

Taxi stand means a reserved area where taxis or cabs are parked.

Telecommunications antenna. See section 4.2.57.B.

Telecommunications facility/tower. See section 4.2.57.B.

Telecommunications tower. See section 4.2.57.B.

Telecommunications tower or antenna height. See section 4.2.57.B.

Telephone exchange building means a building used exclusively for the transmission and exchange of telephone messages. The term "telephone exchange building" shall not include wireless telecommunication towers or antennas.

Temple. See *Place of worship.*

Temporary outdoor sales or event, seasonal, means outdoor sales of products associated with seasons, holidays and agricultural seasons.

Temporary produce stand means a temporary vending structure used for the sale and/or display of seasonal produce.

Temporary trailer means an enclosed or unenclosed structure, on wheels, that is used for temporary storage purposes.

Tennis courts, play and recreation areas, community, means a public or private facility for the playing of tennis, swimming, or other type of outdoor recreation, including related retail sales and an accessory restaurant. The term "tennis courts, play and recreation areas, community," does not include amenities for a subdivision or other form of housing.

Theater means a structure used for dramatic, operatic, dance, or music performances, or the rehearsal and presentation of other similar performing arts events, or for motion pictures, for which an admission fee is charged. Such establishments may include related services such as food and beverage sales and other concessions.

Threshold means the top of the subfloor in the opening that is designated as the front door of a dwelling.

Thrift store means a for-profit or non-profit business or organization that engages or specializes in the sale or resale of previously-owned or used goods. The term "thrift store" includes antique shops, consignment stores, and secondhand stores.

Tire retreading and recapping means businesses that primarily repair and retread automotive tires.

Total sound level means that measured level which represents the summation of the sounds from the sound source under investigation and the neighborhood residual sounds which affect a given place at a given time, exclusive of extraneous sound sources.

Towing or wreckage service means a business engaged in the transport or conveyance of vehicles from one point to another, for a fee, by use of a flatbed truck, tow truck or wrecker truck but does not include disposal, permanent disassembly, salvage, or accessory storage of inoperable vehicles.

Townhouse means one of a group of three or more single-family dwelling units, attached side-by-side by a common wall. See *Dwelling, single-family.*

Townhouse, stacked, means multifamily building with the appearance of a townhouse (side-by-side attached), but which has multiple dwelling units whereby a unit is located above or below another.

Trailer means any non-motorized vehicle or wheeled attachment designed to be towable, including, but not limited to, landscape utility trailers, horse trailers, storage trailers, campers, recreational vehicle trailers designed for temporary living quarters while traveling or camping, fifth-wheel trailers, pop-up campers, transport trailers, and boat trailers.

Transit means the conveyance of persons or goods from one place to another by means of a local, public transportation system.

Transit oriented development (TOD) means moderate and high-density mixed-use development which is located along transit routes and encourages pedestrian use of public transportation.

Transitional buffer zone means a natural or planted buffer area between two different land uses which is intended to provide protection between said land uses and which meets the criteria for said buffer specified in article 5 of this chapter.

Transitional height plane means a geometric plane that establishes the maximum permitted height of a building in a district that allows a greater density than that of an adjoining lower-density residential district. The transitional height plane shall begin at a point 35 feet above setback or transitional buffer line, whichever is furthest from the property line, then extend at an upward angle of 45 degrees over the lot of the building.

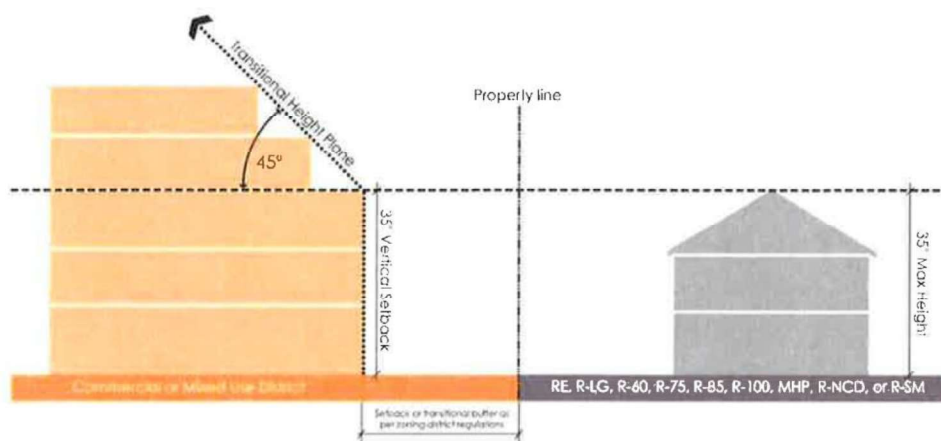


Figure 9.11 Transitional Height Plane

Transitional housing facility means a building or buildings in which is provided long-term but no permanent living accommodations for more than six persons who have no permanent residence and are in need of long-term housing assistance. Compare with *Homeless shelter*.

Transparent material means any material which allows light to be transmitted and objects to be seen clearly and with definition.

Transportation equipment and storage or maintenance (vehicle) means any building, premises or land in which or upon which is the storage or maintenance of motor freight vehicles or equipment, without services provided, such as those provided by a truck stop. Compare with *Truck terminal*.

Tree means any living, self-supporting, woody perennial plant which has a trunk caliper of two inches or more measured at a point six inches above the ground and which normally attains a height of at least ten feet at maturity usually with one main stem or trunk and many branches.

Tree canopy means the area directly beneath the crown and within the outermost edges of the branches and leaves of a tree.

Truck stop means any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into such commercial vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may also include overnight accommodations and restaurant facilities primarily for the use of truck crews.

