

One-hundred-year flood or *100-year flood.* See "Base flood."

Permit means the authorization issued by the Director necessary to conduct a land-disturbing activity under the provisions of this Chapter.

Public safety and nuisance, as the term is used in division 6, Variances, of this Article means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational vehicle means a vehicle which is:

(1) Built on a single chassis;

(2) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light-duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Remedy a violation means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.

Repetitive loss structure means a building covered by a contract for flood insurance that has incurred flood-related damages on two (2) occasions during a ten-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded twenty-five (25) percent of the market value of the building at the time of each such flood event.

Riverine means relating to, formed by, or resembling a river (including tributaries), streams, brooks, etc.

Sheet flow area. See "Area of shallow flooding."

Site means the parcel of land being developed, or the portion thereof on which the land development project is located.

Special flood hazard area (SFHA) means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as zone A, AO, A1-A30, AE, A99, AR or AH; all floodplain and floodprone areas at or below the future-conditions flood elevation; and all other floodprone areas. All streams with a drainage area of 100 acres or greater must have the special flood hazard area delineated.

Start of construction includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab for footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings or structures appurtenant to the principal structure, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

Subdivision means the division or re-division of a lot, tract or parcel of land, regardless of its existing and future use, into two or more lots, tracts or parcels, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial improvement means any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a ten-year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure before the start of construction of the improvement. The market value of the building means:

(1) The appraised value of the structure prior to the start of the initial repair or improvement, or

(2) In the case of damage, the value of the structure prior to the damage occurring.

This term includes structures that have incurred "substantial damage" regardless of the actual amount of repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building.

Substantially improved existing manufactured home park or subdivision means the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads when the cost of such repair, reconstruction, rehabilitation or improvement equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Variance means a grant of relief from the requirements of this Article which permits construction in a manner that would otherwise be prohibited by this Article.

Violation means the failure of a structure or other development to be fully compliant with this Article. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Article is presumed to be in violation until such time as that documentation is provided.

DIVISION 3. - GENERAL PROVISIONS

Sec. 14-411. - Lands and structures to which this article applies.

This Article shall apply to all areas of special flood hazards within the jurisdiction of the City, and all new or substantially improved residential units, all subdivisions, nonresidential structures, manufactured homes, recreational vehicles, and utilities. This Article will be enforced

in areas outside the floodplain where runoff poses a risk similar to the special flood hazard areas. In addition, all streams with a drainage area of one hundred (100) acres or more are assumed to have an area of special flood hazard.

Sec. 14-412. - Basis for establishing the areas of special flood hazard.

(a) The areas of special flood hazard currently identified by the Federal Insurance Administration of FEMA in the flood insurance study and accompanying flood insurance rate maps and flood boundary and floodway maps, currently dated May 7, 2001, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this Article.

(b) The flood insurance study and attendant mapping is the minimum area of applicability of this Article and may be supplemented by studies for other areas which allow implementation of this Article and which are recommended to the governing authority by the floodplain coordinator. The Flood Insurance Study, Federal Insurance Rate Maps and Flood Boundary and Floodway Maps are on file with the City of Stonecrest.

(c) For those land areas acquired by city annexation, the flood insurance study and data in effect at the time of approval of this are hereby adopted by reference.

(d) The areas of special flood hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a flood insurance study.

(e) Studies which may be relied upon for the establishment of the base flood elevation or delineation of the one-hundred-year floodplain include, but are not limited to, the following:

(1) Any flood or flood-related study conducted by the United States [Army] Corps of Engineers or the United States Geological Survey or any other local, state or federal agency applicable to the City of Stonecrest; or

(2) Any flood study authored by a registered professional engineer in the state which has been approved by the City of Stonecrest.

(f) Other studies, which may be relied upon for the establishment of the future-conditions flood elevation or delineation of the future-conditions floodplain, include, but are not limited to, the following:

(1) Any flood or flood-related study conducted by the United States [Army] Corps of Engineers or the United States Geological Survey or any other local state or federal agency applicable to the City of Stonecrest; or

(2) Any regulatory flood study authored by a registered professional engineer in the state which has been approved by the City of Stonecrest.

Sec. 14-413. - Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the term of this Article and other applicable regulations. Violation

of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this Article or fails to comply with any of its requirements shall, upon conviction thereof, be subject to a fine and/or imprisonment in accordance with Chapter 1 of the City of Stonecrest Code. Each day such violation continues shall be considered a separate offense, and nothing herein shall prevent the City from taking such lawful action as is necessary to prevent or remedy any violation.

Sec. 14-414. - Repetitive loss structure and cumulative substantial damage.

A building must be brought into compliance with requirements for new construction if it has incurred flood-related damages on two (2) occasions during a ten-year period in which the cost of repairing the flood damage, on the average, equaled or exceeded twenty-five (25) percent of the market value of the building at the time of each such flood event, or damage of any origin is sustained whereby the cost of restoring the building to its before damage condition would equal or exceed fifty (50) percent of the market value of the building before the damage occurred.

Sec. 14-415. - Mandatory purchase of flood insurance.

In the event that a property owner chooses not to purchase flood insurance on property at risk, or does not comply with a notice to bring a building into compliance, reducing the community efforts for flood protection, the insurance premium discount for the community's property owners as a community rating participant may not apply.

Sec. 14-416. - Abrogation and greater restrictions.

This Article is not intended to repeal, abrogate, or impair any existing easements, covenant, or deed restrictions. However, where this Article and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 14-417. - Interpretation.

In the interpretation and application of this Article, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 14-418. - Warning and disclaimer of liability.

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of City, any officer or employee thereof, the State of Georgia, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood

damages that result from reliance on this Article or any administrative decision lawfully made hereunder.

Sec. 14-419. - Severability.

This Article and the various parts thereof are hereby declared to be severable. Should any section of this Article be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Article as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

DIVISION 4. - ADMINISTRATION

Sec. 14-420. - Establishment of development permit.

A development permit shall be obtained before any construction of other development begins within any area of special flood hazard. Application for a development permit shall be made on forms promulgated by the Director and may include, but not be limited to, floodplain management/flood damage prevention plan; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials drainage facilities; and location of the foregoing. Specifically, all of the following information is required before the Director will consider the application for a development permit:

(a) *Application stage:*

(1) Site plan, including but not limited to:

a. For all proposed structures, spot ground elevations at building corners and twenty-foot or smaller intervals along the foundation footprints, or one-foot contour elevations throughout the building site; and

b. Proposed locations of water supply, sanitary sewer, and utilities; and

c. If available, the base flood elevation from the flood insurance study and/or flood insurance rate map; and

d. If applicable, the location of the regulatory floodway; and

e. Existing and proposed elevation of the area in question and the nature, location and dimensions of existing and/or proposed structures, earthen fill placement, amount and location of excavation material and storage of materials or equipment; and

f. Proposed locations of drainage and stormwater management facilities; and

g. Proposed grading plan; and

h. Base flood elevations and future-conditions flood elevations; and

i. Boundaries of the base flood floodplain and future-conditions floodplain; and

j. Certification of the site plan by a registered professional engineer in the state.

(2) Building and foundation design detail, including but not limited to:

a. Proposed elevation in relation to mean sea level, or highest adjacent grade, of the lowest floor, including the basement, of all structures; and

b. For a crawl space foundation, location and total net area of foundation openings as required in subsection 14-429(b)(3) and FEMA Technical Bulletins 1-93 and 7-93; and

c. For foundations placed on fill, the location and height of fill, and compaction requirements (compacted to ninety-five (95) percent using the Standard Proctor Test Method); and

d. Certification that any proposed nonresidential floodproofed structure meets the criteria in 14-429; and

e. For enclosures below the base flood elevation, location and total net area of foundation openings as required in 14-429c(i).

f. Certification that the foundation design detail is by a registered professional engineer in the state.

(3) Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in subsection 14-429(b)(3)b. and FEMA Technical Bulletin TB 3-93; and

(4) All appropriate certifications listed in subsection 14-429(b)(3); and

(5) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and

(6) Hard copies and digital files of computer models, if any, copies of work maps, comparison of pre- and post-development conditions base flood elevations, future conditions flood elevations, flood protection elevations, special flood hazard areas and regulatory floodway widths, flood profiles and all other computations and other information similar to that presented in the FIS; and

(7) Copies of all applicable state and federal permits and certifications necessary for proposed development.

(b) *Construction stage:*

(1) For all new construction and substantial improvements on sites with a floodplain management/flood damage prevention plan, the permit holder shall provide to the floodplain coordinator a certified as-built elevation certificate or floodproofing certificate for nonresidential construction, including the lowest floor elevation, immediately after the lowest floor or floodproofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a currently state-registered land surveyor or currently state-registered professional engineer and certified by same. When floodproofing is utilized for

nonresidential structures, said certification shall be prepared by or under the direct supervision of a currently state-registered professional engineer or architect and certified by the same.

(2) Any work undertaken prior to submission of the certifications identified in subsection 14-420(b)(1) shall be at the permit holder's risk. The floodplain coordinator shall review the above-referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or, failure to make said corrections required herein, shall be cause to issue a stop-work order for the project.

(3) Copies of permits issued for construction in the floodplain shall be forwarded to the floodplain coordinator.

(c) The approved floodplain management/flood damage prevention plan shall contain certification by the applicant that all development activities will be done according to the plan or previously approved regions. Any and all development permits and/or use and occupancy certificates or permits may be revoked at any time if the construction and development activities are not in strict accordance with approved plans.

(d) A development permit will not be approved for any construction or other development activities that do not meet the requirements, restrictions and criteria of this Article.

Sec. 14-421. - Designation of the floodplain coordinator.

The Director is hereby appointed as the floodplain coordinator and is authorized to administer, implement, and enforce this Article by granting or denying permits in accord with its provisions.

Sec. 14-422. - Duties and responsibilities of the floodplain coordinator.

The duties and responsibilities of the floodplain coordinator shall include, but not be limited to, the following:

(a) Review all development permits to determine that:

(1) The permit requirements of this Article have been satisfied;

(2) Copies for all necessary permits from any governmental agencies from which approval is required are on file;

(3) All other required state and federal permits have been obtained;

(4) The site is reasonably safe from flooding; and

(5) The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated.

(b) Review, use and develop base flood data:

(1) When base flood elevation data has not been provided in accordance with section 14-412, the floodplain coordinator shall obtain, review, and reasonably utilize any

base flood elevation, future conditions flood elevation, floodway or future conditions floodway data available from a federal or state agency, or other source, in order to administer the provisions of this Article. Any such information shall be submitted to the Mayor and City Council for adoption; or

(2) Review and record the actual elevation in relation to the mean sea level, or highest adjacent grade, of the lowest floor, including basement, of all new or substantially improved structures.

(c) Notify other government agencies of an alteration or relocation of a watercourse:

(1) Notify adjacent communities and the Georgia Department of Water Resources prior to any alteration or relocation of a watercourse; and

(2) Submit evidence of such notification to the Federal Insurance Administration and FEMA; and

(3) Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

(d) Obtain and maintain for public inspection and make available, as needed, the following:

(1) Certification required by subsection 14-429(b)(3) and section 14-432 (lowest floor elevations);

(2) Certification required by subsection 14-429(b)(3)b. (elevation or floodproofing of nonresidential structures);

(3) Certification required by subsection 14-429(b)(3)b. (wet floodproofing standard);

(4) Certification of elevation required by section 14-432 (subdivision standards); and

(5) Certification required by section 14-439 (floodway encroachments).

(e) Make map determinations and interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard. Where there appears to be a conflict between a mapped boundary and actual field conditions, grade and base flood elevations shall be used to determine the boundaries of the special flood hazard area. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation of the floodplain coordinator.

(f) Review and record the actual elevation, in relation to mean sea level to which any substantially improved structures have been flood-proofed.

(g) Take action to remedy violations of this Article as specified in section 14-413.

(h) Respond to requests for listings of properties in the floodplain. The adopted method for disclosure at the time of sale or rental of a property is accomplished by providing to the interested parties, general public, realtor, insurance, mortgage and engineering consulting firms with an electronic database listing all properties in the floodplain, annually updated, and free of charge.

(i) Duties for variances.

(1) Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration and Federal Emergency Management Agency.

(2) Maintain the records of all appeal actions and report any variances to FEMA upon request.

Sec. 14-423. - Appeals.

The Zoning Board of Appeals shall hear and decide appeals when an applicant alleges there is an error in any requirement, decision, or determination made by the floodplain coordinator within one thousand (1,000) feet of the property in the enforcement or administration of this Article.

DIVISION 5. - PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 14-424. - Floodplain management planning and public information.

(a) To comply with requirements of the community rating system, the City adopts the following:

(1) A floodplain management plan and progress that will be reported in the annual re-certification process. This plan will be updated for each subsequent two-year period.

(2) Public information shall include, but it is not limited to elevation certificate repository, map information, outreach projects, hazard disclosure, flood protection, and flood protection assistance.

Sec. 14-425. - Stream dumping penalties.

Any natural growth or human-made debris that reduces the carrying and storage capacity of the City drainage system may be a violation of this Article. Any person who dumps log, trash, trees, and similar debris, shall, upon conviction, be subject to a fine and/or imprisonment according to Chapter 1 of the City of Stonecrest Code.

Sec. 14-426. - Definitions of floodplain boundaries.

(a) Studied "A" zones, as identified in the flood insurance study, shall be used to establish base flood elevations whenever available.

(b) For all streams with a drainage area of one hundred (100) acres or greater, the future-conditions flood elevations shall be provided by the floodplain coordinator. If future-conditions elevation data is not available from the floodplain coordinator, then it shall be determined by a registered professional engineer using a method approved by FEMA and the floodplain coordinator.

Sec. 14-427. - Engineering study requirements for floodplain encroachments.

An engineering study is required, as appropriate to the proposed development activities on a site, whenever a development proposes to disturb the regulatory floodplain, except for a residential single-lot development on streams without established base flood elevations and/or floodways for which the provisions of section 14-439 shall apply. This study shall be prepared by a currently state-registered professional engineer and made a part of the application for a development permit pursuant to section 14-420. This information shall be submitted to and approved by the floodplain coordinator prior to the approval of any permit that would authorize the disturbance of land located within the future-conditions floodplain. Such study shall include:

(a) Description of the extent to which any watercourse or floodplain will be altered or relocated as a result of the proposed development;

(b) Step-backwater analysis, using a FEMA-approved methodology. Cross-sections (which may be supplemented by the applicant) and flow information will be obtained whenever available. Computations will be shown duplicating the flood insurance study results and will then be rerun with the proposed modifications to determine the new base flood and future conditions flood profiles;

(c) Floodplain storage calculations based on cross-sections (at least one (1) every one hundred (100) feet) showing existing and proposed floodplain conditions to show that base floodplain and future conditions floodplain storage capacity would not be diminished by the development;

(d) The study shall include a preliminary plat, grading plan, or site plan, as appropriate, which shall clearly define all floodplain encroachments.

Sec. 14-428. - General standards.

(a) No development shall be allowed within the future-conditions floodplain that could result in the following:

(1) Raising the base flood elevation or future-conditions flood elevation equal to or more than 0.01 foot;

(2) Reducing the base flood or future-conditions flood storage capacity;

(3) Changing the flow characteristics as to the depth and velocity of the waters of the base flood or future-conditions flood as they pass both the upstream and the downstream boundaries of the development area; or,

(4) Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation.

(b) Any development within the future-conditions floodplain allowed under (a) above shall also meet the following conditions:

(1) Compensation for storage capacity shall occur between the average groundwater table elevation and the base flood elevation for the base flood, and between the average groundwater table elevation and the future-condition flood elevation for the future-conditions flood, and lie either within the boundaries of ownership of the property being

developed and shall be within the immediate vicinity of the location of the encroachment. Acceptable means of providing required compensation include lowering of natural ground elevations within the floodplain, or lowering of adjoining land areas to create additional floodplain storage. In no case shall any required compensation be provided via bottom storage or by excavating below the elevation of the top of the natural (predevelopment) stream channel unless such excavation results from the widening or relocation of the stream channel;

(2) Cut areas shall be stabilized and graded to a slope of no less than 2.0 percent;

(3) Effective transitions shall be provided such that flow velocities occurring on both upstream and downstream properties are not increased or decreased;

(4) Verification of no-rise conditions (0.01 foot or less), flood storage volumes, and flow characteristics shall be provided via a step-backwater analysis meeting the requirements of section 14-430;

(5) Public utilities and facilities, such as water, sanitary sewer, gas, and electrical systems, shall be located and constructed to minimize or eliminate infiltration or contamination from flood waters; and

(6) Any significant physical changes to the base flood floodplain shall be submitted as a conditional letter of map revision (CLOMR) or conditional letter of map amendment (CLOMA), whichever is applicable. The CLOMR submittal shall be subject to approval by the Director using the community consent forms before forwarding the submittal package to FEMA for final approval. Forwarding the CLOMR to FEMA and for obtaining the CLOMR approval shall be the responsibility of the applicant. Within six months of the completion of construction, the applicant shall submit as-built surveys for a final letter of map revision (LOMR).