Truck terminal means a building, structure or place at an industrial facility where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other trucks or modes of transportation. This is not intended for long term warehousing or storage of inventory or for retail sales, but to serve solely as a transfer facility. [TMOD-21-001] **Turnaround** means a space, as in a driveway, permitting the turning around of a vehicle.

Two-part commercial block style means a building of two stories or greater in height that has a flat roof and is characterized by a horizontal division of the building facade into two distinct zones. These zones may be similar in design but shall be clearly separated from one another. The ground floor level of the building shall contain fenestration equal to 75 percent of the width of the front facade of the building.

Universal barrier means a type of root barrier for street trees.

Understory tree means a deciduous or evergreen tree which attains a mature height of no greater than 30 feet.

University. See *College*.

Urban garden means a lot, or any portion thereof, managed and maintained by a person or group of persons, for growing and harvesting, farming, community gardening, community-supported agriculture, or any other use, which contributes to the production of agricultural, floricultural, or horticultural products for beautification, education, recreation, community or personal use, consumption, sale, or donation. An urban garden may be a principal or accessory use on lots, including, but not limited to, those owned by individuals, non-profit organizations, and public or private institutions like universities, colleges, school districts, hospitals, and faith communities. The term "urban garden" excludes gardens accessory to an individual's residence.

Usable satellite signals means satellite signals from all major communications satellites that, when viewed on a conventional television set, are at least equal in picture quality to those received from local commercial television stations by way of cable television.

Usable open space. See *Open space, usable*.

Use means the purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

Utility means any public or private agency that provides for the generation, transmission or distribution of electricity, gas, water, stormwater, wastewater, communication, transportation, or other similar service, excluding those utilities that are public uses.

Valet. See *Parking, valet*.

Value added products means prepared farm products such as baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, smoked or canned meats or fish, sausages, or other prepared foods.

Van service means a commercial or not-for-profit service in which the provider offers transportation service to clients from their home to another destination, such as a medical service facility or other destination.

Variance means permission to depart from the requirements of this chapter pursuant to the requirements of article 7 of this chapter.

Vehicle storage yard means a building or land that is used principally for long-term parking of any class of passenger or non-passenger vehicles, including, but not limited to, automobile fleets associated with commercial business, delivery trucks or other commercial vehicles, or associated with government operations such as school buses, postal delivery trucks, or sanitation trucks. The term "vehicle storage yard" includes off-site parking of commercial vehicles such as those used in light or heavy landscaping or construction, but does not include transportation vehicle such as semi-tractor trailers. A vehicle storage yard may include minor repair of the vehicles as an accessory use. Compare with *Auto recovery and storage*.

Vehicle trip means a vehicular movement either to or from the subject property by any vehicle used in a home occupation, any vehicle associated with a home occupation, or any customer or client vehicle.

Vehicular use area means any portion of a site or a property, paved or unpaved, designed to receive or accommodate vehicular traffic, including the driving, parking, temporary storage, loading, or unloading of any vehicle.

Veterinary clinic. See *Animal hospital*.

Videotape sales and rental store means an establishment primarily engaged in the retail rental or lease of video tapes, films, CD-ROMs, laser discs, electronic games, cassettes, or other electronic media. Sales of film, video tapes, laser discs, CD-ROMs, and electronic merchandise associated with VCRs, video cameras and electronic games are permitted accessory uses.

Viewshed means the total visible area from an identified observation position.

Village center means the central shopping or gathering place within a traditional neighborhood which contains commercial uses and open space and which may contain public space.

Wall means a structure used as a solid retaining, screening, or security barrier constructed of materials including brick, stone, concrete, concrete block, ceramic tile or other aggregate materials and other such materials.

Wall plane means an area of a wall between a wall offset and another wall offset or a corner.

Warehousing or storage means a business establishment primarily engaged in the indoor or enclosed storage of merchandise, goods, and materials, not including "mini-warehouses", "self-storage facilities", and "truck terminals."

Waste to energy facility means a solid waste handling facility that provides for the extraction and utilization of energy from county or city solid waste through a process of combustion.

Weekday means the time period of the week that begins at 7:00 a.m. on each Monday and ends at 6:00 p.m. on each Friday.

Weekend means the time period of each week that begins at 6:00 p.m. on each Friday and ends at 7:00 a.m. on each Monday.

Wetlands means an area of land meeting the definition of "wetlands" set forth in 33 CFR Part 328.3(b) of the Code of Federal Regulations, as amended, and that is subject to federal, state or local regulations governing land meeting that definition.

Wind turbine means a turbine, a rotating machine which mounted on a tower, is used to capture energy from the wind to produce electricity.

Wireless Telecommunication Facilities – See Sub-section 4.2.57.B. – Supplemental Uses, Wireless telecommunications for the meaning of terms used in that section, including the following:

1. *Accessory-equipment (or Equipment)*
2. *Administrative approval*
3. *Administrative review*
4. *Alternative Telecommunication Support Structure*
5. *Antenna*
6. *Applicant*
7. *Application*
8. *Attached wireless telecommunications facility*

9. *Carrier on wheels or cell on wheels (COW)*
10. *Collocate or collocation*
11. *Commission*
12. *Distributed antenna systems (DAS)*
13. *Equipment compound*
14. *FAA*
15. *FCC*
16. *Geographic search area (GSA)*
17. *Grantee*
18. *Guyed Structure*
19. *Height*
20. *Modification*
21. *Ordinary maintenance*
22. *Provider*
23. *Public Right(s)-of-Way*
24. *Public Street*
25. *Small Cell or Small-Cell Installation*
26. *Substantial increase in size*
27. *Telecommunications Facility*
28. *Telecommunications Service(s)*
29. *Telecommunications Support Structure*
30. *Utility*
31. *Visual Quality*

Workforce housing means for-sale housing that is affordable to those households earning 80 percent of median household income for the Atlanta Metropolitan Statistical Area (MSA) as determined by the current fiscal year HUD income limit table at the time the building is built.

Xeriscape means a landscape designed and maintained with the principles that promote good horticultural practices and efficient use of water and is characterized by the use of vegetation that is drought-tolerant or of low water use in character.

Yard means that area of a lot between the principal building and adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

Yard sale means the temporary residential sale of tangible personal property, such as, but not limited to, household items, clothing, tools, toys, recreational equipment, or other used or secondhand items normally found in and about the home. The term "yard sale" includes the term estate sale, if held outside, garage sale, basement sale, carport sale, moving sale, or rummage sale. This temporary use may be conducted by an individual, multiple persons, churches, social civic or charitable organizations, a neighborhood group, church or civic association.

Yard, corner side, means an open-space area of a corner lot between the exterior side lot line and the required exterior side building setback line, extending between the front building setback line and the rear building setback line.

Yard, front, means an area extending across the total width of a lot between the front lot line and the building. With respect to limitations within the front yard, there can only be one Front yard:

Yard, interior side, means a yard extending between the front and rear yards and being that area between the side lot line, where the side lot line is coincidental with the side or rear lot line of an adjacent lot, and those lines established by the side walls of the principal structure.

Yard, rear, means a yard extending across the total width of a lot between side lot lines and being that area between the rear lot line and those lines established by the rear walls of the principal structure projected to intersect the side lot lines.

Yard, side, means a yard extending between the front and rear yards and being that area between the side lot lines and the principal structure.

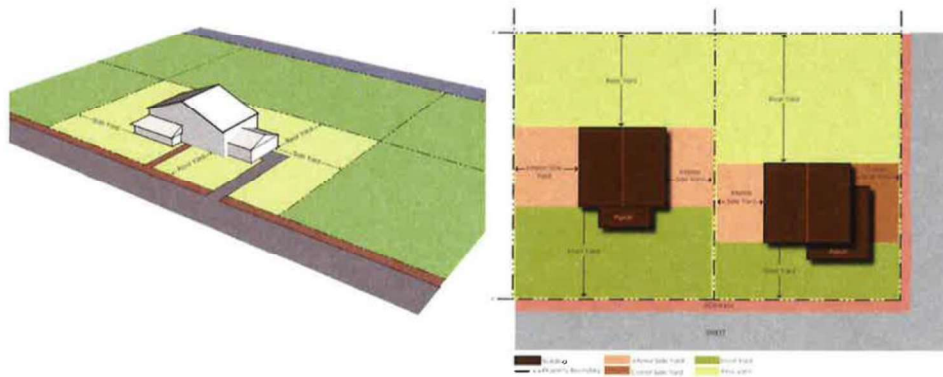


Figure 9.12 Illustration of Yard

Zero lot line means when location of a building in such manner that one or more of building's exterior wall is allowed to rest directly on the lot line or property boundary.

Zoning decision means final legislative action by a local government which results in:

1. The adoption of a zoning ordinance;
2. The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance;
3. The adoption of any amendment to a zoning ordinance which rezones the property from one zoning classification to another;
4. The adoption of an amendment to a zoning ordinance by a municipal local government which zones property to be annexed into the municipality;
5. The grant of a permit relating to a special use of property, as defined in O.C.G.A. § 36-66-3, and as may hereafter be amended by Georgia law; or
6. Denial of the aforementioned ordinances or permits.

(Ord. of 8-2-2017, § 1(9.1.3); Ord. No. 2018-07-04, § 1, 7-16-2018) [TMOD-19-004, TMOD-19-005, TMOD-19-006, TMOD-21-002, TMOD-21-003, TMOD-21-009, TMOD-015, TMOD-22-001]

Sec. 9.2. Official zoning maps.

Now, therefore, be it ordained by the Mayor and Council of the City of Stonecrest, Georgia, the Code of the City of Stonecrest, Georgia, is hereby amended by adding the official zoning maps entitled "Official Zoning Map, Stonecrest, Georgia" (the "official zoning maps"). The official zoning maps, adopted contemporaneously with chapter 27, together with all explanatory information contained or referenced thereon, in digital format and contained on a compact disk to be maintained in its original, unedited and unaltered form by the clerk to the city council, attached as Exhibit A. A printed copy of the compact disk's contents depicting the official zoning maps on the date of its initial adoption shall also be maintained in its original, unedited and unaltered form by the clerk to the city council.

(Ord. of 8-2-2017, § 2)

Sec. 9.3. Stonecrest overlay maps.

Now, therefore, be it ordained by the Mayor and Council of the City of Stonecrest, Georgia, the Code of the City of Stonecrest, Georgia, is hereby amended by adding the official zoning maps entitled "Official Zoning Map, Stonecrest, Georgia, Stonecrest Area Overlay District"(the Stonecrest overlay maps). The Official Zoning Map, Stonecrest, Georgia, Stonecrest Area Overlay District, to be adopted contemporaneously with chapter 27, together with all explanatory information contained or referenced thereon, is hereby adopted by reference and declared to be a part of this chapter. The Stonecrest overlay maps shall be adopted contemporaneously with this chapter in digital format and contained on a compact disk to be maintained in its original, unedited and unaltered form by the clerk to the city council, attached as Exhibit B. A printed copy of the compact disk's contents depicting the official zoning maps on the date of its initial adoption shall also be maintained in its original, unedited and unaltered form by the clerk to the city council.