Sec. 14-429. - Standards of construction within a floodplain.

(a) New construction of principal buildings (residential or nonresidential), including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain, unless all of the pertinent requirements of this Article have been met.

(b) No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this Article and other applicable provisions of this Code, state or federal law. In all areas of flood hazards the following standards are required:

(1) *Anchoring.* All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(2) *Construction materials and methods.* All new construction and substantial improvements shall be constructed:

(i) With flood resistant materials as specified in FEMA Technical Bulletin TB 2-93, and utility equipment resistant to flood damage;

(ii) Using methods and practices that minimize flood damage;

(iii) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing and other service facilities shall be designed and/or located three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher, so as to prevent water from entering or accumulating within the components during conditions of flooding; and

(iv) Within zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

(3) *Elevation and floodproofing.*

(i) *Residential buildings.*

a. *New construction.* New construction of principal buildings, including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain unless all requirements of sections 14-427, 14-428 and 14-422 have been met. If all of the requirements of the said sections have been met, all new construction shall have the lowest floor, including basement, elevated no lower than three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of subsection (iii).

b. *Substantial improvements.* Substantial improvement of any principal structure or manufactured home shall have the lowest floor, including basement, elevated no lower than three (3) feet above the base flood elevation or one (1) foot above the future conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of flood waters shall be provided in accordance with the standards of subsection (iii).

(ii) *Nonresidential buildings.*

a. *New construction.* New construction of principal buildings, including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain unless all requirements of sections 14-427, 14-428 and 14-422 have been met. New construction that has met all of the requirements of said sections may be flood proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one (1) foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify

that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the floodplain coordinator.

b. *Substantial improvements.* Substantial improvement of any principal non-residential structure located in A1-30, AE or AH zones, may be authorized by the floodplain coordinator to be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one (1) foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the floodplain coordinator.

(iii) *[Parking.]* All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting these requirements shall follow the guidelines in FEMA Technical Bulletins TB 1-93 and TB-7-93, and must exceed the following minimum criteria:

a. Have a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and

b. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms; and

c. Be certified by a currently state-registered professional engineer or currently state-registered architect.

(iv) Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the provisions of this Article, shall be undertaken only if the nonconformity will not be furthered, extended or replaced.

(v) On-site waste disposal system shall be located and constructed to avoid impairment to them, or contamination from them, during flooding;

(vi) If the proposed development is located in multiple flood zones or multiple base flood elevation cross the proposed site, the higher or more restrictive future condition elevation and development standards shall take precedence.

Sec. 14-430. - Standards for utilities.

(a) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

(1) Infiltration of floodwaters into the systems, and

(2) Discharge from the systems into floodwaters.

(b) On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

(c) All above-ground utilities shall be elevated three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher.

Sec. 14-431. - Standards for subdivisions.

(a) All subdivision proposals shall identify the special flood hazard area and provide base flood elevation data and future-conditions flood elevation data.

(b) All residential lots in a subdivision proposal shall have sufficient buildable area outside of the future-conditions floodplain such that encroachments into the future conditions floodplain for residential structures will not be required.

(c) All applications for land-disturbance permits will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the lowest floor and pad elevations shall be certified by a currently state-registered professional engineer or currently state-registered land surveyor and provided to the floodplain coordinator.

(d) All applications for land-disturbance permits shall be consistent with the need to minimize flood damage.

(e) All applications for land-disturbance permits shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage or discharge from the system into flood waters.

(f) All applications for land-disturbance permits shall provide adequate drainage and stormwater management facilities to reduce exposure to flood hazards.

(g) All subdivision proposals shall provide the elevations of proposed structures in accordance with section 14-420.

Sec. 14-432. - Standards for manufactured homes.

(a) All manufactured homes that are substantially improved within zones A1-30, AH, and AE on the community's flood insurance rate map shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated three (3) feet above the base flood elevation, or one (1) foot above the future-conditions flood elevation, whichever is higher, and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, if the manufactured home is on a site located:

(1) Outside of a manufactured home park or subdivision;

(2) In a new manufactured home park or subdivision;

(3) In an expansion to an existing manufactured home park or subdivision, or

(4) In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood.

(b) All manufactured homes to be substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH and AE on the community's flood insurance rate map that are not subject to the provisions of subsection (a) will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

(1) Lowest floor of the manufactured home is three (3) feet above the base flood elevation, or one (1) foot above the future-conditions flood elevation, whichever is higher, or

(2) Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade.

(c) Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a currently state-registered professional engineer or currently state-registered land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain coordinator.

(d) New manufactured homes shall not be allowed to be placed within the limits of the future-conditions floodplain unless all requirements of section 14-431, 14-432, 14-442 have been met.

Sec. 14-433. - Standards for recreational vehicles.

All recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's flood insurance rate map will either:

(a) Be on the site for fewer than one hundred eighty (180) consecutive days, and be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices, and has no permanently attached additions, or

(b) Meet the permit requirements of Division 4 of this Article and the elevation and anchoring requirements for manufactured homes section.

Sec. 14-434. - Standards for accessory structures and facilities.

Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, parking lots, recreational facilities and other similar structures and facilities) that are permitted to be located within the limits of the floodplain shall be constructed of flood-resistant materials and designed to pass all floodwater in accordance with subsection 14-429(c) and be anchored to prevent flotation, collapse or lateral movement of the structure.

Sec. 14-435. - Building standards for structures and buildings authorized adjacent to the floodplain.

(a) *Residential buildings.* For new construction or substantial improvement of any principal residential building or manufactured home, the elevation of the lowest floor, including

basement and access to the building, shall be at least three (3) feet above the base flood elevation, or one (1) foot above the future-conditions flood elevation, whichever is higher.

(b) *Nonresidential buildings.* For new construction or substantial improvement of any principal nonresidential building, the elevation of the lowest floor, including basement and access to the building, shall be at least one (1) foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher.

Sec. 14-434. - Building standards for residential single-lot developments on streams without established base flood elevations and/or floodway (A-zones).

(a) For residential single-lot development not part of a subdivision that has areas of special flood hazard, where streams exist but no base flood data has been provided (A-zones), the floodplain coordinator shall review and reasonably utilize any available scientific or historic flood elevation, base flood elevation and floodway data, or future-conditions flood elevation data available from a federal, state, local or other source, in order to administer the provisions and standards of this Article.

(b) If no data is available from any of these sources, the following provisions will apply:

(1) No encroachments including structures or fill material, shall be located within an area equal to twice the width of the stream or fifty (50) feet from the top of the bank of the stream, whichever is greater.

(2) In special flood hazard areas without base flood or future-conditions flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Opening sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with section 14-428.

Sec. 14-437. - Building standards for areas of shallow flooding (AO-zones).

(a) Areas of special flood hazard may include designated "AO" shallow-flooding areas. These areas have base flood depths of one (1) to three (3) feet above ground, with no clearly defined channel. In these areas the following provisions apply:

(1) All substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the flood depth number specified on the flood insurance rate map, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards for "elevated buildings" set forth in this Code or promulgated by the Director or the State. The applicant's or owner's engineer shall certify to the floodplain coordinator that the lowest floor elevation level and the record shall become a permanent part of the permit file.

(2) Substantial improvement of a nonresidential structure may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be

designed to be water tight to the specified flood insurance rate map flood level plus one (1) foot above the highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice; and,

(b) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

Sec. 14-438. - Definition of floodway boundaries.

(a) The width of a floodway shall be determined from the flood insurance study or FEMA-approved flood study. For all streams with a drainage area of one hundred (100) acres or greater, the regulatory floodway shall be provided by the floodplain coordinator. If floodway data is not available from the floodplain coordinator, then it shall be determined by a registered professional engineer using a method approved by FEMA and the floodplain coordinator.

(b) Following a pre-design conference with the floodplain coordinator, the boundaries or limits of the floodway shall be shown on the development or stormwater site plan containing existing topographic information.

Sec. 14-439. - Floodway encroachments.

Located within areas of special flood hazard established in section 14-412 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(a) All encroachments are prohibited, including earthen fill, new construction, substantial improvement, and any other new development within the regulatory floodway, except for activities specifically allowed in [subsection] (b).

(b) Encroachments for bridges, culverts, roadways and utilities within the regulatory floodway may be permitted provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase to the pre-project base flood elevations, floodway elevations or floodway widths during the base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.

(c) If an applicant proposes to revise the floodway boundaries, no permit authorizing the encroachment into or an alteration of the floodways shall be issued by the floodplain coordinator until an affirmative conditional letter of map revision is issued by FEMA and a no-rise certification is approved by the floodplain coordinator.

Sec. 14-440. - Maintenance requirements.

The owner shall be responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on his property so that the flood-carrying or flood

storage capacity is not diminished. The floodplain coordinator may direct the owner (at no cost to the City) to restore the flood-carrying or flood storage capacity of the floodplain if the owner has not performed maintenance as required by the approved floodplain management plan on file with the floodplain coordinator.

DIVISION 6. - VARIANCE PROCEDURE

Sec. 14-441. - Nature of variance.

(a) The variance criteria set forth in this Division are based on the general principle of law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this Article would create an exceptional hardship to the owner or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristics must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

(b) It is the duty of the Mayor and City Council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level is so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this Article are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

Sec. 14-442. - Appeal board.

(a) In passing upon requests for variances, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Article including all of the following:

(1) Danger that materials may be swept onto other lands to the injury of others;

(2) Danger of life and property due to flooding or erosion damage;

(3) Susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the existing individual owner and future owners of the property;

(4) Importance of the services provided by the proposed facility to the community;

(5) Necessity of the facility to a waterfront location, where applicable;

(6) Availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;

(7) Compatibility of the proposed use with existing and anticipated development;

(8) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(9) Safety of access to the property in time of flood for ordinary and emergency vehicles;

(10) Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

(11) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(b) Any owner to whom a variance is granted shall be given written notice from the Zoning Board of Appeals that:

(1) The issuance of a variance to construct a structure below the base flood level may result in increased premium rates for flood insurance; and

(2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the floodplain coordinator in the office of the clerk of Superior Court of DeKalb County in a manner so that it appears in the chain of title of the affected parcel of land.

Sec. 14-443. - Conditions for variances.

(a) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(b) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

(c) Variances shall not be issued within any designated or mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

(d) Variances shall only be issued upon a determination that the variance is the minimum necessary considering the flood hazard, to afford relief.

Sec. 14-444. - Variance procedure.

(a) The Zoning Board of Appeals, as established by the City, shall hear and decide requests for appeals or requests for variances from the requirements of this Article.

(b) The Zoning Board of Appeals shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the floodplain coordinator in the enforcement or administration of this Article. No action will be 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.

(c) In reviewing such requests, the Zoning Board of Appeals shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this Article.

(d) Applications for variances must be submitted in writing to the Director in accordance with Chapter 27.

(e) Applications for variance shall be heard at a public hearing by the Zoning Board of Appeals pursuant to Chapter 27.

(f) A variance shall only be issued when all of the following conditions are present:

(1) A finding of good and sufficient cause;

(2) A determination that failure to grant the variance would result in undue and exceptional hardship;

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, or cause fraud or victimize the public;

(4) The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute limitations upon other properties;

(5) The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements; and

(6) The strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners.

(g) Upon consideration of the factors of subsection 14-442(a) and the purposes of this Article, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Article.

(h) Any person aggrieved by the decision of the Zoning Board of Appeals may appeal such decision by writ of certiorari to the Superior Court of DeKalb County in accordance with state law. A person shall be considered aggrieved for the purpose of this subsection only if: said person or said person's property was the subject of the action appealed from; or said person has a substantial interest in the action appealed from that is in danger of suffering special damage or injury not common to all property owners similarly situated.

Sec. 14-445. - Violations, enforcement and penalties.

Any action or inaction which violates the provisions of this Article or the requirements of an approved stormwater management plan or permit may be subject to the enforcement actions outlined in this section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described in this Article shall not prevent such equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

Sec. 14-446. - Notice of violation.

If the floodplain coordinator determines that a property owner or other responsible person has failed to comply with the applicable provisions of this Code, an approved stormwater management plan or the provisions of this Chapter, he shall issue a written notice of violation to such owner or other responsible person. Where a person is engaged in activity covered by this

Chapter without having first secured a permit thereof, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

(1) The name and address of the owner or the responsible person;

(2) The address or other description of the site upon which the violation is occurring;

(3) A statement specifying the nature of the violation;

(4) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this ordinance and the date for the completion of such remedial action;

(5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,

(6) A statement that the determination of violation may be appealed to the Director by filing a written notice of appeal within thirty (30) days after the notice of violation.

Sec. 14-447. - Penalties.

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one (1) or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Director shall first notify the owner or other responsible person in writing of its intended action, and shall provide a reasonable opportunity of not less than ten (10) days (except, that in the event the violation constitutes an immediate danger to public health or public safety, twenty-four (24) hours' notice shall be sufficient) to cure such violation. In the event the owner or other responsible person fails to cure such violation after such notice and cure period, the Director may take any one or more of the following actions or impose any one or more of the following penalties:

(a) *Stop-work order.* The Director may issue a stop-work order that shall be served on the owner or other responsible person. The stop-work order shall remain in effect until the owner or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop-work order may be withdrawn or modified to enable the owner or other responsible person to take the necessary remedial measures to cure such violation or violations.

(b) *Withhold certificate of occupancy.* The Director may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the owner or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

(c) *Suspension, revocation or modification of permit.* The Director may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the owner or other responsible person has taken

the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the director may deem necessary) to enable the owner or other responsible person to take the necessary remedial measures to cure such violations.

(d) *Penalties.* For violations of this Chapter, the Director may issue a citation to the owner or other responsible person, requiring such person to appear in the Municipal Court to answer charges for such violation. Upon conviction, such person shall be punished by a fine as set forth in Chapter 1. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Sec. 14-448.-14-499. Reserved .

ARTICLE V- SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL

Sec. 14-500

This ordinance will be known as "Soil Erosion, Sedimentation and Pollution Control Ordinance."

Sec. 14-501 Definitions

The following definitions shall apply in the interpretation and enforcement of this article, unless otherwise specifically stated:

1. **Best Management Practices (BMPs):** These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the 'Manual for Erosion and Sediment Control in Georgia' published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.
2. **Board:** The Board of Natural Resources.
3. **Buffer:** The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.
4. **Certified Personnel:** A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.
5. **Coastal Marshlands:** Shall have the same meaning as in O.C.G.A. 12-5-282.
6. **Commission:** The Georgia Soil and Water Conservation Commission (GSWCC).
7. **CPESC:** Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.
8. **Cut:** A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface. Also known as excavation.
9. **Department:** The Georgia Department of Natural Resources (DNR).

10. **Design Professional:** A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by EnviroCert, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.
11. **Director:** The Director of the Environmental Protection Division or an authorized representative.
12. **District:** The DeKalb County Soil and Water Conservation District.
13. **Division:** The Environmental Protection Division (EPD) of the Department of Natural Resources.
14. **Drainage Structure:** A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control, or flood control purposes.
15. **Erosion:** The process by which land surface is worn away by the action of wind, water, ice or gravity.
16. **Erosion, Sedimentation and Pollution Control Plan:** A plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protections at least as stringent as the State General Permit, best management practices, and requirements in Section 14-503 C. of this ordinance.
17. **Fill:** A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.
18. **Final Stabilization:** All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.
19. **Finished Grade:** The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.
20. **Grading:** Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.
21. **Ground Elevation:** The original elevation of the ground surface prior to cutting or filling.
22. **Land-Disturbing Activity:** Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section 14-502, Paragraph 5.
23. **Larger Common Plan of Development or Sale:** A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, "plan" means an announcement; piece of

documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

24. **Local Issuing Authority("LIA"):** The governing authority of any county or municipality which is certified pursuant to subsection (a) O.C.G.A. 12-7-8.
25. **Metropolitan River Protection Act (MRPA):** A state law referenced as O.C.G.A. 12-5-440 et.seq. which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.
26. **Natural Ground Surface:** The ground surface in its original state before any grading, excavation or filling.
27. **Nephelometric Turbidity Units (NTU):** Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidally dispersed or suspended particles are present.
28. **NOI:** A Notice of Intent form provided by EPD for coverage under the State General Permit.
29. **NOT:** A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.
30. **Operator:** The party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.
31. **Outfall:** The location where storm water in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.
32. **Permit:** The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.
33. **Person:** Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Georgia, any interstate body or any other legal entity.
34. **Phase or Phased:** Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.
35. **Project:** The entire proposed development project regardless of the size of the area of land to be disturbed.
36. **Properly Designed:** Designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.

37. **Roadway Drainage Structure:** A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.
38. **Sediment:** Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.
39. **Sedimentation:** The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.
40. **Soil and Water Conservation District Approved Plan:** An erosion, sedimentation and pollution control plan approved in writing by the DeKalb County Soil and Water Conservation District.
41. **Stabilization:** The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.
42. **State General Permit:** The National Pollution Discharge Elimination System (NPDES) general permit or permits for storm water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of Code Section 12-5-30.
43. **State Waters:** Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.
44. **Structural Erosion, Sedimentation and Pollution Control Practices:** Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia.*
45. **Trout Streams:** All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at www.epd.georgia.gov. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

46. **Vegetative Erosion and Sedimentation Control Measures:** Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:
    a. Permanent seeding, sprigging or planting, producing long-term vegetative cover, or
    b. Temporary seeding, producing short-term vegetative cover; or
    c. Sodding, covering areas with a turf of perennial sod-forming grass.

    Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia.*
47. **Watercourse:** Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.
48. **Wetlands:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Sec. 14-502- Exemptions

This article shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

1. Surface mining, as the same is defined in O.C.G.A. 12-4-72, "The Georgia Surface Mining Act of 1968".
2. Granite quarrying and land clearing for such quarrying;
3. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;
4. The construction of single-family residences, when such construction disturbs less than one (1) acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. 12-7-6 and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no

variance to a smaller buffer shall be granted. The minimum requirements of subsection (b) of O.C.G.A. 12-7-6 and the buffer zones provided by this paragraph shall be enforced by the Local Issuing Authority;

5. Agricultural operations as defined in O.C.G.A. 1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;
6. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs (15) and (16) of Section 14-503 C. of this ordinance, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three (3) years after completion of such forestry practices;
7. Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;
8. Any project involving less than one (1) acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "State Waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one (1) acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;
9. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Department of Transportation or the State Road and Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the Local Issuing Authority, the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a

permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;

10. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United states engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and
11. Any public water system reservoir.

Sec. 14-503 MINIMUM REQUIREMENTS FOR EROSION, SEDIMENTATION AND POLLUTION CONTROL USING BEST MANAGEMENT PRACTICES

A. GENERAL PROVISIONS

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this ordinance shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of Section 14-503 B. & C. of this ordinance. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this ordinance and the NPDES General Permit.

B. MINIMUM REQUIREMENTS/ BMPs

1. Best management practices as set forth in Section 14-503 B. & C. of this ordinance shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of storm water issued pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act". As used in this subsection the terms "proper design" and "properly

designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. 12-7-6 subsection (b).

2. A discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries or by more than ten (10) nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five (5) acres.
3. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a Local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act", for each day on which such failure occurs.
4. The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.
5. The LIA may set more stringent buffer requirements than stated in C.15,16 and 17, in light of O.C.G.A. § 12-7-6 (c).

c. The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. 12-7-1 et. seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

1. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
2. Cut-fill operations must be kept to a minimum;
3. Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;
4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
6. Disturbed soil shall be stabilized as quickly as practicable;
7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;

8. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
9. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. 12-7-1 et. seq.;
10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
11. Cuts and fills may not endanger adjoining property;
12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
13. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
14. Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in Section 14-503 B. 2. of this ordinance;
15. Except as provided in paragraph (16) and (17) of this subsection, there is established a 25 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or where bulkheads and sea walls are installed to prevent shoreline erosion on Lake Oconee and Lake Sinclair; or along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow, Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:
    a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective

vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and

16. There is established a 50 foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed ; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:

a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed: provided, however, that any person constructing a single–family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and

17. There is established a 25 foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface, as determined in accordance with Chapter 5 of Title 12 of this title, the "Coastal Marshlands Protection Act of 1970." And the rules and regulations promulgated thereunder, except where the director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director

pursuant to Code Section 12-2-8, where an alteration within the buffer area has been authorized pursuant to Code Section 12-5-286, for maintenance of any currently serviceable structure, landscaping, or hardscaping, including bridges, roads, parking lots, golf courses, golf cart paths, retaining walls, bulkheads, and patios; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, where a drainage structure or roadway drainage structure is constructed or maintained; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, on the landward side of any currently serviceable shoreline stabilization structure, or for the maintenance of any manmade storm-water detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented. For the purposes of this paragraph maintenance shall be defined as actions necessary or appropriate for retaining or restoring a currently serviceable improvement to the specified operable condition to achieve its maximum useful life. Maintenance includes emergency reconstruction of recently damaged parts of a currently serviceable structure so long as it occurs within a reasonable period of time after damage occurs. Maintenance does not include any modification that changes the character, scope or size of the original design and serviceable shall be defined as usable in its current state or with minor maintenance but not so degraded as to essentially require reconstruction.

a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat; provided, however, that any person constructing a single–family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat; and

b. The buffer shall not apply to crossings for utility lines that cause a width of disturbance of not more than 50 feet within the buffer, provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.

c. The buffer shall not apply to any land-disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued subsequent to April 22, 2014, and prior to December 31, 2015; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented or any lot for which the preliminary plat has been approved prior to December 31, 2015 if roadways, bridges, or water and sewer lines have been extended to such lot prior to the effective date of this Act and if the requirement to maintain a 25 foot buffer would consume at least 18 percent of

the high ground of the platted lot otherwise available for development; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.

d. Activities where the area within the buffer is not more than 500 square feet or that have a "Minor Buffer Impact" as defined in 391-3-7-.01(r), provided that the total area of buffer impacts is less than 5,000 square feet are deemed to have an approved buffer variance by rule. Bank stabilization structures are not eligible for coverage under the variance by rule and notification shall be made to the Division at least 14 days prior to the commencement of land disturbing activities.

D. Nothing contained in O.C.G.A. 12-7-1 et. seq. shall prevent any Local Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Section 14-503 B. & C. of this ordinance.

E. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

Sec. 14-504 APPLICATION / PERMIT PROCESS

A. GENERAL The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The Local Issuing Authority shall review the tract to be developed and the area surrounding it. They shall consult the zoning ordinance, storm water management ordinance, subdivision ordinance, flood damage prevention ordinance, this ordinance, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the Local Issuing Authority. However, the owner and/or operator are the only parties who may obtain a permit.

B. APPLICATION REQUIREMENTS

1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the City of Stonecrest without first obtaining a permit from the Community Development Department to perform such activity and providing a copy of Notice of Intent submitted to EPD if applicable.
2. The application for a permit shall be submitted to the Community Development Director, or his or her designee, and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Section 14-504 C. of this ordinance. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of Section 14-503 B. & C. of this ordinance will be met. Applications for a permit will not be accepted unless accompanied by four (4) copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee

thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-.10.

3. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. 12-5-23, provided that such fees shall not exceed $80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8 half of such fees levied shall be submitted to the Division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 shall be submitted in full to the Division, regardless of the existence of a Local Issuing Authority in the jurisdiction.
4. Immediately upon receipt of an application and plan for a permit, the Local Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The District shall approve or disapprove a plan within 35 days of receipt. Failure of the District to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the Local Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required by Section 14-503 C. 15, 16 and 17 have been obtained, all fees have been paid, and bonding, if required as per Section 14-504 B.6., have been obtained. Such review will not be required if the Local Issuing Authority and the District have entered into an agreement which allows the Local Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District. The Local Issuing Authority with plan review authority shall approve or disapprove a revised Plan submittal within 35 days of receipt. Failure of the Local Issuing Authority with plan review authority to act within 35 days shall be considered an approval of the revised Plan submittal.
5. If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the Local Issuing Authority may deny the permit application.
6. The Local Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, $3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Local Issuing Authority with respect to alleged permit violations.

C. PLAN REQUIREMENTS

1. Plans must be prepared to meet the minimum requirements as contained in Section 14-503 B. & C. of this ordinance, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The *Manual for Erosion and Sediment Control in Georgia* is hereby incorporated by reference into this ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the Commission and in consultation with the Division and the Stakeholder Advisory Board created pursuant to O.C.G.A. 12-7-20.
2. Data Required for Site Plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

D. PERMITS

1. Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the Local Issuing Authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.
2. No permit shall be issued by the Local Issuing Authority unless the erosion, sedimentation and pollution control plan has been approved by the District and the Local Issuing Authority has affirmatively determined that the plan is in compliance with this ordinance, any variances required by Section 14-503 C. 15, 16 and 17 are obtained, bonding requirements, if necessary, as per Section 14-504 B. 6. are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Local Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
3. Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this ordinance, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.
4. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
5. The permit may be suspended, revoked, or modified by the Local Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this ordinance. A

holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

6. The LIA may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. 12-7-7 (f) (1).

Sec. 14-505 INSPECTION AND ENFORCEMENT

A. The Community Development Director, or his or her designee, will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance.

B. The Local Issuing Authority must amend its ordinances to the extent appropriate within twelve (12) months of any amendments to the Erosion and Sedimentation Act of 1975.

C. The Community Development Director, or his or her designee, shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.

D. No person shall refuse entry or access to any authorized representative or agent of the Local Issuing Authority, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

E. The District or the Commission or both shall semi-annually review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. 12-7-8 (a). The District or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The District

or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.

F. The Division may periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to Code Section 12-7-8 (a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. 12-7-8 (a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. 12-7-7 (e), the Division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a Local Issuing Authority. If the county or municipality does not take necessary corrective action within 90 days after notification by the division, the division shall revoke the certification of the county or municipality as a Local Issuing Authority.

Sec. 14-506 PENALTIES AND INCENTIVES

A. FAILURE TO OBTAIN A PERMIT FOR LAND-DISTURBING ACTIVITY
If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Local Issuing Authority.

B. STOP-WORK ORDERS

1. For the first and second violations of the provisions of this ordinance, the Director or the Local Issuing Authority shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the Director or the Local Issuing Authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or the Local Issuing Authority shall issue an immediate stop-work order in lieu of a warning;
2. For a third and each subsequent violation, the Director or the Local Issuing Authority shall issue an immediate stop-work order; and;
3. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
4. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the Local Issuing Authority or by the Director or his or her Designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the Local Issuing Authority or by the Director or his or her Designee. All such stop work orders shall be

effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

C. BOND FORFEITURE If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Section 14-504 B. 6. The Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

D. MONETARY PENALTIES

1. Any person who violates any provisions of this ordinance, or any permit condition or limitation established pursuant to this ordinance, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this ordinance shall be liable for a civil penalty not to exceed $2,500.00 per day. For the purpose of enforcing the provisions of this ordinance, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed $2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this ordinance under county ordinances approved under this ordinance shall be authorized to impose penalties for such violations not to exceed $2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

Sec. 14-507 EDUCATION AND CERTIFICATION

A. Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. 12-7-20.

B. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.

C. Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this ordinance.

D. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

Sec. 14-508 ADMINISTRATIVE APPEAL, JUDICIAL REVIEW

A. ADMINISTRATIVE REMEDIES
The suspension, revocation, modification or grant with condition of a permit by the Local Issuing Authority upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the City Council within fifteen (15) days after receipt by the Local Issuing Authority of written notice of appeal.

B. JUDICIAL REVIEW
Any person, aggrieved by a decision or order of the Local Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal de novo to the Superior Court of DeKalb County.

Sec. 14-509 EFFECTIVITY, VALIDITY AND LIABILITY

A. EFFECTIVITY
This ordinance shall become effective on the 16th day of October, 2017.

B. VALIDITY
If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this ordinance.

C. LIABILITY
1. Neither the approval of a plan under the provisions of this ordinance, nor the compliance with provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Local Issuing Authority or District for damage to any person or property.
2. The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.
3. No provision of this ordinance shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and

regulations promulgated and approved thereunder or pollute any Waters of the State as defined thereby.

ARTICLE VI. TREE PROTECTION

Sec. 14-516. Purpose and Applicability.

(a) *Statement of purpose.*

(1) The purpose of these standards is to facilitate the preservation and/or replacement of trees as a part of land development in the city.

(2) The City of Stonecrest mayor and council hereby finds that the preservation of existing trees is a public purpose that protects the public health, safety, general welfare and aesthetics of the City of Stonecrest and all its citizens.

(3) The citizens of the city and their many communities enjoy many benefits that can be directly attributed to our trees.

a. Trees produce oxygen, which is essential to the well being of all animal life, including humans.

b. Trees help to reduce the amounts of airborne pollutants. For example, trees remove carbon dioxide, that is a major environmental concern due to its current high levels.

c. Trees and their foliage intercept dust and particulate matter, thereby helping to purify our air and limiting health risks.

d. Trees and their root systems reduce soil erosion and storm water runoff. This decreases sedimentation problems and improves water quality.

e. Trees provide food and shelter for desirable urban wildlife.

f. Trees provide screening, which in turns aids in the reduction of noise and glare.

g. Trees help moderate our air temperature to provide us with a comfortable environment.

h. Trees provide scenic amenities to soften the harshness of city buildings and streets. They are aesthetically pleasing to all that view them.

i. Trees may affect property values and can have a positive impact upon the economy of an area.

j. Trees can enhance the natural functions of streams and related buffers.

(4) Protect specimen and historical trees in a manner consistent with the City of Stonecrest Tree Protection Ordinance.

(5) Provide standards for the preservation of trees as part of the land development process.

(6) Prevent clear-cutting and mass grading of land that results in the loss of mature trees, and to ensure appropriate replanting when tree loss does occur.

(7) Protect trees during construction to enhance the quality of life in the City of Stonecrest.

(8) Protect trees in construction of public facilities and utilities.

(b) *General applicability.*

(1) The terms and provisions of the tree protection ordinance shall apply to all real property in the City of Stonecrest except as otherwise provided in this Article.

(2) The terms and provisions of the tree protection ordinance shall further apply to any residential or non-residential development which requires the issuance of a land disturbance permit, development permit, or building permit, except as otherwise provided in this Article.

(3) The terms and provisions of the tree protection ordinance shall also apply to development on any city-owned property, including property owned by city agencies, boards, and authorities, except as otherwise provided in this Article.

Sec. 14-517. Exemptions.

(a) The following are exempt from this Article:

(1) The removal of five (5) or fewer trees, other than specimen trees, on any single-family residential property, within a single calendar year.

(2) The removal of more than five (5) trees, other than specimen trees, from an owner-occupied, single-family lot may be approved by the Director of Community Development if the owner must remove trees in order to build a newly permitted structure, or to build an addition to or make improvements to an existing structure, or to improve the health of other trees in the landscape.

(3) Zonings conditioned by DeKalb County to a specific site plan prior to adoption of the tree protection ordinance on February 9, 1999 by DeKalb County, provided that said zoning contains specific conditions for both tree preservation and tree replacement.

(4) The removal of trees found to be diseased or insect infested by the county extension service, the state forestry commission, a certified arborist, the Director of Community Development or urban forester.

(5) The removal of trees from horticultural properties, such as farms, nurseries or orchards. This exemption shall not include tree harvesting.

(6) The removal of any tree which has become, or threatens to become, a danger to human life or property.

(7) Agricultural activities on land zoned RE.

(8) Approved utility construction within permanent utility easements.

(9) Construction, expansion, and operation of county landfills.

(10) Building permits that do not require or authorize land disturbance.

Sec. 14-518 Procedures.

(a) Application requirements.

(1) *Pre-application conference.* Prior to submission of an application for development, the applicant is encouraged to meet with the Director of Community Development to discuss the tree protection ordinance as it relates to the applicant's property. The purpose of the pre-application conference is to clarify the provisions and procedures of the tree protection ordinance and review applicable standards and guidelines for the submittal of documents and required tree protection, replacement, and maintenance measures.

(2) *Tree survey.* Except as provided elsewhere in this Article, a tree survey shall be required as part of any application for a land disturbance permit, development permit, building permit or preliminary subdivision plat. Except as provided elsewhere in this section, all trees eighteen (18) inches (DBH) and larger shall be identified. Specimen trees shall be identified by size, species and location. Trees larger than two (2) inches (DBH) may be identified and counted for unit credit on the tree protection plan. Single residential lots on which the applicant intends to reside may be exempted from the tree survey requirements at the discretion of the director. With the prior approval of the Director of Community Development sampling methods may be used to determine tree densities for forested areas.

(b) Tree protection plan. A tree protection plan shall be submitted with other permit drawings as part of the development permits process. This plan may either be a separate drawing, or part of a landscape plan, and shall include the following information:

(1) Definition of spatial limits:

(i) Limits of land disturbance, clearing, grading, and trenching;

(ii) Tree save areas;

(iii) Specimen trees; and

(iv) Areas of revegetation.

(2) Detailed drawings of tree protection measures and their location:

(i) Location, species and size (DBH) of existing significant trees and an indication of which significant trees would remain on the site.

(ii) Tree fences;

(iii) Erosion control fences;

(iv) Tree protection signs;

(v) Tree wells;

(vi) Aeration systems;

(vii) Transplanting specifications;

(viii) Staking specifications; and

(ix) Other applicable drawings as determined by the Director.

(3) The tree protection plan shall show all utility lines existing and proposed, including irrigation and electric lighting lines. The applicant shall coordinate the location of these utility lines with the utility companies in order to prevent root damage within the critical root zones of protected trees, and to minimize damage to trees located in protected zones.

(4) Procedures and schedules for the implementation, installation, and maintenance of tree protection measures.

(5) Calculations of tree density proposed on site per Section 14-520, tree preservation and replacement requirements.