(Ord. of 8-2-2017, § 3)

Sec. 9.4. I-20 Corridor overlay maps.

Now, therefore, be it ordained by the Mayor and Council of the City of Stonecrest, Georgia, the Code of the City of Stonecrest, Georgia, is hereby amended by adding the official zoning maps entitled "Official Zoning Map, Stonecrest, Georgia, I-20 Corridor Overlay District"(the I-20 Corridor overlay maps). The Official Zoning Map, Stonecrest, Georgia, I-20 Corridor Overlay District, to be adopted contemporaneously with this chapter, together with all explanatory information contained or referenced thereon, is hereby adopted by reference and declared to be a part of this chapter. The I-20 Corridor overlay maps shall be adopted contemporaneously with this chapter in digital format and contained on a compact disk to be maintained in its original, unedited and unaltered form by the clerk to the city council, attached as Exhibit C. A printed copy of the compact disk's contents depicting the official zoning maps on the date of its initial adoption shall also be maintained in its original, unedited and unaltered form by the clerk to the city council.

(Ord. of 8-2-2017, § 4)

Sec. 9.5. Transition period.

During the transition period, any department, employee, or official referenced in the Comprehensive Plan which has not yet been established or appointed shall refer to the City Manager or his designee. During and after the transition period, any reference to the director or planning director shall also refer to the Planning & Zoning Director. During and after the transition period, any reference to the planning department shall refer to the Planning & Zoning department or the similar department created by the City Council during the transition period.

(Ord. of 8-2-2017, § 5)



CITY COUNCIL AGENDA ITEM

SUBJECT: Decriminalization of Marijuana – 2nd Read

AGENDA SECTION: *(check all that apply)*

- PRESENTATION PUBLIC HEARING CONSENT AGENDA OLD BUSINESS
 NEW BUSINESS OTHER, PLEASE STATE: PUBLIC NOTICE
-

CATEGORY: *(check all that apply)*

- ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE: Click or tap here to enter text.
-

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): 07/11/22 & 07/25/22

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

Current Council Meeting: Monday, August 22, 2022

SUBMITTED BY: Mallory Minor, Municipal Court Clerk

PRESENTER: Mallory Minor

PURPOSE: Decriminalization of Marijuana – 2nd Read

FACTS: The Municipal Court of Stonecrest support laws that remove criminal sanctions for low-level marijuana use. We are aware that arrests for marijuana possession frequently target persons of color. Decriminalizing marijuana will benefit all residents, reduce the number of individuals in jail, and potentially improve the state's economic prospects, in addition to minimizing racial disparities in the criminal justice system.

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

RECOMMENDED ACTION: Approve Adoption

ATTACHMENTS:

- (1) Attachment 1 - Decriminalization of Marijuana Ordinance
- (2) Attachment 2 - Click or tap here to enter text.



CITY COUNCIL AGENDA ITEM

- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.

**STATE OF GEORGIA
CITY OF STONECREST**

ORDINANCE NO. 2022-_____

1 **AN ORDINANCE TO AMEND CHAPTER 16 (MISCELLANEOUS PROVISIONS AND**
2 **OFFENSES), ARTICLE 3 (OFFENSES AGAINST PUBLIC PEACE, ORDER AND**
3 **SAFETY), DIVISIONS 1 (GENERALLY) AND 2 (DRUG AND ALCOHOL-RELATED**
4 **OFFENSES) OF THE CITY OF STONECREST CODE OF ORDINANCES TO PROVIDE**
5 **A PENALTY OF POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA; TO**
6 **ENCOURAGE LAW ENFORCEMENT OFFICERS TO ISSUE CITATIONS FOR SUCH**
7 **OFFENSE IN LIEU OF EFFECTUATING ARREST; TO PROVIDE FOR**
8 **SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN**
9 **ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR**
10 **OTHER LAWFUL PURPOSES.**

11 **WHEREAS**, the City of Stonecrest, Georgia (the “City”) is a municipal corporation
12 created under the laws of the State of Georgia; and

13 **WHEREAS**, the duly elected governing authority of the City is the Mayor and Council
14 thereof; and

15 **WHEREAS**, the Mayor and City Council find that enforcement of the State law offense
16 prohibiting possession of one ounce or less of marijuana has been inequitable and has fallen
17 disproportionately on certain subsets of the population; and

18 **WHEREAS**, arrest and/or conviction for the State law offense of possession of one ounce
19 or less of marijuana presents employment obstacles which marginalize portions of the population;
20 and

21

22 **WHEREAS**, O.C.G.A. § 36-32-6 grants municipal courts concurrent jurisdiction to try to
23 dispose of cases wherein a person is charged with possession of one ounce or less of marijuana
24 when such conduct occurs inside a municipality; and

25 **WHEREAS**, in 2018 the City adopted a Marijuana Possession Ordinance that was codified
26 under Chapter 16 (Miscellaneous Provisions and Offenses), Article 3 (Offenses Against Public
27 Peace, Order and Safety), Division 2 (Drug and Alcohol-Related Offenses), Section 16.54 of the
28 City of Stonecrest Code of Ordinances (the “Code”); and

29 **WHEREAS**, the Marijuana Possession Ordinance does not include specific punishment
30 prescribed for violation of the Code 16.54 which prohibits the possession of one ounce or less of
31 marijuana; and

32 **WHEREAS**, after due consideration, the duly elected governing authority desires to
33 amend the Marijuana Possession Ordinance to facilitate equity in the administration of criminal
34 justice; and

35 **WHEREAS**, the City Council finds that it is necessary to amend the Marijuana Possession
36 Ordinance for the interest of maintaining the public safety and general welfare of citizens of the
37 City and its visitors.