(6) Tree protection inspection. Following the receipt of a complete application, the Director of Community Development shall schedule and conduct an inspection of the proposed development site. The applicant or applicant's designee shall be advised as to the date and time of the inspection and given an opportunity to participate.

(7) Following inspection said plans shall be reviewed by the Director for conformance with applicable zoning conditions, the tree protection ordinance, and any applicable administrative guidelines, and will either be approved or denied. Reasons for denial shall be noted on the tree protection plan or otherwise stated in writing.

(8) No development or building permit shall be issued until the tree protection plan has been approved by the Director of Community Development.

(9) All tree protection measures shall be installed prior to land disturbance.

(10) Single lots in platted residential subdivisions on which the applicant intends to reside may be exempted from the tree protection plan requirements at the discretion of the Director.

(c) Final inspection. No certificate of occupancy shall be issued by the Director with respect to any permit subject to this Article unless and until the Director of Community Development shall have inspected the site and confirmed that all existing trees to remain are in healthy condition and all replacement trees have been planted in accordance with this Article.

(d) Issuance of a building or land development permit shall be conditioned on the approved tree protection plan and conformance to the provisions of these regulations. Any permit may be voided if its terms are violated.

Sec. 14-519. Fees (Reserved).

Sec. 14-520. Tree preservation and replacement requirements.

The following tree preservation and replacement requirements are hereby established:

(1) If significant trees exist on a tract of land for which a permit subject to this Article is sought, either one hundred twenty (120) inches (DBH) per acre or twenty-five (25) percent of existing significant trees per acre of such significant trees, whichever is less, shall be preserved on the site. Except for zoned C-1, C-2, M, or M-2 sites, trees and tree save areas counting toward this requirement shall not be located in required buffer zones. Trees and tree save areas counting toward this requirement on sites zoned C-1, C-2, M or M-2 may be located in stream buffers and state buffer zones, transitional buffer zones and designated floodplains.

If the Director of Community Development determines that special constraints of a site result in an inability to build or develop without removing significant trees on a site, where there are only one hundred twenty (120) inches (DBH) per acre or less of existing significant trees, the arborist may permit the removal of one or more significant trees. Trees removed pursuant to this section must be replaced with trees one (1.0) times the diameter inches of those removed.

(2) There shall be at least two (2) two-inch (DBH) over story trees in every front yard of properties zoned RE, RLG, R-100, R-85, and R-75. There shall be at least one (1) two-inch (DBH) over story tree in every front yard of properties zoned RSM and R-60.

(3) The applicant shall landscape the areas with trees and other plant materials in accordance with the following standards:

(i) Residential developments: All residential subdivisions shall have an average density of fifteen (15) density units per acre. Required trees may be located on individual lots or in subdivisions in which there is commonly owned property may be located on such commonly owned property.

(ii) Non-residential and multifamily developments: The quantity of total existing/replacement trees on site must be sufficient so as to produce a total site density factor of no less than thirty (30) density units per acre.

(iii) With the exception of C-1, C-2, M, or M-2 zoned property, the total tree density units required for a parcel or lot shall be computed based on the area of the parcel or lot, excluding all area within the 100-year floodplain. Total tree density units required for C-1, C-2, M, or M-2 zoned property shall be computed based on the area of the parcel or lot, including all area within the one hundred-year floodplain.

(4) Procedures for calculating the required tree density are provided in Charts 1, 2 and 3 of this Article. Tree unit values are assigned as follows:

CHART 1.
Conversion From Diameter To Density Factor Units For Existing Deciduous Trees To Remain On Site

DBH	Units	DBH	Units	DBH	Units
2 to 3	.8	25	6.8	38	15.8
4 to 6	1.6	26	7.4	39	16.6
7 to 9	2.4	27	8.0	40	17.4
10 to 12	3.2	28	8.6	41	18.4
13 to 15	4.0	29	9.2	42	19.2
16 to 18	4.8	30	9.8	43	20.2
19 to 21	5.4	31	10.4	44	21.2
22 to 24	6.0	32	11.2	45	22.0
		33	11.8	46	23.0
		34	12.6	47	24.0
		35	13.4	48	25.2
		36	14.2	49	26.2
		37	15.0	50	27.2

CHART 2.

Conversion From Diameter To Density Factor Units For Evergreens And Conifers

DBH	
2 to 9	.2 less unit than deciduous trees
10 to 15	.1 less unit than deciduous trees

All others	Same as deciduous trees

CHART 3.

Conversion From Caliper Diameter To Density Factor Units For Deciduous Replacement Trees.

Caliper inches	Units
0.0 to 0.9	Not allowed
1.0 to 1.9 no replants under 2 caliper inches	Not allowed
2.0 to 2.9	.4
3.0 to 3.9	.5
4.0 to 4.9	.7
5.0 to 5.9	.8
6.0 to 6.9	1.0
7.0 to 7.9	1.1
8.0 to 8.9	1.2
9.0 to 9.9	1.3
10.0 to 10.9	1.5
11.0 to 11.9	1.6
12 inches or greater	2.0

Container-grown pine trees are given replacement value as follows:

Size	Units
7-gallon	.05

The use of one- and three-gallon pines will be permitted only with prior approval. There will be no replacement value given for such trees.

(5) Nothing in these regulations shall be construed to allow the removal of any tree or vegetation in a required stream buffer, transitional buffer zone or state buffer zone except buffer improvements as authorized by the Director.

(6) Tree relocation and credit for existing trees replacement units will be granted to trees relocated on site. Tree relocation is subject to approval of the Director of Community Development. Existing trees between two (2) caliper inches and seven and nine-tenths (7.9) caliper inches may be used for credit on the tree replacement plan.

(7) Understory vegetation. Tree preservation areas shall leave intact the naturally occurring groundcover and understory vegetation except where directed otherwise by the Director of Community Development in order to allow the removal of undesirable groundcover or understory vegetation.

(8) Specimen trees.

(i) Specimen trees shall be identified by the City Arborist, and shall be located on the tree protection plan.

(ii) Standards for the identification, preservation, and protection of specimen trees shall be as follows: Any tree in fair or better condition which equals or exceeds the following diameter sizes:

a. Large hardwoods, i.e. oaks, hickories, yellow poplars, and similar species: Thirty (30) inches DBH.

b. Large softwoods, e.g. pines, evergreens, and similar species: Thirty (30) inches DBH.

c. Small trees, e.g. dogwoods, redbuds, sourwoods, and similar species: Ten (10) inches DBH.

(iii) A tree in fair or better condition should meet the following minimum standards:

a. A life expectancy of greater than fifteen (15) years.

b. A relatively sound and solid trunk with no extensive decay or hollow, and less than twenty (20) percent radial trunk dieback.

c. No major insect or pathological problem.

(iv) A lesser-sized tree can be considered a specimen if:

a. It is a rare or unusual species or of historical significance.

b. It is specifically used by a builder, developer, or design professional as a focal point in a project or landscape.

c. It is a tree with exceptional aesthetic quality.

(v) The Director of Community Development may identify and require the preservation of a tree stand if it contains one (1) or more specimen trees and the specimen trees are interlocked with other members of the stand in such a way as to imperil the specimen tree if other members of the stand were to be removed.

(vi) It shall be prohibited to cut specimen trees existing on a tract of land that is the subject of a land disturbance permit, development permit or building permit without a special exception granted by the Zoning Board of Appeals if removal of the specimen tree has not been approved by the Director of Community Development.

(vii) Any specimen tree removed from a parcel shall be replaced by one and five-tenths (1.5) times the equivalent inches (DBH) of replacement trees or existing trees in excess of the requirements of this section, tree preservation and replacement requirements, using species with potentials for comparable size and quality at maturity.

(9) Protection of trees during construction. Methods and standards for tree protection shall be established in administrative guidelines to this Article.

(i) Trees identified to be preserved and counted as credit for meeting required unit density shall have four-foot orange tree protection fencing installed at the critical root zones.

(ii) No person engaged in the construction of any structure(s) or improvement (s) or any activity shall encroach or place solvents, material, construction machinery or temporary soil deposits within six (6) feet of the area outside the critical root zone as defined herein, or any existing significant tree within a tree save area, transitional buffer zone, stream buffer, or state buffer zone.

(iii) All tree protection devices must remain in functioning condition until completion of the project or until the certificate of occupancy is issued.

(iv) Any tree, designated in the plan to be saved, which is negligently damaged during construction or as a result of negligent construction, as determined by the Director of Community Development, shall be treated according to accepted National Arborists Association standards. If fatally damaged, trees shall be replaced with four-inch caliper trees equal to the unit value of the tree removed. However, any specimen tree negligently damaged as described above shall be replaced with four-inch caliper trees equal to one and five-tenths (1.5) times the equivalent inches (DBH) of the tree removed or damaged.

(10) Removal of trees from floodplain not permitted. Trees shall not be cut or removed from the floodplain, except as follows:

(i) Those trees found to be diseased or insect infested by the county extension service, the Georgia Forestry Commission, a certified arborist, or a certified forester.

(ii) As necessary for construction, repair or maintenance of public roads, utilities or stormwater management facilities.

(iii) As part of an approved wetland mitigation plan.

(iv) Trees in the one hundred-year floodplain or required stream buffer may not be cut nor shall they be counted, except as otherwise provided in this section, tree preservation and replacement requirements, for C-1, C-2, M, and M-2 zoned property, to accomplish requirements of the tree protection ordinance.

(11) The Director of Community Development shall be responsible for distribution of appropriate public educational materials concerning the procedures of the tree protection ordinance, the value of maintaining existing trees, and proper methods of tree planting, preservation, and care.

Sec. 14-521. Tree replacement standards.

(a) The tree protection plan shall include planting schedules with proposed tree names (botanical and common), quantity, size spacing, and any special planting notes. Trees used for credit on the tree replacement plan must be chosen from the preferred list attached hereto as Appendix A to this Article. At least fifty (50) percent of replacement trees must be overstory trees; no more than twenty-five (25) percent may be of any single species, and no more than twenty-five (25) percent may be of evergreen species.

(b) Unless otherwise approved by the Director of Community Development, trees selected for replanting must meet the minimum standards as provided in the American Standard for Nursery Stock (ANSI Z60.1, 1980) and must be on the tree species selection list found in Appendix A to this Article. Trees selected must be free of injury, pests, disease, nutritional disorders or root defects, and must be in good vigor to assure a reasonable expectation of survival. Standards for transplanting shall be in keeping with those established in the International Society of Arboriculture publication Tree and Shrub Planting Manual or a similar publication.

(c) It is desirable that replanted trees be ecologically compatible with the site and neighboring sites. When practical, the replanted trees shall be of the same or similar species as those removed.

(d) Replacement trees shall be planted in manner that provides adequate space for nourishment, light, and maturation as recommended by the Director of Community Development.

(e) Planting and staking details are addressed in the administrative guidelines and shall be specified in the required tree protection plan.

Sec. 14-522. Buffers.

(a) *Stream buffers.* Stream buffers shall be consistent with the requirements of Article VII.

(b) *Land use transition buffers.* Buffers shall be provided between dissimilar districts or uses in accordance with the provisions of the zoning ordinance or as a condition of zoning, special land use permit or variance approval.

(1) Buffer planting shall meet the minimum width requirements contained in Chapter 27 of the City of Stonecrest Code of Ordinances, except as authorized to be reduced by a condition of zoning, special land use permit or variance approval.

(2) Disturbance or encroachments.

(i) Ditches, swales, stormwater conveyance facilities, stormwater detention ponds, sanitary sewer conveyance facilities, and any associated easements, shall not encroach into a buffer except that necessary access and utility crossings (e.g. stormwater or sanitary sewer pipes) may encroach into the buffer as near to perpendicular as practical.

(ii) Supplemental plantings or replantings of vegetation or authorized non-vegetative screening devices shall be authorized to encroach into a buffer provided there is minimal disturbance of any existing vegetation.

(iii) Dying, diseased or dead vegetation may be removed from a buffer provided minimal disturbance occurs. Vegetation thus removed shall be replaced where necessary to meet the screening requirements contained herein.

(3) Protection during land disturbing activities.

(i) During authorized land disturbing activities, transitional buffer zones, stream buffers, and state buffer zones shall be clearly demarcated and protected prior to commencement of, and during, construction.

(ii) The method of demarcation and protection utilized shall be in accordance with best management practices or as required by the arborist.

Sec. 14-523. Parking lot landscaping.

(a) Off-street parking lots which contain more than twenty (20) off-street parking spaces on any single lot shall contain landscaping and plantings as provided in Chapter 27 of the City of Stonecrest Code of Ordinances.

(b) Variances to reduce required parking spaces may be granted by the Zoning Board of Appeals when necessary to preserve a significant tree(s) that otherwise would be lost if the parking requirements were strictly applied. Such variance may only be granted if the arborist certifies to the Zoning Board of Appeals that such tree(s) will be lost either by necessary removal for construction of the parking lot or as a consequence of construction having an adverse impact on the survivability of the tree by virtue of damage to the root system of the tree(s).

(c) Any variance granted under the provisions of this Article shall include a condition that should the subject tree(s) die as a consequence, direct or indirect, of construction, despite granting of the variance, the tree or trees shall be replaced at the property owner's or applicant's expense, in accordance with a tree replacement plan approved by the arborist.

(d) The maximum variance allowed under this provision shall be four (4) parking spaces, or ten (10) percent of the total number of parking spaces required by the zoning ordinance, whichever is greater.

Sec. 14-524. Street trees.

Street trees and continuous landscape strips shall be provided, in conformance with the design requirements specified in Chapter 27 of the City of Stonecrest Code of Ordinances, along newly constructed streets, and along existing streets which are widened or realigned subsequent to the adoption of this Chapter, in all office, commercial, and industrial developments and along newly constructed streets of residential developments with a net residential density exceeding three (3) dwelling units per acre or as otherwise directed by conditions of zoning or special land use permits.

Sec. 14-525. Maintenance.

Trees which are used to meet the density requirements for this Article, except on single family residential lots, shall be maintained for two (2) growing seasons after the date of final inspection. The property owner shall maintain required tree density. The applicant or builder will be responsible for identifying newly planted trees to the homeowner and to inform the homeowner as to their proper maintenance.

Sec. 14-526. Alternative compliance.

The Director of Community Development must review and approve all requests for alternative compliance. In no instance shall one hundred (100) percent of the required site density be met through alternative compliance. Where the Director of Community Development has determined that special constraints of a site result in an inability to provide the required tree density, the number of trees will be determined by the Director of Community Development based on site review. Such site review shall require the developer to re-landscape each parcel using a density calculated as the maximum number of trees that can be sustained on the parcel less the impervious area of that parcel. The balance of trees shall be provided in common areas. If common areas are not sufficient, any remaining balance of trees may be provided for plantings on public grounds. Tree bank arrangements can be made through the Director. The minimum size of trees replanted through the tree bank shall be two (2) caliper inches and shall be planted in accordance with the species list attached as appendix a hereto and in accordance with the requirements in Section 14-521, tree replacement standards.

(1) *Common area planting.* If trees are to be planted at another location, the following note must appear on the approved tree protection plan: "A tree protection plan addendum for this project shall be submitted to the Director of Community Development at least thirty (30) days prior to requesting a final inspection. This plan shall include the species, size and location of trees to be planted off-site to meet the tree density deficit shown. Issuance of a certificate of occupancy is subject to approval of this plan, as well as verification of the installation of the trees."

(2) *Tree banking.* If trees cannot be planted on site and there is insufficient common area for replanting, the balance of trees will be accepted by the director for tree banking

within the City of Stonecrest. Participants in the tree banking program administered by the Director, including the signing of an off-site reforestation agreement.

Sec. 14-527. Tree harvesting.

Selective tree harvesting may be permitted upon authorization by the Zoning Board of Appeals in consultation with the arborist. Permits authorizing tree harvesting shall be in accordance with the following standards:

(1) A seventy-five-foot undisturbed buffer shall be provided and maintained along the entire perimeter of the property, including road frontages, during the land disturbing activity, except for authorized access crossings.

(2) Notwithstanding the other provisions of this Article, no property owner shall be required to preserve an undisturbed buffer that covers more than twenty-five (25) percent of the total land area of the property, excluding area inside the one hundred-year floodplain. In any such case, an alternative buffer width shall be provided, as determined by the Zoning Board of Appeals pursuant to its review of the application for a tree harvesting permit.

(3) The property shall be required to meet a tree density standard of thirty (30) units per acre, not including the seventy-five-foot buffer, upon completion of authorized land disturbing activities.

(4) The owner/applicant shall utilize the recommended best management practices as established by the Georgia Forestry Commission.

(5) No tree harvesting shall be allowed within the city except after approval of a special exception by the Zoning Board of Appeals as is provided in Article V, Division 4 of Chapter 27 of the City of Stonecrest Code of Ordinances. Further, subsequent to such approval of a special exception, no such tree harvesting shall be undertaken on any nonresidential parcel of land unless the transitional buffer zones required by the zoning regulations of the district in which located, are preserved in a natural and undisturbed state.

(6) Once tree harvesting takes place in conformity with the above regulations, no development of the property shall be permitted that would require the cutting of trees preserved under subsection (3) and (5) of this section for a period of five (5) years following authorization of tree harvesting.