38 **NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR**
39 **AND COUNCIL OF THE CITY OF STONECREST, GEORGIA and by the authority**
40 **thereof:**

41 **Section 1.** The Code of Ordinances, City of Stonecrest, Georgia is hereby amended by
42 revising Chapter 16 (Miscellaneous Provisions and Offenses), Article 3 (Offenses Against Public
43 Peace, Order and Safety), Division 1 (Generally) by revising the following section to be read and
44 codified as follows with added text in **bold** and deleted text in red ~~strikethrough~~ font:

45 **“Sec. 16-29.2. Loitering for the purposes of engaging in drug-related activity.**

46 (d) A police officer may not detain an individual under this Code section unless both of the following
47 elements are satisfied:

48 (1) The person engages in one or more of the following behaviors:

49 a. The person passes or receives from a passer-by, bystander or person in a motor vehicle
50 money, objects having characteristics consistent with controlled substances, and/or an envelope,
51 bag or other container that could reasonably contain such objects or money;

52 b. The person conceals or attempts to conceal an object having characteristics consistent
53 with controlled substances and/or an envelope, bag, clear plastic baggie or other container that
54 could reasonably contain such objects;

55 c. The person flees or obscures himself upon seeing law enforcement officers;

56 d. The person communicates the fact that law enforcement officers are in the vicinity to
57 another person in a manner that suggests that the communication is a warning; or

58 e. The officer observes the person in possession of any instrument or object that is designed
59 or marketed as useful primarily for one or more of the following purposes:

60 1. To inject, ingest, inhale or otherwise introduce ~~marijuana or~~ a controlled
61 substance into the human body;

62 2. To enhance the effect of ~~marijuana or~~ a controlled substance on the human body;

63 3. To test the strength, effectiveness or purity of ~~marijuana or~~ a controlled
64 substance;

65 4. To process or prepare ~~marijuana or~~ a controlled substance for introduction into
66 the human body;

67 5. To conceal any quantity of ~~marijuana or~~ a controlled substance; or

68 6. To contain or hold ~~marijuana or~~ a controlled substance while it is being
69 introduced into the human body.

70 (2) One of the following factors applies:

71 a. The officer is aware that, within the preceding three years, the person has been convicted
72 of an offense defined in O.C.G.A. § Tit. 16, Ch. 13, or of complicity to commit such an offense, or of
73 conspiracy to commit such an offense with in the preceding three years;

74 b. The officer has knowledge of a specific reliable tip concerning unlawful drug-related
75 activity at a specific location, and the person who is found loitering is doing so at a time, in a place
76 or in a manner that is otherwise consistent with the details provided in the tip;

77 c. The person is loitering in an area that has been designated a notorious drug-related
78 activity area, as defined in subsection (g) of this section;

79 d. The person is in an area where he is prohibited **from being** by court order ~~from being~~, and
80 the officer is aware of the court order;

81 e. The officer knows that the person has been previously convicted of loitering with the
82 intention of engaging in unlawful drug-related activity under this section; or

83 f. Any vehicle the person has approached or communicated through is registered to an
84 individual who has been convicted of an unlawful drug-related activity in the previous three years
85 and the officer is aware of that fact.

86 (e) No arrest may be made for a violation of this section unless the arresting officer first
 87 affords the person an opportunity to explain the person's presence and conduct, unless flight by
 88 the person or other circumstances make it impracticable to afford such an opportunity, and no one
 89 shall be convicted of violating this section if it appears at trial that the explanation given at the
 90 scene was true and disclosed a lawful purpose.

91 (f) If a police officer who detains a person pursuant to this Code section develops probable
 92 cause to believe that the person is in violation of this Code section, the officer may order the
 93 person to immediately leave the location and to remain at least 500 feet away from the location for
 94 at least five hours. In the event that person refuses to comply with such an order, the police officer
 95 may arrest the person and charge him with a violation of this section.

96 (g) The City may, by written directive, clearly and publicly designate areas of the City that are
 97 frequently associated with excessive incidents of drug-related offenses, including offenses involving
 98 controlled substances, as defined in O.C.G.A. § Tit. 16, Ch. 13, ~~or marijuana~~, subject to any
 99 requirements of state law. "

100 **Section 2.** The Code of Ordinances, City of Stonecrest, Georgia is hereby amended by
 101 revising Chapter 16 (Miscellaneous Provisions and Offenses), Article 3 (Offenses Against Public
 102 Peace, Order and Safety), Division 2 (Drug and Alcohol-Related Offenses) by revising the
 103 following section to be read and codified as follows with added text in **bold** and deleted text in red
 104 ~~strikethrough~~ font:

106 **“Sec. 16-54. Marijuana possession.**

107 (a) It shall be unlawful for any person to possess or have under his control within the city one
 108 ounce or less of marijuana.

109 (b) For the purposes of this section, the term "marijuana" means all parts of the plant of the
 110 genus cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of such
 111 plant, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its
 112 seeds, or resin, and shall not include the mature stalks of such plant, fiber produced from such stalks,
 113 oil, or cake, or the completely sterilized samples of seeds of the plant which are incapable of
 114 germination.

115 (c) Exceptions. The appropriate use of legally prescribed marijuana is not prohibited. The term
 116 "legally prescribed" means that the individual has a prescription or other written approval from a
 117 physician for the use of a drug in the course of medical treatment. It must include the patient's name,
 118 the name of the substance, quantity/amount to be taken, and the period of authorization.

119 (d) ~~Any person charged with a violation of this section shall be entitled, upon request, to have
 120 the case against him transferred to the State Court of DeKalb County, to be prosecuted and tried as a
 121 misdemeanor in that court.~~

122 **Any person found guilty of violating this section shall be punished by a fine not exceeding**
 123 **\$100.00.**

124 (e) **No person convicted of violating this section shall be punished by imprisonment for any**
 125 **period of time.**

126 (f) Any person charged with a violation of this section shall be entitled, upon request, to have
127 the case against him transferred to the State Court of DeKalb County, to be prosecuted and tried as
128 a misdemeanor in that court. “

129
130 **Section 3.** The preamble of this Ordinance shall be considered to be and is hereby
131 incorporated by reference as if fully set out herein.

132 **Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that
133 all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their
134 enactment, believed by the Mayor and Council to be fully valid, enforceable, and constitutional.

135 (b) It is hereby declared to be the intention of the Mayor and Council that, to the
136 greatest extent allowed by law, each and every section, paragraph, sentence, clause, or phrase of
137 this Ordinance is severable from every other section, paragraph, sentence, clause, or phrase of this
138 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
139 greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance
140 is mutually dependent upon any other section, paragraph, sentence, clause, or phrase of this
141 Ordinance.

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

151 **Section 5.** The City Clerk, with the concurrence of the City Attorney, is authorized to
152 correct any scrivener’s errors found in this Ordinance, including its exhibits, as enacted.

153 **Section 6.** All ordinances and parts of ordinances in conflict herewith are hereby expressly
154 repealed to the extent of the conflict only.

155 **Section 7.** The effective date of this Ordinance shall be the date of its adoption by the
156 Mayor and Council unless otherwise stated herein.

157 **Section 8.** The Ordinance shall be codified in a manner consistent with the laws of the
158 State of Georgia and the City of Stonecrest.

159 **Section 9.** It is the intention of the governing body, and it is hereby ordained that the
160 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of
161 Stonecrest, Georgia and the sections of this Ordinance may be renumbered to accomplish such
162 intention.

SO ORDAINED this ____ day of _____, 2022.

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney



CITY COUNCIL AGENDA ITEM

SUBJECT: SPD22-000010 Preliminary Plat for Crestwind Township

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

- ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE: Not a public hearing, but a decision is to be rendered
-

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): 06/29/22 & 07/25/22

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

Current Council Meeting: Monday, August 22, 2022

SUBMITTED BY: Keedra T. Jackson, Senior Planner of Planning & Zoning

PRESENTER: Ray White, Director of Planning & Zoning

PURPOSE: The applicant proposes to construct a 260-unit townhome development adjacent to a future development of 100 plus single-family homes. The townhomes will be three-story in height with two-car garages and an extra 2 spaces per unit. There will be 67 overflow parking spaces. The public streets will be 55 ft in width boarded by 5 ft sidewalks with 8ft grass strips throughout the development. There will be one ingress/egress to the development off Hayden Quarry Road.

FACTS: The subject property is currently zoned C-1 (Local Commercial District) which does not allow for residential development. The intent of this district is to provide for local shopping and retail. TMOD-22-015 provided the avenue of the Stonecrest Overlay Tier 3 to allow authorize the permitted uses in C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, O-D (Office Distribution) District, M (Light Industrial) District, and MR-2 (Medium Density Residential) District. This text amendment was approved on January 24, 2022. The City of Stonecrest will need to rezone the property to the MR-2 designation.

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

RECOMMENDED ACTION: Approval



CITY COUNCIL AGENDA ITEM

ATTACHMENTS:

- (1) Attachment 1 - Staff Report
- (2) Attachment 2 - Preliminary Plat
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.



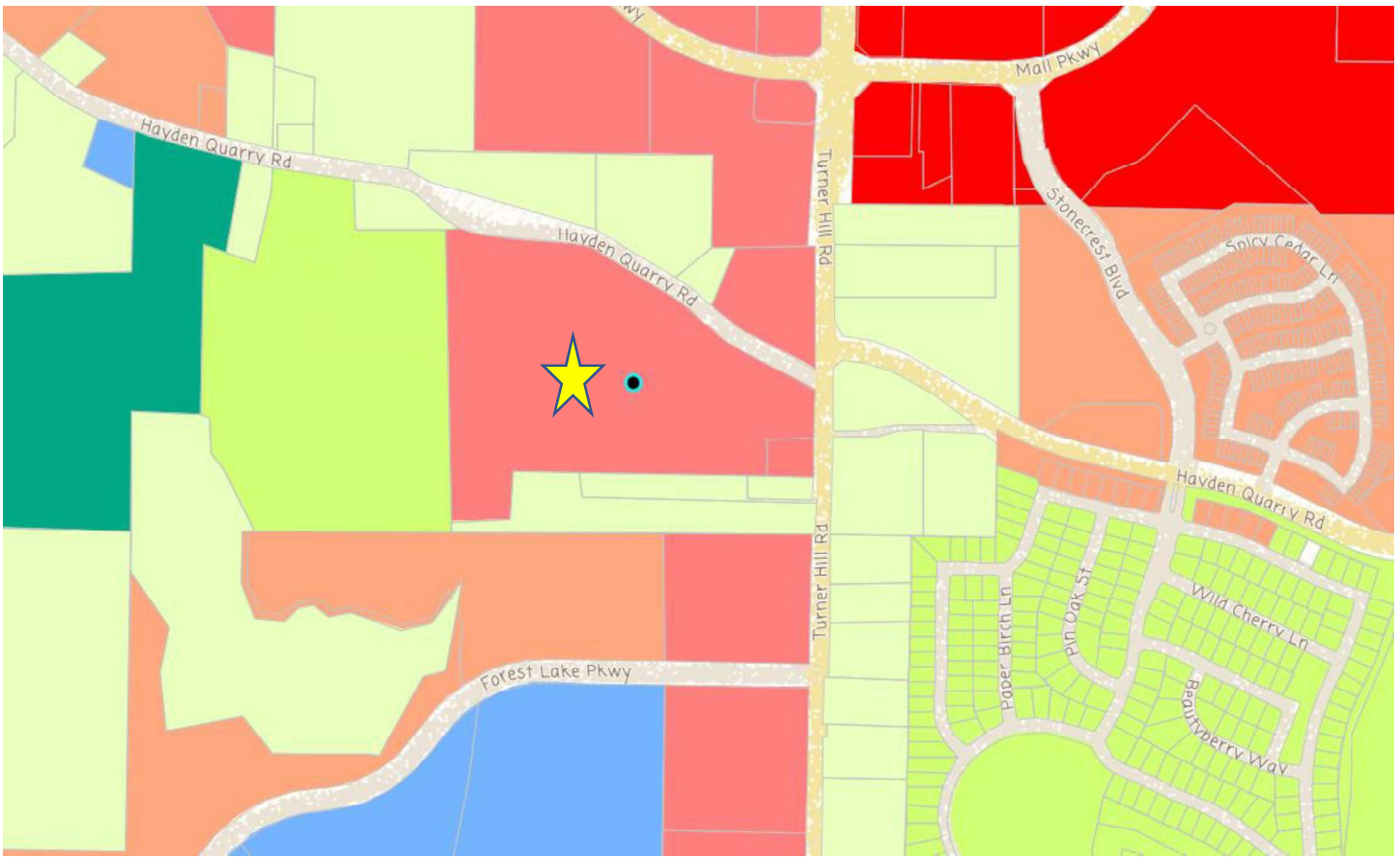
Mayor and City Council
Mayor and City Council Meeting July 25, 2022