Sec. 14-528. Utility company guidelines.

(a) All utility companies shall be required to obtain an annual permit issued by the Director. All applications for an annual permit shall include a list of subcontractors with names, addresses, and City business license numbers.

(b) Periodic work schedules are to be submitted to the arborist showing the proposed location and extent of tree work to be performed.

(1) All tree trimming and pruning to be performed by public utilities, public agencies, and their subcontractors on trees growing on private or public rights-of-way shall

be done according to the National Arborist Association Standards for Pruning of Shade Trees.

(2) The routing of public and private utility easements shall be subject to review and comment by the Director of Community Development.

Sec. 14-529. Enforcement.

It shall be the duty of the Director to enforce this tree protection ordinance. The Director shall have the authority to, and the Director of Community Development may recommend that, the Director revoke, suspend or void any land disturbance permit, development permit or building permit or suspend all work on a site or portion thereof in order to effect compliance with this Article.

(1) Violation and penalty. Any person, firm or corporation violating any of the provisions of this Article, after having been first issued a warning, shall be deemed guilty of an offense and upon conviction in Municipal Court shall be punished as is provided in Chapter 1 of the City of Stonecrest Code of Ordinances. Each tree removed or killed in violation of this Article shall be considered a separate offense. The owner of any buildings or premises or parts thereof, where anything in violation of this section 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.

(2) Any trees eight (8) inches (DBH) and over which have been removed in violation of this Article shall be replaced by the violator with four-inch caliper replacement trees equal to the unit value of the trees removed. However, any specimen tree removed from a parcel shall be replaced with four-inch caliper trees one and five-tenths (1.5) times the equivalent inches (DBH) of replacement trees or existing trees in excess of the requirements of Section 14-520, tree preservation and replacement requirements, using species with potentials for comparable size and quality at maturity.

(3) Additional legal remedies. In addition to all other actions and penalties authorized in this section, the City Attorney is hereby authorized to institute injunctive, abatement or any other appropriate judicial or administrative actions or proceedings to prevent, enjoin, abate, or remove any violations of this Article.

(4) Appeals; power and duty of the board to hear appeals of decisions of administrative officials.

The Zoning Board of Appeals shall have the power and duty to hear and decide appeals where it is alleged by an aggrieved party that there is error in any final order, requirement, or decision made by the Director based on or made in the enforcement of the tree protection ordinance. All such appeals shall be heard and decided following the notice requirements, criteria and procedural requirements in Chapter 27 of the City of Stonecrest Code of Ordinances.

(5) Administrative variances. Front, side and rear yard setbacks and parking requirements may be reduced by an amount not to exceed fifty (50) percent where it is determined by the Director of Community Development to be necessary in order to preserve existing

specimen or significant trees. Appropriate conditions to said administrative variances shall be imposed so as to ensure the continued health of said trees following the granting of such variances, including mandatory replacement requirements. Such administrative variances shall be considered and decided consistent with the procedures and criteria contained in Chapter 27 of the City of Stonecrest of Ordinances. Appeals of final decisions regarding administrative variances may be taken as provided in subsection (4) above.

(6) Special exception. The Zoning Board of Appeals is authorized to consider requests for special exception for the removal of an unauthorized specimen tree. All such requests shall be filed, notice given, and all procedures shall be as is required in the zoning ordinance. No such special exception for the unauthorized removal of a specimen tree shall be granted by the Zoning Board of Appeals unless the applicant has demonstrated and the Board has found that the property is not capable of earning a reasonable economic return absent the grant of the special exception. In making this determination the Board shall consider the following factors:

(i) Value of the trees in question, considering their age, size, health, and significance;

(ii) The current level of economic return on the property;

(iii) The marketability of the property; and the unfeasibility of alternate design or uses. Appeals from final decisions of the Board shall be as provided for in Chapter 27 of the City of Stonecrest Code of Ordinances.

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APPENDIX A

City of Stonecrest Overstory Trees Acceptable for Replanting Credits

Scientific Name	Common Name	Recommended	Leaf Habit
Acer rubrum	Red Maple	October Glory, Red Sunset	Deciduous
Betula nigra	Riverbirch	Duraheat	Deciduous
Carpinus betuals	European Hornbeam		Deciduous
Carya aquatica	Water Hickory	Availability	Deciduous
Carya cordiformis	Bittemut Hickory	Availability	Deciduous

Carya glabra	Pignut Hickory	Availability	Deciduous
Carya illinoensis	Pecan		Deciduous
Carya tomentosa	Mockernut Hickory	Availability	Deciduous
Cedrus atlantica	Atlas Cedar		Evergreen
Cedrus libani	Cedar of Lebanon		Evergreen
Cedrus deodara	Deodar Cedar		Evergreen
Cryptomeria japonica	Japanese Cryptomeria		Evergreen
Fagus grandifolia	American Beech		Deciduous
Fraxinus tomentosa	Pumpkin Ash		Deciduous
Gingko biloba	Gingko	Plant male only. Autumn Bold, Fairmont	Deciduous
Ilex opaca	American Holly		Evergreen
Juniperus virginiana	Red Cedar	Brodie	Evergreen
Liquidambar styraciflua	Sweetgum	Limited Use-Rotundiloba (Avail.)	Deciduous
Liriodendron tulipifera	Tulip Poplar	Limited Use	Deciduous
Magnolia acuminata	Cucumbertree		Deciduous
Magnolia grandiflora	Southern Magnolia	Bracken's Brown Beauty, Greenback	Evergreen
Magnolia virginiana	Sweetbay Magnolia		Deciduous
Metasequoia	Dawn Redwood	Limited Use	Deciduous

glyptostroboides			
Nyssa sylvatica	Black Gum		Deciduous
Pinus echinata	Shortleaf Pine		Evergreen
Pinus taeda	Loblolly Pine		Evergreen
Platanus occidentalis	Sycamore		Deciduous
Quercus acutissima	Sawtooth Oak		Deciduous
Quercus alba	White Oak		Deciduous
Quercus bicolor	Swamp White Oak		
Quercus coccinea	Scarlet Oak		Deciduous
Quercus falcata	Southern Red Oak		Deciduous
Quercus georgiana	Georgia Oak		Deciduous
Quercus imbricaria	Shingle Oak		Deciduous
Quercus lyrata	Overcup Oak		Deciduous
Quercus laurifolia	Laurel Oak		Deciduous
Quercus michauxii	Swamp Chestnut Oak		Deciduous
Quercus macrocarpa	Bur Oak		Deciduous
Quercus nigra	Water Oak		Deciduous
Quercus nuttalli	Nuttall Oak		Deciduous
Quercus phellos	Willow Oak		Deciduous

Quercus prinus	Chestnut Oak	Availability	Deciduous
Quercus rubra	Northem Red Oak		Deciduous
Quercus shumardii	Shumard Red Oak		Deciduous
Quercus stellata	Post Oak		Deciduous
Quercus velutina	Black Oak		Deciduous
Taxoduim distichum	Bald Cypress	Shawnee Brave	Deciduous
Tilia spp.	Linden		Deciduous
Thuja × 'Green Giant'	Arborvitae	'Green Giant'	Evergreen
Thuja plicata	Giant (Western) Arborvitae		Evergreen
Ulmus americana	merican Elm	Princeton and other resistant varieties	Deciduous
Ulmus parviflora	Lacebark Elm	Allee, Athena, Bosque	Deciduous
Zelkova serrata	Japanese Zelkova	Green Vase	Deciduous

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5053 City of Stonecrest Understory and Other Small Trees Acceptable for Replanting Credits

Scientific Name	Common Name	Recommended	Leaf Habit
Acer barbatum	Florida Maple		Deciduous
Acer buergeranum	Trident Maple	Street Wise	Deciduous

Acer campestre	Hedge Maple		Deciduous
Acer leucoderme	Chalk Maple		Deciduous
Acer palmatum	Japanese Maple		Deciduous
Acer saccharum	Sugar Maple		Deciduous
Aesculus pavia	Red Buckeye		Deciduous
Alnus serrulata	Alder		Deciduous
Amelanchier × grandiflora	Serviceberry	Princess Diana, Autumn Brilliance	Deciduous
Aralia spinosa	Devils Walking Stick		Deciduous
Betula nigra	River Birch	Little King	Deciduous
Carpinus caroliniana	American Hornbeam		Deciduous
Castanea pumila	Chinkapin		Deciduous
Celtis tenulfolia	Georgia Hackberry		Deciduous
Celtis laevigata	Sugarberry		Deciduous
Cercidiphyllum japonicum	Katsura Tree		Deciduous
Cercis canadensis	Eastern Redbud		Deciduous
Cercis reniformis	Redbud	Oklahoma	
Chioanthus retusus	Chinese Fringetree		Deciduous
Chioanthus virginicus	White Fringetree		Deciduous

Cladrastis kentukea	Yellowwood		Deciduous
Cornus spp.	Dogwood	Florida and Kousa crosses	Deciduous
Cornus florida	Flowering Dogwood	Aurora	Deciduous
Cornus kousa	Kousa Dogwood		Deciduous
Crataegus spp.	Hawthorn	Thornless cultivars	Deciduous
Crataegus phaenopyrum	Washington Hawthorn		Deciduous
Diospyros virginiana	Persimmon		Deciduous
Halesia carolina	Silverbell		Deciduous
Halesia diptera	Two Winged Silverbell		Deciduous
Hamamelis virginiana	Witch-hazel		Deciduous
Ilex spp.	Holly	Burford, Carolina #2, Foster, Neillie R. Stevens, Savannah, Yaupon	Evergreen
Ilex decidua	Possumhaw		Deciduous
Juniperus virginiana	Red Cedar		
Koelreuteria paniculata	Golden Raintree		Deciduous
Lagerstromia indica × faurieri	Crape Myrtle	Tree form cultivars disease resistant and hardy, eg. Choctaw, Natchez	Deciduous
Magnolia grandiflora	Southern Magnolia	Alta, Bracken's Brown Beauty, Greenback, Claudia Wannamaker	Evergreen

Magnolia × loebneri	Loebner Magnolia	Merrill	Deciduous
Magnolia macrophylla	Bigleaf Magnolia		Deciduous
Magnolia soulangiana	Saucer Magnolia		Deciduous
Magnolia stellata	Star Magnolia	Star Man	
Magnolia tripetala	Umbrella Magnolia		Deciduous
Magnolia virginiana	Sweetbay Magnolia		Evergreen
Malnus floribunda	Japanese Flowering Crabapple		Deciduous
Myrica cerifera	Waxmyrtle		Evergreen
Osmanthus americanus	Devilwood		Evergreen
Ostrya virginiana	Eastern Hophombeam		Deciduous
Oxydendrum arboreurn.	Sourwood		Deciduous
Pinus Virginiana	Virginia Pine	Slopes, Screen	Evergreen
Pistacia chinesis	Chinese Pistache		Deciduous
Prunus spp.		Okame, Autumnalis	Deciduous
Sassafras albidurn	Sassafras		Deciduous
Styrax americana	Snowbell		Deciduous

Ulmus alata	Winged Elm		Deciduous
Vaccinium arboreurn	Sparkleberry		Evergreen

5054

5055 City of Stonecrest Recommended Trees for Under Powerlines

Scientific Name	Common Name	Recommended
Acer buergeranum	Trident Maple	
Acer palmatum	Japanese Maple	
Cercis candensis	Redbud	
Chionanthus retusus	Chinese Fringetree	
Chionanthus virginicus	White Fringetree	
Cornus spp.	Dogwood	Florida and Kousa crosses
Cornus florida	Flowering Dogwood	Disease resistant varieties, Aurora
Cornus kousa	Kousa Dogwood	
Crataegus phaenopyrum	Washington Hawthorn	
Ilex spp.	Holly	Nellie R. Stevens, tree form Burford, Yaupon
Koelreuteria paniculata	Golden Raintree	
Magnolia x loebneri	Loebner Magnolia	Merrill
Magnolia soulangiana	Saucer Magnolia	
Magnolia stellata	Star Magnolia	Star Man

Oxydendrum arboreum	Sourwood	
Prunus spp.		Okame, Autumnalis

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5057 Recommended Trees for Parking Lots

Scientific Name	Common Name	Recommended
Acer buergeranum	Trident Maple	Street Wise
Acer rubrum	Red Maple	October Glory, Red Sunset
Betula nigra	River Birch	Duraheat
Chionanthus virginicus	Fringetree	
Cladrastis kentukea	Yellowwood	
Crataegus phaenopyrum	Washington Hawthorn	
Juniperus virginiana	Red Cedar	Brodie
Ilex spp.		Tree form Yaupon, Burford, Carolina #2
Lagerstromia indica × faurier	Crape Myrtle	Tree form cultivars, disease resistant and hardy, eg. Natchez, Choctaw
Nyssa sylvatica	Black Gum	
Pistacia chinesis	Chinese Pistache	
Quercus michauxii	Swamp Chestnut Oak	

Quercus nigra	Water Oak	
Quercus nuttalli	Nuttall Oak	
Quercus palustris	Pin Oak	
Quercus phellos	Willow Oak	
Quercus rubra	Northem Red Oak	
Taxoduim distichum	Bald Cypress	Shawnee Brave
Ulmus parvifolia	Lacebark Elm	Athena
Zelkova serrata	Japanese Zelkova	Green Vase

Sec. 14-530 – Sec. 14-540. Reserved.

ARTICLE VII. - STREAM BUFFER

Sec. 14-541. - Applicability.

The stream buffer regulations of this Article apply along all perennial and intermittent streams throughout the city except as expressly exempted or permitted in accordance with section 14-544, in addition to the requirements of Article V.

Sec. 14-542. Purpose.

The purpose of the City's stream buffer regulations is to preserve existing mature riparian vegetation that can provide shade, leaf litter, woody debris and erosion protection for streams.

Sec. 14-543. Minimum stream buffer requirements.

(a) Stream buffers are established along all perennial and intermittent streams in the City. These required stream buffers begin at the stream bank and extend 75 feet away from the stream. The buffers must remain undisturbed except as otherwise provided in section 14-544.

(b) Any new stormwater discharge crossing a stream buffer or state buffer zone must be designed to ensure that sheet flow is established through the stream buffer and to prevent channelized flow through the stream buffer.

(c) Piping of streams is not allowed in required stream buffers unless a variance is granted.

Sec. 14-544. Exemptions and special administrative permits.

(a) *Exemptions.* The stream buffer regulations of this Article do not apply to any of the following activities, provided that any activity within a state-mandated stream buffer must meet state requirements. Exemption of these activities does not constitute an exemption from any other activity proposed on a property or a requirement to obtain a building/land development permit.

(1) Work consisting of the usual and customary repair or maintenance of any lawful use of land that is zoned and approved for such use on or before the effective date of this section. Such usual and customary repair and maintenance activities cannot create any land disturbance, and must occur within the preexisting disturbed area;

(2) Maintenance, including the full replacement, of existing decks, porches or similar improvements attached to a dwelling that encroach into a city stream buffer so long as the work does not increase the degree of encroachment or any nonconformity. The complete replacement of these improvements is provided for, including the replacement of stairs and all supporting beams, posts and footings subject to compliance with applicable city codes. The necessary construction of new or improved footings as required to comply with current building codes is allowable up to a maximum of 100 square feet of land disturbance;

(3) Construction of new decks, porches or other similar additions no more than 200 square feet in area, to existing structures without a deck, porch or similar structure, provided that such construction does not require more than 100 square feet of land disturbance and does not further encroach more than ten feet into the city stream buffer;

(4) Existing development and on-going land-disturbance activities including existing agriculture, silviculture, landscaping, gardening and lawn maintenance, except that new development or land-disturbance activities on such properties is subject to all applicable buffer requirements;

(5) Public sewer line installation in easements running parallel with the stream where necessary, except that all easements (permanent and construction) and land disturbance within a state waters' buffer must meet state requirements. This includes such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures. This exemption may not be construed as allowing the construction of roads, bike paths or other transportation routes in such easements, regardless of paving material, except for access for the uses expressly identified in this paragraph;

(6) Removal of unwanted ground cover (e.g., poison ivy) using hand tools as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed;

(7) Land development activities within a dedicated transportation right-of-way existing at the time this section takes effect or approved under the terms of this section;

(8) Within an easement of any utility existing at the time this section takes effect or approved under the terms of this section, land-disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures;

(9) Emergency work necessary to preserve life or property. However, when emergency work is performed, the person performing it must report such work to the Community Development Department on the next business day after commencement of the work. Within ten (10) business days thereafter, the person must apply for a permit and perform such work within such time period as may be determined by the Director or designee to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area;

(10) Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land-disturbance in the buffer that would otherwise be prohibited, then no other land-disturbing activity other than normal forest management practices will be allowed on the entire property for three years after the end of the activities that intruded on the buffer;

(11) Activities to restore or enhance stream bank stability, riparian vegetation, water quality or aquatic habitat, so long as native vegetation and bioengineering techniques are used;

(12) The removal of dead, diseased, insect-infested, or hazardous trees (without any associated land disturbance), provided the property owner provides sufficient documentation of the condition of the trees before removal, including photographs and a report by a certified arborist; and

(13) Multi-use trails and related improvements that are part of a City Council-approved plan. Unless otherwise approved by the State, such encroachments must be located at least 25 feet from the banks of state waters when, after study of alternative trail alignments, the Director determines that the alignment is the most desirable alternative and that they are designed to minimize impervious surfaces and incorporate BMPs and other mitigation practices that minimize the impact of encroachments on water quality. Trail improvements that are part of a City Council-approved plan are not counted as part of a site's impervious surface area for purposes of site development-related calculations and regulations.

(b) *Special administrative permits.* The following activities may be approved within the stream buffers required by section 14-543 by special administrative permit, pursuant to the process outlined in the Zoning Ordinance:

(1) Stream crossings by utility lines, roads, driveways or similar transportation routes, including trails for nonmotorized transportation;

(2) Public water supply intake or public wastewater outfall structures;

(3) Land development necessary to provide access to a property;

(4) Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the stream, fishing platforms and overlooks;

(5) Stormwater outfalls to the stream, by pipe or channel, necessary to protect the buffer from erosion caused by high-flow velocities due to steep slopes;

(6) Exclusive of the exemptions in [subsections] (a)(2) and (a)(3) above, minor land-disturbing activities totaling no more than 200 square feet in area and located more than 25 feet from the stream, for the construction of decks, porches, or other additions to existing structures, and accessory structures where riparian vegetation is restored or replaced in any disturbed areas; and

(7) Construction and land disturbance that results in the reduction or removal of impervious surfaces.

Sec. 14-545. State-mandated stream buffers.

See section 14-503.

Sec. 14-546 – Sec. 14-550. Reserved.

ARTICLE VIII. STORMWATER MANAGEMENT.

Sec. 14-551. Policy.

The Mayor and City Council find the City's stream systems are a valuable natural resource that requires joint and cooperative action by the City, the County, and the development industry to resolve existing stormwater management and flooding problems, prevention of their worsening or recurrence while utilizing this resource for the good of the entire city. The development industry and the City shall cooperate to control water quality and maintain the City's drainage and stream systems from stormwater runoff resulting from development activities.

Sec. 14-552. General.

(a) *Purpose.* The regulations of this Article are adopted to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. It has been determined that proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources. These regulations seek to meet that purpose through the following objectives:

(1) Establish decision-making processes surrounded land development activities that protect the integrity of the watershed and preserve the health of water resources;

(2) Require that new development and redevelopment maintain the predevelopment hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, streambank erosion, nonpoint source pollution and increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats;

(3) Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;

(4) Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater standards;

(5) Encourage the use of nonstructural stormwater management and stormwater better site design practices, such as the preservation of greenspace and other conservation areas, to the maximum extent practicable;

(6) Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and

(7) Establish administrative procedures for the submission, review, approval and disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term follow up.

(b) Standards.

(1) The City of Stonecrest shall require all land development to comply with the criteria, technical specifications, and standards of the Georgia Stormwater Management Manual, as may be hereafter amended. The rainfall intensities used in hydrologic and hydraulic computations shall be those published in the Georgia Stormwater Management Manual.

(2) *Applicability.* A combination of storage and controlled release of stormwater runoff shall be required for all development and construction for the entire site which meets one (1) or more of the following criteria:

(A) Increases the peak rate of runoff from the site by more than one (1) cubic foot per second for a ten-year frequency storm;

(B) Involves the creation, addition or replacement in redevelopment of five thousand (5,000) square feet or more of impervious cover, or that involves other land development activity of one (1) acre or more;

(C) Any new development or redevelopment, regardless of size, that meets the definition of a stormwater hotspot as determined by the Director; or

(D) Land development activities that are smaller than the minimum applicability criteria set forth in items (A), (B) and (C) above if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules.

(3) *Exemptions and waivers.* The provisions of this Article shall not apply to the following activities:

(A) Individual single-family or duplex residential lots that are not part of a subdivision or phased development project unless they meet one (1) of the criteria listed above in (b)(2);

(B) Additions or modifications to existing single-family or duplex residential structures unless it meets one (1) of the criteria listed above in (b)(2);

(C) Agricultural or silvicultural land management activities within areas zoned for these activities; and,

(D) Repairs to any stormwater management facility or practice deemed necessary by the Director.

(F) If the installation of a stormwater management facility would increase downstream flood peaks by less than one (1) percent.

(G) The requirements, or portions thereof, of subsections (2) and (3) above shall not be waived if the Director determines that such waiver would increase known flooding problems, or exceed the capacity of the downstream drainage system.

(H) A waiver of these minimum runoff quantity control requirements may be granted only after a written request is submitted by the applicant containing descriptions, drawings, and any other information that is necessary to evaluate the proposed land disturbing activity. A separate written waiver request shall be required if there are subsequent additions, extensions, or modifications, to the development which would alter the approved stormwater runoff characteristics of a land disturbing activity receiving a waiver.

(I) Appeals from said waiver decisions may be taken to the zoning board of appeals.

(c) *Information Required with land development permit applications.* Except as otherwise expressly exempted, land development permit applications must be accompanied by the following information:

(1)Stormwater Management Plan in accordance with Section 14-553;

(2)Performance bond, if applicable; and

(3)Applicable permit application and plan review fees.

Sec. 14-553. Stormwater Management Plans.

(a) *General.* Stormwater Management Plans must identify how post-development stormwater runoff will be controlled or managed and how the proposed project will meet all applicable requirements of this Article. Plans must be submitted with the stamp and signature of a Professional Engineer (PE) licensed in the State of Georgia, who must verify that the design of all stormwater management facilities and practices meet the submittal requirements outlined in the stormwater design manual.

(b) *Information Required.* The Stormwater Management Plan must ensure compliance with the requirements and criteria in this Article and that opportunities are being taken to minimize

adverse post-development stormwater runoff impacts from the development. The plan must consist of maps, narrative and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The plan must include all information required by the stormwater management site plan checklist of the stormwater design manual, including all of the following:

(1) Common address and legal description of site;

(2) Vicinity map;

(3) Existing Conditions Hydrologic Analysis;

(4) Post-Development Hydrologic Analysis;

(5) Stormwater management system design;

(6) Post-development downstream analysis;

(7) Construction phase erosion, sedimentation and pollution control plan;

(8) Landscaping and open space plan;

(9) Operations and maintenance plan;

(10) Maintenance access easements;

(11) Inspection and maintenance agreements;

(12) Evidence of acquisition of applicable local and non-local permits;

(13) Any proposed off-site facilities.

(c) *Existing Conditions Hydrologic Analysis.*

(1) The existing conditions hydrologic analysis for stormwater runoff rates, volumes and velocities must include all of the following:

(i) A topographic map of existing site conditions with the drainage basin boundaries indicated;

(ii) Acreage, soil types and land cover of areas for each sub-basin affected by the project;

(iii) All perennial and intermittent streams and other surface water features;

(iv) All existing stormwater conveyances and structural control facilities;

(v) Direction of flow and exists from the site;

(vi) Analysis of runoff provided by off-site areas upstream of the project site; and

(vii) Methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology.

(2) For redevelopment sites, predevelopment conditions must be modeled using the established guidelines for the portion of the site undergoing land development activities.

(d) *Post-Development Hydrologic Analysis.* The post-development hydrologic analysis for stormwater runoff rates, volumes and velocities must include all of the following:

(1) A topographic map of developed site conditions with the post-development drainage basin boundaries indicated;

(2) Total area of post-development impervious surfaces and other land cover areas for each sub-basin affected by the project;

(3) Calculation for determining the runoff values that needs to be addressed for each sub-basin for the development project to meet the post-development stormwater management performance criteria in section 14-555;

(4) Location and boundaries of proposed natural feature protection and conservation areas;

(5) Documentation and calculations for any applicable site design credits that are being utilized;

(6) Methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology.

(e) *Stormwater Managemet System.* The description, scaled drawings and design calculations for the proposed post-development stromwater management system must include all of the following:

(1) A map and/or drawing or sketch of the stormwater management facilities, including the location of non-structural site design features and the placement of existing and proposed structural stormwater controls, including design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes;

(2) A narrative describing how the selected structural stormwater controls will be appropriate and effective;

(3) Cross-section and profile drawings and design details for each of the structural stromwater controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria;

(4) A hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs);

(5) Documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria in section 14-555;

(6) Drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyance elements, including stormwater drains, pipes, culverts, catch basins, channels, swails and areas of overland flow; and

(7) Where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans and/or local greenspace protection plan.

(f) *Post-Development Downstream* Analysis. A downstream peak flow analysis must include the assumptions, results and supporting calculations to show safe passage of post-

development design flows downstream. The analysis of downstream conditions in the report shall address each and every point or area along the project site's boundaries at which runoff will exit the property. The analysis shall focus on the portion of the drainage channel or watercourse immediately downstream from the project. This area shall extend downstream from the project to a point in the drainage basin where the project area is ten (10) percent of the total basin area. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned future upstream land use changes. The analysis shall be in accordance with the Georgia Stormwater Management Manual. The capacity of the drainage systems must be analyzed to the ten percent point.

(g) *Construction-phase erosion, sedimentation and pollution control plan.* An erosion, sedimentation and pollution control plan in accordance with the Georgia Erosion and Sedimentation Control Act or NPDES permit for construction activities. The plan must also including information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent stormwater controls.

(h) *Landscaping and open space plan.* A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to stormwater management facilities and practices. The landscaping plan must also include:

(1) The arrangement of planted areas, natural and greenspace areas and other landscaped features on the site plan;

(2) Information necessary to construct the landscaping elements shown on the plan drawings;

(3) Descriptions and standards for the methods, materials and vegetation that are to be used in the construction;

(4) Density of plantings;

(5) Descriptions of the stabilization and management techniques used to establish vegetation; and

(6) A description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.

(i) *Operations and Maintenance Plan.* This plan must include the detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and constructed or preserved. They must identify the parts or components of a stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary. The plan must include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access and safety issues. Provisions for periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures must be included in the plan.

(j) *Maintenance access easements.*

(1) In both residential and non-residential projects, an easement at least 20 feet in width shall be required so as to provide access to all stormwater detention facilities requiring regular maintenance at the site from a public or private street for the purpose of inspection or repair by securing all the maintenance access easements needed on a permanent basis. Upon final inspection and approval, a plat or document indicating that such easements exist must be recorded and must remain in effect even with the transfer of title to the property. The access easement shall conform to the following requirements:

(i) The access easement shall be cleared, grubbed and graded so that it can be utilized by rubber-tired construction vehicles;

(ii) The minimum drive surface width shall be 15 feet;

(iii) The drive shall be grassed or paved;

(iv) The maximum slope shall be 30 percent;

(v) Access easements may be combined with drainage easements containing an open channel; however, the combined easement shall be a minimum of 30 feet in width and shall be wide enough for the drainage channel and the drive;

(vi) A drive to the bottom of the pond shall be provided when the facility is over ten feet deep from the bench elevation or the facility is wider than 50 feet as measured from bench to bench; and

(vii) Where the facility is completely enclosed by walls, an access ramp, ladder or stairs shall be provided into the facility to allow for inspection and maintenance activities.

(2) The access easement to the facility shall not have a profile slope steeper than thirty-three (33) percent and a cross slope of no more than ten (10) percent. The elevation of the maintenance easement around the facility shall be established at the top of the dam or wall elevation and be constructed with a cross slope of no more than ten (10) percent to the drainage facility. Fencing that complies with the requirement of section 14-554 shall be constructed on the outside edge of the maintenance easement. Gates that comply with the requirements of section 14-554 shall be constructed on each maintenance easement.

(3) Every normally-dry stormwater basin, lake, or parking lot detention facility shall be completely enclosed within a drainage/access easement. The drainage/access easement shall extend at least ten feet beyond the 100-year flooding limits of the stormwater facility and shall encompass any dam, outlet structure and energy dissipation devices. A 20-foot wide landscape strip planted to buffer standards shall be provided around the exterior of the detention area outside of the access easement or as may be approved by the Director of Community Development.

(k) *Inspection and Maintenance Agreements.*

(1) Unless an onsite stormwater maintenance facility or practice is dedicated to and accepted by the City, the applicant must execute an inspection and maintenance

agreement, and/or a conservation easement, if applicable, that is binding on all subsequent owners of the site. The inspection and maintenance agreement, if applicable, must be approved by the City prior to plan approval, and recorded in the deed records upon final plat approval. Approval of a preliminary plat or final plat shall be acceptance of any stormwater maintenance facility or practice by the City.

(2) The inspection and maintenance agreement must identify by name or official title the persons responsible for carrying out the inspection and maintenance. Responsibility for the operation and maintenance of the stormwater management facility or practice, unless assumed by a government agency, will remain with the property owner and will pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements must be made to pass the inspection and maintenance responsibility to the appropriate successor in title. These arrangements must designate for each portion of the site, the person to be permanently responsible for its inspection and maintenance.

(3) As part of the inspection and maintenance agreement, a schedule must be developed for when and how often routing inspection and maintenance will occur to ensure the proper function of the stormwater management facility or practice. The agreement must also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and include remedies for the default thereof.

(4) The City, in lieu of an inspection and maintenance agreement, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this Article and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

(l) *Evidence of acquisition of applicable local and non-local permits.* The applicant must certify and provide documentation to the City that all other applicable environmental permits have been acquired for the site prior to approval of the stormwater management plan.

(m) *Off-site facilities.*

(1) The stormwater management plan for each land development project must provide for stormwater management measures located on the site of the project, unless provisions are made to manage stormwater by an off-site or regional facility. The off-site or regional facility must be located on the property legally dedicated for the purpose, must be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices and there must be a legally-obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility. In addition, on-site measures must be implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site facility.

(2) A stormwater management plan showing the adequacy of the off-site or regional facility must be submitted to the Director.

(3) To be eligible for a modification, the applicant must demonstrate to the satisfaction of the City that the use of an off-site or regional facility will not result in any of the following impacts to upstream or downstream areas:

(i) Increased threat of flood damage to public health, life and property;

(ii) Deterioration of existing culverts, bridges, dams and other structures;

(iii) Accelerated streambank or streambed erosion or siltation;

(iv) Degradation of in-stream biological functions or habitat; or

(v) Water quality impairment in violation of State water quality standards, and/or violation of any state or federal regulations.

Sec. 14-544. Design.

(a) *Detention designs.* Detention designs may be rejected by the Director if they incorporate structures and facilities that will demand considerable maintenance or will be difficult to maintain or will utilize numerous small structures if other alternatives are physically possible.

(b) *Discharge velocities.* Discharge velocities from detention facilities shall be reduced to provide a non-erosive velocity flow from a structure, channel, or other control measure as set forth in the approved Georgia Stormwater Management Manual.

(c) *Design storm.* The drainage system being developed shall have adequate capacity to accommodate the flow from all upstream areas for a one hundred-year storm event.

(d) *Drainage outfalls.* The drainage system from a proposed development must discharge into an outfall that has adequate capacity to accommodate the runoff from the development. If the connecting downstream system is not able to accommodate the allowable design flows from the site, then the design engineer must design on-site drainage facilities that result in no exacerbation of existing downstream conditions. If downstream easements are needed to extend the drainage system to an adequate outfall, the developer shall obtain these easements.

(e) *Detention Storage.*

(1) The live detention storage to be provided shall be calculated on the basis of the one hundred-year frequency rainfall as published in the Georgia Stormwater Management Manual. The detention system required shall be necessary to handle the runoff of a one hundred-year rainfall, for any and all durations from the post-development, with a release rate that does not exceed the pre-development release rate during the same duration storm. Detention control structures and other drainage improvements shall be located and designed to prevent erosion damage to adjacent property owners.

(2) Detention and sedimentation control facilities shall not be placed in any of the following:

(i) Transitional buffer zones as defined by Chapter 27.

(ii) Floodplains.

(iii) Wetlands.

(iv) Stream buffer zones.

(v) State buffer zones.

(3) Perforated standpipes or a French drain, in accordance with published design standards available from the Director, or other methods which will achieve equal performance to prevent standing water and inadequate drainage shall be installed within all the detention and sedimentation control facilities.

(f) *Combined detention.* When the applicant requests and the Director determines that development and construction projects are too small, or that engineering and economic factors make combined detention or other stormwater management facilities more practical, the City may authorize the joint construction of these facilities to serve two (2) or more properties by two (2) or more applicants. This authorization shall be granted by the Zoning Board of Appeals upon application for approval being submitted through the Director. Where joint detention facilities serving two (2) or more properties are approved for construction, no use of land or occupancy of buildings within the properties served by these facilities shall be permitted until completion of the detention facility, except upon approval of the Zoning Board of Appeals.

(g) *Fencing.*

(1) Permanent fencing at least six (6) feet in height shall be required around all stormwater and sedimentation control facilities designed for temporary water storage depth of greater than four (4) feet or those designated by the DeKalb County Board of Health as constituting a public health hazard.