Staff Analysis of Preliminary Plat (Section 14-88)

Petition Number:	SPD22-0000010
Applicant:	Jim Jacobi
Owner:	James Jacobi
Project Location:	7259 Hayden Quarry Road
Parcels:	16-171-02-005
Council District:	Council District 1
Acreage:	29.437 +/- acres
Existing Zoning:	C-1 (Local Commercial District) / Stonecrest Tier 3 Overlay
Proposed Zoning:	MR-2 (Medium Density Residential)
Comprehensive Plan Community: Area Designation	Regional Center
Proposed Development/Request:	The applicant is requesting an approval of the Preliminary Plat for a 260-unit Townhome Development
Staff Recommendations:	<i>Approval</i>
Planning Commission	<i>N/A</i>
City Council:	Recommended deferral on June 29, 2022

Mayor and City Council

Zoning Map



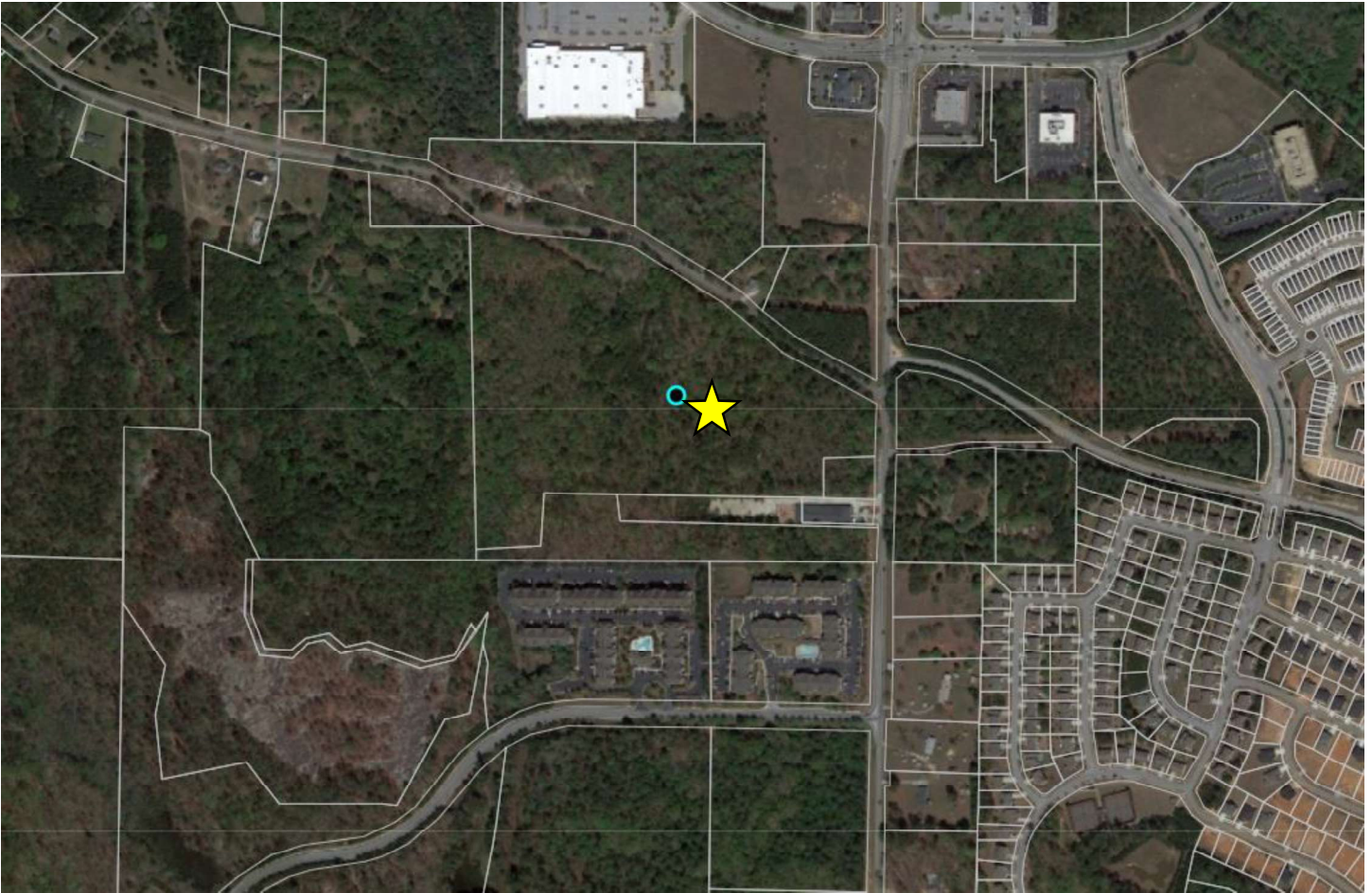
Current Zoning: C-1 (Local Commercial District)