(2) This fencing shall be designed, installed and maintained to allow the free flow of runoff and sediment into the facility. Fencing shall be established on the outside edge of a facility. The fence shall include a gate of sufficient size to permit entrance of equipment necessary to allow periodic maintenance activities. The gate shall be placed in a manner such that the gate does not obstruct reasonable access or become obstructive. The Director may waive fencing in nonresidential areas where a pond is more than five hundred (500) feet from a residential district and in residential districts when detention is provided in natural areas such as stream channels and fencing in the opinion of the Director would damage the environment or affect stream flow.

(h) *Special flood hazard area elevation contours.* In residential districts, not less than seventy (70) percent of the minimum lot area, as established by applicable zoning district development standards, shall be above the special flood hazard area elevation contours with the exception that lots in the RE district shall conform to requirements of the R-100 district.

(i) *Street centerline elevations.* The profile elevation of the centerline of all public streets shall be constructed a minimum of one (1) foot above the special hazard flood area elevation contours. The Director may grant exceptions to this provision in cases where construction of the street elevation is a special flood hazard area and elevation contours would improve drainage or reduce the effects of flooding.

Sec. 14-555. Performance Criteria.

The performance criteria of this section apply to all stormwater management plans, unless otherwise expressly stated.

(1) *Water quality.* All stormwater runoff generated from a site must be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirements if:

(i) It is sized to treat the prescribed water quality treatment volume from the site, as defined in the Georgia Stormwater Management Manual.

(ii) Appropriate structural stormwater controls or non-structural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the Georgia Stormwater Management Manual; and

(iii) Runoff from hotspot land uses and activities identified by the Director are adequately treated and addressed through the use of appropriate structural stormwater controls, non-structural practices and pollution prevention practices.

(2) *Stream Channel Protection.*

(i) Protection from stream channels of bank and bed erosion and degradation must be providing by using all of the following three approaches:

a. Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer;

b. Twenty-four-hour extended detention storage of the one-year, 24-hour return frequency storm event; and

c. Erosion prevention measures such as energy dissipation and velocity control.

(ii) The Director is authorized to waive the detention storage requirements of subsection (2)(i)b. for sites that discharge directly into piped stormwater drainage systems, larger streams, rivers, wetlands, lakes, estuaries, tidal water or other situations where flows will not have a negative impact on stream bank stability or channel integrity.

(3) *Overbank Flooding Protection.* Downstream overbank and property protection must be provided by controlling (attenuating) the post-development peak discharge rate to the predevelopment rate for the 25-year, 24-hour return frequency storm event. If control of the one-year, 24-hour storm is exempted, then peak discharge rate attenuation of the two-year through the 25 year return frequency storm event must be provided.

(4) *Extreme Flooding Protection.* Extreme flood and public safety protection must be provided by controlling and safely conveying the 100-year, 24-hour return frequency storm event such that flooding is not exacerbated.

(5) *Structural stormwater controls.* All structural stormwater management facilities must be selected and designed using the appropriate criteria from the Georgia Stormwater Management Manual. All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls not included in the Georgia Stormwater Management Manual, or for which pollutant

removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews or other means and receive approval from the Director before being included in the design of a stormwater management system. In addition, if hydrologic or topographic conditions, or land use activities, warrant greater control than that provided by the minimum control requirements, the Director may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency and rate of stormwater runoff or increased nonpoint source pollution loads created on the site in question. Applicants must consult the Georgia Stormwater Management Manual for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

(6) *Stormwater credits for nonstructural measures.* The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under subsection (1). The applicant may, if approved by the Director, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements which identify the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are identified in the Georgia Stormwater Management Manual.

(7) *Drainage System Guidelines.* Stormwater conveyance facilities, which may include culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches and energy dissipaters must be provided when necessary for the protection of public right-of-way and private properties adjoining project sites and/or public rights-of-way. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, must meet the following requirements:

(i) Methods to calculate stormwater flows must be in accordance with the stormwater design manual;

(ii) All culverts, pipe systems, and open channel flow systems must be sized in accordance with the stormwater management plan using the methods included in the stormwater design manual; and

(iii) Design and construction of stormwater conveyance facilities must be in accordance with the criteria and specifications found in the stormwater design manual.

(8) *Damn design guidelines.* Any land disturbing activity that involves a site that proposes a dam must comply with the Georgia Safe Dams Act and Rules for Dam Safety, as applicable.

Sec. 14-556. Inspection and Maintenance

(a) *Inspections during construction.*

(1) Periodic inspection of the stormwater management system construction must be conducted by the Director or conducted and certified by a professional engineer approved by the Director. Construction inspections must utilized the approved stormwater management plan for establishing compliance. All inspections must be documented with written reports that contain the following information:

(i) The date and location of the inspection;

(ii) Whether construction is in compliance with the approved stormwater management plan;

(iii) Variations from the approved construction specifications; and

(iv) Any other variations or violations of the conditions of the approved stormwater management plan.

(2) If any violations are found, the applicant must be notified in writing of the nature of the violation and the required corrective actions.

(b) *Final inspections and as-built plans.* Upon completion of a project, and before a certificate of occupancy may be granted, the applicant is responsible for certifying that the completed project is in accordance with the approved stormwater management plan. All applicants are required to submit actual "as-built" plans for any stormwater management facilities or practices after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and practices and must be certified by a professional engineer. A final inspection by the City is required before the release of any performance bonds or financial guarantees.

(c) *Long-term maintenance and inspections.*

(1) Stormwater maintenance facilities and practices included in a stormwater management plan which are subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan and this Article.

(2) A stormwater management facility or practice must be inspected on a periodic basis by the responsible person in accordance with the approved inspection and maintenance agreement. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the director must notify the person responsible for carrying out the maintenance plan to the person specified in the inspection and maintenance agreement. The notice must specify the measures needed to comply with the agreement and the plan and must specify the time within which such measures must be completed. If the responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the City may pursue all available enforcement actions and penalties.

(3) Inspection programs by the City may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and join inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges,

surface water, groundwater, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities and practices.

(d) *Right of entry for inspections.* The terms of the inspection and maintenance agreement must provide authority for authorized city or city-contracted officials to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when the City has a reasonable basis to believe that a violation is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation.

(e) *Maintenance responsibilities.*

(1) Except as otherwise provided in this section, the commercial and/or multifamily residential property owner shall be responsible for the maintenance of the stormwater management facilities during grading, construction, and following final approval of the completed project. This maintenance and certification obligation shall be binding on all future owners, successors and assigns of the property.

(2) Stormwater management facilities in single-family residential subdivisions constructed under permits issued prior to the adoption of the City ordinance assigning maintenance responsibility will not be accepted for city maintenance unless individually approved by and at the discretion of the Zoning Board of Appeals and suitable access easements are provided.

(f) *Records.* Parties responsible for the operation and maintenance of a stormwater management facility must provide records of all maintenance and repair to the Director.

(g) *Failure to maintain.* If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the Director, after thirty (30) days' written notice (except that in the event the violation constitutes and immediate danger to public health or public safety, 24-hour notice is deemed sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. The City may assess the owners of the facility for the cost of repair work, which will be a lien on the property, and may be placed on the ad valorem tax bill for such property and collected in the ordinary manner for such taxes.

(h) *Special drainage system maintenance requirements.*

(1) Pursuant to Chapter 22.5 of the City of Stonecrest Code of Ordinances, as amended, trash, garbage, construction materials, construction by-products or other debris shall not be deposited in any part of the drainage system.

(2) No restriction or barriers, including fences, may be placed in the drainage system or special flood hazard areas without first obtaining a development permit. When on-site or off-site debris has accumulated within a special flood hazard area in such a manner as to interfere with the free flow of water so as to increase the risk of hazardous inundation of upstream properties adjacent to the special flood hazard areas, the Director shall require the owner of the property where this debris was generated, if its

source can be identified, to clear and remove the debris so as to permit the free flow of water.

(3) No impoundment of water which retains in excess of five-tenths (0.5) acre (in feet) of runoff may be removed without first obtaining a development permit, which shall only be issued after competent engineering studies provided by the applicant show that this removal will not adversely affect downstream properties.

Section 2:

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

2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

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

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

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

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

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-_____

Approved:

_____
Jason Lary, Sr., Mayor

As to form:

_____
City Attorney

Attest:

_____
Brenda James, City Clerk

THE CITY OF
STONECREST
GEORGIA

CITY COUNCIL AGENDA ITEM

SUBJECT: An Ordinance Amending Chapter 15-Business Licenses to add Articles VII, XI, XIII and XVIII

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

Date Submitted: 04/26/2018 Work Session: 05/02/2018 Council Meeting: 05/21/2018

SUBMITTED BY: City Attorney

PURPOSE: This ordinance is to amend Chapter 15 Business Articles VII, XI, XIII and XVIII.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: First Read on May 21, 2018

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-_____

AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, AMENDING CHAPTER 15 – BUSINESS LICENSES TO ADD ARTICLES VII, XI, XIII, and XVIII~~, and XIX~~.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 15.7.1. - Definition.

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

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

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

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

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

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

Sec. 15.7.2. ~~– Exemptions~~Permit Required.

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

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

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

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

Sec. 15.7.3. - ~~Violation of other ordinances and laws~~Application.

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

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

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

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

~~(1) Violate any city ordinance.~~

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

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

Sec. 15.7.4. – ~~Hours of operation~~Regulatory fee.

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

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

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

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

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

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

Sec. 15.7.6. ~~– Persons with criminal records~~Hours of operation.

(a) ~~It is unlawful for any person with a criminal record as described in section 15..32, whether or not otherwise eligible for an exemption under section 15.7.2, to engage in any of the activities for which a permit is required by this article.~~ Soliciting or canvassing on the public streets, areas, or parks of the city shall be conducted only between the hours of 9:00 a.m. and 7:00 p.m.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Such person on a form developed by the City Manager or his designee, at least;

(1) Applicant's name and permanent address;

(2) Name, address, and telephone number of the firm, corporation, or organization represented;

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(3) Names and addresses of all persons canvassing or soliciting within the city;
(4) The nature of any merchandise or goods to be sold or offered for sale in conjunction with such solicitation; and
(5) Proof of tax-exempt status shall be required when registering with City Manager or his designee.
i. The City Manager or his designee shall collect a fee of one dollar ($1.00) from each organization to cover costs of processing the license.
ii. Each organization shall be issued an identity card bearing the name of each individual who shall engage in solicitation or canvassing on behalf of the organization, the organization's name, and the expiration date of the license. Each applicant does not have to be fingerprinted or photographed.
iii. The license shall be valid for ninety (90) days from the date of issuance.

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

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

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

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

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

Secs. 15.7.12 – Activity not regulated hereby—15.7.25. Reserved.

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

~~**DIVISION 2. - PERMIT**~~

Sec. 15.7.~~26~~13. - ~~Required~~Penalty.

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

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

~~**Sec. 15.7.27. - Application.**~~

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

~~(1) Name, local address and telephone number.~~

~~(2) Date and place of birth.~~

~~(3) Driver's license number and issuing state.~~

~~(4) Social Security number (if different from driver's license number).~~

~~(5) Race and sex.~~

~~(6) Height and weight.~~

~~(7) Eye color and hair color.~~

~~(8) Name, address and telephone number of the organization represented.~~

~~(9) Name and telephone number of immediate supervisor.~~

~~(10) Product or service.~~

~~(11) A list of all arrests, convictions and the disposition of each charge, other than minor traffic violations.~~

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

~~"Georgia Code section 16-10-71 provides that a person who makes a lawful oath or affirmation or who executes a document knowing that it purports to be an acknowledgment of a lawful oath or affirmation commits the offense of false swearing~~

~~when, in any matter or thing other than a judicial proceeding, he knowingly and willfully makes a false statement."~~

~~**Sec. 15.7.28. - Investigation and issuance.**~~

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

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

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

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

~~**Sec. 15.7.29. - Expiration and renewal.**~~

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

~~**Sec. 15.7.30. - Selling, renting, etc.**~~

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

~~**Sec. 15.7.31. - Display.**~~

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

~~**Sec. 15.7.32. - Denial; suspension or revocation.**~~

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

~~(b) The permit of any solicitor charged with a felony, or a misdemeanor involving violence or moral turpitude shall be deemed suspended from the time of lawful arrest, formal accusation or indictment, whichever shall first occur; such suspension shall remain in effect until the solicitor is convicted or acquitted, or until the charge is dismissed, dead-docketed, nol-prossed or no-billed.~~

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

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

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

~~Sec. 15.7.33. Surrender.~~

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

~~Sec. 15.7.34. Appeals.~~

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

~~Secs. 15.7.35—15.7.50. Reserved.~~

Section 2:

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

ARTICLE XI. – VEHICLES FOR HIRE

Sec. 15-11-1. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

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

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

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

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

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

Sec. 15-11.3. - Cruising and use of vehicle stands.

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

Sec. 15-11-4. - Call jumping.

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

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

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

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

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

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

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

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

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

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

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

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

(g) The printed notice shall advise passengers that a temporary fuel surcharge will be added to the metered fare or to the flat rate fare due to increases in gasoline prices in the city and

shall advise passengers of the amount of the fee as described in subsection (d) of this section.

Section 3:

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

ARTICLE XIII. - MULTIFAMILY RENTAL DWELLINGS

Sec. 15-13-1. - Definitions.

For the purpose of this article, certain terms and words are defined. Where words have not been defined, but are defined in Chapter 1, those words shall have the meaning defined therein. The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them as directed below, except where the context clearly indicates a different meaning:

Certified building inspector means a person who has been authorized to perform inspections pursuant to the process established by this article, provided that such person maintains the qualifications for certification as established by this article.

~~Code c~~Compliance certificate means a certificate, in a form authorized by the City Manager or his designee, executed by a certified building inspector showing compliance with those minimum requirements described in the inspection report attached thereto.

Inspection report means the report attached to the code compliance certificate describing minimum requirements for inspection of each unit.

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

Multifamily rental dwelling means any dwelling unit designed for and containing more than one lodging or dwelling (1) unit, as defined in Chapter 27, Article XI, of the City of Stonecrest Code of Ordinances, that is leased to a residential tenant or tenants for use as a home, residence, or sleeping unit. This definition includes, but is not limited to, multifamily dwelling units, multifamily apartments, duplexes, triplexes, boardinghouses, rooming houses, group homes, and flats.

Multifamily rental unit means any one area, room, structure, flat, apartment, or facility of a multifamily rental dwelling that is leased or available for lease to an occupant.

Occupant means any person who is a tenant, lessee, or a person residing within a multifamily rental dwelling or multifamily rental unit.

Owner means any person, agent, firm, or corporation having a legal or equitable interest in a the premises.

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

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

(a) *Process.* The City Manager or his designee shall create the process for certifying building inspectors, shall establish the requirements and application for becoming a certified building inspector, and shall administer the process. A nonrefundable administrative fee set by the city council shall be required to be submitted with all applications to be a certified building inspector. Persons who have successfully completed the certification process issued by the City Manager or his designee shall be designated as certified building inspectors authorized to perform the inspections required by this article.

(b) *~~Code~~ compliance certificates and inspection reports.* The City Manager or his designee is authorized to create the forms for ~~code~~-compliance certificates and inspection reports. At a minimum, inspection reports submitted to the city must contain the certified building inspector's signature and date of certification. A certified building inspector shall personally perform the inspections required by this article. The certified building inspector signing the inspection report and performing the inspection shall not be an employee of, otherwise related to, or affiliated in any way with any owner or occupant of the multifamily rental dwelling or multifamily rental dwelling unit being inspected. Failure to have a certified building inspector personally perform an inspection shall nullify any such ~~code~~-compliance certificate.

(c) *Certified building inspectors.*

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

(2) *Denial of certification.* Upon receipt of a complete application to be a certified building inspector, the City Manager or his designee shall have forty-five (45) days to grant or deny the application. If denied, the City Manager or his designee shall notify the applicant in writing of the reason(s) for the denial at the address set forth on the application.

(3) *Revocation of certification.* Upon a certified building inspector's conviction of a violation of subsection Sec. 15-13-4(c) of this article, or if a certified building inspector no longer meets the minimum requirements set forth in this article, the City Manager or his designee shall revoke the authority of that individual to act as a certified building inspector. The City Manager or his designee shall notify the individual in writing of the reason(s) for the revocation at the address set forth on the application to be a certified building inspector.

(4) *Appeals.* Any applicant or certified building inspector believes the provisions of this article have been applied in error may file an appeal therefrom in accordance with Article XVI of this Chapter.

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

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

(a) ~~*Code*~~ *eCompliance certificate.* A ~~code~~ compliance certificate shall contain the certification of a certified building inspector that all multifamily rental dwellings and/or multifamily rental units subject to this article have been inspected within the twelve-month period immediately preceding the date of certification and are in compliance with applicable provisions of the Code and the requirements set forth in the code compliance certificate and inspection report.

(1) Commencing on January 1, 2019, all owners of multifamily rental dwellings and/or multifamily rental units within the incorporated parts of the city that receive income from four (4) or more such units and meet the requirements of O.C.G.A. § 48-13-5 for having a location or office within the incorporated parts of the city shall file, simultaneously with their business occupation tax return, code compliance certificate(s) covering one hundred (100) percent of the owner's multifamily rental units located within the incorporated parts of the city.

(2) After submission of the initial code compliance certificate(s), owners shall submit code compliance certificates annually with their business occupational tax return. Each subsequent code compliance certificate shall show an internal and external inspection of at least twenty (20) percent of the units on a premise and all units on a the premises shall be inspected, at a minimum, every five (5) years. All units inspected shall be listed individually on the code compliance certificate submitted by the certified building inspector.

(b) *Fee.* A nonrefundable administrative fee set by the city council shall be required to be submitted with all code compliance certificates.

(c) *Inspections and repairs.* Upon initial inspection of multifamily rental dwellings and multifamily rental units subject to this article, should a certified building inspector determine that further work is necessary to comply with the minimum standards set forth in the Code, an acceptable plan shall be submitted to the building official, outlining the time and scope of work necessary to bring the units into compliance. If the plan is accepted by the building official as reasonable and justified, an extension of the time for compliance with this article may be granted for up to ~~one (1) year~~six (6) months so that necessary repairs may be completed. No extension shall be granted if life

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or safety issues are involved, and none of the units where life or safety issues are involved shall be leased until brought into compliance with the minimum standards set forth in the Code. For years subsequent to the initial year, the ~~one year~~ six (6) month extension for repairs is not available.

(d) *Written record of inspection.* Each owner and certified building inspector shall for a period of five (5) years from the date of inspection keep a written record of inspection for each multifamily rental dwelling and/or multifamily rental unit, including the date of the inspection, items inspected, and all violations, if any, observed. These records shall be presented to the building official within ten (10) business days after a request is made in writing to the owner or inspector. Failure to provide these records shall nullify the ~~code~~ compliance certificate for such dwellings or units.

(e) *Exemptions.* Provided all other required permits, certificates and/or permissions are obtained from the city, this section shall not apply to multifamily rental dwellings or multifamily rental units for a period of five (5) years following issuance of a certificate of occupancy for such dwelling or unit.

Sec. 15-13-4. - Violations.

(a) No business occupation tax certificate shall be issued to any owner until the owner provides the city with a code compliance certificate in the form and manner required by this article.

(b) Any person who does anything prohibited or fails to do anything required by this article, shall upon conviction, be punished as provided by this Code.

(c) An owner who knowingly furnishes or participates in furnishing a code compliance certificate to the city falsely certifying that all multifamily rental dwellings or multifamily rental units inspected are in compliance with the requirements set forth in the code compliance certificate shall be guilty of a violation of this article for each multifamily rental dwelling or multifamily rental unit for which the certification is shown to be false.

(d) A certified building inspector who knowingly furnishes or participates in furnishing an inspection report containing false information that a multifamily rental dwelling or multifamily rental unit meets the minimum housing standards of the city as shown by the inspection report shall be guilty of a violation of this article.

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

Section 4:

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

ARTICLE XVIII – SHORT TERM VACATION RENTALS

15.18.1 – Purpose; intent

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

15.18.2 – Definitions

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

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

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

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

15.18.3 – Application

(a) No person shall rent, lease, or otherwise exchange for compensation all or any portion of a single-family dwelling as short-term vacation rental, as defined in section 15.18.2, without first obtaining a business tax certificate from the City Manager or his designee and complying with the regulations contained in this section. No certificate issued under this

chapter may be transferred or assigned or used by any person other than the one to whom it is issued, or at any location other than the one for which it is issued.

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

(1) The complete street address of the STVR;

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

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

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

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

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

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

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

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

15.18.4 – Application Fee/Renewal

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

(1) The 2018 rental application fee shall be ~~$25~~1050.00 per rental unit.

(2) The annual application fee thereafter shall be ~~$25~~10050.00 per rental unit. The annual application fee shall be due January 1 of each year and if not paid within 90 days thereof shall be subject to delinquency and penalties provisions of Chapter 15, Article II of the Code of Ordinances for Stonecrest, Georgia, as applicable to occupation tax/business license provisions. Every person holding a license as specified herein shall secure that license within 90 days after January 1 of each year, and pay for same as herein provided.

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

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

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

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

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

15.18.5 – Emergency Contact

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All STVR units shall be furnished with a telephone that is connected to a landline or similar type connection, including a voice over internet protocol, in order that 911 dispatch may be able to readily identify the address and/or location from where the call is made when dialed. STVR applicants and agents are to work with city staff as to the implementation of such emergency contact facilities or equipment and, until the appropriate connection for emergency contact is established, occupancy of the STVR location without the connection is prohibited.

15.18.6 – Compliance

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

~~**Section 5:**~~

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

~~ARTICLE XIX – VENDING IN THE PUBLIC RIGHT OF WAY~~

~~DIVISION 1. – GENERALLY~~

~~**15.19.1 – Definitions**~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Blind person* means a person whose vision, with correcting glasses, is so defective as to prevent the performance of activities for which eyesight is essential. See O.C.G.A. § 49-4-51(b).~~

~~*Disabled veteran* means a resident of the state who may be either a war veteran or veteran of peace-time service as set forth below and such person must obtain a certificate of exemption issued by the state commissioner of veterans' service.~~

~~(1) A war veteran must furnish satisfactory proof that he or she has a physical disability which is disabling to the extent of 10 percent or more; that his or her service in the armed forces of the United States was terminated under conditions other than dishonorable; and that his or her service or some part thereof was rendered during a war period as defined by an act of the Congress of the United States, approved March 20, 1933, entitled "An Act to Maintain the Credit of the United States," and commonly known as Public Law No. 2, 73rd Congress; or that some part of his or her service was rendered on or after December 7, 1941, and before December 31, 1946; or that some part of his or her service was rendered on or after June 27, 1950, and before January 31, 1955; or that some part of his or her service was rendered on or after August 5, 1964, and before May 8, 1975. Proof of such 10 percent disability shall be established upon the written certificate of two physicians as to such disability, or by a letter or other written evidence from the United States Department of Veterans Affairs or the Department of Veterans Service stating the degree of disability, or by written evidence from the branch of the armed forces of the United States in which such veteran served.~~

~~(2) A veteran of peace-time service in the United States armed forces must furnish proof that he or she has a physical disability to the extent of 25 percent or more incurred in the line of duty during the period of such service by a letter or other evidence from the United States Department of Veterans Affairs or the Department of Veterans Service stating the degree of disability or by written evidence from the branch of the armed forces of the United States in which such~~

veteran served and that his or her service in the armed forces of the United States was terminated under conditions other than dishonorable.

(3) That disabled veterans and blind persons shall only have to show proof of their disability upon their initial application, as opposed to annually. If the current language of O.C.G.A. § 43-12-2 is amended, then this definition of disabled veteran shall be controlled by O.C.G.A. § 43-12-2, as amended.

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

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

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

Moral turpitude means the act or behavior of baseness, vileness or the depravity in private and social duties which people owe to their fellow people, or to society in general, contrary to accepted and customary rule of right and duty between person and person; act or behavior that gravely violates moral sentiment or accepted moral standards of community and is a morally suitable quality held to be present in some criminal offenses as distinguished from others.

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

Operating area means:

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

(2) The parameters of the food truck.

Pre-packaged food means single serving sealed packaged foods including but not limited to candy, popsicles, chips/bagged snacks which do not require any heating or powered refrigeration, and the service of which does not require authorization by the DeKalb County Departments of Health.

~~*Prepared non-alcoholic beverages* means beverages prepared on site and which are not served in glass containers, and excluding all alcoholic beverages, including but not limited to malt beverages, wine and distilled spirits.~~

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

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

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

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

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

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

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

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

~~(1) Serve and protect the health, safety and welfare of the general public.~~

~~(2) Establish a uniform set of rules and regulations which are fair and equitable.~~

~~(3) Provide economic development opportunities for small entrepreneurs in the city.~~

~~(4) Provide a variety of goods and services for sale.~~

~~(5) Promote stable vendors who will enrich the city's ambiance and be assets to public security.~~

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

~~(a) Every vendor shall file with Georgia Department of Revenue ("GDOR") the appropriate forms and remit monthly sale tax revenues to GDOR. Nothing in this section shall~~

~~prohibit the revocation of any permit in accordance with the provisions of Division 2 of this article.~~

~~(b) Prospective vendors, by filing an application, agree to produce documents and records which may be considered pertinent to the ascertainment of facts relative to the issuance and maintenance of the permit, including but not limited to the following:~~

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

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

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

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

~~(a) Hours of operation shall be 7:00 a.m. to 12:00 a.m.~~

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

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

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

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

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

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

~~(h) Vending carts and/or food trucks shall not be left unattended or stored at any time in the operating area when vending is not taking place or during restricted hours of operation.~~

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

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

~~Vending carts must comply with the following aesthetic standards:~~

~~(a) Length of the cart may not exceed seven feet and width may not exceed four feet height excluding canopies, umbrellas, or transparent enclosures may not exceed five feet;~~

~~(b) Umbrellas or c~~Canopies shall have a minimum clearance of seven feet and a maximum height of nine feet six inches above the sidewalk;

~~(c) Umbrellas or c~~Canopies may not exceed 48 square feet (~~eight~~ feet × six feet);

~~(d) All carts must be mobile, and able to roll on wheels;~~

~~(e) The design, materials, and colors are to be of natural wood or metal products and considerate of the immediate surroundings of the proposed location;~~

~~(f) Materials must be in working order, and may not include peeling paint, visible defects or areas requiring maintenance;~~

~~(g) The wheels located under the car are preferred, however projecting wheels must have fenders;~~

~~(h) Hitches attached to the cart must be removable and detached when in operation; and~~

~~(i) If used, propane tanks must be enclosed.~~

~~**Secs. 15.19.5—15.19-20. - Reserved.**~~

~~**DIVISION 2. - PERMITS AND LICENSES**~~

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

~~(a) No public property vending shall occur without a permit issued pursuant to this article, except that no permit shall be required for persons selling newspapers at-large other than from a fixed location on public property.~~

~~(b) No person shall engage in the business or trade of vending without first obtaining a business license. Disabled veterans and blind persons, as defined by O.C.G.A. § 43-12-1, are exempt from payment of business license fees, but must obtain such licenses.~~

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

~~**Sec. 15-19-22. - Application.**~~

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

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

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

~~(1) Applicant's name and current address.~~

~~(2) Applicant's previous addresses within the last five years.~~

~~(3) Social security number.~~

~~(4) Proposed vending location.~~

~~(5) A dimensional drawing that clearly shows the footprint and placement of the cart and the operating area.~~

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

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

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

~~(9) City business license.~~

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

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

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

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

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

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

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

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

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

~~**Sec. 15-19-25. - Location.**~~

~~(a) Valid vendor locations shall:~~

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

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

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

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

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

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

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

~~(a) No valid vendor permit shall be issued to any person who has been convicted within five years immediately prior to the filing of the application for any felony or misdemeanor relating to drug possession and related matter; crimes of moral turpitude; larceny, fraudulent conveyance, perjury and/or false swearing, or subrogation. Any conviction for dealing and/or trafficking in illegal drugs will automatically disqualify an applicant.~~

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

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

~~(1) Fraud, misrepresentation or false statements contained in the application.~~

~~(2) Failure on the part of a vendor to maintain initial eligibility qualifications~~

~~(3) Failure to furnish any and all documentation requested by either the police department, the office of revenue or the license review board for purposes of the investigation of any application or for the inspection of records pursuant to this division within 30 days of such request.~~

~~(4) Any failure to comply with any requirement set forth in this article or this Code.~~

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

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

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

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

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

~~(a) Vendors selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles shall be subject to this section. Vendors permitted in accordance with this section shall not be permitted to sell prepared food or prepared non-alcoholic beverages.~~

~~(b) Every vendor selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles pursuant to this section shall, before making any sale, park the vehicle at the right curb and at least eight feet from any other vehicle that may be parked on the street and not less than 100 feet from any intersecting street. When the vending vehicle stops, all sound equipment or other devices used to notify customers of the presence of the vendor shall be stopped and shall not be resumed until the vehicle is again put in motion.~~

~~(c) No vehicle using sound equipment or other method of attracting customers shall operate such equipment before 9:00 a.m. or after 9:00 p.m. daily and between the hours of 9:30 a.m. and 12:00 noon on Sundays. Furthermore, such equipment shall not be operated within one block of a church between the hours of 7:00 a.m. and 9:00 p.m. on Sundays. On days in which schools are actually in session, no motor vehicle shall be operated within 600 feet of any public school in the city one hour before or one hour after published school hours.~~

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

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

~~Secs. 15.19-30—15.19-50. – Reserved.~~

Section 6:

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

2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

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

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

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

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-_____

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

Approved:

_____
Jason Lary, Sr., Mayor

As to form:

_____
City Attorney

Attest:

_____
City Clerk

THE CITY OF STONECREST GEORGIA

CITY COUNCIL AGENDA ITEM

SUBJECT: ORDINANCE TO AMEND SECTION 2.15 (A) OF ARTICE II TO ALLOW THE PASSAGE OF AN ORDINANE RELATED TO ZONING AND LAND USE ON ITS FIRST READ

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

Date Submitted: 05/15/2018 First Read 05/21/2018

SUBMITTED BY: City Attorney Emily M. Preston

PURPOSE: This ordinance is to request to establish by Home Rule the right to adopt a zoning ordinance with one read. Currently the charter requires two readings. This item has been advertised in the legal organ of the county, the Champion Newspaper and the first read will be May 21, 2018 and the adoption will be at the next regular scheduled City Council Meeting.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: First Read May 21, 2018

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-_____

AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, TO AMEND SECTION 2.15(a) OF ARTICLE II OF THE CITY CHARTER TO ALLOW THE PASSAGE OF AN ORDINANCE RELATED TO ZONING AND LAND USE ON ITS FIRST READ

WHEREAS, the City of Stonecrest, Georgia Mayor and City Council are authorized by the City Charter to provide comprehensive planning and zoning for land usage inside the city boundaries; and

WHEREAS, pursuant to O.C.G.A. § 36-66-2, a local government may provide, by ordinance, procedures to supplement the requirements for zoning procedures, which are outlined in O.C.G.A. § 36-66-1 et seq.; and

WHEREAS, in facilitation of the process of zoning, the Mayor and City Council of the City of the City of Stonecrest wish to require a one-read policy for the passing of a zoning ordinance.

WHEREAS, Article IX, Section II, Paragraph II of the Constitution of the State of Georgia, entitled Home Rule for Municipalities, allows the General Assembly of the State of Georgia to provide by law for the self-government of municipalities, which the General Assembly has done with The Municipal Home Rule Act of 1965, O.C.G.A. § 36-35-1 et. seq.; and

WHEREAS, O.C.G.A. § 36-35-3 allows municipal charters to be amended by ordinances duly adopted at two regular consecutive meetings of the municipal governing authority, not less than seven nor more than 60 days apart; and

WHEREAS, pursuant to O.C.G.A. §36-35-3, the required notice has been published in The Champion, the legal organ of DeKalb County, once a week for three weeks prior to its final adoption, and a copy of the proposed amendment has been on file in the Office of the Clerk of Stonecrest and in the Office of the Clerk of the Superior Court of DeKalb County, Georgia, as required by law; and

WHEREAS, the required notice will have been published within the statutory period of 60 days immediately preceding the final adoption of this Ordinance amending the Charter; and

WHEREAS, the title of this Ordinance shall have been read and the Ordinance duly adopted at two consecutive City Council meetings not less than 7 nor more than 60 days apart as required by Georgia law; Stonecrest, Georgia, hereby ordain as follows.

THEREFORE, the Mayor and City Council of the City of Stonecrest, pursuant to their authority granted in O.C.G.A. 36-35-3, do hereby adopt this Ordinance so that the Charter of the City of Stonecrest is amended to allow passage of a zoning ordinance after one read.

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-_____

Section 1: The Charter of the City of Stonecrest, Georgia, is hereby amended, in accordance with O.C.G.A. § 36-35-3, so that upon proper passage, Section 2.15(a) shall read as follows:

SECTION 2.15.

Ordinance form; procedures.

(a) Every proposed ordinance and resolution shall be introduced in writing and the city council shall have the authority to approve, disapprove, or amend the same. A resolution may be passed at the time it is offered. but an ordinance shall not be adopted until the title of such ordinance shall have been read at two city council meetings, provided that the beginning of such meetings shall be neither less than 24 hours nor more than 60 days apart. This requirement of two readings shall not apply to emergency ordinances, zoning decisions regulating land use and development, to ordinances passed during the first 90 days from the date on which the city begins operation, to ordinances adopted at the first business meeting of the city council in a calendar year, or to ordinances adopted at the first meeting of the initial city council as elected under subsection (b) of Section 2.02 of this charter.

Section 2:

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

2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

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

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

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

Approved:

_____
Jason Lary, Sr., Mayor

As to form:

_____
City Attorney

Attest:

_____
Brenda James, City Clerk