Subject Property

Mayor and City Council

Aerial Map



PROJECT OVERVIEW

 **Subject Property**

SDP22-000010



Mayor and City Council

Location

The subject property is located at 7259 Hayden Quarry Road (Parcel ID: 16-171-02-005). The Subject Property consists of a ±29.437 -acres in Land Lots 171, of the 16th District, of City of Stonecrest, DeKalb County, Georgia (“Subject Property”).

The property is bounded by New Black Wall Street to the north, by Wesley Stonecrest Apartments to the south and residential to the east and west.

Background:

The subject property is currently zoned C-1 (Local Commercial District) which does not allow for residential development. The intent of this district is to provide for local shopping and retail. TMOD-22-015 provided the avenue of the Stonecrest Overlay Tier 3 to allow authorize the permitted uses in C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, O-D (Office Distribution) District, M (Light Industrial) District, and MR-2 (Medium Density Residential) District. This text amendment was approved on January 24, 2022. The City of Stonecrest will need to rezone the property to the MR-2 designation.

Details of the Preliminary Plat:

The subject property is an odd, shaped lot and is heavily wooded in nature. The property is located near the corner of Hayden Quarry and Turner Hill Road. The property is in the Stonecrest Tier 3 Overlay District.

The applicant proposes to construct a 260-unit townhome development adjacent to a future development of 100 plus single-family homes. The townhomes will be three-story in height with two-car garages and an extra 2 spaces per unit. There will be 67 overflow parking spaces. The public streets will be 55 ft in width boarded by 5 ft sidewalks with 8ft grass strips throughout the development. There will be one ingress/egress to the development off Hayden Quarry Road.

STANDARDS OF PRELIMINARY PLAT REVIEW:

Section 14-88 of the Stonecrest Zoning Ordinance list eight factors to be considered in a technical review of a zoning case completed by the Community Development Department and Planning Commission. Each element is listed with staff analysis.



Mayor and City Council

The owner of the land where the proposed development is to occur, or his authorized agent, shall file a preliminary plat with the Director along with an application for approval. The application shall:

(1)

Be submitted with the plan set for a Land Disturbance Permit;

(2)

Be accompanied by minimum of six copies of the plans, which must be prepared by a registered civil engineer, surveyor, or landscape architect, as described in these regulations and complying in all respects with these regulations and conforming with the zoning of the property;

(3)

Be accompanied by an application fee in the amount set by the mayor and city council;

(4)

Be accompanied by a tree survey;

(5)

Include the name, address and telephone number of an agent who is authorized to receive all notices required by these regulations;

(6)

Be signed by the owner of the property, or if the application is not signed by the owner, a completed indemnification agreement signed by the owner of the property;

(7)

Be accompanied with a consent affidavit from the property owner;

(8)

Be accompanied by a small map of the City of Stonecrest depicted the subdivision location within the City;

(9)



Mayor and City Council

Be accompanied by a vicinity map at a scale of 400 feet to one inch showing the location of the tract with reference to surrounding properties, streets, municipal boundaries, and streams within 500 feet of the tract show zoning districts of adjoining property;

(10)

Include the names of adjoining property owners and the zoning classifications of adjacent properties;

(11)

Include the name, address and phone of developer and engineer;

(12)

Be accompanied by a certification by the applicant that no lots platted are nonconforming or will result in any nonconforming lots;

(13)

The applicant shall obtain the approval of the DeKalb County Health Department and the DeKalb County Department for Watershed Management; and

(14)

Payment of the appropriate development review application fee.

(Ord. No. 2018-06-03, § 14-88, 6-3-2018)

- **Whether the proposed land use change will permit uses that are suitable in consideration of the use and development of adjacent and nearby property or properties.**

*As shown in the table below, the subject property is surrounded by industrial and residential development. *
Please see the map below table*



Mayor and City Council

ADJACENT ZONING AND LAND USE		
	Zoning	Zoning Land Use
Adjacent: North	C-1(Local Commercial) District	New Black Wall Street
Adjacent: East	R-100 (Residential Medium Lot) District; MU-4 (Mixed-Use High Density) and RSM (Residential Small Lot)	Vacant Lad
Adjacent: South	MR-1 (Medium Residential District)	Wesley Stonecrest Apartments
Adjacent: West	R-100 (Med Residential)	Single-family Residential

STAFF

RECOMMENDATION

The applicant has met all of the Preliminary Plat requirements stated in Section 14-88 of Chapter 14; therefore, staff recommends **APPROVAL** of SDP22-000010.